



Energy Isles Wind Farm **Planning Statement Update 2**

September 2021

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1. Introduction

1.1 Background to this Update

- 1.1.1 This Planning Statement Update 2 has been prepared by David Bell Planning Ltd (DBP) on behalf of Energy Isles Shetland Ltd (the Applicant) in relation to an application for Section 36 consent under the Electricity Act 1989 for the proposed Energy Isles Wind Farm (hereafter referred to as the 'Proposed Development'). In addition, the Applicant is also seeking deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act").
- 1.1.2 Since the submission of the Section 36 application in April 2019, Energy Isles Ltd has announced a development partnership with Statkraft UK Ltd. The partnership, operating as Energy Isles Shetland Limited is now the Applicant for the Proposed Development.
- 1.1.3 The Proposed Development has been altered as a result of further comments received from consultees and this is further explained below.

1.2 Changes to the Proposed Development

- 1.2.1 The Proposed Development that is considered and described within the original Environmental Impact Assessment (EIA) (hereafter referred to as the '2019 EIA Report') has changed following further consideration of consultee objections and/or comments. The site boundary remains unchanged.
- 1.2.2 Supplementary Environmental Information (SEI) was submitted in August 2020 (hereafter referred to as the '2020 SEI') detailing a reduction in the scale of the Proposed Development in response to consultee objection and comments.
- 1.2.3 In December 2020, following consideration of the comments received from NatureScot and Shetland Island Council (SIC) in response to the 2020 SEI, regarding the visual impact of the 2020 Layout on the Shetland National Scenic Area (NSA), the Applicant proposed to remove turbines T5, T6, T8, T9 and T10 from the layout. The associated tracks, hardstandings and borrow pit H were also removed. The Applicant also proposed for all remaining turbines to be set at 180 m tip height.
- 1.2.4 This 18-turbine layout was presented in indicative wirelines to NatureScot in February 2021, who advised that they considered this layout to have "*the potential to mitigate the effect of the wind farm on the immediate coastal character of Yell, which in turn contributes to the experience of NSA special landscape qualities.*" and that they "*consider there to be merit in assessing this layout*" (NatureScot, March 2021).
- 1.2.5 During discussions in December 2020, the Scottish Environment Protection Agency (SEPA) advised that the Applicant should look at minimising the requirement for borrow pits and thus minimise impacts on peatland habitat across the site. The removal of borrow pit H as well as the removal of five turbines and associated infrastructure resulted in a substantial reduction in anticipated volumes of peat to be excavated.
- 1.2.6 The Applicant also undertook a detailed engineering review of the layout in June 2021 to determine whether any further amendments could be made to optimise the layout while minimising impacts on peatland habitat.
- 1.2.7 A second round of SEI has therefore been prepared (hereafter referred to as 'SEI 2') to specifically address the points of concern raised by NatureScot, SEPA and SIC in response to the 2020 SEI. The Applicant is therefore proposing further revisions to the design, which are summarised as follows:

- > The removal of turbines T5, T6, T8, T9 and T10 with all remaining turbines (18 No.) at a tip height of up to 180m;
- > The removal of associated tracks and hardstandings;
- > The removal of borrow pits B, F and H; and
- > Other minor changes such as modifications to road junction.

- 1.2.8 The total estimated installed capacity of the Proposed Development (subject to turbine procurement) will be approximately 126 MW, but no greater than 200 MW. The overall footprint of the Proposed Development has reduced from 483,209 m² in the 2019 Layout, to 383,518 m² in the 2020 Layout to 279,327 m² in the current 2021 Layout.
- 1.2.9 Following consultation with, and subsequent approval from, the Civil Aviation Authority (CAA) and the Ministry of Defence, the Applicant proposes a reduced aviation lighting scheme whereby the peripheral turbines will be lit with medium intensity, visible, aviation lighting and infrared lights for military and rescue aviation purposes.
- 1.2.10 More detailed information on the Proposed Development and changes to the layout are provided within Chapter 3 of SEI 2.

1.3 Scope of Planning Statement Update

- 1.3.1 The purpose of this second Planning Statement Update is to provide an update of the policy appraisal for the Proposed Development with reference to new material considerations: specifically new matters that have arisen in relation to renewable energy policy and recent changes with regard to national planning policy.
- 1.3.2 The application was accompanied by a supporting Planning Statement in 2019 and an Update was provided alongside the 2020 SEI in August 2020. Over the last year there have been changes to national planning policy and renewable and climate change policy has further evolved with the publication of a number of key documents at the UK and Scottish levels.
- 1.3.3 Furthermore, the Scottish Government has issued the Fourth National Planning Framework 4 (NPF4) Position Statement.
- 1.3.4 Given some further revisions are being made to the Proposed Development in response to consultee comments, the opportunity is being taken to provide an update on the policy position.
- 1.3.5 In addition, as a consequence of the COVID-19 pandemic and the impact that it has had on the UK and indeed worldwide economy, the need and opportunity for a 'green recovery' is a key matter that is consistently referenced in renewable energy policy documents that have been published in 2020 and early 2021.
- 1.3.6 This policy appraisal focuses on these new matters and concludes as to the overall acceptability of the Proposed Development in relation to the planning and energy policy framework.
- 1.3.7 Cross references are also made to the previous Planning Statement documents to assist brevity. This report is set out as follows:
- > Chapter 2 sets out the up-to-date position with regard to the renewable energy policy framework with reference to recent policy developments.
 - > Chapter 3 makes reference to the key elements of national planning policy with reference to the NPF4 Position Statement and to changes made to Scottish Planning Policy (SPP), including reference to the recent successful legal challenge to SPP.
 - > Chapter 4 summarises the benefits of the Proposed Development; and

- > Chapter 5 presents overall policy and planning balance conclusions, taking into account the updated renewable energy and national planning policy position, project benefits and the findings on the environmental topics addressed within the SEI 2.

2. Renewable Energy & Legislative Policy Framework

2.1 Introduction

2.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions.

2.1.2 **It should be noted that the original Planning Statement and the first Update both covered the renewable energy policy framework, however it was considered helpful to set out this material, together with the most recent updates in this one document.**

2.1.3 The framework of international agreements, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and emissions reduction law is based. This underpins what can be termed the ‘need case’ for renewable energy from which the proposed development can draw a high level of support. The detail of this policy and legislative framework, with a focus on more recent provisions is set out in **Appendix 1**.

2.1.4 Any relevant Government policy is a material consideration as a matter of law. Thus, it is not necessary for new Government policy, where relevant, to find explicit expression in national planning policy for it to be or become a material consideration. In contrast the weight to given to any policy is, subject to taking a reasonable and rational approach, a planning judgement and a matter for the decision maker.

2.1.5 The Proposed Development must therefore be considered against a background of directly material UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice. These together provide very strong support for onshore wind in principle as explained below. Moreover, much of this energy and climate policy and most of the key legislative provisions postdate issued national planning policy. The law must be applied. Energy and climate change related policy can, and in this application should, be given great weight if the Climate Emergency and Net Zero are taken seriously.

2.1.6 It is evident that there is unequivocal, clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally (including onshore wind) to combat the global heating crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets. The proposed development would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting emissions reduction to combat global heating in the current Climate Emergency.

2.1.7 In this global context, Government renewable energy policy and associated renewable energy and electricity targets and the need for a ‘green recovery’ from the Covid-19 pandemic are considerations of the highest importance. It is important to be clear on the current position as it is a fast-moving topic of public policy. New legally binding targets introduced at both a UK and Scottish level and declared Climate Emergencies mean a different approach needs to be adopted whilst land use planning policy documents ‘catch up’.

2.2 The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021)

2.2.1 The most recent IPCC Assessment Report AR6 published in August 2021 makes for very stark reading. It is unequivocal that human influence has warmed the planet and widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred. In his statement on the issue of AR6, the UN Secretary General stated that:

“We need immediate action on energy. Without deep carbon pollution cuts now, the 1.5° C goal will fall quickly out of reach. This report must sound a death knell for coal and fossil fuels before they destroy our planet. There must be no new coal plants built after 2021. OECD [Organisation for Economic Co-operation and Development] countries must phase out existing coal by 2030, with all others following suit by 2040. Countries should also end all new fossil fuel exploration and production, and shift fossil fuel subsidies into renewable energy. By 2030, solar and wind capacity should quadruple, and renewable energy investments should triple to maintain a net-zero trajectory by mid-century” (underlining added)

2.3 The Climate Emergency & Net Zero – the new law

- 2.3.1 The UK Government is legally committed to the delivery of a reduction in emissions to 'net zero' by 2050. The Scottish Government has committed to achieve net zero by 2045, some five years earlier.
- 2.3.2 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared in Scotland in April 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the Committee on Climate Change (CCC) and in response to commitments under the Paris Agreement, as set out in Appendix 1) and what followed from it as a result of the declaration (new emissions reduction law).
- 2.3.3 The key issue in relation to these statements is that they acknowledge the very pressing need to achieve radical change and that by 2030 it will be too late to limit warming to 1.5 degrees. The Scottish Government therefore acted on the Climate Emergency in 2019 by bringing in legislation and increasing the Interim emission reduction target to 75% - a higher figure than recommended by the CCC.
- 2.3.4 Furthermore, the declaration of the emergency is not simply a political declaration, it is now the key priority of Government at all levels. Indeed, defining the issue as an emergency is a reflection of both the seriousness of climate change and its potential effects and the need for urgent action to cut carbon dioxide and other greenhouse gas emissions.
- 2.3.5 It means action now, not next year. The new emissions reduction legislation was brought in (enacted) in 2019 and brought into force by Regulations in March 2020 – it did not wait for planning policy to be updated.

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

- 2.3.6 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. However, the new Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the 2009 Act and sets even more ambitious targets – which reflect the recommendations of the CCC for a net zero greenhouse gas (GHG) emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.
- 2.3.7 There are two key matters which arise from the changes in targets. The first is that the 2019 Act has significantly increased the target required to be met by 2030. Indeed, when the matter was proceeding through Parliament, it was the Scottish Parliament that increased the requirement from a 70 to 75% reduction by 2030. This built upon and acts upon the declarations of the climate change emergency and recognises the urgent response that is required.

- 2.3.8 In addition to that particular matter, the legislation also introduced annual targets. These are set out at section 6.4¹ in **Appendix 1**. This clearly illustrates the speed of change that is required essentially prior to 2030. This also demonstrates that up to 2020 the annual percentage reduction that was required was 1% but this immediately leaps each year from 2020 to 2030. It increases to 1.9% for each year between 2020 and 2030. This is the level of change that is required to achieve the 2030 target and represents a near doubling of the response. As highlighted in Appendix 1, currently the targets are not being achieved. This demonstrates the scale of change required over the next decade to achieve the 2030 target.
- 2.3.9 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and the 2020s is a critical decade – further underlined by the IPPC August 2021 AR6 Report.

The Sixth Carbon Budget

- 2.3.10 As referenced in the detail of policy framework presented in **Appendix 1**, the CCC published its Sixth Carbon Budget December 2020. It is no exaggeration to say that the scenario analysis by the CCC indicates that Scotland's 75% emissions reduction target by 2030 will be almost impossible to meet. None of the five scenarios² modelled by the CCC – even its most optimistic and stretching – suggests Scotland is close to achieving the 75% emissions reduction by 2030³.

“Scotland’s 75% target for 2030 will be extremely challenging to meet, even if Scotland gets on track for net zero by 2045. Our balanced net zero pathway for the UK would not meet Scotland’s 2030 target – reaching a 64% reduction by 2030 – while our most stretching tailwinds scenario reaches a 69% reduction”.

- 2.3.11 But this does not mean failure should be accepted. The planning response should be to redouble efforts, and this will mean taking many timeous and positive decisions on projects such as this. Any argument that advice in SPP and other documents that the approach is simply that “the aim is to achieve the right development in the right place” means that nothing has changed in development management. To adopt the stance of “business as usual” would fundamentally miss the point of the law and policy which postdates SPP.
- 2.3.12 The previous Scottish Energy Minister⁴ 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”*.

The UK Energy White Paper

- 2.3.13 The UK Government Energy White Paper ‘Powering our Net Zero Future’ (December 2020) sets out that: *“electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050”*.
- 2.3.14 It adds a key objective is to *“accelerate the deployment of clean electricity generation through the 2020s”* (page 38). Electricity demand is forecast to double out to 2050, which will *“require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target”* (page 42). On page 45, it is clearly stated that *“onshore wind and solar will be key building blocks of the future generation mix, alongside offshore wind.”*

¹ See specifically Table 1 in Appendix 1.

² The five scenarios are referred to in the report as follows: Balanced Net Zero Pathway; Headwind; Widespread Engagement; Widespread Innovation and Tailwinds.

³ See pages 228-9. The five scenarios are explained in pages 43-48.

⁴ Paul Wheelhouse, Minister for Energy, Connectivity and the Islands, Ministerial Foreword of the ‘Annual Energy Statement 2019’ Scottish Government.

2.3.15 In terms of electricity policy in the White Paper, the UK Government clearly recognise that the scale of change that is required to respond to climate change is at a pivotal point. The anticipation is that there is going to need to be a global green industrial revolution and it is only through this that an appropriate response would be made to tackling climate change issues. Chapter 1 of the White Paper sets out this context and makes clear the likely change in the nature and volume of electricity generation. It recognises the very significant role that renewable electricity generation will play in relation to delivering total energy usage. This means it will have to play a much greater role in decarbonising both transport and heat.

2.3.16 The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable electricity generation by 2030.

2.4 Climate Change & Renewable Energy Policy

The Scottish Energy Strategy

2.4.1 The Scottish Energy Strategy (SES) (2017) is slightly out of date in relation to the new targets which have been established but sets out a discussion of the technologies and the challenges that are faced.

2.4.2 The SES preceded the important events and publications referred to above but nevertheless sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically 50% energy from renewable sources to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding ‘net zero’ targets so it is out of date in that respect. As heat and transport are decarbonised, demand for electricity from renewable sources will increase significantly and that is clear in the recent UK White Paper projections.

2.4.3 Further substantial deployment of renewable energy generating technology will be required throughout the 2020s in order to meet the targets identified above. As a mature technology which can be deployed relatively quickly (e.g. compared to offshore wind), onshore wind development has a continuing and important role to play. That is why it is identified as a key “building block” by Whitehall.

The Onshore Wind Policy Statement

2.4.4 One of the key messages in the Onshore Wind Policy Statement (OWPS) (2017) is the recognition that onshore wind is to play a “vital role” in meeting Scotland’s energy needs, a “material” role in growing the economy and it is specifically stated that the technology remains “crucial” in terms of Scotland’s goals for an overall decarbonised energy system and to attain ambitious renewable targets for the milestone dates of 2020, 2030 and 2045.

2.4.5 This language on the role of onshore wind is demonstrably stronger than that in the National Planning Framework (NPF) and Scottish Planning Policy (SPP) published in 2014. Even if a view is taken that the language is no different, the context within which the NPF / SPP policy statements were given is demonstrably different by way of fundamentally different targets. The increased importance of the contribution that onshore wind is expected to make to targets and meeting future energy needs to be recognised.

- 2.4.6 The section of this document at page 43 provides very strong support for the further deployment of onshore wind. It is noted that one of the actions in relation to onshore wind was that the Scottish Government will push for the UK-wide policy support for onshore wind and, in particular, provide a route to market. This is exactly what has happened in relation to the opening up of the CfD⁵ auction to onshore wind by the UK Government this year.
- 2.4.7 An important context to this particular document was the removal of market support by the UK Government in 2015. This policy statement seeks to support the further deployment of onshore wind despite the challenges that have been put in place. In particular, the Scottish Government recognised that onshore wind will continue to play “*a vital role in Scotland’s future*” (page 3).
- 2.4.8 Furthermore, the Government recognised the importance of technology developments in responding to those challenges. The consequence of these factors is likely to involve the deployment of the larger, more efficient turbines. This is all set out in paragraphs 22, 23 and 24. This is then formally supported in paragraph 25 in relation to the deployment of the more efficient turbines. There are a number of aspects of this particular proposal which demonstrate the efficiency and opportunities that are created by the deployment of the larger scale turbines – this is evident from the energy output and emissions savings figures set out in Chapter 5 of this Hearing Statement.
- 2.4.9 The OWPS also makes specific reference to the move “*towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights*”. Notice is therefore given of market reality and evolving technological change and the benefits larger turbines can bring in terms of energy yield and as a consequent larger contribution to targets.
- 2.4.10 Whilst the SES and the OWPS are evidence of a continuum of ever stronger positive advice on onshore wind development as part of the Scottish Government’s renewables strategy, the latest documents and legally binding targets for net zero introduced in 2019 and which came into force in March 2020 go further still.

The Energy Strategy Position Statement

- 2.4.11 The Scottish Government published ‘Scotland’s Energy Strategy Position Statement’ in March 2021. It provides an overview of Government policies in relation to energy. It sets out (page 5) that it reinforces the Government’s commitment to remain guided by the key principles set out in the SES of 2017 and reinforces “*the importance the Scottish Government attaches to supporting the energy sector in our journey towards net zero, thus ensuring a green, fair and resilient recovery for the Scottish economy*”.
- 2.4.12 The Ministerial Foreword references the challenge of the pandemic which has created an economic crisis and notes that the Climate Emergency “has continued unabated”. It sets out: “*in this context, the need for a just transition to net zero greenhouse gas emissions by 2045, in a manner that supports sustainable economic growth and jobs in Scotland, is greater than ever*”. (underlining added)
- 2.4.13 The benefits of the proposed development would help attain these policy objectives – the net zero target which the National Audit Office say is “*a colossal challenge*”. Moreover, the project would deliver economic benefits at a time of economic difficulty – consistent with the ‘green’ recovery being sought by both the UK and Scottish Governments.
- 2.4.14 It is clear from the UK White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.

⁵ Contracts for Difference.

- 2.4.15 As noted in **Appendix 1**, the CCC's Sixth Carbon Budget suggests that onshore wind installed would need to double to 25-30GW by 2050, across all scenarios. The need for onshore wind derives not only from the scale of the challenge but also the pace of required progress. The 2030 interim target is critical and Scotland is not on the required trajectory. Onshore wind is uniquely well placed to be deployed quickly and cost efficiently during the 2020s.
- 2.4.16 Decisions through the planning system must be responsive to this changed position. Decision makers can do this by according very substantial weight to the energy policy objectives articulated above in the planning balance. Weight attaching to the need case and the benefits flowing from the proposed development are for the decision maker alone. This is further examined below with reference to some relatively recent decisions.
- 2.5 Giving very substantial weight to Renewable Energy Policy and new Targets**
- 2.5.1 The need case for renewable energy generation and emissions reduction targets as set out in NPF3 and SPP, drafted in 2014, is considerably outdated. Drafting in the documents, appropriate at the time, does not reflect the new reality. The documents are under review and have to a large extent been overtaken by the new statutory provisions and related policy on renewable energy targets and GHG emissions reductions. The direction of travel is one way. It is inconceivable that the strength of the need case will do anything other than intensify in future policy documents such as NPF4.
- 2.5.2 Any suggestion that the Climate Emergency does not give rise to an urgent need for action simply because, as yet, planning advice and guidance has not been amended, would be misguided. For the reasons set out above, it is wholly legitimate and expected for the planning system to take account of updated and emerging issues as material considerations (and indeed the law) in arriving at a decision on a proposal.
- 2.5.3 The Applicant's position is that the planning balance clearly needs to take into account SPP and NPF3 since they remain important material considerations unless and until replaced. However, as noted, other legislative interventions and statements of Government policy such as described above (and see **Appendix 1**) are also material considerations of relevance that should be afforded weight, and indeed increasingly greater weight.
- 2.5.4 In other words, the Applicant is not saying the current national planning policy framework is to be disregarded, but it does not currently reflect the even greater weight that needs to be afforded to benefits and the speed of response of renewable deployment that is needed, as set out by the provisions of the 2019 Act. SPP and NPF3 are of their time and place and did not predict the scale of the transformation needed to be a carbon free society. However it is clear now (by way of the 2019 Act) that Scotland was not moving fast enough to achieve the necessary emissions reduction. Both documents advocate a 'low carbon' shift in terms of policy – but the policy and law is now to attain a net zero position.

2.6 Conclusions

- 2.6.1 The increased weight to be given to benefits of the proposed development is justified on the basis of the new material considerations that have arisen since SPP and NPF3 were published in 2014.
- 2.6.2 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the 'colossal' and urgent challenge of net zero and the need to substantially increase renewable capacity. At the same time, there is the need to take advantage of the renewable and low carbon sector to drive the green recovery from the current coronavirus pandemic that has so devastated the UK economy. This is a consistent message from both the UK and Scottish Governments.
- 2.6.3 In short, climate change mitigation is an overriding priority of Government. The NPF4 Position Statement referenced in the following Chapter, recently expressed the position in clear and succinct terms:
- "We cannot afford to compromise on climate change. If we are to meet our targets, some significant choices will have to be made."*
- 2.6.4 It must follow that the need case is to be accorded very substantial weight in the planning balance. It is not an over-riding consideration and does not provide carte blanche for onshore wind schemes such as this. However, it must be acted on. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be.

3. Updated Policy Appraisal

3.1 Introduction

- 3.1.1 This Chapter makes reference to the national planning policy and relevant Development Plan policies and related guidance and provides an updated assessment of the Proposed Development against the key policy provisions.
- 3.1.2 National planning policy guidance and advice in terms of the National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) was addressed in the original and previous Planning Statement Update. That material is not repeated.
- 3.1.3 Amendments were made to SPP in December 2020 and the NPF4 'Position Statement' was published in November 2020. These are new matters. Furthermore, there has been a recent successful legal challenge to the Scottish Planning Policy (SPP) Amendments of 2020 and this is referenced below.

3.2 Scottish Planning Policy

- 3.2.1 As noted, 'Amendments' were made to SPP in December 2020. The amendment of relevance to the application was in relation to the changed wording on the 'presumption' at paragraphs 28 through to 33 of SPP.
- 3.2.2 The Court of Session upheld the grounds of challenge to the 2020 Amendments to SPP and has granted a decree of reduction⁶. The position now is that we therefore fall back on SPP as it was before the amendments, i.e. SPP of 2014.
- 3.2.3 Paragraph 27 of SPP (2014) which as noted is now revived – is a presumption in favour of development that "*contributes to sustainable development*".
- 3.2.4 Paragraph 29 of SPP (2014) sets out that policies and decisions should be guided by a number of principles. These have not changed. The Proposed Development was assessed against those principles in the as set out in the original Planning Statement of 2019 and the previous Planning Statement Update, and that overall appraisal remains relevant.
- 3.2.5 The Proposed Development would therefore be consistent with the principles set out at paragraph 29 of SPP and it would also assist in delivering SPP Outcomes in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) – indicating that overall the proposal is considered to be one that would 'contribute to sustainable development'.
- 3.2.6 The conclusion remains therefore that the Proposed Development enjoys the presumption in favour – which is a presumption in favour of granting consent.

3.3 The Fourth National Planning Framework Position Statement

- 3.3.1 The Fourth National Planning Framework (NPF4) is being prepared by the Scottish Government to replace NPF3 and SPP and will represent a new National Plan and, for the first time, will become part of the statutory Development Plan. The NPF4 'Position Statement' was published by the Scottish Government on 26th November 2020.
- 3.3.2 A call for ideas for NPF4 was undertaken by the Scottish Government in early 2020 and the Position Statement "*sets out our current thinking to inform further discussions on the content of a draft revised framework for consultation. It aims to support those discussions and is not, in itself, a document setting out policy*".

⁶ [2021] CSOH 74 – the challenge succeeded on the first ground, which was that the consultation was procedurally flawed because it was misleading.

- 3.3.3 The Statement makes it clear that the current NPF3 and SPP "*remain in place until NPF4 is adopted by Ministers*". Page 40 of the Statement states however that "*the Position Statement provides an idea of the direction of travel*" to inform a full draft of NPF4.
- 3.3.4 The plan looks ahead to 2050 and it is clear that a central element is a planning approach to deliver 'net-zero' emissions. The introductory section entitled 'Our Future Places' states that:
- > "*a significant shift is required to achieve net-zero emissions by 2045*"; and that
 - > "*We will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions*".
- 3.3.5 Page 2 states "*we cannot afford to compromise on climate change. If we are to meet our targets, some significant choices will have to be made*". References to "significant choices" and "no more compromises" is strong language.
- 3.3.6 It is also clear that a central part of the new policy approach will be to help stimulate the green economy.

Key Opportunities

- 3.3.7 In terms of future places, the Government has set out twelve "*key opportunities to achieve this*" and with specific reference to renewables, 'Opportunity 8' states "*supporting renewable energy developments, including the re-powering and extension of existing wind farms ...*" (page 3). (underlining added).

Outcomes

- 3.3.8 The Statement sets out various outcomes for 2050 (page 5) and states that the long-term strategy "*will be driven by the overarching goal of addressing climate change. We must play our full part in tackling the global climate emergency by reducing greenhouse gas emissions in line with our legal targets.*" The four key outcomes for NPF4 are expected to be as follows:
- > Net-Zero Emissions;
 - > A Well-being Economy;
 - > Resilient Communities; and
 - > Better, Greener Places.
- 3.3.9 The Statement addresses each of these outcomes in turn, covering a summary of the principal consultation responses on these matters, emerging spatial priorities and outlines potential policy changes. In terms of the net-zero emissions outcome, the Statement sets out "*a plan for net-zero emissions*". Key points in this include that the Government will build on the Climate Change Plan⁷ and take forward the advice provided by the UK Committee on Climate Change. The Statement sets out that the new spatial strategy will:
- > *Prioritise emissions reduction* – in this regard it states: "*climate change will be the overarching priority for a spatial strategy. To achieve a net-zero Scotland by 2045 and meet the interim emissions reduction targets of 75% by 2030 and 90% by 2040, an urgent and radical shift in our spatial plan and policies is required. Scotland's updated Climate Change Plan will be published later this year, setting a course for achieving the targets in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019. NPF4 will take forward proposals and policies to support it.*" (underlining added)
 - > Deliver infrastructure to reduce emissions – it states: "*we expect that NPF4 will confirm our view that the Global Climate Emergency should be a material consideration in*

⁷ Climate Change Plan (2018).

considering applications for appropriately located renewable energy developments."
(page 9).

Potential National Planning Policy Changes

- 3.3.10 In terms of potential policy changes (page 10), there are various proposals which are intended to *"support a spatial strategy for net-zero emissions"* and these are to include *"updating the current spatial framework for onshore wind to continue to protect National Parks and National Scenic Areas, whilst allowing development outwith these areas where they are demonstrated to be acceptable on the basis of site-specific assessments"*.
- 3.3.11 In terms of the Wellbeing Economy outcome, the Statement sets out that the new spatial strategy will support a sustainable and green economic recovery and references the need to recover from the impacts of COVID-19 through *"a sustainable, green economic recovery, as recognised in the 2020 report by the Advisory Group on Economic Recovery"* (page 22).

Next Steps on NPF4 & Key Points

- 3.3.12 The Government is continuing its engagement process on NPF4 and opened a further consultation period which ended on 19 February 2021. A full draft of NPF4 is expected to be published in September 2021 at which time it will be laid before the Scottish Parliament and will also be the subject of wider public consultation, with a view to being adopted in 2022.
- 3.3.13 Key points in the Position Statement include:
- > Whilst the Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document is an expression of the Government's clear direction of travel of policy – involving a *"rebalance"* of the planning system *"so that climate change is a guiding principle for all plans and decisions"*.
 - > The new spatial strategy will *"prioritise emissions reduction"* – which is underpinned and made necessary by the changes in energy policy and the law (in terms of emissions reduction targets).
 - > Onshore wind is the specific renewable technology referenced in the *"key opportunities"* and is expected to play a significant role in the plan for net-zero emissions.
 - > The Scottish Government is following the clear recommendations of the CCC, recognising an *"urgent and radical shift in our spatial plan and policies is required"*.
 - > Recognition that the climate emergency should be a material consideration in considering applications for renewable energy developments.
- 3.3.14 Whilst the document is not issued and consulted upon planning policy, it is, as noted, a clear insight into the direction of travel of planning policy. Indeed, as a Ministerial Statement, the Position Statement is relevant to the Proposed Development, and a material consideration that requires to be considered and weighed with other material considerations. The weight to be given to the Position Statement will be decisively influenced by the emissions reduction law now in place.

3.4 Scottish Government & Scottish Green Party: Draft Shared Policy Programme

- 3.4.1 The Scottish Government and the Scottish Green Party agreed a formal Cooperation Agreement for the next five years of Government on 20 August 2021. A shared policy programme entitled 'The Bute House Agreement' was published on 20 August 2021 which sets out areas of mutual policy interest including energy and planning. This publication has been issued in advance of a formal 'Programme for Government' which is expected to be published in September 2021. The document therefore provides the latest insight into the

Government's approach to both energy and national planning policy. Key points of relevance from the document including the following.

3.4.2 In terms of energy, on page 12 of the document it is set out the parties:

"believe that the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system. While electricity has already been largely decarbonised, our plans will see a significant increase in electricity demand for heating and transport. To accommodate this, we will support the continued and accelerated deployment of renewable energy".

3.4.3 In order to do this the parties state that they will *"set an ambition to deliver, subject to consultation, between 8 and 12GW of additional installed onshore wind by 2030... - this will be supported by the changes in the planning system needed to permit the growth of this essential zero carbon sector"*. (underlining added)

3.4.4 At the present time Scotland has approximately 8.4GW of installed onshore wind capacity. Therefore, the Government is looking to at the minimum, to double this capacity, by adding a minimum additional further 8GW in just less than ten years.

3.4.5 In terms of planning, the Agreement (page 17) states that the parties will inter alia:

- > *"agree to ensure approval and adoption of Scotland's Fourth National Planning Framework (NPF4) which will be vital in supporting the delivery of net zero by 2045 with significant progress by 2030;*
- > *actively enable renewable energy.... supporting repowering of existing windfarms and planning for the expansion of the grid".*

3.4.6 This further insight into the latest policy approach by the Government further supports the conclusions that the need case for the Proposed Development and the benefits arising should be afforded great weight.

3.5 The Shetland Development Plan

3.5.1 The statutory development plan covering the application site comprises the following:

- > The Shetland Local Development Plan (SLDP) adopted by The Shetland Islands Council in September 2014 which sets out the overarching spatial planning policy for the whole of The Shetland Islands Council area; and
- > various Supplementary Planning Guidance including the adopted Supplementary Guidance on Onshore Wind Energy (February 2018).

3.5.2 The SLDP is referenced in some detail in the original and previous Planning Statement Update.

3.5.3 The SLDP (page 49), in the introductory preamble to Policy RE1 Renewable Energy, states that Shetland is well placed to make a positive contribution to national targets through the development of the outstanding renewable resource available such as wind, wave and tidal and that, the Council is committed to harnessing the benefits from renewable energy for the good of the community at large.

3.5.4 The justification text to Policy RE1 on Page 50 states that renewable energy developments can provide a sustainable opportunity for diversification within the Shetland economy and that *"there is potential for communities and small businesses to invest in ownership of renewable energy projects or develop their own projects for the benefit of local communities. Shetland demonstrates a number of strengths that support the development of renewable technologies and the Plan seeks to support these opportunities ensuring that Shetland's renewable energy potential is optimised"*.

- 3.5.5 The principal determining policy in the SLDP relevant to an assessment of the Proposed Development is Policy RE1 Renewable Energy which states that “*the Council is committed to delivering renewable energy developments that contribute to the sustainable development of Shetland*”.
- 3.5.6 Proposals for renewable energy developments “will be supported” where it can be demonstrated that there are “no unacceptable impacts” on people (benefits and disbenefits for communities and tourism and recreation interests), the natural and water environment, landscape, historic environment and the built environment and cultural heritage of Shetland.

3.6 Policy RE1 ‘Renewable Energy’

- 3.6.1 All of the relevant policies in the SLDP and the Council’s Supplementary Onshore Wind Energy Guidance (2018) cross refer to the Plan’s principal determining Policy RE1 which is supportive of sustainable, renewable energy developments. The position of the Council is that proposals will be supported where they are located, sited and designed, with mitigation applied, as required, such as they will not have unacceptable impacts, either individually or cumulatively with other developments, having regard to the specified policy criteria.
- 3.6.2 The original and previous Planning Statement Update appraised the Proposed Development against environmental considerations and concluded that it would be in accordance with all relevant policies of the SLDP including the lead policy RE1.
- 3.6.3 The SEI 2 explains the further reduced scale of development⁸ and consequently further reduced impacts of the Proposed Development. The SEI 2 covers all relevant environmental and technical topics but also deals with the issues and objections raised by consultees and other parties including in particular NatureScot (NS), the SEPA and the Ministry of Defence (MoD).
- 3.6.4 Key matters relate to the changed effects of the Proposed Development with specific regard to:
- > Landscape and visual impact, in particular on the Shetland National Scenic Area (NSA); and the objection from NS dated 09/10/2020;
 - > Carbon rich soils, deep peat and priority peatland habitat and the objection from SEPA dated 26/10/2020; and
 - > The impact of development upon Air Defence Radar at Remote Radar Head Saxa Vord and the objection from the MoD dated 02/11/2020.
- 3.6.5 The conclusions from the SEI on these specific topics are summarised below, before policy conclusions are then drawn.

Landscape and Visual Impact

- 3.6.6 A key landscape and visual matter that has been addressed in SEI 2 is the basis of NS’s objection to the Proposed Development is set out in its consultation response dated 15th July 2019. This response is assessed in detail within 2020 SEI and not repeated here. In summary, NS’s objection to the Proposed Development is due to the “*significant adverse effects on the special qualities of the Shetland NSA such that the objectives of the designation and overall integrity of the area would be compromised.*”
- 3.6.7 An updated Landscape and Visual Impact Assessment (LVIA) was undertaken for the Proposed Development. It sets out the revised effects on the Shetland landscape, and also includes effects on coastal character.

⁸ The overall footprint of the Proposed Development has reduced from 483,209 m² in the 2019 Layout, to 383,518 m² in the 2020 Layout to 279,327 m² in the current 2021 Layout.

- 3.6.8 The revised assessment has considered the effects upon designated landscapes including the Shetland NSA.
- 3.6.9 From a visual perspective, the revised assessment considers effects upon residents at settlements, users of roads, ferries and recreational routes, which include locals and tourists. A revised residential visual amenity assessment is also included.
- 3.6.10 The assessment of cumulative effects has also been reviewed. Some cumulative interactions will occur, with Garth Wind Farm and the Proposed Development appearing as separate, contrasting wind farms.
- 3.6.11 Following agreement with the CAA of a reduced visible aviation lighting scheme, as set out in the WPAC Report in Appendix 13.1 to Chapter 13 of SEI 2, a revised Night Time Lighting Assessment has also been prepared.
- 3.6.12 Following on from feedback from consultees, including NS and SIC, the wind farm layout was reviewed and amended to take account of concerns. In particular, the removal of five turbines from the western edge of the Proposed Development (and reduction in height of ten turbines to 180m) has been proposed to address concerns related to the perceived effects on the special landscape qualities of two sub-units of the Shetland NSA.
- 3.6.13 It is explained in SEI 2 (Chapter 5) that:
- > By drawing the Proposed Development further back from the coastline of Yell, the perceived association of the wind farm with the coastline, and therefore the experience of the special landscape qualities, is reduced.
 - > The reduction to the north west has also placed the wind farm more definitively within a single landscape type, that being the moorland interior of northern Yell, where capacity for a commercial scale of wind farm development is supported, in principle, within the guidance presented in SIC's Landscape Sensitivity and Capacity Study for Wind Farm Development in the Shetland Islands (LUC, March 2009).
 - > The reduction in the turbine footprint, from 23 in the 2020 Layout to 18 in the 2021 Layout, also reduces the horizontal extent of the wind farm as seen in many views from the north, south and west.
 - > As such, the wind farm has a more coherent appearance in wider views and it relates better to the moorland setting because it has more equal areas of undeveloped moorland to either side. Turbines have been removed from views between the headlands of the islands and away from the fore of views to noticeable hills and topography.
- 3.6.14 It is also explained that the removal of five turbines and the reduction in height of turbines to a consistent level of 180m to blade tip has also reduced the visible extent of the wind farm in some views, in particular from nearby settlement, and the profile of the wind farm more closely relates to the flow of the underlying landscape, with less occurrences of prominent turbines. The reduction in the number of turbines has also reduced the occurrences of overlapping turbines in views.
- 3.6.15 Significant landscape and visual effects are to be expected for any commercial scale wind farm, and this is no exception. A number of significant effects are predicted including significant landscape effects on the landscape character of the site and its surroundings, visual effects on residents at settlements and tourists including recreational walkers.
- 3.6.16 The removal of five turbines and associated infrastructure has reduced the magnitude of change for the majority of receptors, with a removal of significant effects in a small number of instances. In other locations, the magnitude of change leading to a significant effect has reduced to the lowest level that is capable of triggering a significant effect. In particular the magnitude of change will be reduced for some landscape and visual receptors to the north, west and south of the wind farm.

- 3.6.17 The LVIA concludes that the large-scale, open and expansive landscape of Yell is considered to have attributes which are suited to wind farm development, as recognised in the Capacity Study. The Proposed Development is an appropriate scale of development, focussed away from the scattered settlement and coastal crofting land within the expansive landscape of the interior which has a simple landform and an absence of development. This is a remote landscape with a large scale and simple landform. Whilst the effects will be significant locally to the site, and for some visual receptors in middle range views to the site, it is considered that these can be accommodated in this open windswept upland moorland landscape.
- 3.6.18 In conclusion, the updated LVIA assessment in SEI 2 has found that the Proposed Development can be satisfactorily accommodated within the landscape capacity of Mid Yell, as identified within the Council's Capacity Study from 2009. The changes have also gone some considerable way to addressing the matters raised by NS in their consultation response. These are important considerations to be afforded significant weight.

Geology, Peat, Hydrology and Hydrogeology & Peatland Habitat

- 3.6.19 Chapter 10 of SEI 2 addresses geology, peat, hydrology and hydrogeology. It is explained in the Chapter that the 2021 Layout further reduces the scale of some of the potential adverse effects, however the significance of the potential adverse effects for hydrology, hydrogeology, geology and peat remain the same as outlined with the 2020 SEI.
- 3.6.20 A revised Outline Peat Management and Restoration Plan (PMP) has been provided (as Appendix 10.1 of SEI 2) as the reduction in infrastructure significantly reduces the development infrastructure area and volumes of peat extracted and re-used. A key point therefore is that the layout optimisation and infrastructure area reduction have resulted in very significant changes in the volume of peat that will require to be excavated (a 53% reduction in the volume of peat to be excavated when compared against the original EIA layout and 43% in relation to SEI 2020 layout). A detailed PMP, based on the principles of the Outline PMP will be secured by planning condition.
- 3.6.21 The full calculations associated with these volumes are presented in detail in SEI 2 Appendix 10.1 along with the peat reuse strategy which is similar to the approach detailed in the 2019 EIA Report and 2020 SEI

Other Environmental Topics

- 3.6.22 In terms of aviation and the potential impact of development upon Air Defence Radar at Remote Radar Head Saxa Vord, further consultation has been undertaken with the MoD since the 2020 SEI to present a SERCO report detailing proposed mitigation. The Applicant and the MoD have subsequently agreed on an appropriately wording planning condition and the MoD has lifted their objection. Chapter 13 within SEI 2 provides further details.
- 3.6.23 Other relevant environmental topics including cultural heritage, ornithology, ecology, noise etc are considered to be satisfactorily addressed such that no unacceptable effects from the proposed Development would arise.

3.7 Policy Appraisal – Conclusion

- 3.7.1 Both NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource provided by onshore wind. This is clearly not at any cost and development continues to be guided to appropriate locations and environmental effects need to be judged to be acceptable when weighed against the benefits of such schemes, before consents are forthcoming.
- 3.7.2 The Proposed Development benefits from the presumption in favour of 'development that contributes to sustainable development' as per SPP (2014).
- 3.7.3 It can be considered to be the 'right development in the right place' (paragraph 28 of SPP) not only because the proposal is in accordance with the guiding principles relevant to this

type of development set out in paragraph 29 of SPP, but also because what is proposed has a strong consistency with the declared desirable planning Outcomes within SPP. Importantly, the 'place' is also identified as being suitable in principle by way of the Council's landscape capacity study.

- 3.7.4 Finally, with regard to national planning policy, it has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP is both out of date and out of step with current targets as set out in new law. The documents are under review and have to a large extent been overtaken by new renewable energy targets and statutory provisions on greenhouse gas emissions reductions which have been explained in the following Chapter.
- 3.7.5 Whilst the NPF4 Position Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document is an expression of the Government's clear direction of travel of policy involving a "rebalance" of the planning system "*so that climate change is a guiding principle for all plans and decisions*".
- 3.7.6 Furthermore, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a 'low carbon economy' – there is now an ambitious policy imperative underpinned by new statute to move to a 'net zero economy and society'. The proposed development can help achieve that clear policy objective.
- 3.7.7 No effects would arise that could be considered unacceptable having specific regard to SLDP policies and it is considered that the Proposed Development accords with the Development Plan when read as whole.

4. The Benefits of the Development

4.1 Summary of the Benefits

4.1.1 The Proposed Development would result in a wide range of benefits as follows:

- > With an indicative capacity of approximately 126 MW (but not greater than 200MW), the Proposed Development would make a **valuable contribution to the attainment of the UK and Scottish Government policies** of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government currently unmet targets for renewable energy and electricity generation. The Government has confirmed its long-term commitment to the decarbonisation of electricity generation and the proposal would help advance this policy objective.

Furthermore, the UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government target of a 75% reduction of such emissions by 2030 and net zero by the earlier date of 2045 are major challenges. The Government has made it clear that onshore wind plays a vital role in the attainment of future targets in relation to helping to combat the crisis of global heating.

- > Based on the capacity factors of other wind farms on Shetland⁹ and supported by independent analysis, the **annual indicative energy output** for the site is expected to be approximately 562,917 MWh/per annum¹⁰, indicating that the Proposed Development would generate enough electricity to power over 157,327 average UK households¹¹.
- > The potential annual **carbon emission savings** for the Proposed Development have been set out in Chapter 16 of the SEI 2. This explains that as a result of the operation of the Proposed Development, it is expected that the annual carbon savings would be in the order of 143,000 tCO₂e annually - a considerable beneficial environmental effect.
- > The Proposed Development would have a carbon 'payback' time of 1.7 years. The Proposed Development therefore has a **very low carbon footprint** and after 1.7 years, the electricity generated is estimated to be carbon neutral and will displace grid electricity generated from fossil fuel sources.
- > The economic analysis found that during the development and construction phase, the Proposed Development would contribute the following **economic benefits**:
 - £17.3 million and 152 job years in Shetland; and
 - £55.2 million and 499 job years in Scotland.
- > During each year the operation and maintenance of the Proposed Development would contribute:
 - £0.4 million and three jobs in Shetland; and
 - £0.9 million and seven jobs in Scotland.
- > The Proposed Development would result in a **capital expenditure** of the order of £149.7 million and would generate employment during the construction and operational periods.

⁹ e.g. Burradale Wind Farm on the island of Mainland, Shetland has an average annual capacity factor of 52% <https://www.burradale.co.uk/>. This has been independently validated by a third party consultant using analysis of the wind resource for the Proposed Development to assume a capacity factor of 51%.

¹⁰ This has been calculated by multiplying the annual capacity of the Proposed Development (126 MW) by the hours in a year (8760) by the capacity factor (51%).

¹¹ This has been calculated by dividing the annual power output (562,917 MWh) by annual UK average household consumption (3.578 MWh) (BEIS, 2020).

- > The Proposed Development would also contribute £0.63 million per annum in **community benefits**, equating to £18.9 million over 30 years. In addition, the Proposed Development would contribute approximately £1 million per annum in Non-Domestic Rates.

The economic analysis for SEI 2 supporting the above figures is based on a smaller number of turbines and therefore a reduced expenditure, which has resulted in a marginally lower economic impact. However, it should be noted that since the 2020 SEI, Viking Wind Farm has begun construction, which is expected to further stimulate the development of Shetland's onshore wind supply chain. As a result of this and commitments to local procurement, local companies and workers are expected to be better placed to secure contracts and so the revised analysis has slightly increased the share of expenditure secured in Shetland

- > In addition, the Applicant is committing to offering the local community the opportunity to invest in the Proposed Development through **Shared Ownership**. This investment opportunity has been discussed with the Energy Isles Community Liaison Group (CLG), and a Memorandum of Understanding has been sent to the local Community Trusts. The Applicant has been working closely with Local Energy Scotland throughout the process.
- > Ofgem, the energy regulator, has now approved the 600MW High Voltage Direct Current (HVDC) interconnector between Shetland and mainland UK, with construction underway in 2021. This decision (Ofgem, 2020) was based on meeting the energy needs of the Shetland Islands, as well as supporting its electricity exporting pipeline. This includes the Proposed Development. This commitment ensures the delivery of the energy from the Proposed Development to the wider grid.
- > A draft Habitat Management Plan (Draft HMP) has been updated. The overall purpose of the HMP is to implement positive land management for the benefit of nature conservation that will compensate for adverse impacts that the Proposed Development may have on habitats and species of conservation interest. It will be in place for the duration of the operation of the Proposed Development (although some of these measures will commence during the construction period). The spatial scope of the Draft HMP includes locations within the Proposed Development site as well as two off-site locations. The aims and objectives of the Draft HMP relate to the following key features: Blanket mire, Red-throated diver, Waders and Merlin. This would be secured by way of planning condition.
- > An Outline Peat Management and Restoration Plan (Appendix 10.1 of SEI 2) demonstrates that all excavated peat can appropriately be reused on site and therefore no off-site disposal of peat is required.

4.1.2 The importance of the economic benefits arising from the proposed development cannot be under-estimated in today's circumstances. There has been a significant change to the socio-economic strategic context that increases the importance of the contribution of the Proposed Development to the local and national economy. The strategy of the Scottish Government and of Shetland Islands Council in response to the economic consequences of the Covid-19 pandemic has been to focus on green jobs, including renewable energy, to deliver recovery and renewal.

4.1.3 Reference has been made in Chapter 2 (and **Appendix 1**) to the recent advice to the Scottish Government from their Advisory Group on Economic Recovery and from the Government's Climate Emergency Response Group – the consistent strong recommendation is that there is an economic and environmental imperative to seek to deliver projects that can contribute to the economic recovery and indeed which can make a positive response to the Climate Emergency. The Proposed Development can make such a valuable contribution.

5. Conclusions

5.1 The Electricity Act 1989

- 5.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals for consent under section 36 of the 1989 Act.
- 5.1.2 The information that is contained within the individual topic sections of the EIA documentation addresses these. It is considered that the detailed work undertaken for the EIA and has confirmed and provides confidence that the Proposed Development is environmentally acceptable.

5.2 Climate Emergency & Renewable Energy Policy Framework

- 5.2.1 The urgent need for onshore wind has been set out: an increase of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments.
- 5.2.2 The policy imperative has only increased since a 'climate emergency' was declared by the Scottish First Minister in April 2019, in line with the recommendations made by the CCC (2019) 'net zero' publication. Furthermore, the drive to attain net zero emissions is now legally binding at UK and Scottish Government levels by way of amendments to the Climate Change Act 2008 and in Scotland with the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 5.2.3 Overall, the renewable energy policy framework is a very important consideration and one that should attract great weight in the balance of factors in the determination of the application. It also needs to be acknowledged that the need case with regard to renewable generation as set out in NPF3 and SPP was predicated on emissions reduction targets that are now superseded by more challenging targets, to be achieved sooner. The documents are under review and the targets referred to in them have to a large extent been overtaken by new renewable energy targets and statutory emissions reduction targets.
- 5.2.4 The benefits of the proposed development have been set out in the context of the current Climate Emergency and after a period of severe economic recession – they would help address the issue of global heating and very challenging 'net zero' targets and moreover, would deliver economic benefits at a time of severe economic recession.
- 5.2.5 Commercial scale wind turbines are by necessity large structures. It is not therefore surprising that some significant landscape and visual effects have been identified. The design of the wind farm has had landscape and visual effects as a key design influence from the outset, and the resultant effects are not considered unacceptable. The effects arising are not disproportionate for a renewable energy project of this size.
- 5.2.6 It is hard to see what more policy makers and Parliaments can do to reflect the seriousness of the situation. The 2030 tipping point has now come into sharp focus. The UK Government at the end of last year has committed its energy policy to being an acceleration of the deployment of renewable electricity throughout the 2020's (see the White Paper) and the Scottish Parliament has committed to the doubling of the annual targets and a significant increase in the 2030 emissions reduction target.
- 5.2.7 The Scottish Government and Scottish Green Party draft 'Shared Policy Programme'¹² published on 20th August sets out an ambition "to deliver subject to consultation, between 8 and 12 GW of installed onshore wind by 2030". It adds "This will be supported by the

¹² Entitled 'Working together to build a greener, fairer, independent Scotland'.

changes in the planning system needed to permit the growth of this essential, zero-carbon sector” (page 14).

- 5.2.8 The socio-economic benefits are also now of particular importance in the context of the economic recovery from the pandemic. The letter from the Chief Planner dated 03 April 2020 entitled ‘Planning Procedures and COVID-19’ is clear in stating that *“planning has a crucial part to play within and beyond the immediate emergency” and makes reference to the planning system’s critical role in our “future economic and societal recovery”*. When this is considered alongside the policy imperative in response to the Climate Emergency – great weight should be placed on the benefits that would arise from the development.

5.3 National Planning Policy

- 5.3.1 NPF3 and SPP set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource that can be provided by onshore wind. This is clearly not at any cost and environmental effects need to be judged to be acceptable in the overall planning balance when set against the benefits.
- 5.3.2 SPP requires consideration of a wind farm’s contribution to renewable targets and climate emission reductions. Onshore wind was described by Scottish Ministers as “vital” in the Onshore Wind Policy Statement issued in 2017 prior to the climate emergency declaration and before the introduction of the 2045 net zero target. It cannot be less so now.
- 5.3.3 Furthermore, each of the relevant sustainable development principles introduced through Paragraph 29 of SPP have been considered and the development would be consistent with these and should benefit from the presumption in favour of sustainable development.
- 5.3.4 The development is in an appropriate location and it is considered that the development is consistent with the relevant provisions of national planning policy and advice. The policy provisions at a national level have been satisfactorily addressed.
- 5.3.5 Furthermore, in Scotland, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a ‘low carbon economy’ – there is now an ambitious policy imperative to move to a ‘net zero economy and society’. The development can help achieve that clear policy objective.
- 5.3.6 Whilst the NPF4 Position Statement does not yet provide any detail of any changes to spatial planning for onshore wind, the document is an expression of the Government’s clear direction of travel of policy involving a “rebalance” of the planning system “so that climate change is a guiding principle for all plans and decisions”. Moreover, onshore wind is the specific renewable technology referenced in the “key opportunities” and is expected to play a significant role in the plan for net-zero emissions.
- 5.3.7 The Scottish Government and Scottish Green Party’s draft ‘Shared Policy Programme’ references NPF4 and states *“we will also agree that all renewable energy projects over 50MW should be designated as a national development in NPF4.”* (page 17).

5.4 The Development Plan

- 5.4.1 The Proposed Development would also be consistent with the lead policy of the Development Plan, and with the Plan when read as a whole.

5.5 Overall Conclusions

- 5.5.1 It has been demonstrated that the Proposed Development accords with local and national planning policy, and that there is a substantial need for this type of development in order that pressing future targets in relation to the global heating crisis and renewable energy generation and greenhouse gas emission reductions can be met in time.

- 5.5.2 It is considered that the weight to be attached to the renewable energy benefits increases given the ability of the scale of the Proposed Development in terms of its contribution to meeting critical climate change targets. Other factors must be taken into account in the decision-making balance and that has always been fully acknowledged by the Applicant.
- 5.5.3 There is a climate emergency. That is a factor of importance and considerable weight. It does not require a statement to that effect in a planning document to make it so. Planning decisions must be made within and respond to the changing economic and wider policy context within which development comes forward. The planning balance can therefore no longer be approached as it has been in the past.
- 5.5.4 The overall conclusion is that when all the relevant considerations have been properly considered, the balance strongly favours the granting of consent. On this basis, it is recommended that Section 36 consent and deemed planning permission should be granted, for the Proposed Development, subject to appropriate conditions.

6. Appendix 1: The Renewable Energy Policy Framework

6.1 Introduction

6.1.1 This Appendix sets out the renewable energy policy framework with reference to relevant UK and Scottish energy policy provisions. It supplements Chapter 2 above and has a focus on more recent provisions.

6.2 The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021), related Press Release and Statements

6.2.1 The first part of the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (AR6) was published on 9 August 2021. The publication is made up of the 'Working Group 1' Report 'Climate Change 2021: The Physical Science Basis' together with a 'Summary for Policymakers' (SPM)¹³ (collectively referred to as 'the AR6 Report').

6.2.2 The Report addresses the physical understanding of the climate system and climate change. It sets out how and why the climate has changed to date and the improved understanding of human influence on a wider range of climate characteristics, including extreme events. The Report is the first major review of the science of climate change since 2013.

6.2.3 The IPCC also issued a press release on 9 August 2021 entitled 'Climate change widespread, rapid and intensifying'. Key points in the release include:

- > *"Scientists are observing changes in the earth's climate in every region and across the whole climate system. Many of the changes observed in the climate are unprecedented in thousands, if not hundreds of thousands of years, and some of the changes are already set in motion – such as continued sea level rise – are irreversible over hundreds to thousands of years.*
- > *However, strong and sustained reductions in emissions of carbon dioxide and other greenhouse gases would limit climate change. While benefits for air quality would come quickly, it could take 20-30 years to see global temperatures stabilise according to the IPCC Working Group 1 Report.*
- > *The report provides new estimates of the chances of crossing the global warming level of 1.5 degrees in the next decade, and finds that unless there are immediate, rapid and large scale reductions in greenhouse gas emissions, limiting warming close to 1.5 degrees or even 2 degrees will be beyond reach. (underlining added)*
- > *The report shows that emissions of greenhouse gases from human activities are responsible for approximately 1.1 degrees of warming since 1850-1900 and finds that averaged over the next 20 years, global temperature is expected to reach or exceed 1.5 degrees of warming."*

6.2.4 The IPCC Working Group Co-Chair states in the press release that "This report is a reality check".

6.2.5 The release sets out that the Report projects that in the coming decades climate changes will increase in all regions. It adds, "For 1.5 degrees of global warming there will be increasing

¹³ IPCC, 2021: Summary for Policymakers. In: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, Masson-Delmotte *et al*, Cambridge University Press.

heatwaves, longer warm seasons and shorter cold seasons. At 2 degrees of global warming, heat extremes would more often reach critical tolerance threshold for agricultural and health”.

6.2.6 The Co-Chair adds in the press release that:

“The Report also shows that human action still has the potential to determine the future course of climate. The evidence is clear that carbon dioxide is the main driver of climate change, even as other greenhouse gases and air pollutants also affect the climate.

Stabilising the climate will require strong, rapid and sustained reductions in greenhouse gas emissions, and reaching net zero carbon dioxide emissions. Limiting other greenhouse gases and air pollutants, especially methane, could have benefits, both for health and climate”.

6.2.7 Key messages of this landmark Report include the following.

- > Even if the countries of the world cut their greenhouse-gas emissions dramatically (and they are not yet on a consistent downward trend of any sort) the IPCC finds that temperatures are very likely to be 1.5°C higher than they were in the 19th century by 2050—if not before. That breaks the more ambitious of the goals for limiting climate change that the world signed up to in the Paris agreement of 2015¹⁴.
- > The Report is much more assertive than its predecessors in terms of attributing changes and specific events to climate change, describing the distribution of these effects around the Earth and assessing the degree to which the weather is being pushed to new extremes.
- > This latest assessment provides unprecedented clarity – it is clear that human influence on the climate is now indisputable and “unequivocal”. The UN Secretary General has described the Report as a “code red for humanity”¹⁵.
- > A crucial part of this document is the ‘Summary for Policymakers’ approved by the 195 Governments that are part of the IPCC and will inform negotiating positions at COP26, the UN climate conference which will take place in Glasgow in November 2021.
- > The Report has been issued in a summer of temperature records, fires and floods. In short, the IPCC report which models of climate change is backed up with observations.
- > Even under the most stringent emissions-reduction scenarios the IPCC thinks it is “more likely than not” that temperatures will exceed 1.5°C above the pre-industrial level within the next few decades. The 1.5°C figure is estimated to be reached by 2040 in all scenarios modelled¹⁶.
- > To stand a good chance of keeping the increase below 2°C through emissions reduction would require the Governments of the world to quickly set in place policies that would put their economies onto the emissions-reducing pathways they have pledged themselves to. It is clear that deep cuts in emissions of greenhouse gas are required as the window of opportunity gets smaller. In short, there is no time for delay, immediate action is the only way to avoid ever-worsening impacts – the climate crisis must be treated as a crisis.

6.2.8 In the UK, the Chief Scientific Adviser, Sir Patrick Vallance acknowledged the receipt of the Report and has called on the UK Governments to produce climate change ‘roadmaps’ – he stated on 10 August 2021 that the “stark” Report showed the need for immediate action.

6.2.9 Alongside the publication of the report, the United Nations issued a statement from the UN Secretary General. He described the Working Group 1 Report as:

¹⁴The IPCC Fifth Assessment Report informed the 2015 Paris Agreement.

¹⁵ Statement by UN secretary general Antonio Guterres, 09 August, 2021.

¹⁶ As set out in Table SMM.1, page 18 in the SPM.

“A Code Red for humanity. The alarm bells are deafening, and the evidence is irrefutable: greenhouse gas emissions from fossil fuel burning and deforestation are choking our planet and putting billions of people at immediate risk. Global heating is affecting every region on earth, with many of the changes becoming irreversible.

The internationally agreed threshold of 1.5°C is perilously close. We are at imminent risk of hitting 1.5°C in the near term. The only way to prevent exceeding this threshold is by urgently stepping up our efforts and pursuing the most ambitious path”.

6.2.10 The statement adds

“We need immediate action on energy. Without deep carbon pollution cuts now, the 1.5 goal will fall quickly out of reach. This report must sound a death knell for coal and fossil fuels, before they destroy our planet... By 2030 solar and wind capacity should quadruple and renewable energy investment should triple to maintain a net zero trajectory by mid-Century.”
(underlining added)

6.2.11 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government’s commitment under the Paris Agreement links through to the Committee on Climate Changes’ (CCC) advice to both the UK and Scottish Governments on ‘net zero’ targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK).

6.2.12 The negotiations at the vital COP26 climate summit to be held in November 2021 under the UN Framework Convention on Climate Change will focus on the gravity of the situation and commit to action.

6.3 The UK Net Zero Target

6.3.1 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 “at least” a 100% reduction of greenhouse gas emissions. The target is now legally binding by way of an amendment to the Climate Change Act 2008 by the Climate Change Act 2008 (2050 Target Amendment) Order 2019.

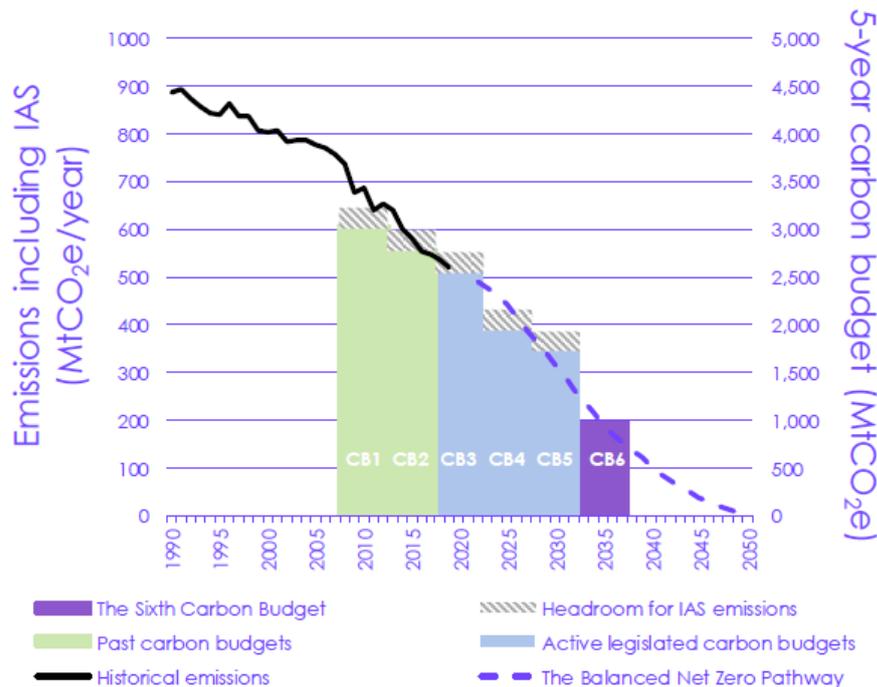
The UK’s Sixth Carbon Budget (December 2020)

6.3.2 The CCC published the Sixth carbon budget ‘the UK’s Path to Net Zero’ in early December 2020. The recommendations relate to the budget to run from 2033 to 2037. It builds upon the CCC’s previous advice to Government in relation to net zero. The CCC recommends that the UK:

- > Sets a Sixth Carbon Budget to require a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK “*decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement*”;
- > It should be accompanied by an ambitious 2030 pledge to reduce emissions by at least 68% from 1990;

6.3.3 The recommended budget would achieve well over half of the required emissions reduction to 2050 in the next 15 years. **Figure 1** below illustrates the recommended Sixth Carbon Budget showing how it relates to the first five budgets which are already legislated to 2032, the end of the Fifth Carbon Budget period. Although the budget extends to 2037, the CCC advice in this most recent CCC report covers the full path for emissions to net zero by 2050.

Figure 1: The Recommended Sixth Carbon Budget¹⁷ (CCC, December 2020)



Source: BEIS (2020) Provisional UK greenhouse gas emissions national statistics 2019; CCC analysis
 Notes: Emissions shown include emissions from international aviation and shipping (IAS) and on an AR5 basis, including peatlands. Adjustments for IAS emissions to carbon budgets 1-3 based on historical IAS emissions data; adjustments to carbon budgets 4-5 based on IAS emissions under the Balanced Net Zero Pathway.

- 6.3.4 Page 23 refers to the devolved nations and sets out that “UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland” and recognises that although the main policy levers are held by the UK Government, Scotland can take action through complementary measures at the devolved level including supporting policies such as “planning and consenting”.
- 6.3.5 Page 29 sets out recommendations for action including “delivering the actions required in the 2020s to meet the Sixth Carbon Budget requires policies to be strengthened now. Matching strong ambition with action is vital for the UK’s credibility...”
- 6.3.6 The report sets out recommendations for policy and in relation to the devolved administrations and with regard to planning policy, sets out at page 235 that planning frameworks are a useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction in devolved administrations including “a favourable planning regime for low cost onshore wind”.
- 6.3.7 Key points from the Sixth Carbon Budget include:
 - > UK climate targets cannot be met without strong policy action in Scotland where action can be taken in terms of “planning and consenting”.
 - > The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and “doubling or even trebling by 2050”.
 - > The Sixth Carbon Budget needs to be met /achieved and that will need more and faster deployment of renewable energy developments than has happened in the past.

¹⁷ Source: Sixth Carbon Budget, page 14 (2020).

- > The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees "new onshore wind generation being deployed by 2050". They set out that their "modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050."
- > Key benefits for the UK are seen as including the opportunity for low carbon investment – recognised at a time when it is needed to support the UK's economic recovery from the COVID-19 health crisis.

6.3.8 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world's most ambitious climate change target into law (by the Carbon Budget Order 2021¹⁸) to reduce emissions by 78% by 2035 compared to 1990 levels.

The UK Energy White Paper (December 2020)

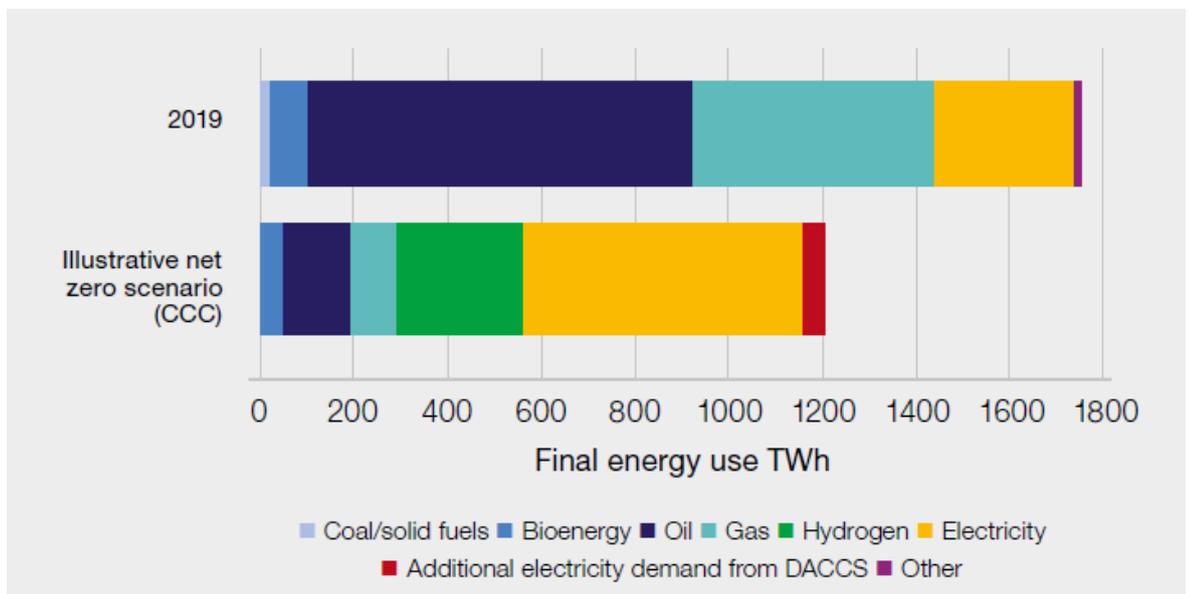
6.3.9 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020 represents a sea change in UK policy and highlights the importance of renewable electricity.

6.3.10 It sets out that "electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050". A key objective is to "accelerate the deployment of clean electricity generation through the 2020s" (page 38).

6.3.11 Electricity demand is forecast to double out to 2050, which will "require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target" (page 42).

6.3.12 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 2**.

Figure 2: Illustrative UK Final Energy Use in 2050¹⁹



¹⁸ The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. Carbon budgets set a cap on the maximum level of the net UK carbon account for each five-year budgetary period. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

¹⁹ Source: Energy White Paper page 9 (2020).

- 6.3.13 Other key points in the White Paper include:
- > The White Paper builds on the Prime Minister’s recently announced ‘Ten Point Plan’ to set the energy-related measures and a long-term strategic vision for the energy system, consistent with net zero emissions by 2050.
 - > It sets out (page 2) that it “puts net zero and our effort to fight climate change at its core.”
 - > It aims to support a ‘green recovery’ from COVID-19 and confirms that electricity demand could double by 2050.
 - > Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that “onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios” (page 45).

6.4 Scottish Government Policy & Targets

6.4.1 In recent years there has been a large number of Scottish Government policy documents (as well as statute) on the topic of climate change and renewable energy. In this section the following documents are referred to, with key policy objectives and targets highlighted:

- > The Scottish Energy Strategy (2017);
- > The Onshore Wind Policy Statement (2017);
- > Statements from the First Minister on the ‘Climate Emergency’ (2019);
- > The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
- > The CCC advice to the Scottish Government on recovery from the COVID-19 crisis (May 2020);
- > The recommendations from the Scottish Government’s Advisory Group on Economic Recovery (June 2020);
- > The Report from the Climate Emergency Response Group (CERG) ‘Eight Policy Packages for Scotland’s Green Recovery’ (July 2020);
- > The Programme for Government (2020);
- > The Update to the Climate Change Plan (December 2020);
- > The Scottish Energy Strategy Position Statement (March 2021); and
- > The Scottish Government & Scottish Green Party: Draft Shared Policy Programme (August 2021).

The Scottish Energy Strategy (2017)

6.4.2 The Scottish Energy Strategy (SES) was published in December 2017 and 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”.

6.4.3 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.”

- 6.4.4 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.
- 6.4.5 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.*"
- 6.4.6 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*".
- 6.4.7 The SES sets 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. It is also recognised as "*a vital component of the huge industrial opportunity that renewables creates for Scotland*".
- 6.4.8 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*".
- 6.4.9 The SES sets out the Government's clear position on onshore wind namely:
- "our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland's future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand."*
- "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"*.
- 6.4.10 The SES goes on to cross refer to further detail in relation to onshore wind as contained within the Onshore Wind Policy Statement (OWPS) which 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 short, there is a renewed and enhanced impetus being imparted, rather than just a continuation of previous support.
- 6.4.11 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*". (underlining added).
- 6.4.12 On the basis of the near-term actions for onshore wind in the SES (see above), it can be anticipated that these new national planning policy documents, with their enhanced status, will reflect this strong support for onshore wind now set out in the SES and OWPS. A National Planning Framework 4 (NPF4) 'Position Statement' was published in late November 2020 – this is referred to below.
- The Onshore Wind Policy Statement (2017)**
- 6.4.13 The Onshore Wind Policy Statement (OWPS), published in December 2017 sets out the up-to-date national policy position in relation to onshore wind. The Ministerial Foreword 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”*.

6.4.14 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.”*

6.4.15 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”*.

6.4.16 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. 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”.

6.4.17 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.

6.4.18 Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore is expected to make to Scotland’s future energy and renewable targets *“this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated”*. (shown in bold text format in the OWPS).

6.4.19 This statement continues the current approach as set out in SPP that, whilst there is a very strong need case for further onshore wind development, environmental considerations are factors to be taken into account in the operation of the planning system. This principle is reflected throughout the OWPS.

6.4.20 Paragraph 8 of Chapter 1 emphasises the industrial opportunity presented by a growing onshore wind sector and it states that *“the extent to which we can continue to capture these benefits, remains a top priority for Scottish Ministers”*.

6.4.21 The role of onshore wind in sustaining and further growing the supply chain for the sector is therefore a very important consideration and this is recognised in SPP at paragraph 169.

6.4.22 Paragraph 23 states that the Scottish Ministers *“acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines and that these by necessity – will mean taller towers and blade tip heights”*. (underling added)

The declaration of a Climate Emergency in Scotland

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

"There is a global climate emergency. The evidence is irrefutable. The science is clear And people have been clear: they expect action The Intergovernmental Panel on Climate Change

issued a stark warning last year the world must act now By 2030 it will be too late to limit warming to 1.5 degrees.

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...."

- 6.4.24 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.*
- The Scottish Government has therefore begun to act 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 – but there is much more to be done".*
- 6.4.25 The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 were published and that must therefore go to the matter of weight to be attributed to the benefits of the Proposed Development and the need case.
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019**
- 6.4.26 It is important to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 ('the 2019 Act'). The Scottish Government, having taken advice from the Committee on Climate Change, progressed this legislation which received Royal Assent on 31 October 2019.
- 6.4.27 The Act sets a legally binding target of 'net zero' emissions for Scotland by 2045 at the latest, five years ahead of the date set for the whole of the UK. The Act amends the Climate Change (Scotland) Act 2009. It is also relevant to note that at Stage 3 of the Bill in Parliament the interim target for 2030 was amended and strengthened from a 70% to a 75% reduction in emissions lower than the baseline of 1990 levels (and 90% for 2040)²⁰. The new targets were brought into force by way of Commencement Regulations on 23 March 2020²¹.
- 6.4.28 The Scottish Government publishes an annual report²² that sets out whether each annual emissions reduction target has been met. The latest report is for the 2019 target year which was published in June 2021. The Report states that the 'GHG Account' reduced by only 51.5% between the baseline period and 2019. As noted, the 2019 Act specifies a 55% reduction over the same period – therefore the targets for 2019 has not been met. **Table 1** below sets out the annual targets for every year to net-zero.

²⁰ Progress against the targets is measured against 1990 levels of carbon dioxide, methane and nitrous oxide and 1995 levels of hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride.

²¹ The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Commencement) Regulations 2020.

²² Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2019, (June 2021).

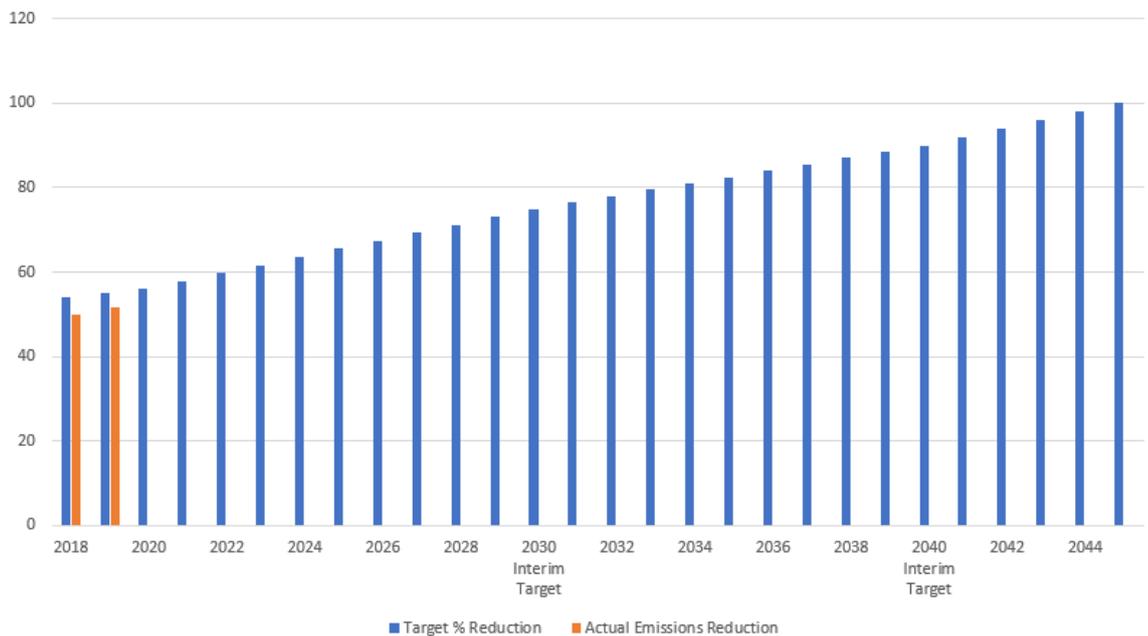
Table 1: Scotland’s Annual Emission Reduction Targets to Net Zero

Year	% Reduction target	Actual Emissions Reduction %	Year	% Reduction Target
2018	54	50	2032	78
2019	55	51.5	2033	79.5
2020	56	Interim Target	2034	81
2021	57.9	-	2035	82.5
2022	59.8	-	2036	84
2023	61.7	-	2037	85.5
2024	63.6	-	2038	87
2025	65.5	-	2039	88.5
2026	67.4	-	2040	90 (Interim)
2027	69.3	-	2041	92
2028	71.2	-	2042	94
2029	73.1	-	2043	96
2030	75	Interim Target	2044	98
2031	76.5	-	2045	100% Net Zero

6.4.29

This target position is illustrated in **Figure 3** below.

Figure 3: Scotland’s Annual Emission Reduction Targets to Net Zero – Current Position



The Report of the Climate Emergency Response Group to the Scottish Government (July 2020)

- 6.4.30 The Report from the Climate Emergency Response Group²³ (CERG) entitled 'Eight Policy Packages for Scotland's Green Recovery' was published in July 2020.
- 6.4.31 The Report sets out that the CCC has written to the Scottish Government with their own initial advice on 'Building a resilient recovery from the COVID-19 crisis' which has now been followed with more detail in its 2020 Progress Report to the UK Parliament. The CERG has developed its policy packages, building on the CCC advice as well as providing CERG principles for a green recovery.
- 6.4.32 The Report recognises that there has been an enormous impact on the economy in Scotland as a result of COVID-19, potentially of a scale not seen since the Great Depression of the 1920s.
- 6.4.33 This report is focussed on delivering practical, workable, solutions that the Scottish Government can implement now, in order to move Scotland towards a net-zero economy, while recovering from the COVID-19 crisis.
- 6.4.34 The recommendations include eight policy packages identified as priorities for accelerating Scotland's climate emergency response as part of a wider economic recovery package for a fairer and greener Scotland.
- 6.4.35 The Report concludes by stating that:

"Scotland's response to COVID-19 is a massive opportunity to catapult and prioritise a just transition to a net-zero economy.... This report has identified specific policy proposals which can help make that a reality - directly addressing the economic concerns resulting from the public health crisis while stepping up our response to the climate crisis – an existential emergency that has not gone away. The packages have also been designed to make the most of the wider social, health and well-being benefits."

The Update to the Climate Change Plan (2018-2032) (December 2020)

- 6.4.36 The Scottish Government published the update to the Climate Change Plan (CCP) 'Securing a Green Recovery on a Path to Net Zero' on 16 December 2020. The plan covers the period 2018-2032 and responds to the new net zero targets aimed at ending Scotland's contribution to climate change by 2045. The period it covers refers to the timescale in which the Government has committed to reduce greenhouse gas emissions by 75% by 2030 (compared with 1990 levels).
- 6.4.37 A key part of the plan is the green recovery and it states (page 1) that:

"It is essential that a recovery from the pandemic responds to the climate emergency, and puts us on a pathway to deliver our statutory climate change targets and a just transition to net zero, by ensuring our actions in the immediate term are in line with our long-term goals".

"The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being, and responds to the twin challenges of the climate emergency and biodiversity loss".

²³ The CERG comprises leaders spanning Scotland's private, public and third sectors, delivery organisations and membership bodies. The group aims to inform and influence the Scottish Government's response to the climate emergency by providing practical, workable solutions that can be implemented – now. After launching in August 2019, the group's 12-point plan for action was adopted by the Scottish Government as part of its 2019 Programme for Government to support its target of achieving net zero carbon emissions by 2045.

- 6.4.38 The various policies and actions in the update are set out on a sector-by-sector basis, however, there is emphasis on the need to achieve climate change targets by what is termed a “joined up” approach. This is explained by reference to the development of renewable energy which is aimed at supporting “*decarbonisation across the whole energy system, including electricity, transport, industry and buildings*” and “*integrating climate change action into all of the decisions we make across Government*” (page 9).
- 6.4.39 In terms of electricity, the CCP update announces, “*further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero-carbon electricity system*”.
- 6.4.40 Reference is also given to the intention to prepare an Energy Strategy update in 2021 and an updated Electricity Generation Policy Statement by 2022. Page 18 refers to the “*pathway to 2032*” and sets out what the policies mean in practice. It states:
- “*by 2032 our energy system will be in the midst of a major transformation, integrating new ways of producing, transporting and using energy with existing technologies. This transformation will be planned and developed through a systems led approach, ensuring that decisions take account of the benefits across all of the energy sectors as well as the economic and social benefits they create for everyone in Scotland. By 2032 we will generate at least the equivalent of 50% of our energy across heat, transport and electricity demand from renewable sources*”.
- “*our electricity system will have deepened its transformation for the better, with over 100% of Scotland’s electricity demand being met by renewable sources. More and more households, vehicles, businesses and industrial processes will be powered by renewable electricity, combined with green hydrogen production. There will also be a substantial increase in renewable generation, particularly through new offshore and on shore wind capacity*” (page 18). (underlining added)
- 6.4.41 Chapter 1 addresses electricity. Paragraph 3.1.4 recognises that as Scotland transitions to net zero, a growing and increasingly decarbonised electricity sector “*is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry*”.
- 6.4.42 Annex A of the CCP contains policies and proposals. For the electricity sector, ‘outcome 1’ is that “*the electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies*”.
- 6.4.43 In addition, the target is maintained of “*a new renewable all energy consumption target of 50% by 2030, covering electricity, heat and transport*”.
- 6.4.44 In terms of the coordinated approach needed, Section 2.5 refers to the planning system and the forthcoming NPF4. Planning is seen as a “*key delivery mechanism for many of the policies within this climate change plan update, across all sectors*”.
- 6.4.45 Key points from the Climate Change Plan Update include:
- > Government views it as essential that a recovery from the pandemic responds to the climate emergency and puts Scotland on a pathway to deliver statutory climate change targets and a transition to net zero (page 1).
 - > A growing and increasingly decarbonised electricity sector is seen as critical to enabling other parts of the economy to decarbonise, particularly transport, buildings and industry (page 32).
 - > Planning is recognised as remaining as a “*critical enabler of rapid renewables deployment in Scotland*” (page 78)
 - > The need to invest in renewable generation and related infrastructure to reduce greenhouse gas emissions is critical to creating good, green jobs as part of the green recovery and longer-term energy transition (page 78).

- > Renewable generation is expected to increase substantially between now and 2032 with an expectation of development of between 11 and 16 Giga Watts (GW) of new capacity during this period, “helping to decarbonise our transport and heating energy demand” (page 40).
- > Electricity demand is expected to have grown considerably over this period (page 82).

The Scottish Energy Strategy Position Statement (March 2021)

- 6.4.46 The Scottish Government published ‘Scotland’s Energy Strategy Position Statement’ in March 2021. The Position Statement provides an overview of Government policies in relation to energy. It sets out (page 5) that it reinforces the Government’s commitment to remain guided by the key principles set out in the Scottish Energy Strategy (SES) of 2017 and reinforces “*the importance the Scottish Government attaches to supporting the energy sector in our journey towards net zero, thus ensuring a green, fair and resilient recovery for the Scottish economy*”.
- 6.4.47 The Ministerial Foreword references the challenge of the pandemic which has created an economic crisis and notes that the Climate Emergency “has continued unabated”. It sets out “*in this context, the need for a just transition to net zero greenhouse gas emissions by 2045, in a manner that supports sustainable economic growth and jobs in Scotland, is greater than ever*”.
- 6.4.48 Reference is made to the most ambitious legislative framework for emissions reduction in the world and “*a particularly challenging interim target for 2030*”. This is the ambitious target of achieving a 75% reduction in greenhouse gas emissions by 2030 in advance of net zero by 2045.
- 6.4.49 The summary of the document (page 7) sets out that the current SES remains in place until any further Energy Strategy refresh is adopted by Ministers.
- 6.4.50 In terms of key priorities for energy, with regard to renewables this includes working on a ‘refresh’ of the OWPS which is expected to be published in 2021.
- 6.4.51 Section 5 of the document addresses ‘a green economic recovery’ and states that creating green jobs is at the heart of the Scottish Government’s plans for a green economic recovery and that the Programme for Government (2020) set out what is termed as a ‘national mission’ to create new and green jobs. It also adds (page 15) that a priority for the Scottish Government is “*ensuring our local communities and economies reap the opportunities from a just transition to net zero*”.
- 6.4.52 Onshore renewables is specifically addressed in Section 8 where it is set out that “*the continued growth of Scotland’s renewable energy industry is fundamental to enable us to achieve our ambition of creating sustainable jobs as we transition to net zero*”.
- 6.4.53 It adds that “*the Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of net zero. In 2019, onshore wind investment in Scotland generated over £2 billion in turnover and directly supported approximately 2,900 full time equivalent jobs across the country*”. (underlining added)

Climate Change Emergency: Representation from Scottish to UK Government

- 6.4.54 On 12th August 2021, the Scottish First Minister, Nicola Sturgeon, wrote to the UK Prime Minister, Boris Johnson, on the matter of climate change. The letter specifically seeks close joint working amongst the UK Nations and stresses the importance of leadership to ensure that the upcoming COP26 negotiations secure commitments from Governments around the world to achieve reductions in emissions “*sufficient to achieve the aims of the Paris Agreement*”.

- 6.4.55 The letter also specifically addresses the oil and gas sector in which, key decisions on offshore licencing, regulation and policy are reserved to the UK Government. In this regard there is a specific request to reassess licences already issued for oil and gas development and to ensure a transition of the skilled workforce in that sector to *“the opportunities of the transition to net zero”* – the First Minister adds in this regard that *“we cannot rest on business as usual in the face of a climate emergency”*.
- 6.4.56 Key points in the letter include the following:
- > *“The scientific report earlier this week from the IPCC makes absolutely clear the severe threat and heightened risk the climate emergency poses to the planet. However, it also shows that with immediate, concerted international action to reduce emissions, it is still possible to limit the global temperature rise to 1.5°C in the longer term. This must prompt all of us who hold positions of leadership to consider what more we can, and must, do to meet this imperative.*
 - > *COP26 in Glasgow therefore represents the world’s best chance – perhaps our last chance – to avert the worst impact of climate change. This week’s IPCC report could not be clearer – it is crucial that the international community takes this opportunity to significantly raise global climate action and ambition. In the words of the IPCC, it is a Code Red for humanity. We all have a moral obligation to act, and all of our decisions must be considered in this context.*
 - > *We are both well aware of the importance of oil and gas over many decades – not least in terms of jobs – to the Scottish and UK economies. We also understand that reducing reliance on domestic production of oil and gas, which we must do, without increasing imports – which would potentially increase emissions – depends on the development of alternatives.*
 - > *However, the answer to these challenges – given the urgency of the climate emergency – cannot be business as usual. Instead, we must take decisions and make investments now to support – and accelerate – the development of these alternatives and thereby secure, a just, but appropriately rapid transition for the oil and gas industry, and the workers and communities currently reliant on it.”*

The Scottish Government & Scottish Green Party: Draft Shared Policy Programme

- 6.4.57 The Scottish Government and the Scottish Green Party agreed a formal Cooperation Agreement for the next five years of Government on 20 August 2021. A shared policy programme entitled ‘The Bute House Agreement’ was published on 20 August 2021 which sets out areas of mutual policy interest including energy and planning. This publication has been issued in advance of a formal ‘Programme for Government’ which is expected to be published in September 2021. The document therefore provides the latest insight into the Government’s approach to both energy and national planning policy. Key points of relevance from the document including the following.
- 6.4.58 In terms of **energy**, on page 12 of the document it is set out the parties:
- “believe that the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system. While electricity has already been largely decarbonised, our plans will see a significant increase in electricity demand for heating and transport. To accommodate this, we will support the continued and accelerated deployment of renewable energy”.*
- 6.4.59 In order to do this the parties state that they will *“set an ambition to deliver, subject to consultation, between 8 and 12GW of additional installed onshore wind by 2030...- this will be supported by the changes in the planning system needed to permit the growth of this essential zero carbon sector”*.

- 6.4.60 At the present time Scotland has approximately 8.4GW of installed onshore wind capacity. Therefore, the Government is looking to at the minimum, to double this capacity, by adding a minimum additional further 8GW in just less than ten years.
- 6.4.61 In terms of **planning**, the Agreement (page 17) states that the parties will inter alia:
- > *“agree to ensure approval and adoption of Scotland’s Fourth National Planning Framework (NPF4) which will be vital in supporting the delivery of net zero by 2045 with significant progress by 2030;*
 - > *actively enable renewable energy.... supporting repowering of existing windfarms and planning for the expansion of the grid”.*
- 6.4.62 This further insight into the latest policy approach by the Government further supports the conclusions in the Applicant’s Planning Statement: namely that the need case for the proposed development and the benefits arising should be afforded great weight in the determination of the planning application.
- Progress to the Scottish Renewable Energy & Electricity Targets**
- 6.4.63 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 ‘Energy Statistics for Scotland’ (March 2021) show that in 2019, only 24% of total Scottish energy consumption came from renewable sources.
- 6.4.64 In addition, the statistics show that in 2020, renewable sources generated the equivalent of approximately 97.4% gross electricity consumption. The target was 100% by 2020.
- 6.4.65 These figures so not demonstrate that Scotland is doing extremely well – the UK White Paper (2020) (as referenced above) makes it clear that electricity demand is going to massively increase – that demand needs to be met from renewable sources.

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