



**ENERGY  
ISLES** LTD

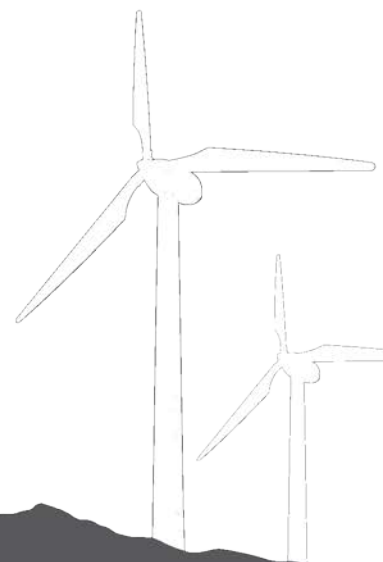
WIND FARM

Energy Isles Limited

# Energy Isles Wind Farm

Supporting Planning & Energy Policy  
Statement

April 2019



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## 1.0 Introduction

- 1.1 This Statement has been prepared by Farningham Planning Ltd, Town Planning Consultants on behalf of **Energy Isles Limited** in support of an application made to Scottish Ministers for consent under **Section 36** of the **Electricity Act 1989** and deemed planning permission under **Section 57 (2)** of the **Town and Country Planning (Scotland) Act** as amended by the **Planning etc. (Scotland) Act 2006**, for the construction of a **29 turbine wind farm (Energy Isles Wind Farm)** on land 147m west of Sellafirth, 1.8km west of Cullivoe and 812m south of Gloup on the island of **Yell** in the **Shetland Islands**.
- 1.2 **Energy Isles Limited** (hereafter referred to as the '**Applicant**') was formed in February 2014 by 18 local businesses looking to develop a plan for a large-scale wind farm in the north of Yell. The consortium, which now comprises of over 50 mainly-Shetland based businesses, was brought together via the shared desire to ensure that the substantial benefits of Shetland's emerging renewable energy sector are retained as far as possible within the isles, and Shetland's North Isles in particular.
- 1.3 An Environmental Impact Assessment Report (EIAR) which accompanies the application, fully addresses the site selection process including the various design iterations and, the likely significant environmental effects of the Proposed Development with associated proposed mitigation measures. The main conclusions from that document are included within this Statement.

## 2.0 Brief Description of the Proposed Development (See Chapter 3 of the submitted EIAR for a fuller description)

- 2.1 The Proposed Development comprises of 29 three-bladed, modern design wind turbines supported by permanent concrete foundations together with ancillary supporting infrastructure, all for the purpose of generating electricity from wind energy.
- 2.2 The specific turbine manufacturer and model has not yet been selected and will be confirmed post-consent. However, the final selected turbine model will be required to carry aviation lighting on both the tower and hub; have a maximum ground to blade tip height of up to 200m when the blade is in the vertical position; be of a light grey or semi-white matt finish; and, have a total power output estimated to be up to, but not exceeding, 200 megawatts (MW).
- 2.3 The proposed ancillary elements include four temporary construction compounds, permanent hardstandings adjacent to the wind turbines for maintenance and decommissioning cranes, temporary laydown areas adjacent to the turbines, external transformers, internal access tracks, a network of underground cables between turbines, an on-site substation and maintenance building, a permanent meteorological monitoring mast and, nine potential borrow pit search areas.

### *Construction Period*

- 2.4 The estimated on-site construction period for the Proposed Development is expected to be approximately 24 months. This includes a programme to reinstate all temporary working areas.

### *Site Access and Traffic Routes*

- 2.5 All traffic will access the Proposed Development site from the south via the Dalsetter Hill Road (known locally as the Old Cullivoe Road) off the A968. The recommended route for all deliveries will be from the south, along the A968, from the port at Ulsta.

- 2.6 No traffic, with the exception of construction and operational staff travelling to the Site, is anticipated from the port of Gutcher to the east.
- 2.7 The access tracks within the Proposed Development site boundary will be approximately 5 m wide with some extra width provided on bends, gradients, junctions, passing and turning places. It is anticipated that approximately 18.35 km of the access tracks will be floated, while approximately 1.75 km of the access tracks will be dug. There will be approximately 980 m of temporary floated and restored track and approximately 525 m of the Old Cullivoe Road will be widened.

#### *Construction Hours*

- 2.8 Proposed hours of on-site construction will be from 07:00 to 19:00 Monday to Friday and 08:00 to 18:00 at weekends, unless otherwise agreed with The Shetland Islands Council. This restriction will also apply to the delivery of the majority of materials to the site. Turbine installation may occur outwith the working hours outlined above in order to avail of favourable weather windows. Any construction outwith these hours will be in line with the noise restrictions assessed in the EIAR Chapter 11 Noise and, advance warning of any works outwith the normal working hours will be provided to SIC and local residents.
- 2.9 Delivery of the towers, nacelles and blades will require the use of abnormal sized and slow moving loads, which are likely to be escorted.

#### *Turbine Layout*

- 2.10 The proposed layout of the turbines is the outcome of an extensive, iterative environmental-based design exercise of investigating and comprehensively assessing all of the various opportunities and constraints that exist across the site including wind resource, topography, residential and aviation receptors, peat/ground conditions, landscape, visual and residential amenity, cultural heritage, ecological, geological, ornithological, hydrological and archaeological interests and cumulative impacts. Thereafter, optimising the layout to ensure that it represents the most appropriate design and maximises the generating capability of the site, while minimising environmental impacts and, from key locations where the wind farm will, unavoidably, be visible, achieving visual balance and harmony in the landscape. This process, which initially started out with a 63 turbine layout covering a much larger area and concluded with a 29 turbine scheme as proposed, is described in significant detail in Chapter 2 of the EIAR.

#### *Operation*

- 2.11 The Proposed Development will have a planned operational lifespan of approximately 30 years. Once operational, only site maintenance vehicles and local utility company vehicles will normally be required on site.

#### *Decommissioning*

- 2.12 At the end of its 30 year operational life, unless permission is sought to repower the development, the turbines will be removed and the Site restored in agreement with The Shetland Islands Council, to return the land to a condition consistent with the surrounding habitat and its current use. The decommissioning process is expected to take up to 12 months.
- 2.13 The turbines will be dismantled and removed from the site, while the turbine bases will be ground down to 1m below sub-soil level and the foundations left *in situ* with top soil reinstated. The wind

monitoring mast will be removed, as will the crane hardstandings and the control building, with the top soil reinstated and the land returned to its current use and appearance. As they contain no harmful substances, electrical cables will remain underground or be recovered for recycling, if economically attractive.

### **3.0 Site Description**

- 3.1 The Proposed Development site, which occupies an area of 1,679 hectares and is currently used for sheep grazing by the landowners, covers Hill of Vigon, Hill of Bakkanalee, Sandwater Hill, Hill of Markamouth, Tonga Field Muckle Bratt-houll, Little Bratt-houll, and Fugla Field. The elevation of the site ranges from 0m-112m above ordnance datum (AOD).
- 3.2 The Site comprises grazed peatland, intersected with a number of watercourses and water bodies, including Gossa Water, Fugla Water, Grud Waters, Cullig Mires, River Burn and Burn of Gossawater (among others). No buildings or structures are located within the site boundary. The B9082 Dalsetter Hill Road (known locally as the Old Cullivoe Road) intersects the south-eastern corner of the Site.
- 3.3 The wider area comprises of similar peatland habitat, with small settlements and stand-alone properties along the eastern coastline on north Yell and along the western, eastern and southern coastlines of south Yell. The ferry terminal of Gutcher, connecting Yell to Unst, is located 3.1 km east of the Proposed Development site, while the ferry terminal of Ulsta, connecting Yell to Mainland Shetland is located 19.8 km to the south.
- 3.4 The closest residential properties are the uninhabited properties at Dalsetter, and the inhabited Old School House, Newhouse, Uphouse and Sellafirth House at Sellafirth, and Bydon, Niaroo, The Haa and Torvaugh at Gloup.
- 3.5 No part of the site is designated for any nature conservation interest in terms of either ecology, geology or ornithology. There are three Special Protection Areas (SPA), one proposed SPA, one Marine Protection Area (MPA), three Special Areas of Conservation (SAC), fourteen Sites of Special Scientific Interest (SSSI), five International Bird Areas (IBA) and Yell RSPB Reserve within a 10km radius of the site.
- 3.6 No part of the site is covered by any international, national, regional or local landscape designations. Proposed Local Landscape Areas (LLA) around the north and west coastline of Yell partially encroach into the edge of the Proposed Development site boundary (Proposed LLA 16: Gloup Voe to Bluemull Sound and Proposed LLA 17: West Sandwick to Gloup Holm).
- 3.7 There are no designated cultural heritage receptors within the site such as Scheduled Ancient Monuments or Listed Buildings. The closest receptors are Burgi Geos promontory fort Scheduled Monument, Sellafirth Church C Listed building and Haa of Dalsetter C Listed building, which all fall within 1km of the Proposed Development site boundary. There are a number of non-designated archaeological sites within the Proposed Development site boundary. The majority of these, with the exception of ones on Hill of Markamouth and Fugla Field, are associated with watercourses and waterbodies on the Site.
- 3.8 There are no recorded Public Rights-of-Way within the Proposed Development site boundary and only one Core Path (CPPY04 from Dalsetter to Cullivoe).
- 3.9 The closest aviation receptors are Scatsta Airport, 30km south, and Saxa Vord radar, 20km to the north-east of the Proposed Development site.

- 3.10 Within 20km of the Proposed Development there is a consented wind farm development at Beaw Field (17 turbines with a 145m tip height) and an existing operational site at Garth (5 turbines with a 67m tip height).

#### **4.0 The Statutory Framework**

- 4.1 A decision on the application under the **Electricity Act 1989** is the principal decision to be made in this case.
- 4.2 **Schedule 9** to the **Act** deals with preservation of amenity. In summary, the provisions set out a number of environmental features to which regard must be had and in respect of which mitigation must be considered insofar as reasonably practicable.
- 4.3 The Applicant has sought to develop a Proposed Development that takes full account of the **Schedule 9** duties. It is relevant to note the use of the terms 'desirability' and 'reasonably' with regard to project design, siting and mitigation. This recognises that there are balances and reconciliations to be considered in decision making for this type of application.
- 4.4 Although the Applicant is not bound at the present time by the requirements of **Schedule 9** (as it is not, and need not be at this stage, a generation licence holder), there will be a need to comply following the grant of consent and planning permission and, it is a matter that the Scottish Ministers must have regard to in determining proposals under the **Act**.
- 4.5 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory development plan is a consideration which should be taken into account in the round with all other relevant considerations. It is important to note however that **Section 25** of the **1997 Act** is not engaged. This matter is now settled following various High Court and Court of Session cases in recent years.
- 4.6 There is therefore no 'primacy' of the Development Plan in an Electricity Act case.

#### **5.0 Planning and Energy Policy Context**

##### *National Policy and Guidance*

- 5.1 Scottish Government Planning Policy, Energy Policy and Guidance is contained in the following documents:
- **Scotland's Third National Planning Framework (NPF3) (June 2014)**
  - **Scottish Planning Policy (SPP) (June 2014)**
  - **2020 Routemap for Renewable Energy in Scotland**
  - **Letter to Heads of Planning, November 2015**
  - **Scottish Energy Strategy (December 2017)**
  - **Scottish Onshore Wind Policy Statement (December 2017)**
  - **Scottish Government's Climate Change Plan, Third Report on Policies and Proposals (February 2018)**

*NPF3*

- 5.2 **NPF3** provides a long term strategy for Scotland and is a spatial expression of the Government's Economic Strategy 2011, while **SPP** is a statement of Scottish Government policy on land use planning and sets out a number of subject specific planning policies supported by *inter alia* **Planning Advice Notes (PANs)** and **Circulars** which give additional guidance and direction on particular topics. A number of **PANs** are web based documents such as that in relation to **Onshore Wind Turbines**, most recently updated in **May 2014** and which replaced PAN 45 and its Annex 2.
- 5.3 The Scottish Government's very positive approach to renewable energy technologies as a means to help Scotland become a 'low carbon place' by reducing carbon emissions is set out in **Paragraph 3.8** of **NPF3** which highlights a **target** of 100% of Scotland's gross electricity consumption being generated from renewable resources by 2020, with an interim **target** of 50% by 2015. This **target is not a cap** and notably, **Paragraph 3.23** recognises that onshore wind will continue to make a significant contribution to the diversification of energy supplies.
- 5.4 On the subject of targets, and progress against them, in addition to the Chief Planner's letter to Heads of Planning (November 2015) detailed below, which states there is no cap, in granting planning permission on appeal for 8 wind turbines at **Corlic Hill, Greenock in May 2016 (Ref: PPA-280-2022)**, the Reporter at **Paragraph 24** of his decision letter also clearly states that targets are not caps. He also emphasises the public benefit of the potential contribution of the proposal to the ultimate purpose of the targets (irrespective of whether or not such targets have been met), which is to achieve significant reductions in greenhouse gas emissions and the development of an extensive and effective renewable energy infrastructure. Importantly, therefore, proposals such as the Proposed Development contribute to such benefits, and that is an important material consideration, regardless of whether or not it is required to achieve the 2020 targets.
- 5.5 At **Paragraph 28** of the same decision letter, the Reporter also did not accept the Planning Authority's argument that if approved but not yet built schemes were taken into account, performance against the Scottish targets was already very good and, should be borne in mind when assessing the weight to be given to the benefits of the scheme. Significantly, he accepted the appellant's argument that targets relate to built and not just consented development, and that it cannot be assumed that all consented schemes will go ahead.

*2020 Routemap for Renewable Energy in Scotland*

- 5.6 The Government's approach to realising its ambitions for renewables is also set out in the **2020 Routemap for Renewable Energy in Scotland** (updated **September 2015**) which highlights the manufacturing potential of the renewables sector; the opportunities for communities to share in the rewards; and, the very large and pivotal contribution that onshore wind turbines can make towards Scotland's 2020 renewable electricity target.

*Letter to Heads of Planning, November 2015*

- 5.7 A letter from Scottish Government to all Heads of Planning '**Energy Targets and Scottish Planning Policy**' published on **11 November 2015** states that despite some changes to UK policy, the Scottish Government's policy remains unchanged and that it supports new onshore renewable energy developments including windfarms.
- 5.8 In the letter, the Chief Planner re-emphasises that **Scottish Planning Policy (SPP) 2014** and the **Electricity Generation Policy Statement (2013)** set out the Scottish Government's current

position on onshore wind farms. With regard to the 100% gross electricity consumption from renewables **target** by 2020, it adds that the **target** is a statement of intent and it is known Scotland has the potential resource to deliver and exceed it. The letter also importantly states that there is **no cap** on the support for renewable energy development including onshore wind once the **target** has been reached and, in such a scenario, policy support will continue. In other words, the need for renewable energy including onshore wind is currently unconstrained.

- 5.9 The letter also emphasises the significant relevance of **Paragraph 3.24** of the **NPF3** which states that local and community ownership and small-scale generation can have a lasting impact on rural Scotland, building businesses and community resilience and providing sources of income and that collectively, the potential benefits of community energy projects are nationally significant. Reference is also made to **Paragraph 169** of **SPP** which makes clear that net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities are relevant material considerations in the determination of (planning) applications for on- shore wind.

*Scottish Energy Strategy and Onshore Wind Policy Statement*

- 5.10 Scottish Government on **20 December 2017** published Scotland's first **Energy Strategy** and the **Onshore Wind Policy Statement**. Some aspects of both documents worth drawing attention to in consideration of this application are as follows:
- 5.11 **Chapter 1: Route to Market** of the **Onshore Wind Policy Statement**, at **Paragraphs 2** and **3** on **Page 6** and **Paragraph 4** on **Page 7** states the Government's expectation that onshore wind will remain at the heart of a clean, reliable and low carbon energy future in Scotland; that it has a vital role in meeting Scotland's energy needs; its contribution must continue to grow and help meet the Government's ambitious renewable targets; and, Scotland will continue to need more onshore wind development and capacity in locations across our landscapes where it can be accommodated. At **Paragraph 8** on **Page 7** emphasis is placed on capturing the economic benefits that accrue from wind energy development as a top priority for Scottish Ministers.
- 5.12 **Chapter 5: Protection for Residents and the Environment** at **Paragraph 74** on **Page 18** states that although the Government believes that its ambitious renewable energy goals are in the national interest, developments must strike the right balance between utilising Scotland's significant renewable energy sources, whilst protecting the country's finest scenic landscapes and natural heritage.
- 5.13 **Chapter 6: Community Benefits** at **Paragraphs 78** and **81** on **Page 19** recognise the valuable source of income community benefit payments are for communities located near to onshore wind developments and state the Government's expectation that developers should continue to offer meaningful community benefits in line with good practice principles.
- 5.14 The **Energy Strategy** on **Page 6** sets out a new ambitious target of 50% of all energy for heat, transport and electricity consumption to come from renewable resources, while on **Page 7**, as one of six priorities informing the 2050 vision, there is a commitment to continue championing and exploring 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. **Page 41** provides further detail on this theme noting that renewable and low carbon energy will provide the foundation of our future energy system, offering Scotland a huge opportunity for economic and industrial growth and that, Scottish renewable electricity displaced an estimated 9.4 million tonnes of CO<sub>2</sub> across the GB system in 2016.



*Scottish Government's Climate Change Plan, Third Report on Policies and Proposals 2018-2032*

- 5.15 **Scottish Government's Climate Change Plan, Third Report on Policies and Proposals 2018 to 2032** was published at the end of **February 2018**. This Report sets out the Scottish Government's policies, policy outcomes sought and proposals to achieve climate change targets, including intermediate targets previously set by legislation. The policies reported upon include the Scottish Energy Strategy. Its contents are consistent with that contained in the Scottish Energy Strategy 2017 and the Scottish Onshore Wind Policy Statement 2017 in reinforcing the threat faced by climate change and the need for action to tackle the issue and, the important role that a decarbonised energy sector can play in helping to fulfil these objectives. The Report does not raise any new issues but, as articulated by the Scottish Energy Strategy 2017 and Onshore Wind Policy Statement 2017, reaffirms Scottish Government's commitment to renewable energy including wind.

*SPP*

- 5.16 **Scottish Planning Policy (SPP) 2014** sets out the required approach to guide new wind energy development to appropriate locations. Similar to The Shetland Islands Council's adopted Local Development Plan and Onshore Wind Energy Supplementary Guidance, criteria listed for the assessment of applications as detailed in **Paragraph 169** include landscape and visual impacts; effects on wild land; effects on the natural heritage and the historic environment; the contribution to renewable energy targets; net economic impacts including benefits to local communities; effects on aviation and telecommunication systems; impacts on tourism and recreation; traffic impacts and public access; residential amenity issues including noise and shadow flicker; impact on carbon rich soils and the water environment; cumulative impacts; and, decommissioning and site restoration.
- 5.17 **SPP** highlights **four planning outcomes** which set out how the planning system should support the Government's vision. One of the four outcomes as it relates to this application is creating a 'low carbon place' by reducing carbon emissions and adapting to climate change (**Page 6**), a factor that was given significant weight by the Reporter in concluding (**Paragraph 195**) that planning permission should be granted for 8 wind turbines at **Corlic Hill, Greenock (Ref: PPA-280-2022)**.
- 5.18 **SPP** introduces a presumption in favour of development that contributes to sustainable development. In this regard, **Paragraph 28** states that the planning system should support economically, environmental and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place, it is not to allow development at any cost.
- 5.19 The introduction of the presumption in favour of development that contributes to sustainable development has important consequences for development management practice. In this regard, **Paragraph 32** states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision-making (for planning applications not Section 36 applications) and, proposals that accord with up-to-date plans should be considered acceptable in principle. However, it must be the case that the presumption, (if it is not rebutted), is a presumption for granting permission.
- 5.20 **Paragraph 33** states that where relevant policies within a Development Plan are out-of-date or where a Development Plan is more than five years old, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. It should be noted that as of **October 2019**, the **adopted Shetland Local Development Plan 2014** will be more than five years old. On the basis that the Proposed Development, as evidenced in the EIAR, would contribute to sustainable development, the

presumption in favour of sustainable development will therefore be engaged by the time a decision is to be taken on this application. This is a critical point in its application.

- 5.21 Where the full force of the presumption in favour of sustainable development is engaged as a significant material consideration, as will be the case here, **Paragraph 33** clearly sets out the test that decision makers are required to make i.e. planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits. This clearly implies more than simply a 'balancing' of adverse effects against benefits in reaching a conclusion on the overall merits of the scheme.
- 5.22 In this particular application, as is clearly demonstrated in the EIAR which accompanies the submission, the adverse impacts arising from the Proposed Development are not unacceptable and can be satisfactorily mitigated, while the socio-economic and environmental benefits associated with the scheme are significant and, as such, the test is met and the presumption in favour of granting permission should prevail.
- 5.23 The Reporter's findings and recommendation attached to a recent **Section 36 consent application** in the Highlands (**Caplich Wind Farm Ltd, 27 April 2018**) provides clarity of the way in which the presumption should be applied in wind farm decisions. The Reporter's very helpful and detailed approach is articulated in **Paragraphs 2.127 to 2.143 inclusive** of his Report.
- 5.24 Significantly, he states at **Paragraph 2.128** that SPP Paragraph 29 does not repeat the approach of a criteria-based policy in a local development plan. By being set out separately in SPP as a requirement to be followed both in policy formulation and decision-making, the presumption has greater significance, and that it would not be 'double counting' to give weight to the presumption over and above the positive weight that would be given to a proposal that complied with a relevant development plan policy such as **Policy RE1 Renewable Energy** in the **Shetland Local Development Plan (SLDP)** in this case.
- 5.25 He goes on to state in **Paragraph 2.130** that an assessment of the specific impacts of the proposal should be carried out against the **13 principles** such as giving due weight to net economic benefit; supporting the delivery of infrastructure (including energy); supporting climate change mitigation; and, protecting, enhancing and promoting access to cultural heritage including the historic environment and natural heritage including landscape, all as set out in **SPP Paragraph 29** and, the **four outcomes** to which **SPP** aspires. Additional assistance may be provided by considering the detailed assessment criteria for onshore wind in **SPP Paragraph 169**.
- 5.26 He also states in **Paragraph 8.32** of his conclusions that the objective of any analysis of compliance with the **13 principles** and **four outcomes** should be to see whether there is a 'broad fit' with the themes and objectives of the various outcomes and principles, rather than to test proposals against each issue as though it were a specific policy test. For example, very few developments, if any, would be able to meet all four outcomes and all of the criteria and therefore, the decision is reached in the round.
- 5.27 In **Paragraph 2.133**, he states that where a development plan is more than five years old (as will be the case here with the SLDP in October of this year (2019)), the presumption is also a 'significant' material consideration and, when weighing the benefits and disbenefits of a proposal in the planning balance, it will be necessary for any adverse impacts 'significantly and demonstrably' to outweigh the benefits of the proposal. Therefore, in such circumstances, the planning balance is tilted in favour of the proposal.
- 5.28 Significantly, in **Paragraph 2.141**, he states that a development plan that is more than five years old will conclusively trigger the tilted balance. That being so, as is the case here, if the proposed development is found to contribute to sustainable development then, as a result of **SPP**

**Paragraph 33**, the planning balance should be tilted in its favour, such that any adverse impacts it would have, must be shown significantly and demonstrably to outweigh its benefits.

- 5.29 Lastly, he finds that the wording of a criteria-based policy is not effectively equivalent to the requirement of **SPP Paragraph 33**. In this regard, a criteria-based policy test relates to an assessment of the overall degree of harm arising from a proposal, rather than to the balancing exercise of harm and benefit, as is the purpose of **SPP Paragraph 33**.
- 5.30 In remote and fragile areas and island areas, **Paragraph 77** encourages development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wild life habitats that underpin continued tourism visits and quality of place.
- 5.31 **Paragraph 83** also states that in remote rural areas, where new development can often help to sustain fragile communities, plans and decision making should generally: encourage sustainable development that will provide employment, include provision for development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact and, support and sustain fragile and dispersed communities through provision for appropriate development, especially community-owned energy.
- 5.32 Areas of carbon rich soils, deep peat and priority peatland habitat are highlighted on the **2016 SNH Carbon and Peatland Map**. Such nationally important mapped environmental interests fall within **Group 2: Areas of Significant Protection** as articulated on **Table 1: Spatial Frameworks** on **Page 39** of **SPP** where, whilst recognising the need for significant protection in these areas, *“wind farms may be appropriate in some circumstances”*. Further consideration is required to demonstrate that any significant effects on the qualities of these areas (in this case, the presence of carbon rich soils/deep peat) can be substantially overcome by siting, design or other mitigation.
- 5.33 **Paragraph 194** states that the planning system should facilitate change while maintaining and enhancing distinctive landscape character.
- 5.34 **Paragraph 205** states that where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO<sub>2</sub> emissions). Where peatland is drained or otherwise disturbed, there is liable to be a release of CO<sub>2</sub> into the atmosphere. Developments should aim to minimise this release.
- 5.35 **Paragraph 214** emphasises that the presence or potential presence of a legally protected species is an important consideration in decisions on (planning) applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and, any impacts must be fully considered prior to determination.

#### *Summary Conclusions*

- 5.36 As a statement of Ministers' priorities, the content of **NPF3**, **SPP**, the **Scottish Energy Strategy**, the **Onshore Wind Policy Statement 2017** and the **Climate Change Plan 2018** (which collectively are the most recent expression of Scottish Government Energy Policy) are material considerations that carry significant weight in assessing the merits of any proposal.
- 5.37 When assessed against the policies, objectives and guidance contained in these documents, as demonstrated in detail in the EIAR which accompanies the application, the Proposed Development compares very favourably and draws strong support in that it will:

- Make a positive and meaningful contribution to Scottish Government's 2020 renewable electricity targets given its scale;
- Help achieve Scottish Government's goal of Scotland becoming a 'low carbon place' by positively contributing towards reductions in greenhouse gas emissions;
- Potentially assist in providing greater security of supply in the Scottish energy market by potentially displacing imported energy;
- In accordance with **Paragraphs 77 and 83** of **SPP** provide for a form of development, specifically community-owned energy, that supports suitable, sustainable local economic activity and growth in an island area;
- Provide for a community-owned project which **Paragraph 3.24** of **NPF3** states are "*nationally significant*"; and,
- Be consistent overall with the 13 sustainable principles listed in **Paragraph 29**; the **four planning outcomes** which **SPP** aspires to; the development management criteria in **Paragraph 169**; and, **Table 1: Spatial Frameworks** of **SPP**, provide for a sustainable development in an area where the physical land use principle of wind turbines is acceptable in circumstances where there will be minimal environmental adverse impacts as is the case here.

*Strategic and Local Planning Policy – The Development Plan*

- 5.38 The **Shetland Local Development Plan (SLDP)** adopted by The Shetland Islands Council in **September 2014** sets out the overarching spatial planning policy for the whole of The Shetland Islands Council area.
- 5.39 The **Shetland Local Development Plan** therefore constitutes **The Development Plan** including various Supplementary Planning Guidance such as the adopted **Supplementary Guidance on Onshore Wind Energy (February 2018)**.

*Shetland Local Development Plan 2014*

- 5.40 The **SLDP** on **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.
- 5.41 The Plan also has a key role in supporting development of the diverse range of renewable energy technologies in order to maximise the associated social and economic opportunities whilst protecting the environment. Appropriately targeted renewable energy development has the potential to reduce Shetland's reliance on fossil fuels, thus offering protection against rising oil and gas prices.
- 5.42 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. "*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.

5.43 The principal determining policy in the Plan relevant to any competent 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”*. 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.

5.44 The following policies are also relevant to the Proposed Development:

**Policy GP1 Sustainable Development**

**Policy GP2 General Requirements for All Development**

**Policy NH1 International and National Designations**

**Policy NH2 Protected Species**

**Policy NH3 Furthering the Conservation of Biodiversity**

**Policy NH4 Local Designations**

**Policy NH5 Soils**

**Policy NH6 Geodiversity**

**Policy NH7 Water Environment**

**Policy HE1 Historic Environment**

**Policy HE2 Listed Buildings**

**Policy HE4 Archaeology**

**Policy HE5 Gardens and Designed Landscapes**

*Shetland Islands Council's Supplementary Guidance: Onshore Wind Energy*

5.45 Assistance in applying **Policy RE1** is provided by the Shetland Islands Council's **Supplementary Guidance: Onshore Wind Energy** document which was approved and adopted by the Council in **February 2018** and forms part of The Development Plan. It sets out detailed policy advice to help meet the requirements of the **SLDP** and the Council's approach to considering and determining planning applications for onshore wind proposals or when making observations as a consultee to Scottish Ministers on Section 36 applications. It is therefore required to be read in conjunction with the policies in the **SLDP**, particularly **Policy RE1 Renewable Energy**.

5.46 The Guidance contains seven detailed local policies that form the basis of the decision-making process for proposed onshore wind energy developments in the Shetland Islands as follows:

**Policy DC1 Landscape and Visual Impact**

**Policy DC2 Cumulative Impact**

**Policy DC3 Natural Heritage**

**Policy DC4 Impacts on Communities**

**Policy DC5 Water Resources**

**Policy DC6 Decommissioning**

**Policy DC7 Historic Environment**

- 5.47 Within the Guidance, the Proposed Development is located within an **Area of Significant Protection** only on account of the Site's carbon rich soil/deep peat (refer to **Map 2, Page 10**). Wind farm development is permitted within such areas subject to demonstrating that *"any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation"*. This simply repeats **Table 1 on Page 39** of SPP.
- 5.48 Furthermore, the **Landscape Sensitivity and Capacity Study for Wind Farm Development on the Shetlands Island 2009** which forms part of the Supplementary Guidance identifies the Site as being a moderately sensitive landscape with capacity for several small wind farms or one medium – large wind farm. The Guidance recommends that wind farm development here should avoid effects on areas of sensitive vegetation, and be sited away from the coastal edge or areas designated for their natural heritage value.

#### *Summary Conclusions*

- 5.49 All of the policies in the **SLDP** and the Council's **Supplementary Onshore Wind Energy Guidance**, 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.
- 5.50 It is acknowledged that all commercial wind farms have some significant adverse impacts and this Proposed Development is no exception. However, the identification of significant impacts is not in itself enough to cause conflict with this policy. The 'unacceptability' of a proposal points to potential impacts that would be particularly harmful. In this regard, as evidenced by the submitted EIAR, although there will be significant impacts in terms of landscape and peat, such impacts, given the nature of the surrounding landscape and the proposed peat mitigation respectively, are not considered to be 'unacceptable' and therefore the Proposed Development meets the Policy RE1 test.
- 5.51 Furthermore, as highlighted in the following section below, an assessment of all other key environmental considerations articulated in the submitted EIAR, clearly demonstrates that the Proposed Development is not in conflict with the policies and guidance contained in the **Shetland Local Development Plan 2014** including the **Supplementary Guidance on Onshore Wind Energy** and indeed, is supported by them.

## **6.0 Environmental Considerations**

### *Landscape and Visual*

- 6.1 The full assessment of effects on landscape and visual is provided in Chapter 5 of the EIA Report.
- 6.2 Significant landscape and visual effects are to be expected for any commercial scale wind farm, and this is no exception. As may be expected, significant effects are predicted, including significant landscape effects on the landscape character of the site and its surroundings, visual effects on residents at several settlements and tourists on roads and ferries, including recreational walkers.
- 6.3 However, the large scale open landscape of Yell is considered to have attributes which are suited to commercial scale wind farm development, as recognised in the **Landscape Sensitivity and Capacity Study for Wind Farm Development in the Shetland Islands (LUC, March 2009)** referred to above. Whilst the effects will be significant local to the Site, and for some visual

receptors relatively distant from the Site, it is considered that these can be accommodated in this open windswept landscape.

### *Ornithology*

- 6.4 The full assessment of effects on ornithology (bird life) is provided in Chapter 6 of the EIA Report.
- 6.5 As previously stated in Paragraph 3.5 of this Statement, no part of the Site is designated for any nature conservation interest in terms of ornithology. The Site is however of international importance for populations of red-throated diver, great skua and arctic tern; of national importance for populations of curlew, dunlin, golden plover, whimbrel and arctic skua; and, of regional importance for populations of snipe, fulmar and merlin. All other bird species populations found across the Site are of local or negligible importance.
- 6.6 The construction activities of the Proposed Development pose a risk to birds species by disturbance of their habitat or nesting sites, causing displacement. Construction phase displacement will be greatest for species that are intolerant of noise and the visible presence of people. Species most at risk of disturbance associated with construction are those that use the site with regularity, rather than those that commute across it. These are greylag goose, red-throated diver, curlew, dunlin, golden plover, lapwing, oystercatcher, redshank, ringed plover, whimbrel, snipe, great skua, arctic skua, arctic tern and merlin.
- 6.7 Operational risks to bird species are through displacement due to ongoing disturbance caused by the turbines, and through collision with moving blades or associated infrastructure. For the Proposed Development, those species that are most susceptible are likely to be those that have a low tolerance to disturbance (such as red-throated diver); that breed on open moorland (such as merlin); and, those which are susceptible to collision. The level of collision will depend on the extent to which birds are displaced and their ability to detect and manoeuvre around rotating turbine blades. These issues have all been considered in detail and assessed on a precautionary basis in the EIAR.
- 6.8 The Applicant proposes to implement the following measures to mitigate against construction and operational phase effects:
- the restriction of vegetation removal to winter (between October and February);
  - any areas for construction between March to August will be kept bare of vegetation to deter birds from nesting;
  - an Environmental Clerk of Works (ECoW) will undertake surveys of birds to record breeding success;
  - species specific buffers will be enforced around breeding sites, within which construction work will not be undertaken; and,
  - habitat enhancement on and off site to provide breeding and feeding opportunities for displaced birds.
- 6.9 Following the application of the mitigation measures detailed above, the residual effects of the Proposed Development are assessed as being significant only at a site or local level, and it is considered unlikely that the residual impacts would be significantly greater when taken in combination with cumulative wind farm developments than in isolation.

### *Ecology and Nature Conservation*

- 6.10 The full assessment of effects on ecology and nature conservation is provided in Chapter 7 of the EIA Report.
- 6.11 The Proposed Development site is upland in character, waterlogged and dominated by blanket bog and other mire types, with some areas of grassland in the more sheltered valleys and on better-drained slopes. Habitats of particular value to the natural resource of the area are blanket bog, including a mosaic of bog pools and other standing and running waters, small areas of marshy and calcareous grassland and components of the unimproved grassland found in the watercourse valleys. Additionally, relict woodland is present along two cleughs, associated with the head of Gloop Voe. No non-native, invasive plant species were identified.
- 6.12 Otter presence was found across the Proposed Development site, but no evidence of freshwater pearl mussel was found during surveys. The fish study identified widespread presence of trout, likely in both brown and sea trout forms, and European eel. No Atlantic salmon were identified during electrofishing surveys. Suitable fish habitat is widely available across the site, though not all catchments are fully accessible to migratory fish species: Several burns were identified as inaccessible from the sea and electrofishing indicated that fish were likely to be absent.
- 6.13 A range of habitat and species-specific measures are presented to minimise the overall impact of the Proposed Development. This includes careful strip and storage of turves to permit restoration of temporary work areas and track batters; biosecurity and operative education; otter and fish protection measures, including avoidance of the salmonid breeding, incubation and emergence season. Additionally, it is proposed to implement potential beneficial mitigation (i.e. compensation), by restoring areas of degraded peatland elsewhere on Yell.
- 6.14 Residual effects are assessed as generally barely perceptible adverse effects, with the exception of effects to the valuable peatland habitats, assessed as a long term low adverse effect. No cumulative impacts are anticipated in combination with the other wind farms on the isles.

### *Noise*

- 6.15 The full assessment of noise and vibration effects is provided in Chapter 8 of the EIA Report.
- 6.16 The assessment considered the potential noise effects associated with the construction and operational phases of the Proposed Development. No potential vibration effects were identified and therefore were scoped out of the EIA Report.
- 6.17 Baseline noise levels in the area are typically dominated by wildlife and livestock and show a strong correlation with wind speed. Noise from anthropogenic sources, such as road traffic, is a minor contributor to total noise levels.
- 6.18 Predicted noise levels associated with construction activities and construction traffic are within threshold noise levels at all identified representative noise sensitive receptors, both during weekday and weekend daytime periods. Noise effects from construction activities are therefore not significant.
- 6.19 Predicted wind turbine noise levels associated with the operation of the Proposed Development meet derived noise limits at all identified representative noise sensitive receptors, both in isolation and cumulatively. Noise effects due to operation are therefore not significant.



### *Cultural Heritage*

- 6.20 The full assessment of effects on cultural heritage and archaeology is provided in Chapter 9 of the EIA Report.
- 6.21 One direct impact on a possible heritage feature is anticipated: a negligible and not significant effect on any surviving peripheral remains associated with the route of a former road from Heatherdale to Cullivoe. With the exception of this negligible effect, the Proposed Development has been designed to avoid direct impacts upon known heritage features within the Site.
- 6.22 The presence of extensive peat cover across the Site indicates the potential for historic environmental evidence to be contained within and underlying the peat. Additionally, remains of prehistoric to post-medieval date, in and around the Site, indicate the potential for sub-surface archaeological deposits and features to exist. Given the potential for presently unknown archaeological remains, in particular of prehistoric and post-medieval date, to survive within the Site, a programme of archaeological works designed to avoid inadvertent damage to known remains, and to investigate and mitigate against the possibility of uncovering hitherto unknown remains will be undertaken.
- 6.23 Proposed archaeological works will include the fencing off of known archaeological features; investigating the palaeoenvironmental potential of the Site through sampling and analysis of a sediment core; and, the appointment of an Archaeological Clerk of Works during the construction phase to undertake an archaeological watching brief on a representative proportion of ground-breaking works.
- 6.24 A potential significant operational effect on the setting of Burgi Geos fort has been identified. While potentially significant, it is not considered to adversely affect the integrity of its setting. The Applicant however proposes to undertake a programme of palaeoenvironmental sampling and interpretation and survey works at the fort to provide a better understanding of the monument. The results of this survey and the site survey will be disseminated to the public through a **Heritage Interpretation Plan**.

### *Geology, Peat, Hydrology and Hydrogeology*

- 6.25 The full assessment of effects on geology, peat, hydrology (surface water bodies, drainage and flooding) and hydrogeology (groundwater) is provided in Chapter 10 of the EIA Report.
- 6.26 The following sensitive receptors were identified relating to the water and soil environment: the Gossa Water Drinking Water Protection Area (DWPA) and associated Scottish Water infrastructure for the supply; the presence of blanket bog and peat across the majority of the site; the presence of bog pool summit complex systems; and, the south-eastern section drains south into Basta Voe, part of the Fetlar and Haroldswick Marine Protection Area (MPA).
- 6.27 Potential significant effects from the construction of the Proposed Development were identified on peat and hydrological features including the Gossa Water. The Applicant has provided detailed mitigation measures for the management, protection and restoration of peat in an **Outline Peat Management and Restoration Plan** demonstrating that all excavated peat can be appropriately reused onsite. The Applicant has also consulted and agreed with Scottish Water, mitigation measures to protect the Gossa Water and its catchment.

### *Traffic and Transport*

- 6.28 The full assessment of effects on traffic and transport is provided in Chapter 11 of the EIA Report.

- 6.29 The construction phase will lead to increased traffic volumes on the local road network related to staff movements, the delivery of materials and, the delivery of turbine components. Traffic volumes will be greater during the construction phase than in either the operational or decommissioning phases.
- 6.30 No significant capacity issues are expected on any of the roads within the area due to the additional construction traffic movements associated with the Proposed Development as background traffic movements are very low; the links are or will be of reasonable standard; and, appropriate mitigation is proposed.
- 6.31 The turbine components will be transferred by sea to Ulsta via barge and then transported to the site by road (A968).
- 6.32 Effects will be minimised through the development of a **Construction Traffic Management Plan** and **Traffic Management Plan** which will be agreed with SIC and secured through an appropriately worded planning condition.

*Socio-Economic, Recreation and Tourism*

- 6.33 The full assessment of socio-economic effects, and effects on recreation and tourism is provided in Chapter 12 of the EIA Report.
- 6.34 The renewables industry is an important economic asset to the UK and Scotland and supports a substantial and growing number of employment opportunities. Although not considered 'significant' in EIA terms, the Proposed Development will contribute to the positive economic effect of renewable energy and associated skills base locally, as well as within the UK and Scotland.
- 6.35 The Proposed Development is expected to generate a positive effect on the economy in the local area (Northern Isles), Shetland and in the wider Scottish economy during construction, operational and decommissioning. This is due to the contracts that could be secured in these areas by businesses, the jobs supported by these contracts and, the additional spend of money by contractors in the local and regional areas.
- 6.36 There are a limited number of recreational opportunities within 5 km of the Proposed Development site, with more opportunities within the wider area. There will be no significant direct or indirect effects on tourism or recreation as a result of the Proposed Development both in isolation or cumulatively, although land within the Site may be inaccessible to the public during construction and decommissioning phases for health and safety reasons. Any temporary closures of Core Path CPPY04 will be detailed in the **Access Route Plan**.
- 6.37 The Proposed Development is expected to have no significant adverse effects on socio-economics, tourism or land-use during construction, operation or decommissioning. There will be temporary, moderate, adverse effects on Core Path CPPY04 and NCN1 during construction. However, it will generate moderate beneficial socio-economic effects on Shetland and Scotland during construction and minor, positive, beneficial effects to Shetland and Scotland during operation.

*Aviation and Radar*

- 6.38 The full assessment of effects on aviation and radar is provided in Chapter 13 of the EIA Report.
- 6.39 Radar propagation modelling has been undertaken which demonstrates that the turbines will be completely screened by terrain from the Compass Head radar used at both Sumburgh and Scatsta airports and will have no effect on the performance of the radar.

- 6.40 Given the location 30 km to the north of Scatsta Airport, there will be no effects on any civil aviation facilities. However, the turbines will all need to be fitted with aviation lighting.
- 6.41 On the military side, the only affected system will be the air defence radar located at Saxa Vord, 20 km to the north-east of the Proposed Development. It will be necessary to agree a mitigation scheme with the MOD and for a suitably worded planning condition to be imposed.
- 6.42 Subject to a condition to provide for a satisfactory mitigation scheme to protect the interests of the MOD, the Proposed Development will have no residual significant effects on aviation interests and radar systems.

#### *Shadow Flicker*

- 6.43 The full assessment of shadow flicker effects is provided in Chapter 14 of the EIA Report.
- 6.44 The area within which properties could potentially be affected by shadow flicker extends 1,600 m from each turbine and covers a distance of 10 rotor diameters from each turbine and lies 130 degrees either side of north (relative to each turbine).
- 6.45 The assessment identified seven receptors with potential to experience flicker effects during operation of the turbines. Calculations show that the maximum occurrence of shadow flicker within the realistic scenario will be just under five hours per year, or a maximum of four minutes per day. This is well within the accepted limits for realistic shadow flicker, of less than 8 hours per year.
- 6.46 It is important to note that these results do not take into account existing screening features (structure and vegetation), dwelling orientation and local mitigation measures such as blinds or curtains which will reduce potential effects further. Receptors may also be in rooms that are not generally used at the affected times, therefore the amount of time when shadow flicker is actually 'experienced' will likely be significantly less than what has been predicted.
- 6.47 Proposed mitigation measures relate to the implementation of a Shadow Flicker Protocol, to be agreed with Shetland Islands Council. This could include a programme of selective automatic shutdown of certain turbine(s) under certain conditions, if required.
- 6.48 The effect of shadow flicker resulting from the Proposed Development is expected to be of no significance for all receptors.

#### *Telecommunications*

- 6.49 The full assessment of effects on telecommunications is provided in Chapter 15 of the EIA Report.
- 6.50 The Shetland Islands have been fully switched over to digital television which has increased the availability and robustness of digital terrestrial reception. Potential effects on television reception were therefore scoped out at an early stage.
- 6.51 An initial scoping study relating to telecommunications identified those stakeholders potentially affected by the Proposed Development, considering all operators of telecommunication links. Consultations were conducted with Ofcom (via Spectrum Licencing); Joint Radio Company, who operate on behalf of the UK fuel and power sector; and Atkins, who operate on behalf of water utilities.
- 6.52 Consultation with the telecommunication operators concluded that the Proposed Development would have no potential effects on telecommunication links, and therefore no mitigation measures are deemed necessary.

### *Grid Connection*

6.53 The issue of a grid connection does not form part of this application. A separate application under **Section 37** of the **Electricity Act 1989** will ultimately be submitted by the electricity network operator (Scottish Hydro Electric Transmission Ltd) to address this matter and, an environmental assessment undertaken for such a connection if required.

## **7.0 The 'Need' Policy Test**

7.1 There has been a view presented in recent times by a number of objectors including Councils to various wind farm proposals across Scotland that given the amount of current, operational wind farms coupled with the significant number of consented wind farms, the **100% target for 2020** has either been met or stands a very reasonable prospect of being met, without the need to consent further onshore wind farm proposals.

7.2 This demonstrates a failure to understand a number of significant factors as follows:

- the **100% target for 2020** is based on **operational MWs, not consented MWs**;
- many of the extant permissions may not be delivered, primarily due to issues associated with grid connections;
- the **100% target** is a **minimum or statement of intent; it is not a cap**;
- the change in subsidy regime will likely mean that many consents will not prove economic to implement; and,
- there is **no policy need test** for wind farm development at either national, strategic or local level.

7.3 As a consequence, any debate as to whether the target will be achieved or is likely to be met does not reduce the need case, and, proposals for onshore wind development which will not cause unacceptable environmental impacts and provide for significant economic and wider environmental benefits, as is the case here, should continue to be supported as was concluded by the Reporter in granting planning permission at **Corlic Hill, Greenock (Ref: PPA-280-2022)**.

## **8.0 Conclusions**

8.1 **Paragraph 3 (2) of Schedule 9** to the **1989 Act** provides a specific statutory requirement on Scottish Ministers to have regard to various matters when considering development proposals. It is considered that the information contained within the individual topic sections of the submitted EIAR for the Proposed Development addresses these matters comprehensively. It is considered that the detailed work undertaken for the EIA, taking into account the offset mitigation proposed, confirms that the Proposed Development is environmentally acceptable. On this basis, the Applicant has fulfilled the obligation under **Schedule 9** to the **Electricity Act** in so far as they are relevant at this stage.

8.2 These duties apply whatever the relevant policy circumstances expressed through a Development Plan may be. The approach required in this case is therefore fundamentally different to the conventional approach for planning decisions under **Section 25** of the **1997 Act**. As has been explained, there is no primacy of the Development Plan in an Electricity Act case. Development Plan policies are relevant to understanding in a local context, the generic duties under **Schedule 9** to the **Electricity Act**.

- 8.3 Commercial-scale wind energy proposals will inevitably have an impact on their immediate surroundings, typically resulting in significant adverse effects on the host landscape and views from some local viewpoints. If such impacts were always or even generally considered to rule out a proposal, no or few commercial-scale wind energy projects would be approved. This would be contrary to Scottish Government policy. It is a question of whether or not the impact is significantly adverse and detrimental either individually or cumulatively with other developments.
- 8.4 There are clearly some significant impacts in landscape visual terms and on peat associated with the Proposed Development. The landscape impacts are not considered to be unacceptable and can be accommodated within what is an open windswept landscape, while the impacts on peat can be satisfactorily mitigated on site. There are no significant impacts on nature conservation interests, cultural heritage features, the water environment, residential amenity, tourism and recreational interests, the road network, public access and, communication and air traffic systems.
- 8.5 The Proposed Development site has some of the best proven wind resources in the UK with capacity factors for existing wind farms far exceeding the averages achieved in England and Wales (30.9%) and mainland Scotland (35.2%) (BEIS, 2018). Burradale Wind Farm, located on mainland Shetland, has been operational since 2001 and has an average capacity factor of 52%, an increase of 16.8% compared to the estimated capacity factor for new developments in Scotland.
- 8.6 The Proposed Development will potentially generate **893,520 MWh per annum** over a period of **30 years** and assist in helping the Scottish Government meet its ambitious renewable targets. The proposals will generate, on average, as much electricity as is used by approximately **236,318 households per year** and, avoid the emission of approximately **180,000 tonnes of CO<sub>2</sub> per annum** which, if the project does not progress, would be the amount of carbon emissions produced by traditional methods of energy generation such as coal and gas power stations.
- 8.7 Based on an installed capacity of 200 MW, the assessment of the Proposed Development's economic impact found that:
- during the development and construction phase, it would generate up to:
    - £25.5 million and 223 job years of employment in Shetland, and
    - £87.9 million and 759 job years in Scotland (including Shetland),
  - during each year of the operational phase, it would generate up to:
    - £0.6 million and 5 jobs in Shetland, and
    - £1.4 million and 12 jobs in Scotland
- 8.8 The Proposed Development would also contribute non-domestic rates estimated at £2.7 million per year, or £79.7 million over its lifetime, supporting the delivery of public services.
- 8.9 The Proposed Development is expected to bring wider benefits to Yell, Unst and Fetlar, including a community benefit fund of up to £1.0 million annually, and £30.0 million over the lifetime of the development. This could:
- support initiatives aimed at reducing fuel poverty, which affects households in Shetland at a much higher rate than Scotland as a whole;
  - increase the local area's attractiveness to tourists through the development of visitor attractions and accommodation, a new strategy and better marketing; and,
  - support existing community councils and voluntary organisations that have seen their budgets cut, as well as new initiatives that could support entrepreneurship and business growth on the islands.

- 8.10 The Applicant is also committed to maximising the local economic impacts of the Proposed Development through partnerships with Shetland College, engaging with local suppliers and working with other renewable energy developments.
- 8.11 The Applicant, Energy Isles Limited, is made up of a consortium of 50 predominantly Shetland-based businesses and represents precisely the type of local, community-owned renewable energy project that is encouraged and supported by both Scottish Government and Shetland Islands Council as specifically articulated in **Paragraph 3.24 of NPF3, Paragraphs 77 and 83 of SPP** and, **Policy RE1 Renewable Energy** of the **adopted Shetland Local Development Plan**.
- 8.12 As demonstrated in the submitted EIAR, the proposed turbines have been located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments. Furthermore, as highlighted in the **Shetland Islands' Landscape Sensitivity and Capacity Study for Wind Farm Development 2009**, both the immediate and wider landscape has the capacity to satisfactorily accommodate the scale of wind turbines proposed.
- 8.13 The Proposed Development does not conflict with any of the criteria in the **SLDP's** principal determining **Policy RE1 Renewable Energy** and the accompanying **Onshore Wind Energy Supplementary Guidance** including the criteria listed in **Paragraph 169 of SPP**.
- 8.14 Even if it were concluded that there was conflict in some limited respects, that conflict would be wholly outweighed by the very significant socio-economic and environmental benefits that would arise if the Proposed Development were to be implemented.
- 8.15 The Proposed Development draws strong support from **NPF3, SPP, the Scottish Energy Strategy** and **Onshore Wind Policy Statement 2017** and, the **Climate Change Plan 2018** which collectively articulate Scottish Government's undiminished commitment to renewable energy including onshore wind.
- 8.16 Importantly, the presumption in favour of development that contributes to sustainable development as articulated by **Paragraphs 28, 29, 32 and 33 of SPP** is engaged, and the Proposed Development draws strong support from this policy principle as it performs very favourably with the **13 principles of sustainable development** set out in **Paragraph 29** including the **four planning outcomes** which **SPP** aspires to.
- 8.17 On the basis that the proposal contributes to sustainable development, on account of **SPP Paragraph 33**, the planning balance is tilted in its favour. There is no evidence which demonstrates that any adverse impacts arising on account of the proposal, would significantly and demonstrably outweigh the very significant benefits that would accrue on account of the Proposed Development.
- 8.18 In evaluating the Proposed Development, alongside other considerations, it has been considered appropriate to have regard to, so far as is relevant, to individual Development Plan policies. The conclusion reached from this assessment is that the Proposed Development accords with the relevant planning policies of **The Development Plan** particularly **Policy RE1** and associated **Onshore Wind Energy Supplementary Guidance**, insofar as it is a relevant consideration in this **Section 36** application; is consistent with **NPF3's** spatial framework objectives for Scotland; and, is compliant with **SPP's** specific land use planning policies and development management principles for on shore wind development.
- 8.19 In advancing the Proposed Development, as required by **Schedule 9** of the **Electricity Act 1989**, the Applicant has given due regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest, and of protecting sites, buildings and objects of architectural, historic or archaeological interest.

- 8.20 As confirmed by the findings and conclusions of the submitted Environmental Impact Assessment Report, within the terms of **The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017**, the Proposed Development will not have any unacceptable significant effects on the environment.
- 8.21 In summary, the overall conclusion reached is that the Proposed Development satisfies the terms of **Schedule 9** of the **1989 Act** taking into account other policy considerations including the relevant Development Plan. On this basis, it is respectfully requested that Section 36 consent and deemed planning permission is granted.

*Farningham Planning Ltd*  
*April 2019*