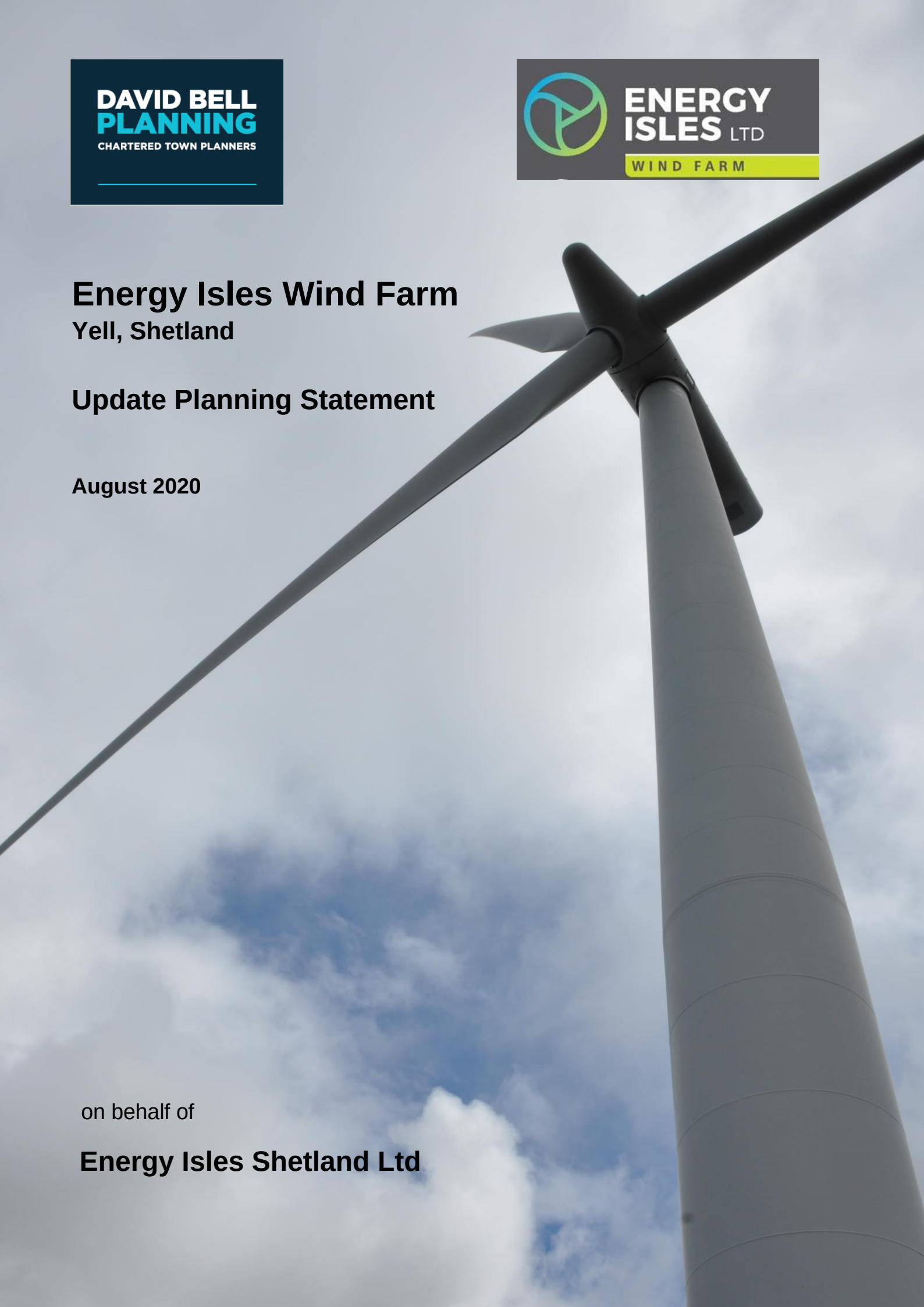


Energy Isles Wind Farm

Yell, Shetland

Update Planning Statement

August 2020

on behalf of

Energy Isles Shetland Ltd

Contents

1. Introduction

1.1 Background

1.1.1 This Update Planning Statement 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 The Section 36 application submitted In April 2019 was for 29 turbines with a blade tip height of 200m. As a result of consideration of consultee responses to the application, the Applicant has made various changes to the design of the Proposed Development. This is fully explained in the introductory Chapters of the Supplementary Environmental Information (SEI) for the application.

1.1.3 In summary, the revised Proposed Development now consists of 23 turbines (9 up to 180 m tip and 14 up to 200 m tip), a meteorological mast, substation compound, and associated infrastructure. The changes between the Proposed Development (referred to as "the 2020 Layout") and the original layout assessed within the 2019 EIA Report ("the 2019 Layout") are described in more detail within Chapter 3 of the SEI.

1.1.4 The Section 36 application was also accompanied by a supporting 'Planning & Energy Policy Statement' ("the PEPS") which made various cross references to information contained in the EIA Report and presented an assessment of the Proposed Development against relevant policy with due regard given to the provisions of the statutory Development Plan for the Shetland Islands, Onshore Wind Supplementary Guidance and the Landscape Sensitivity and Capacity Study, as well as national energy and planning policy, and other relevant material considerations.

1.1.5 Since the Section 36 application was submitted, the relevant policy context has further evolved, in particular with regard to renewable energy and climate change matters. Given SEI is being submitted, the opportunity is being taken to provide an update to the PEPS – as set out in this report.

1.2 Scope of Update Planning Statement

1.2.1 The purpose of this Update Planning Statement is to provide an assessment of the Proposed Development against the relevant policy, including Development Plan policies, and to consider any other material considerations.

1.2.2 The Statement also presents an update of the potential benefits that would arise and concludes as to the overall acceptability of the Proposed Development in relation to the planning framework.

1.2.3 The SEI is referenced where it provides more detailed information that is not essential to repeat. 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 policy developments that have taken place since April 2019. This is supported by **Appendix 1** which provides an update to some key renewable energy statistics.
- Chapter 3 makes reference to the key elements of national planning policy and Development Plan policies and related guidance.
- Chapter 4 summarises the predicted benefits of the Proposed Development.
- Chapter 5 presents overall policy conclusions, taking into account the updated renewable energy policy position and the findings on the environmental topics addressed within the SEI.

2. The Renewable Energy Policy Framework

2.1 Introduction

2.1.1 Chapter 5 of the Applicant's PEPS of April 2019 set out the detail of the need case for the Proposed Development in terms of international, UK and Scottish Government renewable energy policy. Reference was made to key aspects of:

- UK energy policy; and
- Scottish Government energy policy and associated targets.

2.1.2 Government renewable energy policy and associated renewable energy and electricity targets are an important material consideration and it is important to be clear on the current position as it is a fast-moving topic of public policy. More fundamentally, there have been new legally binding targets introduced at both a UK and Scottish level and declared Climate Emergencies.

2.1.3 Updated renewable energy statistics have also been published by the Scottish Government in December 2019 and these are referred to in **Appendix 1** of this report.

2.1.4 In addition, the Digest of UK Energy Statistics (DUKES) of July 2019 are referred to. These figures indicate that there still remains a very considerable shortfall in terms of UK legally binding renewable energy targets. In addition, Scottish Government statistics from March 2020 demonstrate the very considerable shortfalls that exist for Scotland in terms of renewable energy and electricity targets in relation to 2020 and 2030.

2.1.5 This Chapter sets out a summary position, with reference to these more recent policy and related documents, including:

- The importance of the UK Government's commitment to the COP21 Paris Agreement as confirmed in the Court of Appeal Judgment on the third Heathrow Runway;
- An update on European renewable energy targets given the provisions of The European Union (Withdrawal) Act 2020;
- The landmark Committee on Climate Change Reports of May and July 2019;
- The United Nations 'Gap' Report of November 2019;
- The UK and Scottish Government's declared position in relation to the 'Climate Emergency';
- The Scottish Government's 'Programme for Government' (2019);
- The Climate Change (Emissions Reduction Targets) (Scotland) Act and the 'net zero' targets for 2045 and associated interim target for 2030;
- The Committee on Climate Change advice to the Scottish Government on recovery from the COVID-19 crisis (May 2020);
- The Committee on Climate Change annual report to the UK Government (June 2020);
- The recommendations from the Scottish Government's Advisory Group on Economic Recovery (June 2020) and the Chief Planner's Letter which addressed the planning system's role in terms of recovery from the COVID-19 crisis (May 2020); and
- The recommendations of the Scottish Government's Climate Emergency Response Group (July 2020).

2.1.6 These are all new considerations which were not in place at the time the Applicant concluded its PEPS which accompanied the Section 36 application in April 2019.

2.1.7 The framework of international agreement, binding targets and climate change global advisory reports is the foundation upon which national energy policy is based. The international and national policy referred to demonstrates the need case for renewable energy from which the Proposed Development can draw a high level of support.

2.1.8 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 and onshore wind particularly to combat global heating, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding renewable energy and emission reduction targets. The Proposed Development would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting CO_2 reduction to combat global heating in the current Climate Emergency.

2.1.9 Government renewable energy policy and associated renewable energy and electricity targets are important material considerations and it is important to be clear on the current up to date position.

2.2 International & European Policy Considerations

International Agreements and Obligations – The COP21 UN Paris Agreement

2.2.1 The Paris Agreement (12 December 2015) sets out (page 2) that it "*emphasises with serious concern*" the need to hold the increase in global average temperature to "*well below 2°C*" above pre-industrial levels and to pursue "*efforts to limit the temperature increase to 1.5C*". In order to achieve this long term temperature target, the text states "*parties aim to reach global peaking of greenhouse gas emissions as soon as possible*".

2.2.2 It is clear that moving to a low carbon economy is now a globally shared goal and will require absolute emission reduction targets.

2.2.3 A new matter is the **Court of Appeal Judgment on the third Heathrow** runway dated 27 February 2020[1]. It is of relevance in that it firmly sets out that the UK Government's commitment to the Paris Agreement (2015) is part of Government policy, and therefore other policy documents and decision making must take into account and cannot ignore international commitments on climate change.

2.2.4 The UK Government's commitment under the Paris Agreement links 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 and 2050. This is referred to below.

The United Nations 'Gap Report' (2019)

2.2.5 The United Nations Environment Programme 'Gap Report 2019'[2] published in November 2019 provides an assessment of scientific studies on current and estimated future greenhouse gas (GHG) emissions and compares these with the emission levels permissible for the world to progress on a least-cost pathway to achieve the goals of the Paris Agreement. This difference between "where we are likely to be and where we need to be" has become known as the 'emissions gap'.

2.2.6 The Executive Summary (page 4) states that the "*summary findings are bleak. Countries collectively failed to stop the growth in global GHG emissions, meaning that deeper and faster cuts are now required*." Key points in the report include *inter alia*:

[1] [2020] EWCA Civ 214.
[2] United Nations Gap Report, published November 2019.

- GHG emissions continue to rise despite scientific warnings and political commitments. There is no sign of GHG emissions peaking in the next few years; every year of postponed peaking means that deeper and faster cuts will be required;
- IPPC warned in 2019 of dangers of going beyond 1.5C, but the Emissions Gap Reports concludes that a continuation of current policies would lead to a global mean temperature rise of between 3.4°C and 3.7°C by 2100 relative to pre-industrial levels, and continuing thereafter.
- The emissions gap is larger than ever;
- Dramatic strengthening of 'national contributions' is needed – countries must increase ambitions fivefold to achieve the 1.5C goal;
- Given the time lag between policy decisions and associated emissions reductions – waiting until 2025 to strengthen contributions will be too late to close the 2030 emissions 'gap';
- Renewables in combination with electrification is key to the energy transition and to drive down CO2 emissions;
- Unprecedented and immediate action is required; and
- Postponing ambition and action is no longer an option.

European Policy & Targets

2.2.7 The Renewable Energy Directive 2009/28/EC established an overall policy for the production and promotion of energy from renewable sources in the EU. It requires the EU to fulfil at least 20% of its total energy needs with renewables by 2020 – to be achieved through the attainment of individual national targets. All EU countries must also ensure that at least 10% of their transport fuels come from renewable sources by 2020.

2.2.8 In December 2018, the new revised Renewables Energy Directive on the promotion of the use of energy from renewable sources (2018/2001) entered into force – establishing a new binding renewable energy target for the EU for 2030 of at least 32%, with a clause for a possible upwards revision by 2023.

2.2.9 On 29 March 2017, the UK formally notified of its intention to leave the EU under Article 50 of the Treaty of the EU. The European Union (Withdrawal) Act 2020 converts all EU laws, rules and targets into domestic UK governance. It is considered that the existing EU renewable energy targets for the UK, such as the requirements of the Renewable Energy Directive, will remain applicable. During the Transition Period existing rules and targets apply and there is currently no suggestion that those targets will not continue to apply beyond the end of the transition period.

2.2.10 For the UK, the EC's obligations include for 15% of all energy consumed in the UK to come from renewable sources by 2020. The position as of the end of 2018 (the last full year for which figures are available) was that renewable energy only accounted for approximately 11% of energy consumption in the UK, well short of the 15% target[3]. The national targets set for 2020 (under the previous 2009 Directive) are set out in the 2018 Directive as constituting the Members States' minimum contribution to the new '2030 Framework'.

[3] BEIS, Digest of UK Energy Statistics (July 2019), Chapter 6. Onshore wind remains the leading technology in terms of UK renewable capacity, at 30.6% recorded for 2018.

2.3 United Kingdom Energy Policy

Relationship of UK / Scottish Energy Policy

2.3.1 Energy policy is a matter reserved to the Westminster Parliament. The UK Government therefore retains control of the overall direction of energy policy including the attainment of UK national targets on renewable energy generation.

2.3.2 Although the overarching position in the UK is that energy policy is not a devolved matter, important policy documents such as the UK Renewable Energy Strategy (2009) and the UK Renewable Energy Roadmap (2011 and its Updates) have embraced and encouraged actions across the UK as a whole. Such documents have also made clear that the Devolved Administrations play an important role in the attainment of overall UK and European targets for renewable electricity.

2.3.3 While the Scottish Government does not have core competency over energy policy, it has not prevented them issuing a range of policy statements and 'Routemaps' for renewable energy and the low carbon agenda for their own territory. The Scottish Government has been engaged in positive policy making over successive Governments on the topic of renewable energy often going further and faster in this activity compared to Whitehall or Westminster.

2.3.4 The key update matter in terms of UK policy is the recommendations from the CCC and the UK Government's commitment to net zero emissions and the very recent advice from the CCC on the recovery approach from the COVID-19 crisis.

Committee on Climate Change Report (May 2019)

2.3.5 The CCC[4] published its landmark report entitled 'Net Zero – UK's Contribution to Stopping Global Warming' in May 2019. The report responds to requests from the Governments of the UK, Wales and Scotland, asking the CCC to reassess the UK's long-term carbon emissions targets.

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

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

2.3.8 The report makes recommendations for the UK economy including:

- UK overall: a new tougher emissions target of net zero[5] GHG by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline;
- Scotland: a target of net-zero GHG economy by 2045, reflecting Scotland's greater relative capacity to remove emissions than the UK as a whole; and
- A net zero GHG target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

[4] The CCC is an independent, statutory body established under the Climate Change Act 2008. Its purpose is to advise the UK Government and Devolved Administrations on emissions targets and report to Parliament on progress made in reducing greenhouse gas emissions and preparing for climate change.

[5] A net zero target would require 100% reduction in greenhouse gas emissions. It is referred to as 'net' as the expectation is that it would be met with some remaining sources of emissions which would need to be offset by removals of CO_2 from the atmosphere.

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

2.3.10 The report also adds for Scotland that:

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

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

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

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

The UK Net Zero Target

2.3.14 On 11 June 2019, the then Prime Minister Theresa May announced that the UK Government will bring forward legislation to set a Net Zero target into law. On 27 June 2019 the UK Government became the first major economy in the world (the first G7 country) to pass legislation to end its contribution to global warming by 2050 – by way of 100% reduction of greenhouse gas emissions. The target is now legally binding by way of an amendment to the Climate Change Act 2008.

CCC - Progress Report to Parliament (July 2019)

2.3.15 The Foreword of the Report states that in May 2019, the CCC's Net Zero report offered compelling analysis of the need to reduce greenhouse gas emissions in the UK effectively to zero by 2050. The net-zero target meets the UK's obligations under the Paris Agreement and responds to the urgent need for action highlighted by the IPCC in the 2018 Special Report on 1.5°C of global warming.

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

2.3.17 Other key points include:

- It is time to act;
- The Adaptation and Mitigation Committees have reviewed the UK Government's approach to climate change adaptation and emissions reduction. The Report states "*we find a substantial gap between current plans and future requirements and an even greater shortfall in action*"; and
- The Clean Growth Strategy, the UK's plan for emissions reduction, provides a solid foundation for the action needed to meet a net-zero GHG target but "*policy ambition and implementation now fall well short of what is required*".

BEIS consultation on proposed amendments to the CfD scheme for low carbon electricity generation

2.3.18 A recent and relevant material consideration with regard to evolving energy policy is the 'consultation on proposed amendments to the Contracts for Difference (CfD) scheme for low carbon electricity generation'. This was issued by the Department for Business Energy and Industrial Strategy (BEIS) in early March 2020. The Secretary of State confirmed on 02 March that onshore wind and solar developments would be able to bid in the 2021 CfD round and the current consultation is on how best to facilitate this change to the CfD scheme.

2.3.19 The document is informative in setting out the UK latest policy position in relation to renewables and 'net zero'. Key points arising with regard to the policy position within the consultation document include the following:

- The document states on page 10 that the changes to the CfD scheme have been made to support the increase in ambition needed to achieve the Government's 2050 net zero target;
- It states that decarbonising the power sector is a vital part of the UK's effort to meet its world leading net zero target. It states whilst we cannot predict today exactly what the generating mix will look like in 2050, we can be confident that "*renewables will play a key role, alongside firm or flexible low carbon generating capacity*"; (underlining added)
- It adds that the UK was the first major economy to set a legally binding target to cut emissions to net zero by 2050 and end its contribution to global warming. It states, "*the target, which came into force on 27 June 2019, will require the UK to reduce all greenhouse gas emissions to net zero by 2050, compared with the previous target of an 80% reduction from 1990 levels. This is a landmark decision for the UK and one which demonstrates that we are continuing to lead the international effort to bring an end to climate change*";
- It further adds that this is "….. an important step towards decarbonising the UK's energy system. The UK's new *2050 net zero emissions target means that we will continue to require substantial amounts of new, low carbon power sources to be built before 2050. In the report on net zero the Committee on Climate Change (CCC) states that the UK could require four times the amount of renewable generation from today's levels, requiring sustained and increased deployment between now and 2050*"; (underlining added) and
- Page 11 also adds that "*the transition to a net zero greenhouse gas economy will require change across the whole of society, and in this context the Government has considered how to ensure that CfD allocation rounds can best support an increase in the pace of renewable deployment needed to achieve its net zero ambitions*….".

2.3.20 The aims of the consultation set out (page 11) are described as supporting the following themes, *inter alia*:

- Delivering net zero - by supporting the increased ambition required by the Government's economy wide legislative target to reach net zero greenhouse gas emissions by 2050; and
- Maintaining energy security - by supporting deployment of new power sources needed to achieve a low cost and secure low carbon power system.

2.3.21 At page 15 of the document 'delivering net zero' is addressed and the Government sets out that "*on 27 June 2019, a new legally binding target to reach net zero greenhouse gas emissions by 2050 came into law in the UK. By 2050, the UK will need an ultra-low carbon power sector to meet this economy wide net zero emissions target. In parallel, generation will need to increase to meet future demand and at the same time as aging plants are being decommissioned. The CCC believes almost complete decarbonisation in the power sector can be achieved, but that to achieve this, low carbon electricity generation will need to quadruple by 2050. The CfD scheme therefore needs to be able to support a substantial increase in low carbon generation capacity*". (underlining added)

2.3.22 The document continues by stating "*the UK's new 2050 net zero target will require a substantial amount of new, low carbon power sources to be built before 2050 and to produce the majority of power with renewables if we are to decarbonise at low cost… In its report on net zero, the CCC advise that the UK could require up to a four-fold increase in renewable generation under their 'further ambition' scenario*".

2.3.23 With regard to the established technologies for CfD, importantly the consultation document sets out that Government is aware of a number of projects (mainly solar PV and onshore wind) and have deployed or are planning to deploy on a merchant basis since the last 'Pot 1' auction was held under the CfD regime. It adds "*however, there is a risk that if we were to rely on merchant deployment of these technologies alone at this point in time, we may not see the rate and scale of new projects needed in the near term to support decarbonisation of the power sector and meet the net zero commitment to low cost*".

2.3.24 The recent consultation document from BEIS is therefore very important in further strengthening the overall policy case for onshore wind.

CCC Annual Report to UK Parliament (June 2020)

2.3.25 The CCC published its annual report[6] to the UK Parliament (required under the Climate Change Act 2008) on 25 June 2020.

2.3.26 The report includes new advice to the UK Government on securing a green and resilient recovery following the COVID-19 pandemic. It recommends that Ministers "*seize the opportunity to turn the COVID-19 crisis into a defining moment in the fight against climate change*". The CCC states that although a limited number of steps have been taken over the past year to support the transition to a net-zero economy and improve the UK's resilience to the impacts of climate change "*much remains to be done*".

2.3.27 With reference to COVID-19 the CCC sets out that our recovery from it will reshape how we tackle the climate crisis. It states in the Executive Summary:

"*Choices in the coming months must steer a recovery that drives vital new economic activity, accelerates our transition to Net Zero and strengthens our resilience to the impacts of climate change. UK domestic climate ambition can be the basis for UK international leadership in 2021, in the Presidency of the delayed UN climate summit in Glasgow (COP26) and in the G7 Presidency. It is 12 months since Net Zero became law, requiring the UK to reduce net emissions of greenhouse gases to zero by 2050. Initial steps towards a net-zero policy package have been taken, but this was not the year of policy progress that the Committee called for in 2019*.

Net Zero has been adopted as a key goal of the Government ……but we are not making adequate progress in preparing for climate change. The delay of COP26 to November 2021 provides a window to address this policy deficit and establish a credible internationally-leading position".

2.3.28 In terms of building a resilient recovery from the COVID-19 crisis the CCC state:

- Success requires that net-zero emissions and improved climate resilience are integral to the COVID-19 recovery;
- The extraordinary steps taken to slow infections in recent months have created new economic and social pressures;
- Climate investments will help create jobs and stimulate economic recovery, while changing the course of UK emissions and improving our resilience to climate change for the coming decade and beyond; and
- The fundamental requirements to achieve Net Zero are largely unchanged by COVID-19.

[6] CCC 'Reducing UK emissions: 2020 Progress Report to Parliament' 25 June 2020.

2.3.29 The report adds that the steps that the UK takes to rebuild from the COVID-19 pandemic and its economic damage can also accelerate the transition to low-carbon activities and improve climate resilience.

2.3.30 At page 16 of the report, the CCC state that in April 2020, the CCC wrote to the Prime Minister and the First Ministers of Scotland, Wales and Northern Ireland setting out six principles for a resilient recovery from COVID-19 as follows, *inter alia*:

- Use climate investments to support the economic recovery and jobs;
- Tackle the wider 'resilience deficit' on climate change; and
- Ensure the recovery does not 'lock-in' greenhouse gas emissions or increased climate risk.

2.3.31 The report adds that the CCC 'Costs and Benefits Advisory Group on Net Zero', reconvened for the report, endorsed these principles and concluded that "*the economic recovery from [COVID-19] gives the UK a chance to grow back in a way that is fit for the low-carbon future to which it aspires, and that can benefit from the industrial and economic developments that this future offers*."

2.3.32 In terms of specific reference to the power sector, the report welcomes plans to bring onshore wind back into the system of power auctions and states a clear timetable for future auctions would support delivery and development of supply chains.

2.3.33 A fundamental part of the report is (Chapter 5 'Planning a resilient recovery'). The CCC state that:

"*the economic impact of the pandemic is being felt worldwide, with the IMF predicting the worst global recession since the 1930s. The UK is heading for a recession. UK Gross Domestic Product (GDP) fell by 2% for the first quarter of 2020, covering only the very start of the crisis, and by over 20% in the month of April. The latest independent forecasts have, on average, predicted a fall of 8.6% in UK GDP for 2020*."

2.3.34 Overall, the Committee recommends that investments in low-carbon and climate adaptation infrastructure must be at the heart of measures to restore economic growth following COVID-19.

2.3.35 Priorities for the next year for the power sector and to be reflected in an Energy White Paper include accelerated electrification.

2.3.36 The report explains (page 184) that renewables can now be deployed at scale in the UK and Government should take advantage of the cost reductions in renewable electricity over the past decade and "*should continue to use the Contracts-for-Difference (CfD) auction mechanism to deliver ambitious power sector decarbonisation during the 2020s, consistent with plans for electrification of transport and heat*".

2.3.37 Page 169 sets out that where powers are reserved to the UK level, the devolved administrations have an important role in ensuring that the emissions reductions take place. In particular, the devolved administrations should focus on various areas including "planning", described as a "*useful lever over infrastructure that needs to be well aligned to objectives for emissions reduction*" by various means including "*a favourable planning regime for low-cost onshore wind*."

2.4 Scottish Government Policy and Renewable Energy Generation Targets

2.4.1 The PEPS that was submitted in support of the Section 36 application addressed Scottish Government energy policy in some detail and it is not necessary to repeat that. In particular the PEPS made reference to:

- The Climate Change (Scotland) Act 2009;
- The Scottish Energy Strategy (2017);
- The Onshore Wind Policy Statement (2017); and
- The Climate Change Plan (2018).

2.4.2 However, since then more recent statute and policy has been published which includes the following, which was not referenced in the PEPS:

- Statements from the First Minister on the 'Climate Emergency';
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
- The Programme for Government (2019);
- Letters from the Chief Planner in relation to COVID-19 (2020);
- The Committee on Climate Change advice to the Scottish Government on recovery from the COVID-19 crisis (May 2020); and
- The recommendations from the Scottish Government's Advisory Group on Economic Recovery (June 2020).

Climate Emergency in Scotland

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

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

2.4.4 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...."

2.4.5 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*".

2.4.6 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.

2.4.7 The current situation is more urgent and more grave than that which prevailed in 2014 when SPP and NPF3 where 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.

Programme for Government (2019)

2.4.8 The Scottish Government published the Government Programme for 2019-20 entitled 'Protecting Scotland's Future' on 3 September 2019. The document puts climate change front and centre of the political agenda and reaffirms the aim of achieving net zero GHG emissions in Scotland by 2045. In the introduction from the First Minister, the 'Climate Emergency' is acknowledged and it states that:

"*this Programme for Government sets out some of the next steps in Scotland's journey to net zero emissions and raises our ambition in light of the emergency we face. We are leading the world in setting challenging targets but we must also redouble our efforts to meet them*". (underlining added)

2.4.9 The Introduction also refers to the forthcoming renewal of the National Planning Framework (NPF) and that there will be an updated CCP that will take full account of the advice of the UK CCC. As noted above, the Government has received updated advice from the CCC in May 2020 in the context of the COVID-19 crisis.

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

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

2.4.11 Page 38 also states that the Scottish Government is making a number of other major commitments in response to the climate emergency and in terms of 'planning' this will include the fourth NPF which will help to radically accelerate reduction of emissions. The publication of draft NPF4 has however, now been delayed until September 2021 (with an interim 'Position Statement' to be published in Autumn 2020).

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

- The global climate emergency means that the time is right for wide-ranging debate on more radical planning policy options;
- Planning is a vital tool in leveraging the changes we need to make to achieve our goals; and
- Through engagement on the fourth NPF the Government will explore planning options that radically accelerate reduction of emissions.

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

2.4.13 It is important to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The Scottish Government, having taken advice from the Committee on Climate Change, progressed this legislation which received Royal Assent on 31 October 2019. The Act sets a legally binding 'net zero' target for Scotland, five years ahead of the date set for the whole of the UK.

2.4.14 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).

CCC Response to Scottish Government on advice for a Green Recovery (May 2020)

2.4.15 The CCC wrote to the Scottish Government (6 May 2020) following a request for advice on a 'green recovery for Scotland' in light of the COVID-19 crisis. The CCC advice relates to how climate policy can play a core part of the Government's approach to 'rebuilding' after the COVID-19 crisis.

2.4.16 In the letter, the CCC set out that "*reducing greenhouse gas emissions and adapting to climate change should be integral to any recovery package. These remain scientific, economic and social imperatives and will only be delivered if ambitious steps are taken by the Scottish Government*". The CCC make it clear that there are clear economic, social and environmental benefits for immediate expansion including "*investment in low carbon and climate resilient infrastructure*".

2.4.17 The CCC also comment that delaying the update to Scotland's Climate Change Plan was the right decision and it is welcomed in terms of it being 'reframed' in the context of a 'green pathway' to aid an economic recovery and to be in line with Scotland's statutory net zero targets. It is expected to be published later in 2020 (the original date had been the end of April).

2.4.18 The CCC set out various principles for a resilient recovery which include comprehensive plans to reduce emissions and prepare for climate change – the CCC notes that these are not yet in place and that "*strong policies from across Government are needed to reduce our vulnerability and to the destructive risks of climate change and to avoid the disorderly transition to net zero*".

2.4.19 The letter also states that "*the credibility of the UK in the COP26 presidency – and Scotland, as hosts – and as international leaders rests on taking action at home*".

2.4.20 The letter refers to further advice to be contained in the annual progress report - that report to the UK Parliament was subsequently published on 25 June 2020 and has been referenced above.

2.4.21 The Annex to the letter adds that the UK and Scottish Governments have already declared their intentions to deliver large scale national infrastructure programmes. The CCC state that "*many of these projects are critical to preparing for climate change and achieving net zero emissions*." Reference is specifically made in this regard to matters such as electric vehicle charging infrastructure, hydrogen production and "onshore wind". The letter adds that "*acceleration of these projects should take priority*". (underlining added)

Scottish Renewables evidence to the House of Commons Scottish Affairs Committee Inquiry into Coronavirus in Scotland (June 2020)

2.4.22 In addition to the recent CCC advice to the Scottish Government with regard to the approach to be taken to the recovery from the COVID-19 crisis, Scottish Renewables (SR) has provided evidence to the House of Commons Scottish Affairs Committee Inquiry into Coronavirus. Published in June 2020 Scottish Renewables (SR) advocates that any economic response must deliver a green recovery. Key points raised include:

- Delivering a green recovery to the economic crisis created by COVID-19 provides the opportunity to go further in decarbonising society.
- The opportunities within Scotland's renewable energy industry offers immediate stimulus of the Scottish economy.

2.4.23 It adds that economic analysis for SR has found that every Giga-Watt (GW) of renewable energy installed in Scotland creates 1,500 jobs and adds £133 million of GVA to the economy. SR explained that across Scotland there are 'shovel-ready' projects which if given the green light for development, could deliver benefits and offer significant opportunity to stimulate the economy.

2.4.24 SR referenced the CCC calculation that the UK will need to quadruple the amount of renewable electricity it deploys by 2050 in order to meet net zero climate change targets with consequent growth of economic activity predicted. It adds "*it is now important, now more than ever, to ensure that industries which offer significant low carbon growth to our national economy are supported by the UK Government to realise their full potential and help strengthen our economy and futureproof it against unexpected shocks*".

Report of the Advisory Group on Economic Recovery (June 2020)

2.4.25 The Scottish Government has received the report of the Advisory Group on Economic Recovery - entitled 'towards a robust, resilient well-being economy for Scotland'.

2.4.26 The group was established by the Scottish Government in April 2020 as a response to the long term impact of COVID-19 and was specifically asked to focus on Scotland's economic recovery with the emphasis on the period after the immediate emergency created by COVID-19 had been addressed.

2.4.27 The report provides advice to the Scottish Government on actions across businesses sectors and regions throughout Scotland and the solutions are intended to enable a swift economic recovery and one that also ensures the Scottish economy will emerge stronger and more resilient.

2.4.28 The report recognises amongst various measures that there is a need now to considerably increase the pace and scale of deployment of renewables to meet low carbon generating targets over the next 25 years and to enable Scotland to: "*grasp the tremendous opportunities for a green recovery which such a transition offers*".

2.4.29 It adds: "*This imperative presents increased and urgent challenges for the existing policy, planning and licensing framework to identify and consent suitable projects with a sufficient level of impact in the light of the climate emergency at a scale and to a timetable to deliver on Scotland's net zero targets*".

2.4.30 The report sets out that the economic recovery will be long, but action needs to start now. It recommends that the Scottish Government needs to define and execute its recovery plan with purpose and urgency and that the response to the proposals and the Government's strategy in that regard for economic recovery should be published by the end of July 2020.

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

2.4.31 A further very relevant matter is the Report from the Climate Emergency Response Group[7] (CERG) entitled 'Eight Policy Packages for Scotland's Green Recovery' (July 2020).

2.4.32 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 using the CCC advice as well as an early set of CERG principles for a green recovery which were sent to the Scottish Government in May 2020.

2.4.33 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. It adds:

"*Going into this crisis, the Scottish Government's response to the climate emergency was beginning to gather pace following the Programme for Government announcements in September 2019. New policies were being developed across sectors, and new finance had been allocated to key areas by the 2020/21 Scottish Budget. However, gaps remained in translating policy ambition into policy delivery, and to this extent the necessary refocussing of government attention by the current COVID-19 crisis may have temporarily delayed our response to the climate emergency*." (page 8)

[7] 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.

2.4.34 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.

2.4.35 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. The policy packages are divided into four priority areas for economic recovery and four priority strategies which describe the policy and fiscal approaches which are recommended be deployed.

2.4.36 One of the four priority strategies, is entitled 'Unlocking private investment with greater policy certainty'. It states:

"*The recovery must be investment-led, and the demand for high-quality investments remains much greater than the supply – evidenced by very low interest rates, resilient stock markets, etc. The Scottish Government can secure additional investment by creating an attractive policy environment for investors, resulting in stronger business cases for a climate neutral economy and channelling investment in the right direction. This securing of private investment through greater policy certainty will be at least as important as the role of public sector investment*."

2.4.37 Set out under what can be achieved in the near term (next 6-12 months) is reference to planning and onshore wind as follows:

"*Planning policy: update existing planning guidance to enable new and existing onshore wind planning consents and enhance the competitiveness of Scottish projects. This will help ensure that Scotland secures a high share of Contract for Difference or alternatively financed onshore renewable projects in the coming years*."

2.4.38 The CERG Report states that the Group:

"*encourages the Scottish Government to embrace these policy packages as key components of its economic recovery plans for a fairer and greener Scotland. These commitments should be reflected in the key milestones over the next few months – starting with the Government's response to the report from the Advisory Group on Economic Recovery, and continuing with the Programme for Government, the review of the Infrastructure Investment Plan, and the new Climate Change Plan*".

2.4.39 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*."

2.5 Conclusions on the Renewable Energy Policy Framework

2.5.1 The Scottish Energy Strategy (SES) (2017), which preceded the important events and publications referred to above, already sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically the 2030 50% energy from renewable sources target – which could see renewable electricity rise to over 140% of Scottish electricity consumption. The Government set out (based on targets and circumstances at that time) that this may require in the region of 17GW of installed renewables capacity by 2030 (SES, page 34).

2.5.2 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 – this is expected to be addressed in an updated Climate Change Plan to be published in late 2020.

2.5.3 Regardless, the Government's 2020 renewable electricity target remains unmet and has been supplemented by the stretching 2030 targets.

2.5.4 One of the key messages in the Onshore Wind Policy Statement (OWPS) 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.

2.5.5 This language on the role of onshore wind is demonstrably stronger than that in the 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 more stretching targets and no subsidy or certainty on route to market for onshore wind. The increased importance of the contribution that onshore wind is expected to make to targets and meeting future energy needs should be afforded substantial weight.

2.5.6 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 a consequent larger contribution to targets. Furthermore, the Proposed Development could be subsidy free – this is a key challenge the Scottish Government has set for the industry, namely for subsidy free wind farms to be developed in Scotland, taking advantage of effective sites with good wind resources.

2.5.7 Whilst the SES and the OWPS are clear 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 were not referenced in the PEPS go further.

2.5.8 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, as noted above, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets even more ambitious targets – which reflect the recommendations of the CCC for a net zero GHG emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.

2.5.9 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 generation.

2.5.10 This CCC report was published at the same time as a series of high-profile environmental reports, the Extinction Rebellion protests and political declarations of a "Climate Emergency". It is very clear that the mood changed in 2019 with regard to the importance of tackling climate change and the global heating crisis. Timing is critical as with each year passing, the closer we are to the target dates, and time is lost in implementing the Government's Energy Strategy.

2.5.11 The Scottish Energy Minister[8] 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".*

2.5.12 To reiterate key points made above: the Scottish Government has acted on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees.

2.5.13 In light of the CCC recommendations the Scottish Government is seeking "transformative change" – and that action has to be quick and decisive. An emergency is a grave situation that requires urgent action and cannot wait for new policies to emerge in years to come. Decisions through the planning system must be responsive to this position and to bring these highly material matters into

[8] Paul Wheelhouse, Minister for Energy, Connectivity and the Islands, Ministerial Foreword of the 'Annual Energy Statement 2019' Scottish Government.

play in planning determinations, by according these factors proper weight through the application of the planning balance. The current situation must therefore go to the matter of weight to be attributed to benefits and the need case for the Proposed Development.

The weight to be given to Renewable Energy Policy

2.5.14 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, drafted in 2014, are more than 6 years old and do not reflect the new reality for the reasons outlined above. The documents are under review and have to a large extent been overtaken by new statutory provisions and related policy on renewable energy targets and GHG emissions reductions. We can only expect the expression of the need case to intensify in future policy documents such as NPF4.

2.5.15 The events of the last 18 months described above and which have occurred since the application for the Energy Isles Wind Farm was submitted in early 2019 do not need formal planning policy articulation in order to be given weight in planning decisions by a decision maker. Significant weight should be given to the recent new law and net zero related pronouncements which clearly go much further than the current targets in SPP and NPF3.

2.5.16 The Applicant does not suggest that the planning balance that needs to be struck should not reflect the advice in SPP. The fundamental planning principle that needs to be acknowledged and followed is that it is open to a decision maker to place the weight he or she thinks fit on a material consideration.

2.5.17 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. As set out above, it is wholly legitimate for the planning system to take account updated and emerging issues as material considerations in arriving at a decision on a proposal.

2.5.18 The Applicant's position is that the overall planning framework in which the planning balance has to be struck in this Electricity Act case clearly needs to take into account SPP and NPF3 since they are important material considerations. However, as noted, other material considerations of relevance should be afforded weight and the amount of weight is for the decision maker to determine.

2.5.19 A recent Appeal Decision Notice helps to illustrate the position. The Millenderdale Farm Appeal Decision Notice of 16 April 2020 (DPEA Reference: PPA-370-2077) involved a five-turbine wind farm in South Ayrshire which was the subject of an Appeal following a refusal of planning permission by South Ayrshire Council. Although the Appeal was not upheld, the reasoning within it is informative on the matter of energy policy and how it should be addressed by way of a material consideration in a planning or indeed an Electricity Act determination.

2.5.20 In the decision, the Reporter at paragraph 78 states that both SPP and NPF3 offer strong support for onshore wind farms. At paragraph 80 she acknowledges that:

> "*SPP and NPF3 refer to, and are reflective of, the then legislative and policy context in relation to renewable energy and climate change. However, as the Appellant points out, this context has changed in the meantime*".

2.5.21 The Reporter went on at paragraph 81 to refer to new matters including the Scottish Energy Strategy (2017) and the associated Onshore Wind Policy Statement and the new Emissions Reduction Act of 2019. Furthermore, the Reporter made a point of noting that as of 2019 the UK had not met its EU 2020 target for renewable energy and that there are further targets to be met by 2030 under that Directive which remain legally binding notwithstanding the UK's departure from the EU. The declared Climate Emergency in Scotland is also referenced.

2.5.22 At paragraph 83 of the decision, the Reporter states:

> *"I agree with the Appellant that all of this (and the various related documents supplied by the Appellant) demonstrates that they need to respond to climate change, the urgency and scale of that challenge, and the contribution of wind and other renewable energy in doing so, are all considerably heightened and important. I agree that, as a material consideration, this increases the value that should attach to the renewable energy benefits of the proposed development".*

2.5.23 The Reporter went on to state that those benefits would still need to be weighed in the overall planning balance. That is the approach that the Applicant is advocating in this case for the Energy Isles project: namely that SPP and NPF3 provide the broad planning framework, in particular by way of the Spatial Framework and at paragraph 169 where there is reference to the various 'considerations' that need to come into play in a planning judgment.

2.5.24 SPP does not advise decision makers on the amount of weight that needs to be afforded to any given material consideration. It is clear from Millenderdale Farm that the Reporter has placed greater weight on the benefits that would flow from a wind farm as a result of the 'considerably heightened' importance "of the need to respond to climate change".

2.5.25 The increased importance is justified on the basis of the new material considerations that have arisen since SPP and NPF3 were published in 2014. As the Reporter rightly highlights, the context since then has considerably changed and that is what needs to be taken into account in planning decisions.

3. 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.

3.2 National Planning Policy

The National Planning Framework & Scottish Planning Policy

3.2.1 Both NPF3 and SPP were addressed in detail in the PEPS. In summary both documents set out a strong position of support in relation to renewable energy and associated targets and recognise the significant energy resource provided by onshore wind. The PEPS should be referred to for the detailed assessment of the Proposed Development in terms of national planning policy.

3.2.2 The PEPS concluded that the presumption in favour of development that contributes to sustainable development would be engaged. It also highlighted (paragraph 5.20) that as of October 2019, the adopted Shetland LDP (2014) would be more than five years old.

3.2.3 In addition, both NPF3 and SPP are under review and have to some extent been overtaken by new renewable energy targets and statutory provisions on greenhouse gas emissions reductions which need to be taken into account.

The Presumption in Favour

3.2.4 An important 'Policy Principle' in the planning system, introduced by SPP is the statement at Paragraph 27, as follows:

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

3.2.5 Paragraph 28 continues and states:

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

3.2.6 The presumption applies to all types of development – SPP does not specify any exclusions.

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

Table 3.1: SPP paragraph 29 Principles

Policy Principle	Proposed Energy Isles Wind Farm Development
1. Giving due weight to net economic benefit.	There would be net positive socio-economic effects.
2. Respond to economic issues, challenges and opportunities, outlined in local economic strategies.	The Proposed Development fits with the strong drive to encourage renewable energy development in the Development Plan.
3. Supporting good design and the six qualities of successful places.	Limited relevance - but a successful layout has been achieved that fits with landscape character and local context - without unacceptable effects.
6. Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The Proposed Development would deliver energy infrastructure.
7. Supporting climate change mitigation and adaptation including taking account of flood risk.	The Proposed Development would help to support climate change mitigation by replacing fossil fuel energy generation with renewable energy, thereby reducing emissions of climate changing gases.
8. Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	Limited relevance - the Proposed Development would provide opportunities for walking and biking on access tracks.
9. Having regard to the principles for sustainable land use set out in the Land Use Strategy.	The Land Use Strategy (2016-21) is a key commitment in the Climate Change (Scotland) Act 2009. The Strategy cross refers to development plans and their policies such as landscape protection, biodiversity, and renewable energy development which, through planning decision making will help deliver the Strategy and the principles for sustainable land use. The Proposed Development would contribute positively to climate change action and demonstrates care for the landscape by being in a suitable location and would provide for peat restoration / enhancement – thereby making a sustainable contribution overall to land use.
10. Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The Proposed Development would have a neutral effect in relation to this principle.
11. Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The Proposed Development would provide opportunities for access through the use of the access tracks.
13. Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	There would be no conflict with this policy principle.

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

3.2.9 As set out in Table 3.1 above, the Proposed Development satisfies and/or is consistent with the relevant 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 sustainable development.

3.2.10 Furthermore, the Proposed Development is considered to be acceptable when considered against the development management considerations in relation to renewable energy developments as set out at paragraph 169 of SPP.

3.2.11 The Proposed Development therefore benefits from the presumption in favour of development that contributes to sustainable development.

3.2.12 The operation of the presumption in favour has been examined at a number of Section 36 Electricity Act 1989 Public Inquiries in recent years. The approach of Reporters to the application of the SPP advice on the presumption in these cases has explicitly taken into account paragraph 33 of SPP and held that the advice in that paragraph was relevant. Paragraph 33 of SPP states:

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

3.2.13 The approach of Reporters to date now has to be addressed in the light of the recent judgement of the Inner House in the Gladman[9]. case. The Court determined that in the case of housing development[10] the starting point for considering the presumption was paragraph 33 of SPP. Paragraphs 32 and 33 address the presumption against the background of development plan primacy under section 25 of the 1997 Act.

3.2.14 However, for cases proceeding under Section 36 of the Electricity Act 1989 there is no development plan primacy. The correct approach for Section 36 cases is that set out above which starts from the position that the presumption is clearly intended to apply to all development regardless of the decision-making jurisdiction. The paragraph 29 SPP principles are applied to determine the applicability of the presumption from case to case[11].

3.2.15 The Shetland LDP adopted in 2014 is now more than five years old.

Conclusions on the Presumption

3.2.16 The Proposed Development would contribute to sustainable development and following consideration of the principles set out at paragraph 29 of SPP and the desired 'outcomes' the proposal should benefit from the presumption. This is further examined with regard to the more finer grained policy framework of the LDP in the following Chapter.

[9] The judgement of the Inner House of the Court of Session in Gladman Developments Ltd v The Scottish Ministers [(2020) CSIH 28].

[10] The case clearly related to a housing development but the Court's opinion on how the presumption is approached is not constrained to housing cases.

[11] In July 2020 the Scottish Government issued a consultation entitled 'The Scottish Planning Policy and Housing' – Technical Consultation on Proposed Policy Amendments. The consultation seeks to clarify specific parts of SPP that relate to planning for housing and any changes if made, would apply in the interim period ahead of the adoption of NPF4. The consultation is in response to *Gladman* – one of the proposals is the removal of the presumption in favour of development that contributes to sustainable development "*given that it is considered to have potential for conflict with a plan-led approach*" and has given rise to a significant number of issues for decision makers in its application. The consultation ends on 09 October 2020.

3.3 The Shetland Development Plan

3.3.1 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).

3.3.2 The SLDP is referenced in some detail in the PEPS.

3.3.3 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.

3.3.4 The SLDP 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.

3.3.5 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*".

3.3.6 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*". 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.

3.4 Policy RE1 'Renewable Energy'

3.4.1 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. The PEPS (section 6) appraised the Proposed Development against environmental considerations and concluded that the Proposed Development (the 2019 Layout) was in accordance with all relevant policies of the SLDP including the lead policy RE1.

3.4.2 The SEI relating to the 2020 Layout covers all relevant environmental and technical topics but also deals with the issues and objections raised by consultees and other parties including SNH, HES, the Shetland Amenity Trust and the RSPB. Key matters relate to the effects of the 2020 Layout with specific regard to:

- Landscape and visual impact, in particular on the Shetland National Scenic Area (NSA);

- Cultural heritage, in particular impact on the integrity of the setting of Burgi Geos, promontory fort Scheduled Monument (SAM); and
- Carbon rich soils, deep peat and priority peatland habitat.

3.4.3 The conclusions from the SEI on these specific topics are summarised below, before policy conclusions are then drawn.

Landscape and Visual Impact

3.4.4 SNH's consultation response dated 15th July 2019 sets out their objection to the 2019 Layout on the grounds that there would be "*significant adverse effects on the special qualities of the Shetland National Scenic Area NSA such that the objectives of the designation and overall integrity of the area would be compromised*." As a result of this advice, and the consultation response of the Shetland Amenity Trust, the Applicant has progressed further engagement with SNH with a view to addressing the landscape and visual issues raised.

3.4.5 Chapter 5 of the SEI contains an updated Landscape and Visual Impact Assessment (LVIA) prepared to provide an understanding of the reduced effects of the Proposed Development 2020 Layout, which should be referred to for its detail.

3.4.6 In summary, the amendments made to the Proposed Development reduce the influence of the wind farm on sub units of the Shetland NSA at North Roe and Unst. As explained, the revised Proposed Development is now reduced from 29 to 23 turbines; 14 at 200 m high to blade tip; and 9 turbines at 180 m high to blade tip. The removal of six turbines and associated infrastructure marks a 20% reduction in the number of turbines. The NSA is also a considerable distance from the Proposed Development – some 12km at its closest point.

3.4.7 Key points in the LVIA conclusions are:

- The amendments simplify the design of the Proposed Development in relation to the underlying landform, removing turbines from the flat coastal headland on Yell, and **improving the relationship with the adjacent settlement pattern**.
- Six turbines have been removed from the northern sector of the Proposed Development, taking development away from the coastal headland and the transitional landscapes at the northern extent of Yell. The reduction to the north has **placed the Proposed Development more definitively within a single landscape type**, that being the moorland interior of northern Yell. The reduction in the turbines to the north also reduces the horizontal extent of the wind farm visible in views from the east and west. As such, the Proposed Development has a more coherent appearance in wider views. Turbines have been removed from views between the headlands of the islands and away from the fore of views to noticeable hills and topography.
- The removal of Turbine 29 and the reduction in the heights of Turbines 5, and 24 to 28, further assists in relating the profile of the turbines to the flow of the underlying terrain. Moreover, the reduction in the heights of turbines 16, 19 and 20 on the southern edge of the development assists in reducing the variation in scale with the adjacent settlement pattern, around the head of Basta Voe.
- The comparative Zone of Theoretical Visibility (ZTV) plans presented in the LVIA (Figures 5.2.1 to 5.2.4) indicate the areas where **visibility has been reduced**, and the revised visualisations, (at Figures 5.3.1 to 5.3.21) illustrate the reduced influence of the turbines on key views and receptors within the LVIA study area.
- The detailed assessment of effects on the Shetland NSA (as set out in Appendix 5.1 in the SEI) concludes that the Special Landscape Qualities of the sub areas of the Shetland NSA will not be at risk or compromised by the Proposed Development and **the overall integrity and objectives of the Shetland NSA will be maintained**.

- In terms of **Wild Land**, the reduction in the Proposed Development will slightly reduce the magnitude of change on the Ronas Hill and North Roe Wild Land Area (WLA). The effect on the wildness qualities of the WLA would be Slight and Not Significant.
- The effects on **routes and receptors** including the limited cumulative effects, remain unchanged from the assessment grades recorded in the 2019 EIA Report. Whilst there will be sections of routes where visibility will be reduced, it is unlikely that the overall effect on the route corridors will change.
- **Visual effects on settlements will be reduced** but the overall magnitude of change will remain unchanged from the assessment grades recorded in the 2019 EIA Report. At Breckon within the North Eastern Settlement Cluster, and at Stronganess and Greenbank in the Eastern Settlement cluster, effects are reduced from Significant to Not Significant.
- The conclusions of the cumulative assessment remain as stated in the 2019 EIA LVIA Report, with **limited cumulative effects** arising.

3.4.8 The LVIA also presents a revised **Night-time Lighting Assessment**. The assessment of the operational effects of night time lighting takes a precautionary approach and is based on a worst-case scenario of all the turbines being mounted with medium intensity (2,000 candela) steady red warning lights at the top of the turbine hubs and three low-intensity (32 candela) lights mounted on the turbine towers. The Aviation Lighting Report (included as Appendix 13.1 of the SEI) recommends the following options to reduce the extent of turbine lighting:

- By reducing the number of obstruction lights;
- The inbuilt beam focusing of Air Navigation Order compliant lighting;
- Controlled attenuation in good visibility; and
- Radar controlled lighting.

3.4.9 These options for mitigation would greatly reduce the extent and visibility of the Aviation Lighting. As set out in Appendix 13.1 in the SEI, it is very likely that not all turbines will be lit, they will only be at 2,000 candela for a very short period and due to beam focussing they are unlikely to be seen from most areas of settlement.

3.4.10 A **Residential Visual Amenity Assessment** (RVAA) has been prepared for properties within a radius of 2 km to the Proposed Development to determine whether the RVAA 'Threshold' (RVAAT) had been reached (as set out in Appendix 5.6 of the 2019 EIA Report). The RVAA concluded that none of the properties had reached the RVAAT.

3.4.11 The updated assessment for the 2020 Layout also concludes that no property would reach the RVAAT and as such, the turbines would not be overwhelming such that the properties would become unattractive places in which to live. Some properties would experience significant visual effects but they are not considered to be unacceptable.

3.4.12 The Proposed Development is considered to be 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. Whilst the effects will be significant locally to the application site, and for some visual receptors in middle range views to the site, it is considered that these can be accommodated satisfactorily in this open windswept upland moorland landscape.

3.4.13 The updated LVIA concludes with the important point that the large-scale open landscape of Yell is considered to have attributes which are suited to wind farm development, as recognised in the **Landscape Sensitivity and Capacity Study for Wind Farm Development in the Shetland Islands** (LUC, March 2009).

Cultural Heritage

3.4.14 Cultural heritage is addressed in Chapter 9 of the SEI. The assessment focuses on the reassessment of indirect effects on Burgi Geos fort in respect of the 2020 Layout and also in light of Historic Environment Scotland's (HES) comments dated August 2019. HES objected to the 2019 Layout on the grounds that in its opinion it would have a significant adverse impact on the integrity of the setting of Burgi Geos, promontory fort Scheduled Monument (SM).

3.4.15 The assessment also takes into account comments from the Regional Archaeologist received in May 2019. Key points from the assessment include:

- The removal of turbines and the reduction in height of turbines for the 2020 Layout would result in a reduction in total numbers and proportions of turbines visible from heritage assets across the 10km cultural heritage study area;
- The removal of turbines in the west of the site would reduce the impact on the setting of the Burgi Geos SM to the extent that it would no longer be considered significant in EIA terms; and
- The SM known as Tur Ness, prehistoric houses and Norse settlement would not be in the ZTV for the 2020 Layout and thus the predicted level effect on the setting of this monument has reduced from Marginal to None.

3.4.16 All other predicted effects remain at the same level as reported in the 2019 EIA Report.

Geology, Peat, Hydrology and Hydrogeology & Peatland Habitat

3.4.17 The effects of the 2020 Layout on geological, hydrogeological and hydrological receptors is reported in Chapter 10 of the SEI.

3.4.18 SEPA had no objection to the wind farm development, subject to various planning conditions being attached to a grant of consent.

3.4.19 SNH objected to the Proposed Development as a proportion of the site is located on Class 1 carbon rich soils, deep peat and priority peatland habitat and such Class 1 resources are of national importance. SNH stated that from their site survey:

- The site supports extensive areas of Class1 carbon rich soils, deep peat and priority peatland habitat;
- That much of that habitat satisfied the minimum quality standards required of a Site of Special Scientific Interest, though not designated as such;
- That despite efforts to reduce impacts on areas of deep peat and summit pool systems, significant damage to areas of deep peat and priority peatland habitat could not be avoided; and
- That the peatland is of sufficient quality over an extensive area that on-site habitat restoration would not compensate for the loss and damage resulting from wind farm construction and operation.

3.4.20 SNH continued saying "*The Applicant therefore needs to demonstrate through the EIA that a wind farm can be built on this site without significant loss and damage to these nationally important interests. It is not clear how the off-site compensatory measures can be secured in the long term, nor, even if they could, how these would result in benefits equal to or greater than the losses which will occur on the site*".

3.4.21 The Applicant's response to the SNH comments, and to the objections from the Royal Society for the Protection of Birds (RSPB) and the Shetland Amenity Trust on peatland habitats is set out within Chapter 7 (Ecology) of the SEI. The SEI sets out that:

- the changed layout has caused a reduction on the permanent loss of blanket bog from a predicted loss of 30.61 ha to 23.4 ha under the 2020 Layout (temporary disruption will change from 23.2 ha to 18 ha);
- Despite these significant reductions, the loss of blanket remains a significant effect. However, an updated Outline Habitat Management Plan (HMP) for restoration of blanket bog off-site is has been included that provides assurance on degraded blanket bog habitat being made available to compensate for these impacts. Overall, a net amount of c70 ha of blanket bog will be restored (further detail is contained in the SEI Appendix 7.1) and is considered to out-weigh the losses within the site.

3.4.22 In response to the points SNH raise, the Applicant has also set out in Chapter 7 of the SEI that:

- The EIA Report evaluated the blanket bog within the application site as being of national value. However, the site is not designated at the national level as a Site of Special Scientific Interest (SSSI), and there is no consultation proposed or underway to change this. Nor is the site designated at either the international or local levels;
- The application site is located c.1.9 km north of the East Mires and Lumbister SSSI and Special Area of Conservation (SAC), which is designated for blanket bog. Given the relatively short distance between the two localities, it must be assumed that the nature conservation interest of the application site was sufficiently well understood and considered inferior to East Mires and Lumbister, when the latter was designated as an SSSI in 1996, and again in 2015 when the East Mires and Lumbister SAC standard data form was submitted to the European Commission;
- The quality of the blanket bog within the application site does not match that of East Mires and Lumbister SAC and SSSI, despite its acknowledged high value. The Applicant's position, based on the appraisal presented in the SEI, is that the application site is not of an equivalent quality and cannot be treated akin to a designated site;
- Chapter 7 of the EIA Report fully acknowledged that the permanent loss of 30.61 ha of blanket bog would be significant at the national level. As noted, the permanent loss of blanket bog is reduced to 23.4 ha under the 2020 Layout; and
- It is acknowledged that the Outline HMP included as Appendix 7.7 in the EIA Report did not detail how the off-site compensatory measures would be secured in the long term or how they will result in benefits equal to or greater than the losses which will occur on the site. An updated Outline HMP is therefore included as Appendix 7.1 of the 2020 SEI which provides greater assurance that off-site compensation can be secured.

3.4.23 The Applicant acknowledges SNH's willingness to consider an amended development. As described in the SEI, the 2020 Layout represents a significantly different proposal, and it would result in a much reduced effect on the peatland habitat such that the Proposed Development is considered to be acceptable.

3.4.24 Whilst during the construction phase there would remain a low level, long-term significant effect at a national level – it is considered that for the purposes of the Group 2 SPP Spatial Framework policy, that the "*significant effects on the qualities of these areas*" has been substantially overcome by "siting, design" and "mitigation".

3.4.25 Given all of the above, together with the environmental information on the other EIA topics as set out in the SEI, the conclusion in relation to policy RE1 still stands – i.e. no unacceptable effects would arise from the Proposed Development. Moreover, the Proposed Development is considered to be consistent with the Supplementary Guidance which provides further detail on the provisions of policy RE1.

3.5 Policy Appraisal - Conclusion

3.5.1 Overall, the EIA undertaken has demonstrated that the site is suitable for the Proposed Development. When the findings in respect of the 2020 Layout are set against the planning policy framework, and recognising the benefits that will result from the very significant wind resource that the site has, the conclusion is reached that the Proposed Development is consistent with Development Plan policies and with the Plan when read as a whole.

3.5.2 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 before consents are forthcoming.

3.5.3 It is considered that the proposal would satisfy the principles set out at paragraph 29 of SPP and it would assist in delivering Outcomes 2 and 3 – indicating that the proposal is consistent with sustainable development and it would benefit from the presumption in favour of development that contributes to sustainable development.

3.5.4 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.

3.5.5 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. The documents are under review and have to a large extent been overtaken by new renewable energy targets and statutory provisions on GHG emissions reductions which have been explained above.

4. The Benefits of the Proposed Development

4.1 The Benefits of the Proposed Development

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

- With an indicative capacity of approximately 160 MW, 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. Energy policy is an important material consideration in the determination of the application and should be afforded significant weight in favour of the Proposed Development.
- Based on the capacity factors of other wind farms on Shetland and supported by independent analysis, the **annual indicative energy output** for the site is expected to be approximately 714,816 MWh/per annum., indicating that the Proposed Development would generate enough electricity to power over 197,572 average Scottish households[12].
- The potential annual **carbon emission savings** for the Proposed Development have been set out in Chapter 16 of the SEI. 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 180,000 tCO2e annually - a considerable beneficial environmental effect.
- The Proposed Development would have a carbon 'payback' time of 1.9 years, which is only around 6 % of the anticipated lifespan of the Proposed Development. The Proposed Development therefore has a **very low carbon footprint** and after 1.9 years, the electricity generated is estimated to be carbon neutral and will displace grid electricity generated from fossil fuel sources.
- The **carbon intensity** of the electricity produced by the Proposed Development is estimated at 0.016 $kgCO_2e/kWh$. This is within the range of the carbon intensity required by the Scottish Government to meet the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 target by 2045 and therefore the Proposed Development is evaluated to have an overall beneficial effect on climate change mitigation.
- The economic analysis found that during the development and construction phase, the Proposed Development would contribute the following **economic benefits**:
  - £20.3 million and 178 job years in Shetland; and
  - £70.2 million and 635 job years in Scotland.
- During each year the operation and maintenance of the Proposed Development would contribute:
  - £0.5 million and 4 jobs; and
  - £1.2 million and 9 jobs.

[12] Based on Department of Business, Energy and Industrial Strategy (BEIS) UK average domestic household consumption at 3,618 kWH/p.a. (BEIS, 2019) (refer to Chapter 1 of the SEI Report).

- The Proposed Development would also contribute £0.8 million per annum in **community benefits**, equating to £24.0 million over 30 years. In addition, the Proposed Development would contribute £2.2 million per annum in Non-Domestic Rates, which would equate to £66.8 million over 30 years.
- 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.
- The Proposed Development would also **support the needs case for a proposed interconnector** to the Scottish mainland by demonstrating the need to export renewable energy from the excellent wind resource generated on Shetland. This interconnector would increase the security of supply in Shetland and Scotland, supporting economic activity during its construction and operation, and supporting the potential for additional renewable energy capacity on Shetland.
- In addition, the Proposed Development **supports the development of the proposed Maali interconnector between Shetland and Norway**, which has the potential to increase security of supply and reduce costs to consumers on Shetland and the Scottish mainland, as well as providing a new market for Scotland's renewable energy generation, including Shetland.
- The Proposed Development would result in a **capital expenditure** of the order of £240 million and would generate employment during the construction and operational periods.
- A draft Habitat Management Plan (Draft HMP) which replaces the 2019 Outline HMP has been put forward which:
  - Provides greater detail on off-site areas targeted for peatland restoration; and
  - Is intended as an iterative document, which will be further refined into a detailed HMP following grant of consent for the Proposed Development and agreed by Shetland Islands Council in consultation with SNH and SEPA, and based on the results of monitoring.
- The revised Draft Peat Management Plan (Appendix 10.1 of the SEI) 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. The Office of Budget Responsibility (OBR) has set out clear warnings in July 2020 that unemployment in the UK is likely to rise beyond levels seen in the 1980s as the nation struggles to regain its pre-COVID-19 virus footing. The OBR's position is that 2020 has seen the biggest collapse in economic activity since records began and there is now a significant likelihood of lasting economic 'scarring'. Reference has been made in Chapter 2 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 Overall Conclusions

5.1.1 The Government's objective is to cut carbon emissions whilst also delivering electricity to consumers at the lowest cost. As such, it is onshore wind sites with good wind speeds, readily available infrastructure such as grid opportunity and acceptable environmental impacts that are likely to be able to proceed to implementation in an increasingly competitive environment, and therefore contribute to the Scottish and the UK Government's targets and policy objectives. The Energy Isles Wind Farm is such a development.

5.1.2 The benefits of the Proposed Development have been set out in the context of the current Climate Emergency and economic crisis – they would help address the issue of global heating and challenging 'net zero' targets and moreover, would deliver economic benefits at a time of severe economic recession.

5.1.3 This Update to the Planning Statement has identified the more urgent need for onshore wind: an increase of this renewable energy technology is supported through a number of more recent policy documents and by Scottish Government commitments. The technology was already viewed and described as "vital" to the attainment of targets in 2017. This imperative has only increased since a 'climate emergency' was declared by the Scottish First Minister in April 2019 and, in line with the recommendations made by the CCC (2019) 'net zero' publication.

5.1.4 Furthermore, the drive to attain net zero emissions is now legally binding at the UK and Scottish Government levels by way of recent amendments to the Climate Change Act 2008 and in Scotland with the provisions of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

5.1.5 It has therefore not only been demonstrated that the Proposed Development accords with local and national planning policy, but that there is additionally 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.

5.1.6 The socio-economic benefits are also now of particular importance given the unprecedented current economic crisis and expected recession in Scotland and the wider UK. 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 – very significant weight should be placed on the benefits that would arise from the Proposed Development. The Proposed Development should also benefit from the presumption in favour of development that contributes to sustainable development in SPP.

5.1.7 The overall conclusion reached is that the Proposed Development satisfies the terms of paragraph 3 of Schedule 9 of the 1989 Act, while also taking into account other policy considerations including those which are relevant in the Development Plan, in particular the lead policy RE1. The issues raised by consultees have been satisfactorily addressed in the 2020 Layout and as reported in the SEI.

5.1.8 Furthermore, 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. A further attribute is the location's excellent wind speeds – and as a result the valuable contribution it can make to addressing the Climate Emergency.

5.1.9 On this basis, it is respectfully recommended that Section 36 consent and deemed planning permission should be granted for the Proposed Development.

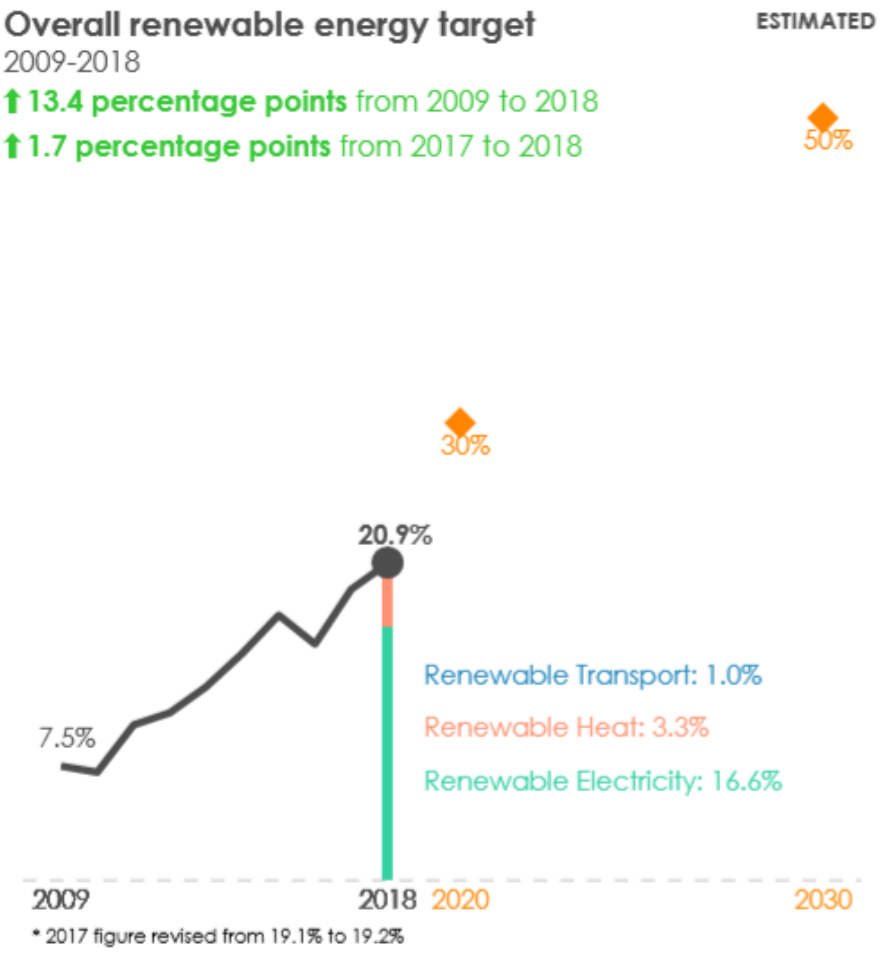
6. Appendix 1: Renewable Energy Statistics (March 2020)

Progress to the Scottish 2020 Renewable Energy & Electricity Targets

Renewable Energy

6.1.1 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 2020) show that in 2018, 20.9% of total Scottish energy consumption came from renewable sources. This is illustrated in Figure 6.1 below.

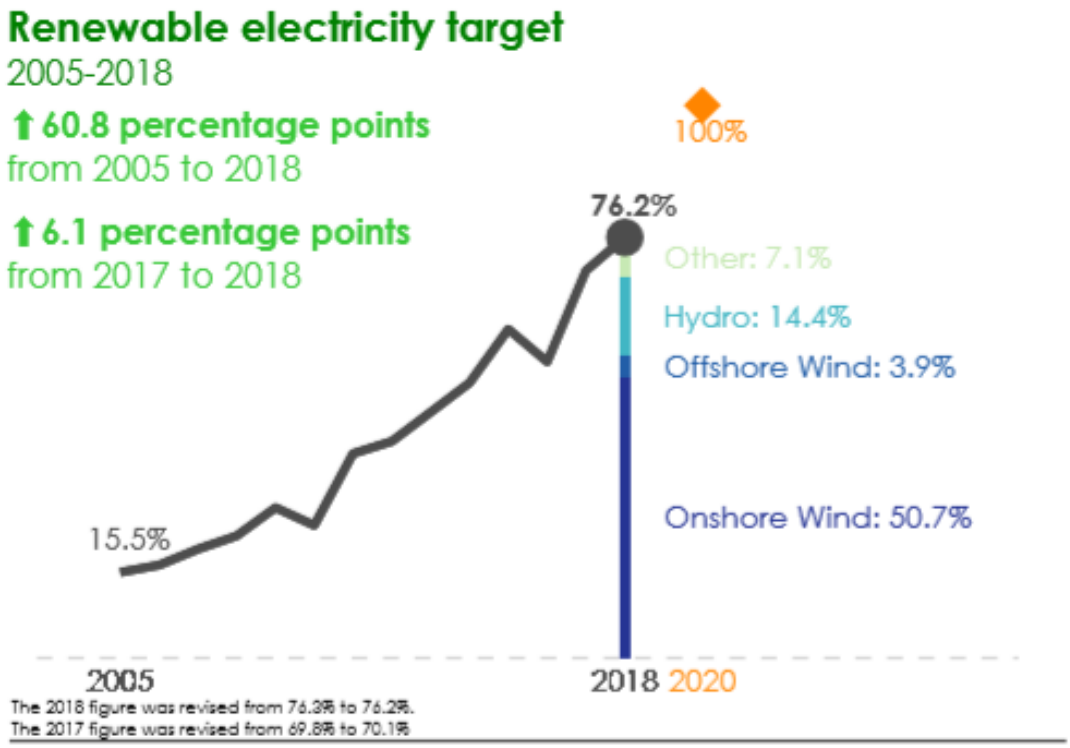
Figure 6.1: Performance against the 2020 & 2030 Renewable Energy Targets



Renewable Electricity

6.1.2 The 2020 100% electricity target equates to around 17GW of installed renewables capacity. The Scottish Government estimates that in 2019, renewable sources generated the equivalent of approximately 90% gross electricity consumption[13]. This is illustrated in Figure 6.2 below. It can be seen that onshore wind is the key contributing technology and that is expected to continue, as set out in the OWPS.

Figure 6.2: Performance against 2020 Renewable Electricity Target

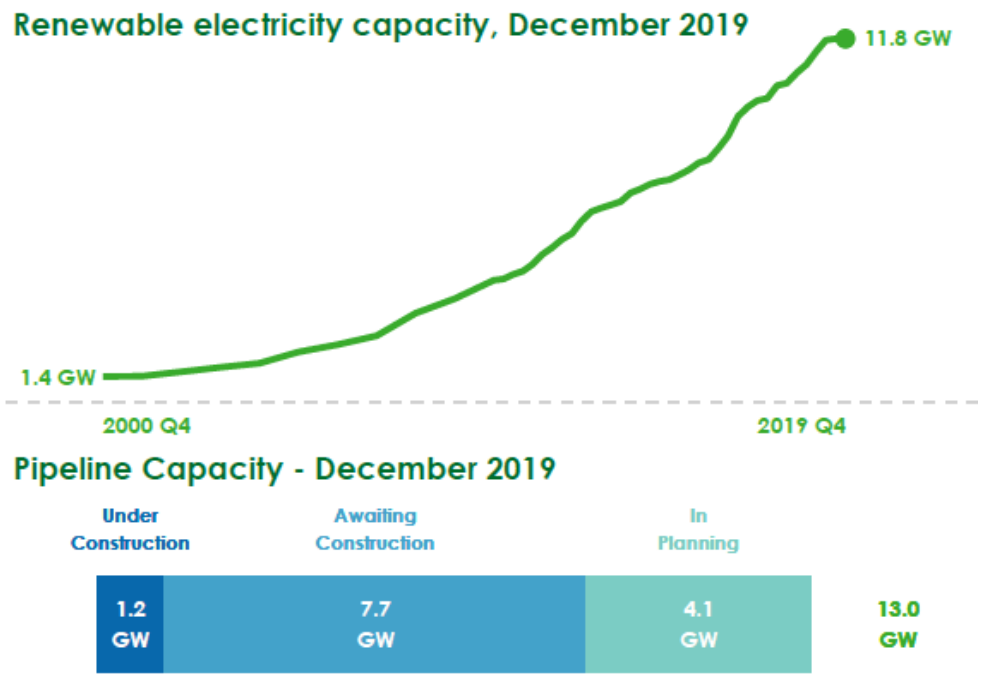


[13] Scottish Government, Renewable Energy Statistics, March 2020.

Renewable Electricity Capacity

6.1.3 The Scottish Government's[14] March 2020 statistics show that as of December 2019, Scotland had 11.8 Giga-Watts (GW) of installed (operational) renewable electricity generation capacity, with an additional 1.2 GW of capacity under construction and 7.7 GW consented. Figure 6.3 below illustrates Scotland's renewable capacity by stage in the planning process.

Figure 6.3: Renewable Capacity in Scotland by Planning Stage, as of December 2019



6.1.4 Figure 6.3 illustrates that there remains a significant shortfall against the Scottish 2020 renewable electricity generation target as the 'operational' and 'under construction' figures together only amount to 13GW. Not all consented projects will proceed to implementation. The Proposed Development would make a valuable contribution to what remains an unmet and uncapped target for 2020.

[14] *ibid*.

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