Orkney's Community Wind Farm Project - Hoy

Planning Statement

September 2020

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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 – 'Hoy' ("the Proposed Development"), on a site on the island of Hoy, 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'). 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. 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 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 approximately 1.3 km west of Lyness on the island of Hoy. The site extends to approximately 488 hectares (ha) and is centred on British National Grid (BNG) ND 27973 93844.

1.2.2 The site lies within a sloping landscape with a ridge running its full northern extent at an elevation of approximately 180 m AOD. The site drops to elevations of approximately 10 m AOD at the eastern extents of the Burn of Ore and the access track. The land to the south of the site rises back up to c.150 m AOD at Binga Fea.

1.2.3 The Burn of Ore flows from west to east across the southern extent of the site, with three small tributaries joining from the north.

1.2.4 There are no residential properties within the site boundary. The closest dwelling is Thurvoe c.950 m east of the nearest proposed turbine.

1.2.5 The land is used for low quality rough grazing There is also evidence of peat cutting in the north-central site area.

1.2.6 The Proposed Development will be accessed from the existing access track providing access to Wee Fea, to the west of Lyness.

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 and upgraded on-site access tracks;
- One water crossing over Burn of Longigill;
- Underground cabling between turbines to the onsite substation;
- Possible external transformers;
- On-site substation and maintenance building;
- Permanent meteorological monitoring mast;
- Borrow pit; and
- Temporary construction compound.

1.3.4 Components would be delivered to Lyness and then transported along the B9048. The loads would then cross the B9047 and join the unclassified track heading west to site.

1.3.5 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 The statutory provisions of Section 59 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are relevant to the consideration of the application. Section 59 'General duty as respects listed buildings in exercise of planning functions' requires:

[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.

1.4.2 *(1) In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

1.4.3 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.

1.4.4 The interpretation of this provision was clarified in a House of Lords' decision in 1982 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."*

1.4.5 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;"*

1.4.6 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.

1.4.7 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.*

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

1.5 Structure of Planning Statement

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

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

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

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.

2.3 The LDP Policies

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

Table 2.1 - Relevant LDP Policies

LDP Policies
Policy 7 - Energy
Policy 1 - Criteria for All Development
Policy 8 - Historic Environment & Cultural Heritage
Policy 9 - Natural Heritage & Landscape
Policy 10 - Green Infrastructure (Paths, Open Spaces & Green Networks)
Policy 13 - Flood Risk, SuDS & Waste Water Drainage
Policy 14 - Transport, Travel & Road Network Infrastructure

2.3.2 The Scoping Opinion issued by Scottish Ministers dated August 2018 highlighted three additional polices: - Policy 2 Design, Policy 4 Business, Industry and Employment, and Policy 12 Coastal Development. JLL have reviewed these in the context of the Proposed Development and as part of the EIA, and it is considered that these polices are of very limited relevance to the consideration of a wind farm development, which is covered by more specific polices:

- Policy 2 Design: The policy includes an exclusion that it should only be applied 'Where relevant…' The policy relates to considerations relating to scale, massing, form, proportions, density, materials etc. The supporting text refers to a number of design tools and supporting guidance which are more relevant to the consideration of more traditional forms of development and are not appropriate to the consideration of a wind farm. The LDP makes provision for assessment of wind farms under a specific policy: Policy 7. Nevertheless, the siting, design and final layout of the Proposed Development has been reached to minimise impacts on the landscape, environment and cultural heritage assets.
- Policy 4 Business, Industry and Employment: The Policy relates to expansion of existing and creation of new businesses in appropriate locations. The Proposed Development is not a traditional business operation and once operational would not have daily footfall, result in traffic generation nor would it impact on existing infrastructure. Its remote location is necessary to support its function and can therefore draw support from The Isles Approach.
- Policy 12 Coastal Development: The policy relates to development in the coastal zone or adjacent to the coastal zone and relates to specific forms of development including aquaculture and ports and harbours. The Proposed Development is not located within the coastal zone nor does it relate to the specific forms of development listed under the policy.

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 16 of the EIA Report addresses the carbon savings of the Proposed Development across its lifespan. Whilst the Proposed Development will release carbon during manufacturing, delivery and construction, this generation will be offset by the generation of carbon free electricity within approximately 11 to 23 months. This is a relatively small percentage of the lifespan of the Proposed Development (3.6 % to 7.6 % of the conservative 25 year lifespan assumed in the carbon calculator). The Proposed Development therefore has a very low carbon footprint and after approximately 11 to 23 months, the electricity generated is estimated to be carbon neutral. The site would, in effect, be in a net gain situation and will contribute to national objectives of reducing GHG emissions and meeting the 'net zero' carbon targets by 2050.

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

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

2.4.6 The land use which adjoins the Proposed Development site, and within the site, is predominantly low quality rough grazing. The Proposed Development does not conflict with this land use, and the Proposed Development site will continue to be used for agriculture during operation, thus not removing that land from the agricultural land supply.

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

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

2.4.9 In summary, the construction of the Proposed Development has the potential to result in a beneficial economic impact of up to £2.6 million in gross value added (GVA) and 39 job years in Orkney and £10.4 million GVA and 161 job years in Scotland. The annual operational economic benefits arising from maintenance would be up to £0.3 million GVA and four jobs in Orkney and £0.5 million GVA and nine jobs in Scotland.

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

2.4.11 **Part D of Policy 7** relates directly to Onshore Wind Energy Development. This part of Policy 7 states that wind energy development will be assessed against several criteria ("factors") to "*ensure that there will be no significant adverse individual or cumulative impacts*". The test set out within Policy 7 that there should be *"no significant 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.

2.4.12 As stated at 2.4.2, given that commercial wind farm development by its very nature will result in some significant adverse impacts, the appropriate consideration in this context, 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.

2.4.13 The factors listed within Policy 7 D(i) are as follows and 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

2.4.14 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 residential properties and other sensitive receptors with respect these factors are considered within the EIA Report and are assessed below.

Noise

2.4.15 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.

2.4.16 In terms of operationally, both individually and cumulatively the night time noise limits are met by the Proposed Development. In terms of cumulative effects during daytime, an analysis on the ETSU range has been undertaken and an Overall Noise Limit (ONL) of 40 dB is considered most appropriate. The Proposed Development would meet this proposed noise limit and result in no significant effects. Taking into account committed mitigation, noise effects during the daytime and night time periods are assessed as not significant. The Applicant has committed to meeting the consented noise limits for the Proposed Development to be agreed through the consenting process.

Shadow Flicker

2.4.17 Chapter 15 of the EIA Report assesses the likely shadow flicker effects resulting from the Proposed Development. A shadow flicker assessment was undertaken at 13 identified receptors which may have potential to experience shadow flicker. The EIA Report concludes that the predicted effects of shadow flicker on each of the 13 receptors assessed will be well below the accepted limits of 8 hours per year. Residual shadow flicker effects are therefore assessed as being not significant and therefore there would be no conflict with policy.

Electromagnetic Interference

2.4.18 Chapter 16 of the EIA Report deals with potential impact on telecommunications infrastructure and marine radar. No significant adverse effects are predicted as a result of the Proposed Development.

The Construction Phase and Traffic

2.4.19 Chapter 12 of the EIA Report deals with Traffic and Transport matters. The assessment confirms that a number of the potential effects will be moderate/minor and non-significant following mitigation. This conclusion has been based upon professional judgement following a review of the actual numbers of movements on the proposed study area. These effects are temporary in nature and confined to the construction period only. A Construction Traffic Management Plan would be implemented prior to construction work commencing and agreed with Orkney Islands Council.

b) Landscape and Visual Impact

Landscape

2.4.20 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.

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

2.4.22 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.

2.4.23 The summary to Chapter 6 at paragraph 6.1.4 notes that the study area for the Proposed Development covers a radius of 40 km and the receptors assessed within this area include; 17 Landscape Character Units (LCU), seven Regional Coastal Character Areas (RCCAs), one designated landscapes, 16 viewpoints and six principal visual receptors: B9047; Houton to Lyness Ferry; Lyness; Longhope; H7 Wee Fea Core Path; and F1 West Hill Circular Core Path.

2.4.24 The design iteration process, as explained in Chapter 2 of the EIA Report, has incorporated numerous measures to minimise landscape and visual effects including designing a layout that appears as a compact and well-contained feature in surrounding views, with care taken to avoid any turbines appearing as outliers. The number of turbines within the WLA was also reduced as far as possible, within the confines of other constraints. The site location itself in the south east of Hoy ensures some degree of separation from the most sensitive landscapes such as the Hoy and West Mainland National Scenic Area (NSA).

2.4.25 Chapter 6 of the EIA Report finds that the effects of the Proposed Development are assessed as being relatively localised with significant landscape and visual effects all contained within a c.10 km radius of the Proposed Development.

2.4.26 In respect of the physical effects on landscape elements, the assessment found that the direct effect on the rough moorland, 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 and will occur in an area where the landscape has already been modified by tracks and former naval land uses. Rough moorland will be relatively easy to re-establish post-construction, in those areas temporarily affected.

2.4.27 The EIA Report finds that there will be significant landscape effects within a 6.5 km radius of the Proposed Development, with five of the 17 LCUs assessed, with either the whole or only part of the LCU significantly affected. The LCAs in question are sited either close to the site or cover nearby islands off the east and south coasts where a strong visual association with the site arises. All LCU beyond this radius will undergo not significant effects.

2.4.28 With regard to RCCAs, the EIA finds that the Proposed Development will give rise to significant effects on three of the RCCAs, also within a 6.5 km radius of the Proposed Development and largely owing to the strong association between the site and the surrounding coastal landscapes.

2.4.29 With respect to landscapes of national and regional importance the EIA Report has undertaken a detailed assessment of the Proposed Development on the Special Landscape Qualities (SLQs) of the Hoy and West Mainland NSA. The assessment concludes that only **one** of the 11 SLQs will be significantly affected, namely the High Hills of Hoy, across a localised area in the Moorland Hills LCT on the southern boundary of the designated area, between 5 km and 6.5 km from the Proposed Development. Within this area, the lower moorland hills present the setting to the higher hills to the north, with this area also subject to human influences from its close association with small scale rural development and land uses, including the B9047 and more notably, the oil terminal and single turbine on Flotta and rigs, ferries and other vessels out on Scapa Flow. Three other SLQs will be affected by the Proposed Development but not significantly, while the remaining seven SLQs will not be affected. Considering these localised effects on only a small part of the south east corner of the NSA, alongside the existing human influences in this location, the Proposed Development is not considered to compromise the objectives of the designation or the overall integrity of the NSA.

2.4.30 While the assessment concludes that there would be a significant adverse effect on only one of the 11 SLQs of the NSA which equates to only a small part of the NSA, it is also necessary to consider the potential social, economic or environmental benefits that the Proposed Development may give rise to, as set out in SPP as well as the overall balancing provision provided for within the SG Energy. The EIA Report has demonstrated that the Proposed Development will result in 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 EIA assessment concludes that the contribution that the Proposed Development would make to the threshold for the interconnector and the implications for the future development of the 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, would weigh heavily in favour of the Proposed Development in the planning balance.

2.4.31 The EIA Report presents a detailed assessment of the effects of the Proposed Development on the Wild Land Qualities (WLQs) of the Hoy Wild Land Area (WLA). In order to assist the assessment, the

Hoy WLA has been divided into a Sub-area East and Sub-area West. The finding of the assessment is that four of the six WLQs will be significantly affected where they are experienced in Sub-area East. In Sub-area West, while there will be some significant effects, these will only occur in three small localised areas, while the majority of Sub-area West will remain unaffected by the Proposed Development.

2.4.32 The assessment also notes that those areas, which will be influenced by the Proposed Development, are mostly not devoid of other visible human influences in the landscape, including Binga Fea mast, Ore Brae turbine, Heldale Water treatment plant, settlement and derelict naval buildings at Lyness, agricultural land and the B9047 along the east coast and West Hill turbine and the oil terminal at Flotta as well as rigs often out in Scapa Flow, ferries, fishing boats, oil tankers and other vessels. These influences all moderate the effects of the Proposed Development on the Hoy WLA, especially in those transitional areas in the south-east where wildness qualities are not as strongly expressed as they are in the more remote interiors of the WLA. In the more remote areas, levels of visibility are typically reduced by distance and intervening landform, with the exception of the three localised areas identified.

2.4.33 The EIA Report demonstrates that the impact on the Hoy WLA has been minimised through the design iteration process and that significant adverse effects have been reduced to a localised level within 5-6 km. This level of effect is expected from a commercial wind farm development. The implication of this in terms of acceptability require to be considered in the overall planning balance.

2.4.34 The cumulative effect of the Proposed Development on the wildness qualities of the Hoy WLA has been scoped out of the assessment. The very limited occurrence and size of operational, under construction, consented and application wind farms, combined with the distance of most of these from the Proposed Development, means that there is no potential for the Hoy WLA to experience significant cumulative effects.

Visual Amenity

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

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

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

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

2.4.39 Appendix 6.1 states that the assessment of visual amenity assesses how the introduction of the Proposed Development affects the views available to people and their visual amenity during daylight hours. The assessment comprises two parts; an assessment of the effects of the Proposed Development on a series of viewpoints and an assessment from principal residential visual receptors. A Residential Visual Amenity Assessment has also been undertaken as part of the EIA.

2.4.40 The significance of potential effects has been classified by professional consideration of the sensitivity of the receptor and the magnitude of the potential impact. Paragraph 6.5.18 states, *"A significant effect occurs where the Proposed Development will provide a defining influence on a*

landscape element, landscape character receptor or view, albeit that it may be one of a number of defining characteristics."

2.4.41 The EIA Report concludes that in respect of effects on visual amenity, nine out of the 16 viewpoints assessed will be significantly affected during construction and operation of the Proposed Development; VP1: Knap of Trowieglen; VP 2: West Hill, Flotta; VP 3: Longhope, South Walls; VP 10: Ward Hill; VP 11: Lyness Naval Cemetery; VP 12: North Walls School VP 13: Bakingstone Hill; VP14: Houton to Lyness Ferry; and VP 16: Withi Gill. These viewpoints are all within approximately 10 km of the site and are affected due to their proximity to the construction works and operation of the Proposed Development. The EIA Report also notes that all viewpoints beyond this 10 km range will not be significantly affected as a result of the Proposed Development.

2.4.42 In relation to the principle visual receptors assessed, the EIA Report finds that residents of the two closest range settlements, namely Lyness and Longhope, will be significantly affected during the construction and operational phases. Road-users on the B9047, which connects these two settlements, will also be significantly affected along much of its length, with the exception of the northern section, where there will be no visibility. A significant effect will occur in respect of ferry passengers on the Lyness to Houton ferry between Cava and Lyness. In terms of core paths, walkers on H7 Wee Fea will be significantly affected owing to their close range and on the western section of F1 West Hill Circular, owing to the strong association between these opposing coastlines. These significant effects will all be relatively local, occurring within 9 km, with principal visual receptors beyond this extent not being significantly affected.

2.4.43 In relation to the cumulative effect of the Proposed Development on visual amenity, the EIA Report notes that there will be no significant cumulative effects on any visual receptors assessed largely owing to the very small number, small size and relatively distant location of the cumulative wind farms. This prevents wind farms becoming the prevailing characteristic of landscape character or visual amenity.

2.4.44 Appendix 6.4 of the EIA Report provides a Residential Visual Amenity Assessment (RVAA) which has considered the impact of the Proposed Development on the visual amenity of residents within a 2 km radius, which includes the village of Lyness. The assessment found that, although many of the properties will be subject to significant effects, none of the predicted effects on visual amenity experienced at properties have potential to reach the Residential Visual Amenity Threshold, in other words, where the effect is of such a nature and/or magnitude that it potentially affects living conditions. The factors considered in such an assessment are widely recognised by professional Landscape Architects and decision makers and have been developed within the Landscape Institute's Technical Guidance Note 02/19 'Residential Visual Amenity Assessment. The factors considered when determining whether the Residential Visual Amenity Threshold has been reached 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. 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.

2.4.45 Of the significant effects that were predicted, the assessment concludes that the Proposed Development will not overwhelm views, nor will it be unpleasantly encroaching / inescapably dominant in the available and principle 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 oriented such that they have an aspect over the coast of Mill Bay or Ore Bay, away from the Proposed Development, in which the Proposed Development will not be visible in the principal view. This is an important factor when assessing whether the impact on residential amenity would be considered overbearing which result in the property becoming an unattractive place in which to live. It has been demonstrated through the assessment that the principle views would not be in the direction of the Proposed Development. The orientation of the properties is also relevant.

2.4.46 Low levels of magnitude of change are assessed at two properties (8, Moorland; and 9, Thurvoe) due to the adjacent coniferous woodland belt which provides substantial screening and prevents significant visual effects from occurring. Woodland is scarce in Orkney and as such it is considered

that the tree belt is of higher value than it would be if located on Mainland Scotland. In addition, the woodland belt is not related to any commercial forestry activity. The aforementioned points present strong justification that it would be retained in the longer term. In the unlikely event that the tree belt is felled during the lifetime of the Proposed Development, the magnitude of change would increase to high and significant. As a result, the predicted effects on visual amenity at the property could potentially reach the Residential Visual Amenity Threshold, mainly due the close proximity (less than 1 km) of the nearest proposed turbine and the resulting vertical scale of the turbines. However, the RVAA notes that the principal outlook of these properties, east towards the sea would remain unaffected, as would the northern and southern sectors, with the Proposed Development only present in the western sector. The turbines in questions are a relatively narrow feature in these views and would not dominate the principal view east or views to the north and south. All of these factors require to be considered when determining whether these two properties are likely to reach to residential amenity threshold and are considered unattractive places in which to live. Whether this is acceptable then forms part of the wider planning balance.

Summary Landscape and Visual Impact

2.4.47 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."

2.4.48 It is acknowledged that the site sits within both an area with Potential for Wind Farm Development and within an Area of Significant Protection as defined by the SG Energy. Whilst the Proposed Development results in some significant residual effects on landscape receptors within the study area, the design approach has sought to protect those landscape and visual receptors of most value, including the Orkney - Hoy and West Mainland NSA. Only localised landscape and visual effects remain, which are to be expected when considering a commercial scale wind farm development.

c) Natural Heritage

2.4.49 Terrestrial ecological matters are addressed in Chapter 8 of the EIA Report and Ornithology within Chapter 7.

2.4.50 Chapter 8 describes the primary habitats on the site as; Blanket bog; Wet dwarf shrub heath; Dry dwarf shrub heath; Bracken; Coniferous woodland – plantation and Marshy grassland.

2.4.51 The site lies outwith any statutory designated sites, however the Hoy SAC and SSSI, is located immediately to the west of the western site boundary, whose qualifying feature include blanket mire and peat.

2.4.52 The Proposed Development is located within the locally designated Hoy and North Walls SSSI Moorland Fringes LNCS. The site is designated for its blanket bog on deep peat and wet heather moorland as well as a number of bog plants and animal species.

2.4.53 The EIA Report has assessed the predicted impact of the Proposed Development on the important ecological features associated with the above designated sites and habitats, and also including nearby water bodies the Burn of Longigill and Burn of Ore. Likely impacts of the construction and operation phases are presented, prior to the assessment of effects. Standard mitigation measures are assumed as part of the assessment.

2.4.54 With these in place, predicted effects were considered to be barely perceptible, and therefore not significant, with the exception of loss of wet heath and blanket bog habitats and the effects of these losses on the locally designated Hoy and North Walls SSSI Moorland Fringes LNCS. Given these effects, compensation is proposed in the shape of measures secured via a Habitat Management Plan (HMP). A species protection plan is also proposed to further minimise any adverse effects on mountain hare. With the compensation and further mitigation detailed, residual impacts for both construction and operation phases are considered to have barely perceptible adverse and therefore not significant effects on all IEFs.

2.4.55 Chapter 7 notes that the site is outwith any sites designated for ornithological interests at European or national levels; however; there are four designated sites with ornithological interests in the

surrounding area including Hoy SPA and Hoy SSSI designated for breeding moorland birds and seabirds; Scapa Flow pSPA designated for breeding red-throated diver and wintering divers, seaducks and grebes and Switha SPA designated for wintering Greenland barnacle goose. No Greenland barnacle geese were recorded during any of the field surveys therefore the site was not taken forward for detailed assessment.

2.4.56 Appendix 7.4 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 SPA and pSPA assessed as a result of the Proposed Development.

2.4.57 The site overlaps the Hoy and North Walls SSSI Moorland Fringes LNCS which is a local designation designated for moorland breeding birds.

2.4.58 The remaining four designated sites were fully assessed, as well as eleven species: red-throated diver; peregrine falcon; great skua; great black-backed gull; hen harrier; white-tailed eagle; merlin; short-eared owl; curlew; dunlin and snipe.

2.4.59 Mitigation measures have been applied as part of the design iteration process to avoid siting turbines and infrastructure in the most sensitive areas. Species specific mitigation has been identified and will be incorporated into a Construction Environmental Management Plan (CEMP). An outline CEMP is provided in Appendix 3.1 of the EIA Report. This CEMP will outline all required mitigation for ornithological receptors, providing details of key sensitivities present and timings. A Site Restoration Plan (SRP) will also be developed to ensure regeneration of those areas of habitat temporarily lost through development.

2.4.60 In summary, the EIA Report concludes that:

- Less than local (site level only) significant effects are likely on great skua (within the LNCS); curlew and snipe during construction through displacement. These effects would be temporary and reversible and would not occur on the wider geographic scale. The effects are not considered to adversely affect the integrity of the area or the qualities for which the LNCS is designated.
- Less than local (site level only) significant effects are likely on curlew and snipe due to the presence and operation of the proposed development.
- Displacement of breeding great skuas due to the presence and operation of the Proposed Development is considered to range from one to six pairs equivalent to ranging from an effect which is not significant at any scale to a significant adverse effect at the less than local (site) level, but not at any wider geographic scales. This is considered a precautionary approach as displacement may not occur at this level.
- There is a great deal of uncertainty around various aspects of the calculation of risk for white-tailed eagle, not least the very small population and the low number of observations at the Proposed Development. Given this, a conservative approach has been taken and collision mortality is assessed as a significant adverse effect on the adult Hoy white-tailed eagle population, at the regional scale.

2.4.61 While some significant adverse effects have been identified on some local populations of ornithological species, the majority (with the exception of the white-tailed eagle) would all be at a less than local (site level only) and are not considered to affect the populations overall. Furthermore, the assessment does not predict a significant effect on the overall qualifying interests of any of the designated sites considered.

2.4.62 The Proposed Development would result in some significant adverse effects on the above noted ornithological natural heritage resource, at the less than local site level. However, there would be no significant adverse effects on the **overall** integrity of the designations identified. No significant adverse effects are predicted on the species related to the national and European designated sites.

2.4.63 In terms of the potential effects on white-tailed eagle, it is noted that the white-tailed eagle is protected as an Annex 1 species and Schedules 1, 1A and A1 of the Wildlife and Countryside Act 1981, which provides protection against disturbance at its breeding sites, against harassment at any location and against destruction of its nests. The EIA Report has considered the impact in the context of the relevant legislation and it has been demonstrated that the Proposed Development would not result in disturbance at a breeding site nor would it result in the destruction of any nests. The Wildlife and Countryside Act does not define 'harassment' however guidance published by SNH in 2014[4] notes that it implies more than one disturbance event. In this regard, as no disturbance is predicted, it is considered that the Proposed Development would not result in harassment in the context of this legislation.

2.4.64 The white-tailed eagle breeding site is more than 5 km from the Proposed Development and there are few birds present on Hoy at any one time, as such social interaction in the wind farm buffer is expected to be rare, and no territorial display flights at lower avoidance rates would be anticipated. This taken with evidence of other wind farms sites, suggest that a higher avoidance rate of 98 % would be appropriately precautionary. At 98 % avoidance, the annual adult collision risk would be about 0.054, or one collision every 20 years. Considering the particular circumstances as noted above, the assessment undertaken is deemed to have taken a suitably conservative approach. Collision mortality is assessed as a significant adverse effect, at the regional scale.

2.4.65 It is also relevant to consider the terms of Policy 9 part b) which relates to Protected Species and states *"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."*

2.4.66 While the Proposed Development is predicted to result in a significant adverse effect on white-tailed eagle at the regional level, when considering this alongside the relevant legislation, it has been demonstrated above that the Proposed Development would not contravene the objectives of the Wildlife and Countryside Act 1981.

2.4.67 As such the potential significant adverse effect predicted on the white-tailed eagle require to be considered alongside the compliance with the objectives of the relevant legislation, as per the terms of Policy 9.

d) Historic Environment

2.4.68 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.

2.4.69 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)

2.4.70 Chapter 10 of the EIA Report concludes that two significant residual effects to the setting of the Category A Listed Former Naval Headquarters and Communications Centre, Wee Fea (Site 127) and Category B Listed Royal Naval Cemetery at Lyness (Site 147) are predicted. An important consideration to this assessment is the statutory requirement to have special regard to the desirability of preserving the listed building and its setting or any features of special architectural or historic interest which it possesses.

2.4.71 With respect Site 127, the Proposed Development would not adversely affect the ability to understand the critical strategic positioning of the Communications Centre on the slopes of Wee Fea and the relationship between the building and the military remains at Lyness which it overlooks would not be altered, and thus the overall integrity of the setting would not be adversely affected. In coming to this view it is important to note that Site 127 was a functional military installation which was not designed to be a visible deterrent such as a castle or tower. The Proposed Development

[4] SNH (2014) Implications of Additional Protection for Hen Harrier, Red Kite and Golden Eagle under Schedules A1 & 1A of the Wildlife and Countryside Act (1981)

would preserve the listed building and its setting, as it will not impact on views out over Scapa Flow from the building and views back to the west are not key to an appreciation and understanding of the building.

2.4.72 With respect Site 147, it is noted that the focal point of the Royal Naval Cemetery at Lyness is the Cross of Sacrifice, which is commonly associated with UK war graves cemeteries. The Proposed Development would be seen offset to the west of key sightlines within the cemetery and thus would not challenge the appearance of the Cross of Sacrifice on the skyline when viewed from the entrance to the cemetery to the north or indeed for other local points within the landscape where the cross appears against the skyline, thus preserving the assets most notable feature of special interest. The visual and contextual relationship between the cemetery and the former Naval Base at Lyness (Site 127) and its associated visible military remains, would not be affected, thus protecting this setting and relationship between these two important assets.

2.4.73 The Proposed Development would result in a significant direct effect upon a small proportion of undesignated heritage assets (military remains) associated with the Second World War. A programme of archaeological works designed to record known remains, avoid inadvertent damage to known remains and to investigate and mitigate against the possibility of uncovering hitherto unknown remains will be undertaken and the results of the archaeological works will be disseminated to the public. As such the residual direct effect would be negligible and not significant.

2.4.74 In addition, the proposed creation of a Heritage Trail to improve access to, and understanding of, the heritage assets above Lyness is a positive benefit to the area and would result in a long term minor beneficial effect.

2.4.75 No significant adverse effects are predicted on any Scheduled Monuments as a result of the Proposed Development.

2.4.76 The possibility of cumulative effects has been considered and assessed in the context of heritage assets however; no additional cumulative effects have been predicted.

2.4.77 In summary, two significant residual effects relating to the setting of two listed building are predicted (Category A Listed Former Naval Headquarters and Communications Centre, Wee Fea and Category B Listed Royal Naval Cemetery). However, the core components and overall integrity of the setting of each of these assets would not be adversely affected. For this reason, it is considered that the predicted effects on these heritage assets is considered acceptable.

2.4.78 No significant adverse effects are predicted to other heritage assets.

e) Tourism and Recreation

2.4.79 Tourism and recreation are assessed in Chapter 13 of the EIA Report. At paragraph 13.6.42 it is recognised that sustainable tourism is a key driver of the Orkney economy generating income on the Islands and in 2018, 1,250 people were employed in sustainable tourism in Orkney equalling 9.6 % of total employment. The value added by this sector to the Orkney economy was £21.5 million GVA.

2.4.80 The EIA Report establishes that there is no evidence that wind farm developments adversely impact upon the tourism industry in Scotland. Nevertheless, the EIA Report presents an assessment of the Proposed Developments potential impact on tourist attractions and recreational routes. The EIA Report concludes that the likely effects of the Proposed Development on these tourism receptors will not be significant.

2.4.81 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 and the additional indirect benefits associated with the ownership structure which mean 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.

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

2.4.83 Overall, no significant adverse effects are predicted on tourism and recreation resources as a result of the Proposed Development. The EIA Report concludes that there is no evidence that wind farm development adversely impacts on the tourism industry. The Proposed Development therefore accords with Policy 7 with regards tourism and recreation.

f) Peat and Carbon Rich Soils

2.4.84 Chapter 11 of the EIA Report deals with Peat and carbon rich soils. Peat depth surveys have identified peat across most of the site area, locally over 3 m but often shallower and sometimes absent. Peat has been cut or otherwise disturbed or excavated in some parts of the site.

2.4.85 The findings from the desk study work, site reconnaissance, and peat depth surveys were carefully considered in the site design iteration process. The finalised design and site layout has sought to avoid areas of deep peat, for proposed turbine locations and infrastructure, with infrastructure located on only a small area of deepest peat, due to the presence of other environmental and technical constraints. The assessment has found a minor to moderate likely effect relating to the removal of and impact of peat, however following mitigation in terms of the implementation of a Peat Management Plan and Habitat Management Plan this would reduce to minor and not significant.

2.4.86 As required by policy, a calculation of carbon payback, taking account of disturbance to peat deposits, has been undertaken. The results indicate that the carbon payback time of the Proposed Development would be approximately 11 to 23 months.

2.4.87 While the Proposed Development will result in some disturbance and potential impacts on peat, these are not considered to be significant, and require to be considered in the planning balance alongside the economic benefits identified.

g) Water Environment

2.4.88 Likely construction and operational effects of the water environment include sedimentation or pollution from surface runoff and effects on groundwater quality and flow regime.

2.4.89 Standard/embedded mitigation measures include design and layout decisions taken through the design iteration process, including appropriate buffering of watercourses. Standard good construction and design practice has also been considered as standard mitigation, including detailed pre-construction site investigations, agreement and implementation of a CEMP, appropriate design of the single proposed watercourse crossing, regulated under the CAR licensing regime, and development of a detailed Drainage Strategy for the site.

2.4.90 The EIA Report concludes that there would be no significant adverse effects on the water environment as a result of the Proposed Development.

h) Aviation, Defence and Communications

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

2.4.92 A statement of likely effects is provided in section 14.8 of the EIA Report and confirms that *"No aviation or radar impacts are anticipated during construction, operation or decommissioning*."

2.4.93 The EIA Report notes that no objections were received from the MOD, NATS, HIAL, Kirkwall Airport and Orkney Islands Council Airfields.

2.4.94 The MOD scoping response noted that the Proposed Development may impact upon low flying operations, however the EIA Report states that the low flying position is based on generic mapping with no project specific assessment having been conducted at the scoping stage. The site is in a low priority area for military low flying. The EIA Report concludes that an objection to low flying is unlikely by the MOD at application stage, however the MOD are likely to request infra-red lighting,

which increases the visibility of the development to military pilots conducting night-time operations using night-vision goggles. Infra-red lighting would be fitted to the turbines, which would not be visible to the human eye.

2.4.95 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

2.4.96 The EIA Report sets out details relating to the construction period within chapter 2. As part of the construction contract, and as noted above, the Applicant will produce, and adhere to, a CEMP. An outline CEMP has been provided at Appendix 3.1.

2.4.97 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 and be managed through an agreed Decommissioning Environmental Management Plan. An appropriate planning condition could be attached to a grant of consent to ensure that site restoration can be achieved, if required.

Policy 7 D i Conclusion

2.4.98 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, two cultural heritage assets and one natural heritage receptor.

2.4.99 **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 partially located within *"Areas with Potential for Wind Farm Development"* and an *"Area of Significant Protection*".

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

2.4.101 SG Energy provides further detail on Areas of Significant Protection under Spatial Policy 2 (SP2). Policy SP2 states:

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

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

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

2.4.102 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. It is noted that the "*area of significant protection*" is due to infrastructure relating to the Proposed Development being located within class 1 Peat and the western extent of the development footprint being located within the Hoy Wild Land Area (WLA). There is one turbine, the indicative met mast location, and associated track, located within the south-east boundary of the WLA.

Hoy Wild Land Area

2.4.103 In this regard, the assessment has looked at the WLA in two parts, Sub-area East and Sub-area West. The wildness qualities identified are expressed to a greater degree in Sub-area West than in Sub Area East, due to the Sub-Area East having greater human influence. The assessment of the WLA has concluded that four of the six Wild Land Qualities (WLQs) will be significantly affected where they are experienced in Sub-area East. In Sub-area West, while there will also be significant effects, these will only occur in three small localised areas, and these effects will be moderated to some extent by the baseline influence of contemporary land uses and modern artefacts evident from parts of these areas, while the majority of Sub-area West will remain unaffected by the Proposed Development. As such the majority of the most valuable wildland, Sub-area West, will remain unaffected.

2.4.104 The design iteration process has sought to minimise significant impacts on the WLA, including through a reduction in the number of turbines within the WLA from 12 in the Scoping layout to one in the Proposed Development layout. Previous landscape capacity studies have identified this area of Hoy as being one of the most suitable for wind farm development. It would be impossible to construct a wind farm without some significant adverse effects on the landscape. In this scenario, the effects are very much localised and the majority of the WLA remains unaffected and this is an important consideration as part of the overall planning balance, and in determining the acceptability of effects.

2.4.105 In the Creag Riabhach Wind Farm S.36 Decision, Ministers considered the impact the wind farm would have on two wild land areas. As part of their consideration, Ministers recognised that wild land areas are very sensitive to any form of development, that a substantial development of this nature would always be likely to give rise to effects on the qualities of the wild land area which are regarded as significant.

2.4.106 In their determination Ministers recognised that the level of significance in each particular case will vary in the context of the particular qualities of the wild land affected, the siting of development in relation to the cumulative baseline and the topography of the land. In reaching a view that the renewable energy and economic benefits of the Creag Riabhach Wind Farm would outweigh the impacts on the Ben Hee and Ben Kilbreck WLAs, they had particular regard to the location of the development on the edge of the Ben Hee wild land area and largely outwith the boundaries of both wild land areas. Although Ministers acknowledged SNH's advice regarding the potential significant impacts on wild land in making their decision, Ministers were mindful that only five of the turbines would fall within the wild land area and that *"significant impacts on the physical attributes of the wild land area will be limited in their extent*". This is a similar situation with respect to the Proposed Development, where the extent of impact is limited to c. 5-6km. in this scenario, it is also relevant that the majority of the WLA remains unaffected.

Peatland

2.4.107 Peat has been found on the site, with depths varying from nil to locally over 3m. A peat slide risk assessment has identified low and negligible risks at proposed turbine and infrastructure locations across the site. Low risks will be mitigated through micro-siting and/or targeted geotechnical/engineering controls, to be informed by detailed pre-construction site investigations.

The assessment within the EIA Report concludes that there would be no significant adverse effects on peat within the site. The EIA Report also proposes that additional specific mitigation including appropriate peat and habitat management which include restoration of degraded areas of blanket bog both on-site and in the local area.

2.4.108 **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.

2.4.109 **Parts D v of Policy 7** relates to the period of consent, planning conditions and restoration and suggest the granting of time limited consents. This approach 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 other forms of development. The Applicant is seeking consent in-perpetuity for the Proposed Development.

2.4.110 In the event of decommissioning, or replacement of turbines, it is anticipated that the levels of effect would be similar but of a lesser level than those during construction. Decommissioning would be undertaken in line with best practice processes and methods at that time and will be managed through an agreed Decommissioning Environmental Management Plan. An appropriate planning condition could be attached to a grant of planning permission to ensure that site restoration can be achieved, if required.

2.4.111 **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

2.4.112 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.

2.4.113 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".*

2.4.114 The Proposed Development would not result in any significant adverse effects on Communities and Amenity insofar as this relates to noise, shadow flicker, electromagnetic interference and construction works; Tourism and Recreation; Peat and Carbon Rich Soils; Water Environment; and Aviation, Defence and Communications.

2.4.115 The Proposed Development would result in significant adverse effects which would be limited to some landscape and visual receptors, one ornithological receptor and setting effects on two listed buildings.

2.4.116 In coming to a determination on the Proposed Developments compliance with Policy 7, it is necessary to consider the associated SG Energy.

2.4.117 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

2.4.118 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.

2.4.119 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.

2.4.120 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. In addition, the Proposed Development will contribute towards the 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 predicted on those receptors considered under Policy 7.

2.4.121 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, which are primarily localised in nature, are considered to be acceptable.

2.4.122 The Planning Statement has considered those effects and in the planning balance has considered the limited localised effects to be acceptable, when balancing 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 apply 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, with alterations and amendments made accordingly. The Proposed Development does not conflict with the predominant land use in the locale, which is low quality rough grazing as the site will continue to be used for agriculture during the operation of the Proposed Development, thus not removing that land from the agricultural land supply.

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

2.5.4 The impact of the Proposed Development on residential properties has been considered above and in a Residential Visual Amenity Assessment, 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 historic and cultural resources that *"development which would have an adverse impact on this significance will only be permitted where it can be demonstrated that:*

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

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

2.6.3 Two significant residual effects to the setting of the Category A Listed Former Naval Headquarters and Communications Centre, Wee Fea (Site 127) and Category B Listed Royal Naval Cemetery at Lyness (Site 147) are predicted.

2.6.4 The EIA Report has concluded that the relationship between the listed building and the military remains at Lyness which it overlooks would not be altered, and thus the overall integrity of the setting would not be adversely affected. In coming to this view, it is important to note that Site 127 was a functional military installation which was not designed to be a visible deterrent such as a castle or tower. The Proposed Development would preserve the listed building in situ as there are no direct effects and its setting as it will not impact on views out over Scapa Flow from the building and views back to the west are not key to an appreciation and understanding of the building.

2.6.5 The focal point of the Royal Naval Cemetery (site 147) is the Cross of Sacrifice. The Proposed Development would be seen offset to the west of key sightlines within the cemetery and thus would not challenge the appearance of the Cross of Sacrifice on the skyline when viewed from the entrance to the cemetery to the north or for other local points within the landscape where the cross appears against the skyline, thus preserving the assets most notable feature of special interest. The EIA Report concludes that the visual and contextual relationship between the cemetery and the former Naval Base (Site 127) and its associated visible military remains, would not be affected, thus protecting the setting and relationship between these two important assets.

2.6.6 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.

2.6.7 The Proposed Development would result in a significant direct effect upon a small proportion of undesignated heritage assets (military remains) associated with the Second World War. A programme of archaeological works designed to record known remains, avoid inadvertent damage to known remains and to investigate and mitigate against the possibility of uncovering hitherto unknown remains will be undertaken and the results of the archaeological works will be disseminated to the public. As such the residual direct effect would be negligible and not significant.

2.6.8 In addition, the proposed creation of a Heritage Trail to improve access to, and understanding of, the heritage assets above Lyness is a positive benefit to the area and would result in a long term minor beneficial effect.

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

2.6.10 No significant effects on the World Heritage Site are predicted.

2.6.11 **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 wind farm development.

2.6.12 **Part 8Biii** relates to Demolition and is not relevant to the assessment of wind farm development.

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

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

2.6.14 A total of 23 Scheduled Monuments were subject to detailed assessments. No significant adverse effects are predicted on any Scheduled Monuments as a result of the Proposed Development either alone or in combination with other developments.

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

2.6.16 No significant effects upon Gardens and Designed Landscapes are predicted as a result of the Proposed Development.

2.6.17 Given that there would be no adverse effects to the overall integrity of the setting of the two Listed Buildings and no significant effects to other heritage assets, the Proposed Development is deemed to accord with Policy 8.

2.7 Policy 9 Natural Heritage and Landscape

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

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

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

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

2.7.4 These policy matters have been considered in detail 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 adverse effects are predicted primarily at the local level, the scale of the positive effects, to the extent that some are of national significance, results in the conclusion that on balance, the identified adverse impacts are acceptable.

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

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

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

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

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

2.8.3 The EIA Report identifies that 14 recreational trails and six core paths within 15 km of the Proposed Development. The closest of these is Core Path H7 (Wee Fea) which passes through the Proposed Development site. During construction, use of the path would be restricted and if unmitigated would lead to temporary, short-term and reversible adverse effects.

2.8.4 Alternative routes have been considered as potential mitigation and are presented in Chapter 16 and Figure 16.3 of the EIA Report. A suitably worded condition could ensure that appropriate mitigation is provided.

2.8.5 Notwithstanding the options that may be available as an alternative route, the effects predicted on H7 are during construction alone and will be temporary. As such the Proposed Development will not result in an unacceptable adverse impact on H7, as any closure would be short term and fully reversible.

2.8.6 During the operational period, access to H7 will be fully restored and directly connected to a further c.4 km of tracks providing improved access to the hills. The proposed creation of a Heritage Trail to improve access to, and understanding of, the heritage assets above Lyness would result in a long term minor beneficial effect.

2.8.7 The conclusions within the EIA Report confirm that the effect on all other on core paths and recreational routes in terms of access as negligible and not significant.

2.8.8 Overall, no significant adverse effects on access to core paths or other green infrastructure are predicted to occur. In addition, access arrangement in the area will be improved as a result of the Proposed Development, thereby making the hills more accessible to the local community and visitors. On this basis the Proposed Development is found to accord with this policy.

2.9 Policy 14 Transport, Travel & Road Network Infrastructure

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

2.9.2 A Transport Assessment (refer to Chapter 12 and Appendix 12.1) has been prepared in support of the application for the Proposed Development.

2.9.3 The Proposed Development will be accessed from the existing access track providing access to Wee Fea, to the west of Lyness. In order to construct the Proposed Development, bulk materials such as

concrete and specialist loads such the turbine components will arrive on Hoy by ship and will be transported to site using specialist vehicles from Lyness Quay.

2.9.4 Some improvements will be made to the Wee Fea access track to accommodate access.

2.9.5 The assessment confirms that a number of the likely effects will be moderate/minor and non-significant following mitigation. This conclusion has been based upon professional judgement following a review of the actual numbers of movements on the proposed study area. These effects are temporary in nature and confined to the construction period only. A Construction Traffic Management Plan would be implemented prior to construction work commencing and agreed with Orkney Islands Council.

2.9.6 Once operational the Proposed Development will generate minimal traffic, likely limited to two visits per week by maintenance personnel in four-wheel drive or conventional passenger vehicles.

2.9.7 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 subject to the proposed mitigation being put in place and is considered to be in accordance with those aspects of Policy 14 that could be considered to have some relevance to the Proposed Development.

2.10 Supplementary Guidance Energy

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

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

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

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

2.10.3 At paragraph 1.02 the SG Energy acknowledges that

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

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

2.10.5 Paragraph 1.04, sets out that the 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 repeated.

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

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

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

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

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

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

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

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

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

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

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

2.10.16 The application site falls partially within an 'Area with Potential for wind farms'.

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

2.10.18 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.

2.10.19 An assessment of the site's position within both an area for wind farm potential and significant constraint is addressed above in relation to Policy 7 of the LDP. While the Proposed Development would result in some localised significant effects on the Hoy WLA, and on one of the SLQ of the Hoy and West Mainland National Scenic Area these would be very much localised in nature. The EIA Report also concludes that there would be some significant adverse effects on ornithological interests, predominantly at the less than local level. There would be no significant adverse effects on any statutory designated sites such that it would affect the integrity of the designation.

2.10.20 Some significant landscape effects are likely when considering commercial scale wind farm developments. This part of Hoy has been identified as being the most suitable for wind farm development and represents an opportunity to play a part in OIC's climate emergency response.

2.10.21 These localised effects require to be considered on balance alongside the overall net economic benefits of the Proposed Development.

2.10.22 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.

2.10.23 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.*"

2.10.24 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.*"

2.10.25 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.

2.10.26 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.

2.10.27 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.*"

2.10.28 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.

2.10.29 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.

2.10.30 As noted above the Proposed Development sits within both an area of least constraint and in an area of significant protection where it is accepted that development may be appropriate.

2.10.31 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.

2.10.32 These residual significant adverse effects identified are limited in extent and generally localised in nature 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 OIC 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 mainland are all significant factors that can draw significant weight in the planning balance.

2.11 Development Plan Conclusions

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

2.11.2 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 addresses the Scottish Government and OIC's declaration of a climate change emergency.

2.11.3 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.

2.11.4 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 case to the local level effect. Where significant adverse effects have been identified, the EIA Report has demonstrated that these would generally be localised in nature and 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.

2.11.5 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.

2.11.6 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[5] (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. 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 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 (OIC, 2017) and in NPF 3 which actively promotes Orkney as a potential Energy Hub.

[5] 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.

- 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.
- The Proposed Development would also contribute towards Orkney Islands Council ambitious proposals as set out in the Orkney Sustainable Energy Strategy, to increase the 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 25,912 average UK households. Taking account of the estimated energy consumed over an assumed project life cycle of 25 years, the net energy generated per annum by the Proposed Development's is expected to be approximately 96,626 MWh. This represents a reduction of approximately 43,482 tonnes of carbon dioxide per annum.
- The Proposed Development would contribute positively to the 2030 and 2045 Climate Change (Scotland) Act targets, which are very challenging; especially the interim 2030 target.
- The construction of the Proposed Development has potential to result in 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 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.
- There are no international or national natural heritage designations within the development footprint.
- 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.

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

3.3 National Planning Policy and Guidance

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

- The National Planning Framework 3 (NPF3);
- The National Planning Framework 4 (as emerging); and
- Scottish Planning Policy (SPP).

The National Planning Framework 3

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

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

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

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

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

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

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

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

3.3.9 Paragraph 3.9 states:

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

wind energy development to be overtaken by a growing focus on our significant marine energy opportunities including wind, wave and tidal energy".

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

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

3.3.12 Orkney is specifically recognised at several points within NPF 3 as an Energy Hub and at paragraph 3.40 of NPF 3 there is recognition of the need for "*strengthening the electricity grid will be essential in unlocking renewable resources, both onshore and offshore. Interconnectors to the Western Isles,* ***Orkney*** *and Shetland and onshore connections for offshore renewables on other parts of the coast are all required to fully realise the potential for diverse and widely distributed renewable energy development."*

3.3.13 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 are 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.

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 NPF 3 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 Quanterness Wind Farm[6], which was submitted for planning earlier this year (January 2020) has since been called in by the Scottish Ministers for determination. The reason for the call-in was 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 2020 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. 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 NPF 3 in this regard.

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

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. A draft is likely to be placed in Draft in the Scottish Parliament in Autumn 2021, followed by an interim position statement in Autumn 2020.

3.3.19 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 NPF4 is expected to have fuller regional coverage and improved alignment with wider programmes and strategies, including on infrastructure and economic investment.

3.3.21 The Scottish Government's website Transforming Planning notes that NPF4 will address a number of high-level outcomes including *'Meeting any targets relating to the reduction of emissions of greenhouse gases'* demonstrating a continued commitment to addressing the climate change emergency.

Scottish Planning Policy

3.3.22 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.

3.3.23 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

3.3.24 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…."*.

3.3.25 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.

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

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

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

3.3.28 Outcome 2 'A Low Carbon Place' explains that NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification of the energy sector. Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80 % by 2050, with an interim target of reducing emissions by at least 42 % by 2020. SPP explains that Section 44 of the 2009 Act places a duty on public bodies to act in the

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

3.3.29 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 and at a more localised level through provision of a new network of access paths and a Heritage Trail which will improve and facilitate local access and assist communities understanding and enjoyment of the heritage assets.

3.3.30 It also needs to be noted that very few developments would be able to contribute to all four outcomes – that the Proposed Development contributes positively to three (and the fourth one is not relevant as it applies to transport and digital connectivity) is to its credit and reinforces the engagement of the presumption[7].

Principal Policies of SPP

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

3.3.32 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*".

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

3.3.34 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".*

Presumption in Favour of Development that contributes to Sustainable Development[8]

3.3.35 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 development that contributes to sustainable development".

3.3.36 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.

[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).*

[8] *At the time of writing, the Scottish Government has launched a Scottish Planning Policy and Housing: Technical Consultation on Proposed Policy Amendments. The consultation closes on 9 October 2020. The consultation states an objective to provide a clearer basis for decisions on applications for housing on sites that have not been allocated in the local development plan where there is a shortfall in the effective housing land supply. Whilst onshore wind is not referenced, part of this consultation involves a possible removal of the presumption in favour of development that contributes to sustainable development from the SPP. At the time of writing the presumption in favour remains in effect and forms a material consideration in favour of the Proposed Development.*

The aim is to achieve the right development in the right place; it is not to allow development at any cost".

3.3.37 A presumption in favour is not 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 has important consequences for development management practice.

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

3.3.39 Paragraph 33 adds,

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

3.3.40 In this case, the Proposed Development has been assessed overall as being in accordance with the Development Plan which is not more than five years old. However, the presumption is still considered to be engaged as the Development Plan is considered out of date as it does not respond to the climate change emergency in the way that planning is expected to respond as is set out in the Programme for Government and within national policy. Furthermore, Policy 7, the key renewable energy policy, is considered to be overly restrictive in its approach to significant adverse effects particularly in a wind farm context and in the context of the climate change declaration of both OIC and the Scottish Government, which requires bold and decisive action to respond to the emergency.

3.3.41 This position has been supported within recent Appeal decisions such as the Caplich s.36 Decision where at paragraph 2.133 of the Inquiry Report, the Reporter referred to what the Reporter described as the "tilted balance" where he stated:

3.3.42 *"When a development plan is more than five years old, paragraph 33 is engaged and this requires that when weighing the benefits and disbenefits of a proposal in the planning balance, it will be necessary for any adverse impacts 'significantly and demonstrably' to outweigh the benefits of the proposal. Therefore, in such circumstances, the planning balance is tilted in favour of the proposal".*

3.3.43 It should be noted that the Reporter is clear on the matter of the tilted balance being engaged as a result of the operation of paragraph 33, where at paragraph 2.141 of the IR he refers to SPP paragraph 33 referring to *"policies being out of date as being a trigger for the tilted balance"* and goes on to state that, *"This suggests that a development plan that is less than five years old but contains out of date policies may trigger the tilted balance".*

3.3.44 The Reporter went on in the following paragraph to state:

"If the proposed development is found to be that which would contribute to sustainable development, then as a result of SPP paragraph 33, the planning balance should be tilted in its

[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*

favour, such that any adverse impact it would have must be shown significantly and demonstrably to outweigh its benefits".

3.3.45 Accordingly, the planning balance should be tilted in favour of the Proposed Development because it would contribute to sustainable development, and there are no adverse impacts which would significantly and demonstrably outweigh the benefits derived from the Proposed Development.

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

3.3.46 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 effects, as detailed in Chapter 13 'Socio-Economics, Recreation and Tourism' of the EIA Report.
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." 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. 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. The Proposed Development 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.
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.

Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The Proposed Development would provide opportunities for walking and biking on access tracks.
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. The Proposed Development proposes the creation of a Heritage Trail to improve access to, and understanding of, the heritage assets above Lyness which would result in a long term minor beneficial effect and thus protecting, enhancing and promoting access to cultural heritage for local and tourists alike.
Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The Proposed Development would promote access to the surrounding area, through the creation of new access paths which would benefit the wider community to access the hills and a dedicated Heritage Trail.
Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	There would be no conflict with this policy principle.

3.3.47 The fourth, fifth and twelfth principles in SPP relate to town centre and regeneration priorities and specifically housing, business, retail uses, and waste management and resource recovery etc. and are of no relevance 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

3.3.48 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.

3.3.49 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.

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

- Support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
  - 30% of overall energy demand from renewable sources by 2020;

- The equivalent of 100% of electricity demand from renewable sources by 2020.

- Support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity;

- Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

3.3.51 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.

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

SPP References to Onshore Wind

3.3.53 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.

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

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

Development Management for Energy Infrastructure Developments

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

Figure 3.1 Extract of SPP Table 1 Spatial Frameworks

Table 1: Spatial Frameworks

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

3.3.57 With reference to SPP Table 1 and according to SPP criteria, the Proposed Development would be defined as being within a Group 2: Areas of Significant Protection. In terms of the Spatial Framework approach set out in Table 1 of SPP, the application site is partially located within the Hoy WLA, partially within an area of deep peat and within 2km of Lyness village. However, the spatial strategy map identified within OIC's SG Energy does not include a 2 km buffer around the village of Lyness, as the area is identified as having 'Potential for Wind Farm Development'.

3.3.58 SPP makes an allowance for local authorities to determine the extent of any buffer around settlements. This is acknowledged in the SG Energy which notes that the 2 km separation distances are intended *"to steer development away from areas of largest population where there are likely to be increased sensitivities to landscape and visual impacts."* It goes on *"these areas are not to be interpreted as "exclusion zones" and local factors, such as topography and the orientation and massing of the existing development pattern, will be taken into consideration in the determination of specific applications."* It is notable that Lyness does not appear be included within any 2km buffer, which correlates with part of the site being included within an area with 'Potential for Wind Farm Development' within the SG Energy.

3.3.59 Detailed assessments have been undertaken to assess the impact of the Proposed Development on these areas and it should be highlighted that the presence of these assets does not preclude development. In summary, the assessments have concluded that the Proposed Development would not affect the overall quality of the assets. Accordingly, the site is considered to be suitable for wind farm development, subject to detailed consideration against identified policy criteria.

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

- *"net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*

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

3.3.61 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".*

3.3.62 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".*

3.3.63 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.

Natural Heritage

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

3.3.65 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."

3.3.66 Appendix 7.4 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 SPA and pSPA assessed as a result of the Proposed Development or in combination with other proposals.

3.3.67 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."*

3.3.68 The EIA Report concludes that only one of the 11 SLQs of the Hoy and West Mainland NSA will be significantly affected, namely the High Hills of Hoy, across a localised area in the Moorland Hills LCT within 5-6 km. Considering these localised effects on only a small part of the south east corner of the NSA, alongside the existing human influences in this location, the Proposed Development is not considered to compromise the objectives of the designation or the overall integrity of the NSA.

3.3.69 It is also necessary to consider the potential social, economic or environmental benefits that the Proposed Development may give rise to, as noted above as well as the overall balancing provision provided for within the SG Energy. The EIA Report has demonstrated that the Proposed Development will result in 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 the 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.

3.3.70 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."

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

3.3.72 In terms of ecological resource, only mountain hare and protected fish (brown trout and European eel) presence was recorded during surveys. The presence of these species has been factored in to the final layout and design, of the Proposed Development and with mitigation detailed, residual impacts for construction and operation phases on these species are considered to be barely perceptible adverse and therefore not significant.

3.3.73 In terms of ornithological protected species, while the Proposed Development is predicted to result in a significant adverse effect on white-tailed eagle at the regional level, when considering this alongside the relevant legislation, it has been demonstrated that the proposed development would not contravene the objectives of the Wildlife and Countryside Act 1981.

3.3.74 Areas of Wild Land are addressed at paragraph 215 of SPP. Wild land has been assessed in detail within the EIA Report and above under policy 7. Paragraph 215 notes that development may be appropriate in some circumstances and that 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.

3.3.75 The Proposed Development is partially located within the Hoy WLA - one turbine, access track and the indicative meteorological mast. While significant adverse effects have been predicted on some of the wild land qualities for which it is designated these are limited in their extent, and to the eastern part of the WLA where human influence is in part more prevalent.

3.3.76 The Proposed Development will result in nationally important economic benefits and contribute to National objectives set out in NPF3. As such the significant effects identified require to be considered alongside these economic benefits of national importance.

SPP Conclusions

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

3.4 Renewable Energy Policy and the Climate Emergency

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

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

UK Climate Emergency Context

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

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

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

3.4.6 The report makes recommendations for the UK economy including:

- UK overall: a new tougher emissions target of net zero greenhouse gases (GHG) by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline;

- Scotland: a target of net-zero GHG economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as a whole;
- A net zero GHG target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

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

3.4.8 The report also adds for Scotland that:

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

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

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

3.4.11 The Technical Annexe to the CCC report specifically addresses integrating variable renewables into the UK electricity system. The 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.

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

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

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

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

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

3.4.17 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.

3.4.18 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.

3.4.19 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."*

3.4.20 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."*

3.4.21 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."*

3.4.22 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.

3.4.23 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:

3.4.24 *"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."*

3.4.25 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."*

3.4.26 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.

Other key points include:

3.4.27 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".*

3.4.28 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.

3.4.29 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.

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

3.4.31 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".*

3.4.32 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".*

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

Climate Change Legislation

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

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

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

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

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

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

3.4.36 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)
- In a way that it considers most sustainable.

3.4.37 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%**
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

Scottish Climate Emergency Context

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

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

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

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

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

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

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

3.4.42 The current climate change emergency must therefore significantly inform the weight to be attributed to the climate change benefits that would result from the operation of the Proposed Development and the level of weight to be given to the Development Plan polices which were adopted prior to the declaration and are deemed out of date.

3.4.43 In this regard the Proposed Development would likely 'payback' its carbon footprint resulting from construction activities within approximately 0.9 to 1.9 years, which is in general terms a relatively short carbon payback period when compared to other wind energy developments which can vary generally between 1.5 and four years.

Programme for Government – 2019-20

3.4.44 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 action 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".

3.4.45 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.

3.4.46 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).

3.4.47 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.

3.4.48 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."*

3.4.49 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.

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

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

receives Royal Assent. Notably, the change in reduction targets will make Scotland's statutory targets the most stringent in the world and shows yet another commitment to meeting its net-zero ambition five years ahead of the date set for the UK."

Programme for Government 2020/2021

3.4.51 The Scottish Government published the Government Programme for 2020-21 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.

3.4.52 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).

3.4.53 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).

3.4.54 She also announces 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).

3.4.55 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"*.

3.4.56 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:

"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.

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".

3.4.57 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).

3.4.58 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"*.

3.4.59 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.

3.4.60 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

3.4.61 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.

3.4.62 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.

The Climate Change Plan

3.4.63 The CCP published in February 2018, is the most recent expression of Scottish Government Policy on climate change. Within the introduction 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."

3.4.64 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."

3.4.65 The final paragraph of page 34 of the CCP 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."

3.4.66 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 by 2032.

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

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

3.4.68 The CCP 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:

"The UK Government's Clean Growth Strategy (October 2017) has committed up to £557 million for further Pot 2 CfD auctions from 2019. This will provide an opportunity to support the deployment of less established renewable technologies in Scotland. These include offshore wind, island wind (subject to State Aid approval), marine technologies, advanced conversion technologies, anaerobic digestion and biomass with combined heat and power, although the Scottish Government knows that minimal ring fenced funds could have been set aside for marine and other less well established technologies that may struggle to compete with offshore wind."

3.4.69 Policy Outcome 1 of the CCP on page 69 states:

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

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

3.4.70 Under Policy development milestone 1, on page 72, (as detailed below), 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."*

3.4.71 Policy development milestone 1

"UK Government delivers a viable route to market for a wide range of renewable technologies, including onshore wind in Scotland, and provides long term funding for projects commissioning after 2025 under the Levy Control Framework."

3.4.72 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."*

3.4.73 Policy development milestone 2

"The £557 million CfD budget for Pot 2 technologies delivers new renewable generation capacity in Scotland, including on the remote islands."

3.4.74 The Scottish Government are currently in the process of updating the 2018 Plan to reflect the increased ambition of the targets set in The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

3.4.75 The second annual monitoring report 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 %.

3.4.76 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*.

3.4.77 *There is also currently an additional 13.0 GW of renewables capacity either under construction or at the planning stage, the majority of which is from wind generation. This indicates a strong pipeline, and a substantial level of capacity which could be added to the system in the future."* (Scottish Government 2019).

3.4.78 However, despite this significant pipeline the 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.

3.4.79 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.

The Scottish Energy Strategy (SES)

3.4.80 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.*

3.4.81 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".

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

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

3.4.83 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.

3.4.84 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".*

3.4.85 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".*

3.4.86 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.

3.4.87 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".*

3.4.88 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".

3.4.89 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".

3.4.90 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.

3.4.91 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."*

3.4.92 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."

3.4.93 The recent consultation on proposed amendments to the CfD scheme for low carbon electricity generation by the Department for Business Energy and Industrial Strategy 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."*

3.4.94 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".*

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

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

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

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

3.4.98 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.

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

3.4.100 *"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."*

3.4.101 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.

3.4.102 An errata was published on 10/04/2018 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.

Onshore Wind Policy Statement (OWPS)

3.4.103 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"*.

3.4.104 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"*.

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

3.4.106 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.

3.4.107 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".

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

3.4.109 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"*.

Progress to the Scottish 2020 Renewable Energy & Electricity Targets

3.4.110 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.

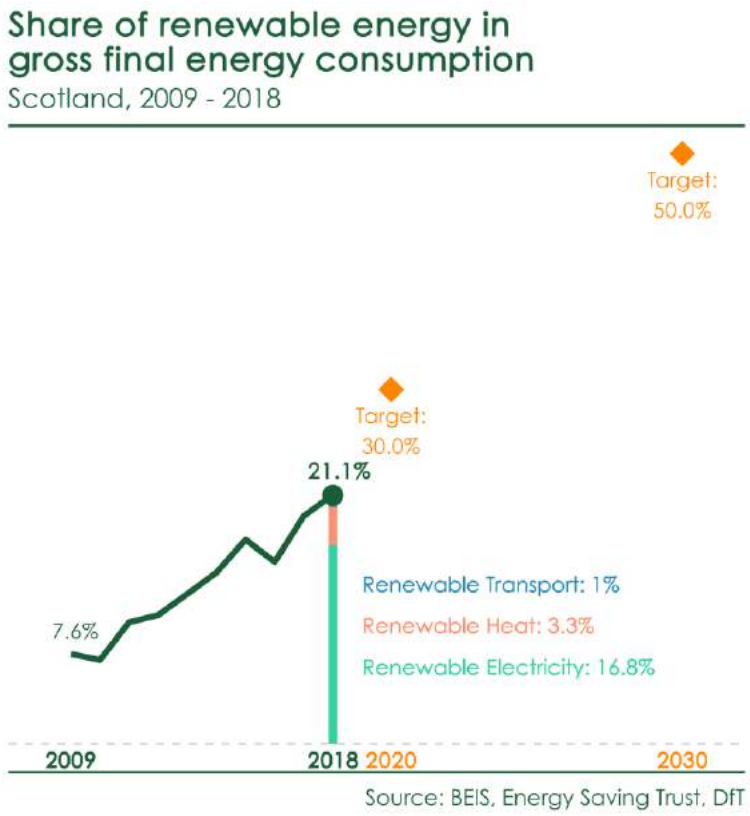
Table 3.3 Summary of Targets

Target	Target Year	Current Position	Source / Notes
Renewable Energy			
30 % of total energy use from renewable sources	2020	21.1 % (2018)	Scottish Energy Strategy (SES) (2017) Scottish Energy Statistics Hub, accessed August 2020.
50 % of total energy use from renewable sources	2030	21.1 % (2018)	SES (2017) Scottish Energy Statistics Hub, accessed August 2020.
Renewable Electricity			
Meet 100 % of electricity demand from renewables	2020	90.1 % (2019)	2020 Routemap for Renewable Energy in Scotland (2011) Scottish Energy Statistics (June 2018) Scottish Energy Statistics Hub, accessed August 2020.
100 % Target is circa 16 GW	2020	11.9 GW (installed capacity)	Scottish Energy Statistics Hub access August 2020
Renewable energy may need to generate 140 % of Scotland's electricity needs	2030	11.9 GW	Would require c.17GW 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 Reduce emissions by 75 % against 1990 levels Reduce emissions by 90 % against 1990 levels Reduce emissions to Net Zero	2020 2030 2040 2045	-46.8 %	Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
Reduce Scotland's electricity grid intensity below 50g CO_2 / KWh by 2020	2020	150g CO_2/ KWh (2015)	Climate Change Plan (2018)

Renewable Energy

3.4.111 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 2018, 21.1 % 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

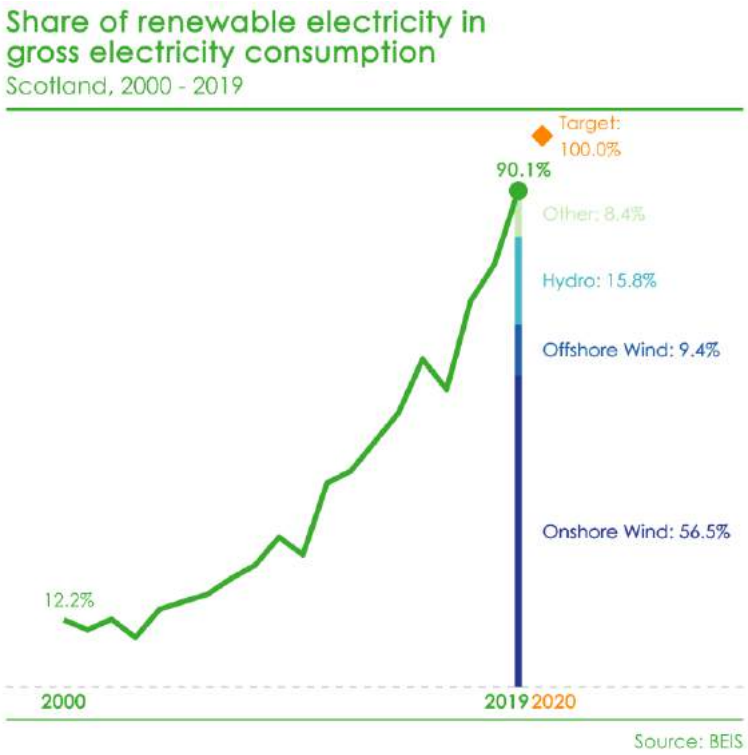


Renewable Electricity

3.4.112 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.

3.4.113 The Scottish Government estimates that in 2019, the equivalent of 90.1 % of gross electricity consumption was from renewable sources, rising from 76.7 % 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"*.

Figure 3.3: Performance against 2020 Renewable Electricity Target



3.4.114 As of March 2020, 289 renewable electricity projects with a capacity of 13.5 GW are in the pipeline. 1.3 GW of these are under construction, most of which are offshore wind farms off the Moray Firth. 7.7 GW are awaiting construction and 4.5 GW in planning. Therefore, there remains to be a significant 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.

3.4.115 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"*.

3.4.116 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".*

3.4.117 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".*

3.4.118 The decision also confirms that national planning policy as set out in National Planning Framework 3 and SPP (considered in Chapter 4) 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

3.4.119 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.

3.4.120 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)

3.4.121 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).

3.4.122 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"*.

3.4.123 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".

3.4.124 In the Hopsrig[10] Appeal Decision Notice at paragraph 64, the Reporter referred to Dumfries and Galloway Council's position that the Scottish Energy Strategy ("SES") and Onshore Wind Policy Statement ("OWPS") add little to that already set out in SPP and NPF3. He took a different view and stated:

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

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

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

Conclusions on Renewable Energy Policy and the Climate Emergency

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

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

3.4.128 The Proposed Development has a capacity in the region of 28.8 MW, is predicted to have an approximate 11 to 23 month carbon payback period and is estimated to be capable of powering the equivalent of 25,912 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.

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

3.4.130 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.

3.4.131 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.

3.4.132 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 its own Energy Strategy and allowing Orkney to become a greater electricity exporter.

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

3.5 The National Islands Plan

3.5.1 The Scottish Government adopted the National Islands Plan in December 2019 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.

3.5.2 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."*

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

3.5.4 Part of delivering A Fair, Integrated, Green and Inclusive Plan, its states that *"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.

3.5.5 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."

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

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

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

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

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

3.5.7 Accordingly, the National Islands Plan recognises the benefits that renewables development can bring to island communities by way of those of a socio economic-nature and those related to wider

climate change and Scotland wide electricity demand. The National Islands Plan also recognises the importance of mainland interconnectors and the benefits that could be realised from the reinvestment of revenues associated with generation projects on the islands. On this basis the Proposed Development and its contribution to the business case for delivering an Orkney Interconnector would assist in delivering those objectives set out within the National Islands Plan.

3.6 Corporate Policy in Orkney

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

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

Orkney Sustainable Energy Strategy 2017 – 2025

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

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

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

3.6.4 The strategy sets out five targets for Orkney:

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

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

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

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

"In order to deliver and significantly contribute towards the low carbon ambitions of the Scottish and UK governments, Orkney needs significant investment in grid connectivity to export and trade in the energy markets and will continue to seek political support and appropriate investment in upgrades. In recent years the negative impact of constraint and curtailment has cost the community dearly and

these barriers to delivering a low carbon economy still need to be influenced and addressed. Orkney will continue to influence the regulatory frameworks that will determine and support the necessary transformation of the energy industry that is required to tackle climate change."

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

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

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

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

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

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 %
Installed capacity (within 50 nautical miles)	60 MW	600 MW
Households in fuel poverty	>60 %	<20 %
Jobs related to sustainable energy (Oil & Gas – not drilling) *	300 (200)	600 (250)
Students studying energy in Orkney (Distance learning)	35 (150)	100 (300)
*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)

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

OIC's Council Plan and Delivery Plan 2018 – 2023

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

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

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

OIC's Declaration of a Climate Emergency

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

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

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

3.6.17 The Council 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.

3.6.18 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 second that has been submitted for planning permission.

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

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

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

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

3.7.1 OIC, in partnership with and jointly funded by Scottish Natural Heritage appointed Ironside Farrar to prepare the Landscape Capacity Assessment for Wind Energy in Orkney' (LCA) which was published in April 2014 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.

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

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

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

3.7.3 The application site is located within the Moorland Hills LCT.

3.7.4 In respect of Hoy, the LCA identifies 'East Hoy and Flotta' as an "area with highest underlying capacity". In Figure A of the LCA, this area is shown to be centred around Lyness, Cava and Flotta. The reason behind the identification of capacity in this area relates to past and present industrial influences and states at page 38:

3.7.5 *"Derelict wartime infrastructure such as anti-aircraft defences, encampments and storage facilities are still present in the landscape, especially around Lyness, which was an important naval base during both World Wars. Much of this infrastructure is of historical value, but in some instances its derelict state has an adverse effect on the perceived condition of the landscape."* And at page 39 *"These landscapes are of modest condition, and industrial land uses are present in the landscape including modern marine renewables development, the Flotta oil terminal 4 km to the east, and old naval and wartime infrastructure still widespread."*

3.7.6 In terms of the capacity of the landscape to accommodate development it goes on:

"Where the Inclined Coastal Pastures to the south east of Hoy transition to the Moorland Hills, opportunities arise for the siting of larger turbines which can be located away from smaller scale lowland developments and take advantage of back clothing from higher Moorland Hills. Single or small groups of turbines from 50 to 80m height could be located in these areas, however the siting of turbines towards the north of the Inclined Coastal Pastures (between Mill Bay and Pegal Head) should be sensitive to the importance of this landscape as the transition to the NSA."

3.7.7 As part of the assessment of residual capacity for future development the LCA states: *"Highest residual capacity for wind energy development is centred around Lyness to the south east of the island, extending north to Pegal Bay, and south to North Ness, encompassing the Inclined Coastal Pastures and the eastern fringes of the Moorland Hills landscape types."*

3.7.8 The LCA, therefore, recognises the capacity of the eastern fringes of the Moorland Hills LCT, where the site is located, to accommodate turbines, largely in light of the existing industrial influences in this area. It does not, however, consider there is capacity for turbines higher than 80 m as being appropriate. The LCA dates back to 2014 and was adopted by OIC in 2015, since when the height of

turbines proposed in wind farm applications have notably increased and the understanding of how landscape can accommodate taller turbines has evolved.

3.7.9 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.

3.7.10 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.

3.8 Conclusions on Material Considerations

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

3.8.2 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 Mainland, is significant.

3.8.3 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.

3.8.4 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, and when considering this alongside the out of date Development Plan policies the presumption in favour of development that contributes to sustainable development is engaged. The Proposed Development can draw support from SPP in this regard.

3.8.5 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.

3.8.6 In this regard the Proposed Development will have a low carbon payback period of approximately 11 to 23 months (3.6 % to 7.6 % of the conservative 25 year lifespan assumed in the carbon calculator), it will contribute to the needs case for the Orkney interconnector to the mainland, it has minimised its likely environmental effects through siting and design insofar as is possible and will bring socio economic benefits to the area. It is submitted that the Proposed Development must be considered sustainable.

3.8.7 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.

3.8.8 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 significant national level shortfall against the 2020 target and a substantial shortfall against the 2030 and 2040 targets within the Climate Change Act.

3.8.9 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.

3.8.10 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.

3.8.11 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.

4 Conclusions

4.1 Introduction

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

4.2 The Statutory Development Plan

4.2.1 The 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.

4.2.2 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. As such the presumption in favour of sustainable development set out within SPP is fully engaged and the decision-making balance is tilted in favour of the Proposed Development.

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

4.3 National Planning Policy

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

4.3.2 SPP sets out guidance and advice for the consideration of onshore wind energy development. The Proposed Development falls within a Group 2 Area of Significant Protection where wind farm development may be appropriate in some circumstances. The EIA Report has assessed the impacts on those Group 2 receptors. The Planning Statement has considered those effects and in the planning balance has considered the limited localised effects to be acceptable, when balancing with the wider socio-economic benefits to Orkney.

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

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

4.4 Other Relevant Material Considerations

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

4.4.2 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.

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

4.4.4 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."*

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

4.5 Overall Conclusions

4.5.1 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 an unusually 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 heritage assets through changes in habitats and species or the loss of cultural heritage assets to rising sea levels.

4.5.2 The approach being taken by Orkney Islands Council responds to the Scottish Governments call to action, 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. Moreover, the Proposed Development will contribute towards the delivery of a national development as identified in NPF 3.

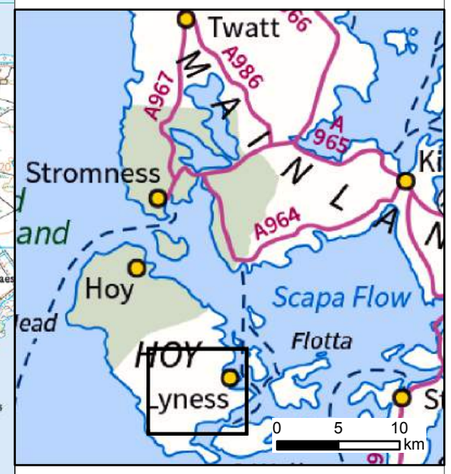
4.5.3 In conclusion, having regard to s.25 and s.37(2) it is found that the Proposed Development accords with the relevant provisions of the statutory Development Plan when read as a whole and that substantial support is gained from the relevant material considerations. Accordingly, it is submitted that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

Appendix 1 : Location Plan

N

KEY

Site Boundary



0 0.5 1 km

Scale 1:25,000 @ A3

ORKNEY ISLANDS COUNCIL

ITPENERGISED Earth. Smart. Solutions

Orkney's Community Wind Farm Project - Hoy

EIA Report Figure 1.1

Site Location Plan

Date:	Drawn by:	Checked by:	Version:
24/01/2020	EW	RF	V1

Project Number: EDI_1675

Appendix 2 : The Proposed Development Layout

N

Hoy

T1
T2
T3
T4
T5
T6

KEY

- Site Boundary
- Permanent Hardstanding
- Temporary Hardstanding
- Existing Access Track
- Substation Compound
- Substation Building
- Temporary Construction Compound
- Borrow Pit Search Area
- Turbine (Symbol does not indicate tower dimensions just its location)
- Indicative Met Mast Location (Symbol does not indicate met mast footprint)
- T1 — Turbine Identifier

0 0.6 1.2 km

Scale 1:20,000 @ A3

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Orkney's Community Wind Farm Project - Hoy

EIA Report Figure 1.2

Proposed Development Site Layout

Date:	Drawn by:	Checked by:	Version:
15/06/2020	EW	RF	V1

Project Number: EDI 1675

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 **Extract**	**C All Renewables and Low Carbon Energy Developments** i. The development of renewable and low carbon energy schemes, including the onshore infrastructure and/or buildings required for offshore marine renewable energy developments, and related transmission infrastructure, will be supported where it has been demonstrated that the proposal will not result in significant adverse effects on known constraints, either individually or cumulatively. Sufficient supporting information must be submitted with any planning application to enable a full assessment to be made of the likely effects of the development. ii. Conflict with adjoining uses must be avoided and developments may not compromise the viability of any existing land use allocation or approved land use proposal in the surrounding area. iii. The net-economic impacts of a proposal, including local and community socio-economic benefits such as employment, associated businesses and supply chain opportunities, will be taken into consideration and any demonstrable benefits will be balanced against any identified adverse impacts on known constraints. **D Onshore Wind Energy Development** i. Proposals for wind energy developments of all scales, including extensions to existing developments and repowering, will be assessed against the following factors to ensure that there will be no significant adverse individual or cumulative impacts: a. Communities and Amenity b. Landscape and Visual Impact c. Natural Heritage d. Historic Environment e. Tourism and Recreation f. Peat and Carbon Rich Soils g. Water Environment h. Aviation, Defence and Communications i. Construction and Decommissioning ii. Appropriately sited single small wind energy developments (<20m to blade tip) will be supported in principle where there is a clear visual link, at an appropriate scale, between the wind energy development and the building(s) to which it relates. iii. Applications for any windfarms should take account of the Spatial Strategy Framework for windfarm development: a. Areas with potential capacity to accommodate wind farms have been identified as 'Areas with Potential for Wind Farm Development'; representing the areas of least constraint to wind energy development. Wind energy development is likely to be

Policy Topic	Policy
	supported in principle within these areas, subject to proposals complying with the Development Criteria from Supplementary Guidance: Energy and any other material planning consideration. b. Within the 'Areas of Significant Protection' wind farm development may be supported when a proposal complies with the Development Criteria from Supplementary Guidance: Energy and where it can be demonstrated by the applicant that any significant effects on the qualities of these areas can be overcome by siting, design or other mitigation. c. Wind farm developments will not be supported within the National Scenic Area. iv. Throughout the lifetime of the Plan, OIC will investigate potential 'Strategic Wind Energy Development Areas' within which the principle of wind farm developments will be supported. Any such areas will be subject to appropriate assessment and full public consultation before being adopted within Supplementary Guidance: Energy. v. Consent for wind energy developments may be granted for a maximum period (usually 25 years) from final commissioning/the date that the device commences energy generation. Planning conditions and, where required, a financial bond, letter of credit and/or Legal Agreement will be attached in relation to the removal of the development and to the restoration of the site at the point when the planning permission expires or when the project ceases to operate for a specified period of time. vi. Applications for the erection of monitoring equipment, anemometer masts etc., in relation to proposed wind farm projects in advance of a full application being submitted will be supported subject to other development plan policies and any other material considerations. Any planning permission for monitoring/survey equipment will normally be limited to a maximum period of 2 years unless the need for a longer monitoring period can be demonstrated. Consideration should be given to using digital monitoring equipment, especially to mitigate impacts in sensitive locations.
Policy 1 Criteria for All Development	**Development will be supported where:** i. It is sited and designed taking into consideration the location and the wider townscape, landscape and coastal character; ii. The proposed density of the development is appropriate to the location; iii. It is not prejudicial to the effective development of, or existing use of, the wider area; iv. The amenity of the surrounding area is preserved and there are no unacceptable adverse impacts on the amenity of adjacent and nearby properties/users; v. It would not create an unacceptable burden on existing infrastructure and services that cannot be resolved; vi. It does not result in an unacceptable level of risk to public health and safety; vii. It is resource efficient and utilises sustainable construction technologies, techniques and materials and, where practicable, low and zero carbon generating technologies are installed; viii. It facilitates the prevention, reuse, recycling, energy recovery and disposal of waste, including where relevant, the use of Site Waste Management Plans;

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 x. It protects and where possible enhances Orkney's cultural heritage resources.
Policy 8 **Historic Environment & Cultural Heritage** **Relevant Extract**	**A All Development** Development which preserves or enhances the archaeological, architectural, artistic, commemorative or historic significance of cultural heritage assets, including their settings, will be supported. Development which would have an adverse impact on this significance will only be permitted where it can be demonstrated that: i. measures will be taken to mitigate any loss of this significance; and ii. any lost significance which cannot be mitigated is outweighed by the social, economic, environmental or safety benefits of the development. **B Specific Policy Considerations** **i. Heart of Neolithic Orkney World Heritage Site** Development within the Inner Sensitive Zones will only be permitted where it is demonstrated that the development would not have a significant negative impact on the Outstanding Universal Value of the World Heritage Site or its setting. Development will not be permitted where it breaks the skyline at the sensitive ridgelines of the World Heritage Site when viewed from any of its component parts, or where it will be sited in any location where there is the potential to impact upon the World Heritage Site, unless it is demonstrated that the development will not have a significant negative impact on either the Outstanding Universal Value or the setting of the World Heritage Site. **ii. Listed Buildings** Change to a listed building must be managed to protect its special interest while enabling it to remain in/return to active use. Applications for development must have regard to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long term future. Any development must be the minimum necessary to achieve these aims and the resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset. **iv. Scheduled Monuments** Where there is potential for a proposed development to have an adverse effect on the integrity of the setting of a scheduled monument, planning permission will only be granted where: ▪ there are exceptional circumstances; ▪ there is no practical alternative site; and ▪ there are imperative reasons of over-riding public need. **v. Inventory Gardens and Designed Landscapes**

Policy Topic	Policy
	Development which preserves or enhances the character and features of inventory gardens and designed landscapes and their setting, will be supported. Development that would have a significant negative impact upon the character of their areas will not be permitted. The conservation, maintenance and restoration, including the restoration of layout and features, will be supported where this is appropriate and based on historical research. **vi. Investigation & Recording** a. Where there is the potential for historic environment assets to exist in particularly sensitive areas, such as the Inner Sensitive Zone of the World Heritage Site or the historic core of Kirkwall, applicants may be required to undertake 'Cultural Heritage Impact Assessments' to ensure that there will be no unacceptable effects on any known or potential historic environment assets. b. Where development, which has the potential to impact on areas known or suspected to contain archaeological deposits is permitted, planning conditions will be attached to ensure the effective assessment, analysis, archiving and publication of any archaeological remains to an agreed timeframe. c. Where a historic environment asset, or a significant element thereof, will be lost as a result of a development, it may be necessary to record the site to an agreed level prior to the commencement of development/ demolition.
Policy 9 **Natural Heritage & Landscape**	**A. Natural Heritage Designations** **1. Internationally Designated Sites** i. Development likely to have a significant effect on a site designated or proposed as a Special Protection Area (SPA) or Special Area of Conservation (SAC), collectively known as Natura 2000 sites, individually or cumulatively and not directly connected with, or necessary to the conservation management of that site must be subject to an Appropriate Assessment in order to assess the implications for the site's conservation objectives. ii. Development will only be permitted where the Assessment ascertains that: a) it would not adversely affect the objectives of the designation or the integrity of the site; or b) there is no alternative solution; and c) there are imperative reasons of over-riding public interest, including those of a social or economic nature. iii. A derogation is available where there are no alternative solutions; there are imperative reasons of overriding public interests, including those of a social or economic nature; and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. iv. The international importance of Ramsar sites should also be appropriately protected. **2. Nationally Designated Sites** i. Development that negatively affects a Site of Special Scientific Interest (SSSI) will only be permitted where: a) the objectives of the designation and the overall integrity of the area will not be compromised; or

Policy Topic	Policy
	b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. ii. Development capable of affecting a Nature Conservation Marine Protected Area (NC MPA) will only be permitted where it can be demonstrated that: a) there is no significant risk of hindering the achievement of the conservation objectives of the NC MPA; or b) there is no alternative that would have a substantially lower risk of hindering the achievement of the conservation objectives of the NC MPA; and c) the public benefit outweighs the risk of damage to the environment. **3. Locally Important Sites** i. Development likely to negatively affect a Local Nature Conservation Site (LNCS), Local Nature Reserve (LNR) or unnotified Geological Conservation Review (GCR) site will only be permitted where there is no feasible alternative location; and a) mitigative measures will be satisfactorily implemented to ensure that it will not affect the integrity of the area or the qualities for which it has been designated; or b) any such effects are clearly outweighed by social, environmental or economic benefits. Details of Local Nature Conservation Sites are contained in Supplementary Guidance: Natural Environment. **B. Protected Species** i. Development likely to have an adverse effect on any protected species will not be permitted unless it can be justified in accordance with the relevant protected species legislation. ii. Where there is evidence to indicate that a protected species may be present on, or adjacent to, a development site and could be affected by the proposal, the Planning Authority may require an ecological survey and/or mitigation plan to be submitted with the planning application. **C. Wider Biodiversity and Geodiversity** i. All development proposals must seek to avoid damage to, or loss of, biodiversity and geodiversity, and should enable the maintenance of healthy ecosystems, as well as natural features and processes which provide important services to communities e.g. coastal protection, flood risk mitigation or carbon storage. ii. All development proposals should have due regard for priority habitats and species identified in the UK Biodiversity Action Plan, the Scottish Biodiversity List, the list of Priority Marine Features and the Orkney Local Biodiversity Action Plan. Where possible, new development should incorporate benefits for biodiversity, and avoid further fragmentation or isolation of habitats. iii. Where there is evidence to indicate that a priority habitat or species may be present on, or adjacent to, a development site and could be affected by the proposal, the Planning Authority may require an ecological survey and/or mitigation plan to be submitted with the planning application. **D. The Water Environment**

Policy Topic	Policy
	i. In accordance with the River Basin Management Plan for Scotland River Basin District 2015/2027, development proposals should seek to protect and, where possible, improve the water environment (river streams, lochs, groundwater, estuaries, coastal waters (to 3 nautical miles) and wetlands including Groundwater Terrestrial Ecosystems). Where this is not possible, it must be clearly demonstrated that the development: a) will avoid causing deterioration in the water quality or overall status of water bodies and, for any water body currently not achieving good status, will not prevent it from being able to achieve good status in the future. b) includes the management and/or enhancement of existing habitats and, if appropriate, the creation of new habitats. c) will not significantly affect water quality, flows and sediment transport, either during construction or after completion. Where a development proposal is located adjacent to the water environment, and a bank-side (waterside) location is not essential to the proposal, an appropriate buffer zone between the development and the water body should be included, within which development should be avoided. ii. There is a presumption against unnecessary culverting and engineering activities in the water environment. **E. Peat and Soils** i. Development on areas of peat or carbon-rich soils will only be permitted where: a) it has been clearly demonstrated that there is no viable alternative; b) an acceptance assessment of the likely effects of the development on carbon dioxide emissions has been undertaken and submitted; and c) the economic and social benefits of the development clearly outweigh any potential detrimental effects on the environment, including likely carbon dioxide emissions. ii. Where development on peat or carbon-rich soil is permitted, the Council may ask for a peatland management plan to be submitted which is supported by an appropriate peat survey and clearly demonstrates how the unnecessary disturbance, degradation and erosion of peat and soils will be avoided and, where this is not possible, minimised and mitigated. iii. New areas of commercial peat extraction will only be permitted where it can be demonstrated that: a) it is an area of degraded peatland which has been damaged by human activity and has low conservation value and, as a result, restoration is not possible. iv. The applicant must submit a method statement, and where necessary a soil management plan, in support of any application. **F. Trees and Woodland** i. Development that would result in the loss of, or damage to, one or more trees protected by a Tree Preservation Order; or lead to the loss of, or damage to, individual trees or woodlands of significant ecological, landscape, shelter or recreational value will not be permitted unless: a) it would achieve significant and clearly defined benefits that outweigh any potential loss;

Policy Topic	Policy
	b) an evaluation, to the appropriate British Standard (or a suitable standard to be agreed with the Planning Authority) of the ecological, landscape, shelter and recreational value of the tree(s) has been undertaken and it is concluded that the loss would be acceptable; and c) an additional or equivalent number of new trees are planted on, or near the site to an agreed standard and specification (species and maturity). ii. Works to trees must not result in any unnecessary fragmentation of a green network. **G. Landscape** i. All development proposals must be sited and designed to minimise negative impacts on the landscape, townscape and seascape characteristics and landscape sensitivities that are identified in the Orkney Landscape Character Assessment, and should be sympathetic to locally important natural and/or historic features within the landscape. ii. Consideration should be given to the siting, scale and design of the proposal, as well as the potential for cumulative effects with other developments. iii. Development that affects the National Scenic Area (NSA) will only be permitted where it is demonstrated that: a) the proposal will not have a significant effect on the overall integrity of the area or the qualities for which it has been designated; or b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance. iv. Development proposals affecting the area of wild land on Hoy will be only be permitted where it has been demonstrated that any significant effects on the character and qualities of this area can be substantially overcome by siting, design or other mitigation.
Policy 10 Green Infrastructure (Paths, Open Spaces & Green Networks) **EXTRACT**	**A. Core Paths & Access** i. Development should have no unacceptable adverse impact on statutory access rights, core paths, other public footpaths or rights of way. ii. Where a proposal will affect access rights, a core path, a right of way or other public paths it will be necessary to: a) Maintain or enhance the amenity value of the current route; or b) Provide an alternative path or access that is both safe and convenient for the public to use.
Policy 13 Flood Risk, SuDS & Waste Water Drainage	**A. Flood Risk** i. A Flood Risk Assessment must be undertaken in accordance with SEPAtechnical guidance where development proposals are in areas identified as being of medium to high risk of flooding and, in certain circumstances described in the SPP Flood Risk Framework, may also be required in the low to medium risk category. ii. Where built development in the medium to high risk category is permitted, measures to protect against, or manage, flood risk will be required and any loss of flood storage capacity must be mitigated to achieve a neutral or better outcome. Water-resistant materials and construction should be used where appropriate.

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

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	ii. In these cases a private system may be permitted where it does not pose a risk of detrimental effect, including cumulative effect, to the natural or built environment, cultural heritage or surrounding uses. iii. Where private drainage arrangements are proposed, the developer should consult the Scottish Environment Protection Agency (SEPA) in relation to authorisations of discharges of sewerage effluent to land or water.
Policy 14 **Transport, Travel & Road Network Infrastructure** **EXTRACT**	**C. Road Network Infrastructure** Development will only be permitted where due regard has been paid to Designing Streets and the proposal demonstrates that: i. It is well connected to the existing network of roads, paths and cycleways and will not create a barrier to future development; ii. It can be safely and conveniently accessed by service, delivery and other goods vehicles, as appropriate to the development; iii. Any new access, or upgrades to an existing access, linking to the adopted road network has been designed to an adoptable standard as defined by the National Roads Development Guide (new accesses should be resource efficient, safe for all road users, and convenient for sustainable travel modes); iv. It is designed to cause minimal impact on the character of the site and the surrounding area; and v. There are satisfactory arrangements to ensure that there is provision for the long term maintenance.