



Real value in a changing world



Viking Wind Farm

Planning Statement

Prepared on behalf of
Viking Energy Partnership

June 2009



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1 Introduction

1.1 Background

- 1.1.1 Jones Lang LaSalle has been commissioned by Viking Energy Limited (hereinafter referred to as “the Applicant”) to provide planning policy advice with regard to the Viking Energy Wind Farm application (hereinafter referred to as the “proposed development”) submitted under Section 36 of the Electricity Act 1989 as amended by the Utilities Act 2000 and the Energy Act 2004 (hereinafter referred to as “the 1989 Act”).
- 1.1.2 This report contains 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, national energy and planning policy and other material considerations. This report is supplementary to the Environmental Statement (ES) submitted with the Section 36 application, which gives a detailed description of the proposed development, and which outlines the relevant policy context. This Planning Statement should be read in conjunction with the ES which is cross referenced where appropriate.
- 1.1.3 This planning policy assessment is intended to facilitate the decision making process through providing a comprehensive review of the proposed development against the relevant provisions of the statutory Development Plan, relevant national planning policy, the relevant provisions of the 1989 Act and other material considerations including renewable energy policy and targets.

1.2 Site Location and Description

- 1.2.1 The application site (shown in Figure 3.1 of the ES and Appendix 1 of this statement), occupies land in the central mainland of Shetland and the site context is described in detail in Chapter 6 of the ES (site context). It extends approximately 11km to the south and 9km to the north of the village of Voe, which lies 29km by road to the north of Lerwick. At its widest point, the site extends approximately 11km from east to west, stretching from Nesting to the vicinity of Aith. The ES and accompanying plans describe the site in detail including environmentally sensitive receptors.
- 1.2.2 The site covers a series of hills varying in altitude between 50 and 280m AOD and comprises mainly of rugged and open moorland that is primarily used for crofting and common grazing. The wider study area is about 18,700 ha which includes 314ha upon which the proposed physical development will actually take place.
- 1.2.3 The site is predominantly of a rural character but with a number of small settlements within 1 - 2 km of the site boundary, as described in detail in Chapter 1 of the ES.
- 1.2.4 As well as the surrounding settlements, surrounding land uses include agriculture, crofting and aqua culture, including mussel, oyster and salmon farming around the coast. Sullom Voe oil terminal is approximately 2.5km North West of the nearest proposed turbine.

1.3 The Proposed Development

- 1.3.1 The proposed development is described in detail Chapter 4 of the ES (Development Description) but in summary comprises of:-
- 150 turbines with a tubular tower of up to 90m in height and or overall rotor diameter of approximately 110m. The height to blade tip would be 145m. Each turbine would have a nominal energy generating capacity of 3MW to 3.6MW. The wind farm would therefore have a total nominal generating capacity of up to 540MW, depending upon the turbine eventually selected;
 - Access tracks totalling 118km in length are proposed and these would be constructed in accordance with current best practice. This matter is considered in detail within the ES (Chapter 4 Development Description and Table 4.1 cut and float track lengths) and it is envisaged that a construction method statement would be agreed with Shetland Islands Council (hereinafter referred to as “the Council”) to ensure construction methods

are compliant with hydrological, ecological, archaeological and landscape objectives to ensure that tracks have been routed appropriately;

- The aim of the project is to generate renewable energy. Since electricity demand in Shetland is significantly lower than 540MW and the system is islanded, it would be necessary to install a sub – sea cable connecting Shetland to the main UK grid system. The details of the grid connection are not part of this s.36 Application and are therefore not covered within this Planning Statement.
- It is estimated that 1.5 million cubic metres of rock would be quarried as part of the proposed development for a variety of construction needs but primarily for track construction. The majority of this stone would be sourced from on site borrow pits that meet identified criteria including potential environmental impacts;
- 11 permanent anemometry masts would be required for control purposes and these would be free standing, of lattice construction up to 90m high. Details are provided in Figure 4.7 of the ES. In addition, two temporary masts will be required at the site of each turbine. These masts would be of guyed type construction. One mast would be removed prior to the erection of the turbine with the other remaining for up to a year after commissioning.

1.4 Construction Activities and Programme

1.4.1 Construction of the wind farm is expected to take in the order of 5 years and would involve the following main phases:-

- a) Site establishment;
- b) Civil works including formation of borrow pits, tracks and foundations and re-instatement;
- c) Turbine delivery, installation and commissioning;
- d) Electrical works; and
- e) Anemometers;

1.4.2 The construction of the wind farm would have associated infrastructure requirements and these will include a site construction compound and satellite compounds (detailed in Figures 4.11 and 4.12 of the ES) and a typical satellite contractors compound (illustrated in Figure 4.9 of the ES) which would generally comprise portacabins for site offices, tool crates, portaloos and refuelling facilities. It is proposed to locate the central construction compound at Sella Ness, where there are existing areas of hard standing and services.

1.4.3 Additional hardcore lay down areas would be established at satellite site compounds (approximately 100m x 100m in area) with security fencing. These lay down areas are required to provide logistical flexibility and a place to store minor plant items and material and park construction plant.

1.4.4 Crane pads would be required adjacent to each turbine base (illustrated in Figure 4.10 of the ES) and these would comprise a hardcore fill with final design and layout to be determined at the time of turbine supply according to the preferred construction method.

1.4.5 Concrete is likely to be batched on site rather than delivered in ready-mix wagons. Batching plants would comprise aggregate and cement hoppers, water bowsers and tanks, a mixer and controlled cubicle. The batching plant is likely to be located at the satellite compounds. The total amount of concrete required is likely to be in the region of 112,700m³ requiring a total of approximately 11,858 delivery vehicle movements.

1.4.6 Reinstatement measures and details of construction traffic are detailed within Chapter 4 (Development Description) of the ES.

1.4.7 The construction phase is estimated to generate employment for approximately 221 people over a period of 5 years, with some 49 permanent jobs created in the operational phase which would last for 25 years thereafter.

1.5 The Need for the Proposed Development

- 1.5.1 The need case for the proposed development is set out within Chapter 2 of the ES. The need case is based on renewable energy targets set at the European, UK and Scottish Government levels. The ability to meet these targets is reliant on the implementation of consented renewable energy schemes, including wind farms. As noted above, the proposed development would provide a nominal generating capacity of 540 MW.
- 1.5.2 The National Planning Framework 2 (NPF 2) sets out the Government's commitment to the further development of renewable energy in Scotland and confirms importance of this resource as a key element of achieving the spatial strategy for the country up to 2030 and indeed, as a key element to attaining the Government's central purpose of increasing sustainable economic growth.
- 1.5.3 Furthermore, the Scottish Government and the Forum for Renewable Energy Development in Scotland (FREDS) published a draft Framework for the Development and Deployment of Renewables in Scotland in late 2008. The Government has recently consulted on this Framework and it complements the proposals in the parallel consultation document on a Renewable Energy Strategy issued in June 2008 by the UK Department for Business, Enterprise and Regulatory Reform (BERR¹). The Framework notes that Scotland will require 5GW to achieve the 2011 target and some 8.3 – 8.4 GW to achieve 50% by 2020.
- 1.5.4 Chapter 4 of this Planning Statement refers to material considerations and addresses renewable energy targets and the contribution that the proposed development would make to attaining them.

1.6 Approach

- 1.6.1 The Applicant has submitted the application for Viking Wind Farm to The Scottish Ministers under s.36 of the 1989 Act. As part of the s.36 application process, the Applicant will also be seeking that Scottish Ministers issue a direction under s.57(2) of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") that deemed planning permission be granted for the development detailed.
- 1.6.2 As set out in section 1.1, the purpose of this Planning Statement is to review the proposed development in the context of Development Plan policy and relevant material considerations. This Planning Statement explains the relationship of the proposed development to the policy framework as set out within the statutory Development Plan, including the extent to which the development is in accordance with national energy policy, national planning policy, and the extent to which other material considerations apply and the weight to be attributed to them.
- 1.6.3 Reference is made to the predicted significant environmental effects of the proposed development with regard to the overall aims and objectives of the Development Plan. Key Development Plan policies are also considered and conclusions are presented with regard to the accordance of the proposed development with such policies. Overall conclusions are also presented, taking into account the Development Plan and key material considerations.
- 1.6.4 There is a distinction to be drawn between the grant of an application for s.36 consent and deemed planning permission under s.57 of the 1997 Act. Deemed planning permission under s.57 (2) of the 1997 Act can only be given upon the granting of consent under s.36 of 1989 Act. It is a matter for the discretion of the Scottish Ministers as to whether they consider it appropriate to make such a Direction in addition to the consent which is sought under s.36. In other words, the framework of the legislation is such that it does not automatically follow that, if consent is granted under s.36, a Direction granting deemed planning permission falls to be made under s.57 of the 1997 Act. Neither does it follow that the considerations applicable are the same. The decision to grant consent under the 1989 Act is the principal decision.
- 1.6.5 Paragraph 3(1) of Schedule 9 to the Electricity Act 1989 provides a specific statutory requirement on the Scottish Ministers, when considering applications for s.36 consent, to:

¹ Now the Department of Energy and Climate Change (DECC).

- have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeology interest; and
- the extent to which the developer has complied with its duty to do what it reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or any such flora, fauna, features, sites, buildings or objects.

1.6.6 The Applicant has sought to develop a project which takes full account of these obligations. The ES demonstrates that due regard to the above matters and appropriate mitigation has been considered in detail.

1.6.7 In considering the overall legal framework within which the proposed development requires to be assessed, it is considered that the terms of the statutory Development Plan are a relevant material consideration, but with the caveat that conformity with the statutory Development Plan is not, and cannot be, the determining issue for the proposed development.

1.6.8 The approach has involved detailed consideration of the findings of the ES and close dialogue with the various multi disciplinary consultants that have been involved in the preparation of the ES. Discussions have also taken place with planning and other officials of Shetland Islands Council.

1.7 Structure of the Report

1.7.1 Chapter 1 as set out above provides an introduction to the proposed development and to the approach taken to the preparation of this Planning Statement.

1.7.2 Chapter 2 provides a summary of the aims and objectives of the statutory Development Plan for the Shetland Islands and assesses the proposed development against them.

1.7.3 Chapter 3 assesses the proposed development against the relevant policies of the Development Plan, under the relevant policy topics.

1.7.4 Chapter 4 refers to the relevant material considerations.

1.7.5 Chapter 5 presents the overall conclusions of the assessment of the proposed development against policy and material considerations.

2 Development Plan: Aims and Objectives

2.1 Introduction

2.1.1 This chapter outlines the relevant aims and objectives of the Development Plan, which in turn sets the context for the individual policies to be addressed. The proposed development is assessed against the relevant aims and objectives of the Development Plan.

2.1.2 As noted in Chapter 1, the proposed development is located in the central mainland of Shetland. The whole of the Shetland Islands is covered by a single Structure Plan and Local Plan, which together constitutes the statutory Development Plan for the Shetland Islands. The Development Plan is:

- The Shetland Structure Plan 2001 – 2016 (approved 2001); and
- The Shetland Local Plan (adopted June 2004).

2.2 The Development Plan

The Shetland Structure Plan (2001)

2.2.1 The approved Shetland Structure Plan (hereafter referred to as “the Structure Plan”) has a main aim which is to achieve sustainable development. To achieve this main aim, the Structure Plan sets out the key issues for Shetland in its sustainable vision for 2016.

2.2.2 Table 2.1 summarises the key issues identified by the Structure Plan, the Council’s vision for 2016 and the relevance of the proposed development in relation to these aims.

Table 2.1: Structure Plan - Key Issues

Key Issues	Vision for 2016	Relevance of the Proposed Development
A decline in population; Population and gradual decline; out-migration exceeding in-migration; rural areas experiencing difficulty in retaining population/viable communities/services.	Increase economic opportunity to reverse population decline. Promotion of social inclusion. The retention of an outstanding and healthy environment.	The proposed development will bring economic investment, greater employment opportunity and will support associated services.
Need to support rural communities encouraging new business activity and service provision.	Sustainable improvements to public assets. Provision of affordable housing.	
Housing Needs; despite population decline households are estimated to increase by 7% by the year 2011.	New households have benefited local communities retaining essential services and facilities.	The proposed development will introduce new employment and spin off benefits for local service provision assisting in limiting the population decline and increasing the need for service provision.

Key Issues	Vision for 2016	Relevance of the Proposed Development
<p>Fragile Economy; Employment dominated by service provision, lack of manufacturing.</p> <p>Need jobs in growth sectors.</p>	<p>Wide range of available business premises for both new industry and expansion of existing industry.</p> <p>Rural economy diversifying local supply networks exploiting niche markets and adding value to their products.</p> <p>Building on the success enabling population to have access to lifelong learning.</p>	<p>Renewable energy is a major growth sector and the Proposed Development offers potential for Shetland to capitalise on its natural resource – wind energy.</p> <p>The proposed development will bring with it the opportunity to for a substantial number of jobs during the construction period and thereafter with operational employment and associated benefits to the economy.</p>
<p>Natural Environment; Shetland’s land and sea resource make up a particular rich natural environment, which forms the foundation for a substantial part of the Shetland economy. The future challenge is to protect these areas to ensure livelihoods are not threatened.</p>	<p>Interdependence of the economy and the health of the environment are clearly recognised. Local communities are taking a leading role in regeneration via the Council’s Local Agenda 21 process including the evolving Biodiversity Action Plan for Shetland.</p>	<p>The proposed development takes advantage of one of Shetland’s key resources in the form of wind energy and is designed to be of minimal impact on biodiversity and the general health of the environment. This is a key design principle of the wind farm layout.</p>
<p>Energy Resources and Waste; Shetland relies almost exclusively on non renewable sources of fuel to power human activity. Only 7% of waste is currently recycled.</p>	<p>The consumption of resources has been dramatically reduced with waste minimisation and recycling. Renewable energy projects are common place.</p>	<p>The energy generation from the proposed development is more than sufficient to provide power for the whole of Shetland. The proposed development can go further in contributing renewable energy to help attain Scotland and the UK’s renewable energy targets.</p>

2.2.3 The Structure Plan sets out strategic aims that have been developed in response to the vision namely:

- The maximise the economic competitiveness of the Shetland economy;
- To protect and promote the vitality and viability of the existing settlements;
- To protect and enhance the natural and built environment; and
- To promote social inclusion.

2.2.4 These aims are supported by a series of strategic policies relating to Shetland. The relevant policies are identified in Chapter 7 of the ES and are assessed in Chapter 3 of this report.

The Shetland Local Plan (2004)

- 2.2.5 The Shetland Local Plan (2004) (hereafter referred to as "The Local Plan") is the current adopted Local Plan covering the application site. The Local Plan is based on the key aims of the Structure Plan as detailed above. It supports the key aims with specific policies.
- 2.2.6 Paragraph 1.25 of the Local Plan sets out a number of ways in which it can play its part in working towards achieving the main aim of the Development Plan, namely to secure a sustainable society.
- 2.2.7 Relevant aims include:
- Encouraging appropriate development that maintains and improves life chances for local people;
 - Supporting and encouraging the growth and diversification of the local economy throughout Shetland to provide local employment opportunities;
 - Looking at accommodating new ways of producing renewable energy.
- 2.2.8 Paragraph 1.28 of the Local Plan recognises that there will be inherent conflict between issues and that there will be times when the need to meet provision for new development will not fit easily with the need to conserve the environment. The Local Plan together with the Structure Plan therefore provides a framework for decisions "*that will strike a balance between the two issues, with the concept of sustainability underpinning its approach*".
- 2.2.9 Taking account of the Structure Plan's aims, the Local Plan contains a series of public based goals. Together with the aims of the Local Plan, these provide the basis for Local Plan policies, proposals and recommendations.
- 2.2.10 The topic goals, come in a number of chapter headings as follows:

Table 2.2: Local Plan Chapters and Topic Goals

Chapter	Topic Goal
Chapter 3 - Natural and Build Environment	To protect, sustain and enhance Shetland's natural resources and cultural heritage for future generations to enjoy and ensure that new development contributes to environmental quality.
Chapter 4 -Coastal Management	To ensure the sustainable use development and management of the coastal area.
Chapter 5 – Water and Drainage	To encourage the adequate provision of water supplies and drainage for all new developments and to protect and enhance the quality of Shetland's marine and freshwater resources.
Chapter 6 – Waste Management	To promote sustainable waste management and ensure the efficient, safe and clean, collection, storage, treatment and disposal of waste for the whole of Shetland.
Chapter 7 – Energy	To promote the sustainable and efficient use of energy resources to maximise social, environmental and economic benefit within Shetland.
Chapter 8 – Minerals	To conserve Shetland's aggregate sources and mineral deposits and ensure, that, where possible, the Islands' needs can be met using local resources; and to encourage commercial extraction in suitable locations.
Chapter 9 – Business and Industry	To ensure that the business and industrial needs of Shetland are met within the context of protecting, sustaining and enhancing the environment.
Chapter 10 – Tourism	To create a sustainable tourism industry that achieves long-term economic development and avoids damage to the natural and built environment.
Chapter 11 – Commercial Development	To ensure as far as possible, that convenient access to shops is available to every inhabitant of Shetland and encourage the creation of commercial employment opportunities in rural settlements.
Chapter 12 – Transport	To deliver an integrated transport system that meets the needs of Shetland people and seeks to minimise impact on the environment.

Chapter 13 – Population and Housing	To promote a pattern of development which reflects the aspirations of the Shetland public, minimises the impact on the environment and maintains the viability and vitality of existing settlements throughout the Islands, where community facilities already exist.
Chapter 14 – Community Services and Facilities	To promote development which maintains or improves the social and economic wellbeing of the communities, ensuring as far as possible that all forms of community facilities, including health and social care, education and recreation opportunities are available and accessible to Shetland’s entire population.

2.2.11 This Planning Statement considers the relevant Local Plan policies in the context of the topic goals and key aims.

2.3 Conclusion

- 2.3.1 From the review of the aims and objectives of the Development Plan as outlined above, it is clear that the strategic aims are based upon the principles of sustainable development, with the four main aims being to maximise the competitiveness of the Shetland economy, to protect and promote the vitality and viability of the existing settlements, to protect and enhance the natural and built environment, and to promote social inclusion.
- 2.3.2 Both the Structure Plan and Local Plan recognise the significant natural resource that Shetland offers in terms of wind energy and give support for development which harnesses renewable energy. In this regard the proposed development meets with the broader aims and visions of the Development Plan and can draw significant support in terms of the contribution that it would make to the stated goals.
- 2.3.3 This support is balanced against policy seeking to protect the natural environment and strike a balance between social, economic and environmental considerations through development principles.
- 2.3.4 The following chapter assesses the development against relevant policy, the key aims of the Structure Plan and the goals of the Local Plan.

3 Policy Context and Assessment

3.1 Introduction

3.1.1 As noted in section 1.1. and 1.5 above, this assessment of planning policy is intended to facilitate the decision making process through providing a comprehensive review of the proposed development against the relevant provisions of the statutory Development Plan, relevant national planning policy, the relevant provisions of the 1989 Act and other material considerations, including renewable energy policy and targets.

3.1.2 This chapter provides an assessment of the proposed development against the relevant policies within the Council's statutory Development Plan. Relevant provisions and individual policies of the Development Plan have been identified in the ES (Chapter 7, Renewable Energy and Planning Policy Context).

3.1.3 The Development Plan policies are considered on an individual basis in terms of the Structure Plan and the Local Plan, and are assessed under the policy topics that are considered relevant to the proposed development. The policy topics which are considered relevant are:-

- Energy Policy;
- Sustainability Policy;
- Landscape and Visual Policy;
- Ecology Policy;
- Soil & Water and Drainage Policy;
- Noise Policy;
- Cultural Heritage Policy;
- Traffic and Transport Policy;
- Tourism, Recreation and Economic Development Policy;
- Telecoms & Aviation Policy; and
- Minerals Policy.

3.2 Energy Policy

3.2.1 This section provides an assessment of the proposed development against the energy related policies in the Development Plan. The energy policies are Council wide and are not site specific. Table 3.1 below identifies the relevant policies.

Table 3.1: Renewable Energy Policies

Development Plan	The Shetland Structure Plan 2001 - 2016	Shetland Local Plan 2004
Relevant Policies	SP ENG 3 Power from Renewable Energy	LP ENG 6 Energy Proposals
	SP ENG 4 Shetland Energy Plan	LP ENG 7 Control Potential Nuisance from Energy Generators
		LP ENG 8 Energy Proposals affecting Designated Environmental Sites.
		LP ENG 11 Power Lines

The Shetland Structure Plan

3.2.2 Chapter 7 of the Structure Plan sets out the topic goal;

"to promote the sustainable and efficient use of energy resources to maximise social, environmental and economic benefit within Shetland."

3.2.3 In terms of renewable energy there is recognition that Shetland has relied upon fossil fuel for its energy production and fails to take advantage of the island's abundant renewable energy resources such as wind, wave and tidal power. It is recognised that the electricity distribution system (local grid) for Shetland is a closed system with limited capacity which cannot cope with large amounts of renewable energy, which tends to produce a variable supply. It is however noted that there are examples of successful domestic wind generators including the islands of Fair Isle and Foula. The proposed development would be in accordance with this topic goal which seeks to promote renewable energy use.

3.2.4 Policy SP ENG 3 'Power from Renewable Energy' states;

Policy SP ENG 3 Power from Renewable Energy

"Proposals for the generation of power from renewable energy sources will be encouraged subject to other relevant policies in the Structure and Local Plans."

3.2.5 The policy gives encouragement to proposals for the generation of power from renewable sources and the proposed development is undoubtedly intended to generate power from Shetland's abundant wind resource. The proposed development can therefore draw considerable support from policy SP ENG 3 subject to other relevant policies in the Structure and Local Plans as addressed within this Planning Statement.

3.2.6 The preceding text in paragraph 7.3 of the Plan considers renewable energy and recognises Shetland's reliance on oil and waste gas for 93% of its energy production. There is recognition that this over reliance on imported fossil fuel is not sustainable in the longer term. It is noted that at the time when the Structure Plan was being drafted, the Council had only received three planning applications for commercial wind farm developments, of which none were under construction and the position has not changed significantly in the last 10 years.

3.2.7 The proposed development will address the energy issues referred to in the Plan and would be capable of meeting all of the Shetland Islands energy requirements.

3.2.8 Policy SP ENG 4 Shetland Energy Plan, Energy Related Developments' states:-

Policy SP ENG 4 Energy Related Developments

“Energy related developments, which take into account the objectives, and strategies set out in the Shetland Energy Plan and comply with environmental and other provisions of this Structure and Local Plan will be considered favourably.”

- 3.2.9 The Shetland Energy Plan is considered in Chapter 5 of this report (Material Considerations) for its relevance to the proposed development. The Energy Plan aims to encourage a more strategic and co-ordinated approach to energy management in Shetland, with objectives to reduce reliance on oil, maximise the use of local resources including renewable technologies and promote energy efficiency and sustainability.
- 3.2.10 The proposed development is in accordance with these objectives in the respect that it would reduce reliance upon oil and would maximise the use of a significant renewable energy resource in the form of wind energy. The use of the renewable resource promotes both energy efficiency and sustainability and in this respect the proposed development can draw significant support from policy SP ENG 4, subject to accordance with the environmental and other provisions of the Structure and Local Plan.

The Shetland Local Plan

- 3.2.11 In the introduction to the Energy chapter, the Local Plan repeats the topic goal of the Structure Plan:

“to promote the sustainable and efficient use of energy resources, to maximise social, environmental and economic benefit within Shetland”.

The introduction to the Chapter also recognises the traditional reliance to date upon fossil fuel and the need to examine and take advantage of renewable alternatives.

- 3.2.12 In particular, there is recognition that the production of energy from non-polluting sources will become a major worldwide industry during the 21st century. It is recognised in paragraph 7.3 that *“if Shetland is to benefit, a sub-sea cable to the Scottish mainland with potential of linking with other energy exporting countries e.g. Iceland and Norway, will be necessary”.*
- 3.2.13 Policy LP ENG 6 ‘Energy Proposals’ states a general presumption in favour of renewable energy developments subject to an assessment of their accordance with other Development Plan policies:-

LP ENG 6 Energy Proposals

“The general presumption in favour of renewable energy developments will in all cases be assessed in accordance with Policy LP NE10 and qualified by the need to satisfy the following criteria:

- a) Where appropriate, the proposal conforms with Policy LP ENG8 and the works licence and coastal development requirements set out in Policies SP CST2 and LP CST6;*
- b) Suitable site restoration proposals which include enhanced biodiversity and the removal of redundant plant and equipment are agreed at the application stage;*
- c) The proposal does not conflict with any other Structure Plan or Local Plan Policy.*

Where appropriate, agreements under Section 75 of the Town and Country Planning (Scotland) Act 1997 and a financial bond will be entered into for the purpose of restricting or regulating the development or use of land.”

- 3.2.14 From the policies that are specifically named, Policy LP NE10 is assessed later in this report under the relevant topic headings. Policy LP ENG 8 relates to proposals *“within or adjacent to designated or candidate European*

sites, notified marine consultation areas, national scenic areas, or any notified or classified sites of special scientific interest SSSI's and Special Protection Areas (SPAs)".

- 3.2.15 Policy LP ENG 8 is considered in more detail below. In summary, the entire archipelago of the Shetland Islands is statutorily designated as an Environmentally Sensitive Area and the application site boundary lies adjacent to two local protection areas (LPAs) as designated by the Shetland Local Plan. Potential impacts upon these areas are considered below and in chapter 8 and 9 of the ES relating to the landscape character and visual amenity.
- 3.2.16 With the exception of the Environmentally Sensitive Area (ESA) (referred to below) there are no designated or candidate European sites that lie within or adjacent to the application boundary. The application site lies adjacent to two LPAs and a small number of SSSIs are located within the application boundary. Potential effects on these areas are assessed under the relevant topic headings below.
- 3.2.17 Policy SP CST 2 states that in determining applications for "works licences" the Council will take into account a number of criteria. This application process does not involve a works licence or placing of works in the sea and the policy is therefore not relevant to the Viking Wind Farm proposal.
- 3.2.18 Similarly policy LP CST6 relates to coastal development outwith Sullom Voe and Lerwick and states that development on the coast outwith these areas will be assessed in accordance with Policy LP NE10. The proposed development is not on the coast and the terms of this policy are not relevant.
- 3.2.19 Part B of Policy LP ENG 6 seeks that suitable restoration proposals are included with proposals to ensure enhanced biodiversity and the removal of redundant plant and equipment. The ES includes within the description of development and construction methodology, plans for the removal of redundant equipment and site restoration including opportunities for enhanced biodiversity, which are discussed in greater detail in Chapter 10 of the ES, on Ecology.
- 3.2.20 Finally Part C of the policy looks to ensure that a proposed development does not conflict with any other Structure Plan or Local Plan policy. The other relevant policies are assessed in this report as detailed below.
- 3.2.21 Policy LP ENG 7 Control of Potential Nuisance from Energy Generators states:

LP ENG 7 Control of Potential Nuisance from Energy Generators

"Proposals for energy generation and its associated infrastructure will normally be approved if all the following criteria are met:

- a) Commercial aerogenerators are not located within 400 meters of occupied schools or permanently occupied houses;*
- b) The development will not unacceptably affect the amenities of neighbouring occupiers by reason of noise emission, visual dominance, shadow flicker or reflected light;*
- c) If electromagnetic disturbance is likely to be caused to any existing transmitting or receiving systems by the development, if disturbance is caused the proposal includes measures to remedy or mitigate any such disturbance;*
- d) The proposal would not significantly increase the risk of driver distraction;*
- e) The development would not interfere with aircraft activity;*
- f) The development would not interfere with the migratory paths of wild birds and other animals;*

- g) The development, including associated buildings and infrastructure, permanent access roads and tracks, is sensitively designed and sited to have minimum impact;*
- h) Aerogenerators are sited at least five times the diameter of the rotor blade away from the site boundary, public roads and well-used footpaths;*
- i) The proposal does not conflict with current government guidance and any other Structure Plan or Local Plan policy.*

Where appropriate, agreements under Section 75 of the Town and Country Planning (Scotland) Act 1997 and a financial bond will be entered into for the purpose of restricting or regulating the development or use of the land."

3.2.22 The policy considers a number of potential areas of disturbance such as noise, electromagnetic disturbance, aircraft safety and visual dominance.

3.2.23 These specific issues are covered in more detail within the ES and are assessed in policy terms under the relevant topic headings detailed below.

3.2.24 Taking the elements of the policy in turn, the following matters can be noted:

- a) 'The commercial aero generators' are not located within 400m of any occupied schools or permanently occupied houses.
- b) The matters of noise emission, visual dominance, shadow flicker and reflected light have all been considered in the EIA process within the relevant chapters of the ES. From the ES it can reasonably be concluded that the location of the turbines and overall wind farm layout and design is such that the amenities of the neighbouring occupiers will not be unacceptably affected by noise emissions, visual dominance, shadow flicker, reflected light or any other adverse impact.
- c) Electro-magnetic disturbance is discussed in Chapter 18 of the ES and whilst the ES concludes that there are unlikely to be any significant effects on any transmitting or receiving systems as a result of the proposed development, the ES does contain a strategy with measures to remedy or mitigate any such disturbance.
- d) The proposed locations of the wind turbines and potential driver distraction are considered in the site selection and Chapter 9 of the ES. A Transportation Assessment has also been undertaken (Appendix 15.1 of the ES). In summary, the location of the wind turbines is such that the proposed development would not significantly increase the risk of driver distraction.
- e) The location of the proposed wind farm has been considered carefully in consultation with the Civil Aviation Authority (CAA) and this matter is considered in detail in Chapter 18 of the ES. It has been identified that Scatsta Airstrip could be affected but a technical solution will be agreed between parties to ensure that the proposed development would not interfere with aircraft activity.
- f) Ecology is considered generally in Chapter 10 of the ES and ornithology is considered specifically within Chapter 11 of the ES. The policies relating to ecology and ornithology are considered under that topic heading detailed below. In summary the proposed development does not result in any significant interference to the migratory paths of wild birds and other animals.

- g) Part G of the policy requires that a development is sensitively designed to have minimum impact. In developing the scheme, achieving minimum impact has been a key design aim of the Applicant. The site construction methodology including access tracks is discussed in detail within Chapter 4 of the ES (Development Description). The proposed turbine locations and associated works have all been sited in order to have minimum impact.
- h) Where possible, the proposed turbines are located at least 5 times the diameter of the rotor blade away from the site boundary, the public roads and any well used footpaths. The proximity of development receptors is considered in detail in Appendix 9.1 of the ES.
- i) Part i refers to a requirement that the proposal does not conflict with central Government guidance and any other Structure Plan or Local Plan policy. The Structure Plan and the Local Plan are considered under the topic headings as detailed below, whilst current Government guidance is considered under Chapter 5 (Material Considerations) of this Statement.

3.2.25 The policy ends with the statement, that a financial bond may be required for the purpose of restricting or regulating the development or use of the land. The Applicant recognises this requirement and would be content to commit to such obligations where appropriate.

3.2.26 Policy LP ENG 8 relates to 'Energy Proposals affecting Designated Environmental Sites' and states.

Policy LP ENG 8 Energy Proposals affecting Designated Environmental Sites:-

"proposals for the commercial generation of power from renewable energy sources within or adjacent to designated or candidate European sites or notified marine consultation areas, national scenic areas, or any notified or classified sites (e.g. SSSIs, SPAs) will be considered in accordance with the following criteria :-

- a) the development will not have a significant adverse effect on the underlying objectives and overall integrity of the notified area;*
- b) no reasonable alternative site exists;*
- c) the proposal does not conflict with any structure plan or local plan policy".*

3.2.27 It is recognised that the Shetland Islands are covered by the statutory instrument 1993 number 3150(S.299) "Environmentally Sensitive Areas (Shetland Islands) Designation Order 1993". As such, any development on the Islands will fall within this category. The designation is understood to be applied to the Shetland Islands for the purpose of conserving, protecting and enhancing environmental features of the area by the maintenance or adoption of particular agricultural methods, as detailed in the explanatory note accompanying the Order.

3.2.28 In terms of part a) of the policy the proposed development is not considered to have a significant adverse effect on the underlying objective and integrity of the notified area. Under parts b) and c) of the policy, the designation covers the whole Island and there is therefore no alternative site which exists. Under part c) of the policy, the proposed development's accordance with other policies of the Structure and Local Plan is considered within this Statement.

3.2.29 Policy LP NE 11 is considered in more detail below, but states that where an area has been identified on the map [the *Local Plan Proposals Map*] as a Local Protection Area (LPA), only applications for the development of facilities which benefit the community as a whole will be considered.

3.2.30 The application site does not cross into any LPA as identified, but does lie adjacent to one at Voe. The policy itself is therefore not directly relevant to the proposed development. Considering Policy LP ENG 8, the proposed

development would nonetheless not have any significant adverse effect on the underlying objective and overall integrity of the LPA.

3.2.31 Policy LP ENG 11 Power Lines states:-

Policy LP ENG 11 Power Lines

"Landfalls and connections between energy generating sources and the electricity grid shall where possible be via underground cables unless ecological, geological, archaeological or other material planning consideration dictates otherwise."

3.2.32 The connections, substations and grid networks are described in detail within the project description in Chapter 4 of the ES (Development Description). It is the Applicant's strategy that where possible, connections shall be made via underground cables or make use of the existing grid transmission system.

Conclusion

3.2.33 In terms of energy policy, the proposed development is in full accordance with the thrust of Development Plan policy which expresses significant support and encouragement for renewable energy developments. Policy recognises that renewable energy has a significant role to play in reducing the reliance upon fossil fuels, in achieving sustainability as well as wider aims and targets relating to the need to address climate change.

3.3 Sustainability Policy

3.3.1 The Shetland Structure Plan identifies sustainable development as a main aim of the Shetland Islands Council and the UK Government and notes that this touches on all aspects of policy and action. In light of the fact that sustainability issues cover a variety of topic areas, only the specific policy on sustainability has been considered in this section.

3.3.2 Table 3.2 below details the relevant sustainable development policy

Table 3.2 Sustainability Policy

Development Plan	Shetland Structure Plan 2001 - 2016	Shetland Local Plan 2004
	SP GDS 1 Sustainable Development	

The Shetland Structure Plan

3.3.3 Policy SP GDS 1 states:

Policy SP GDS 1 Sustainable Development

“Development will be planned to meet the economic and social needs of Shetland in a manner which does not compromise the ability of future generations to meet their own needs and to enjoy the area’s high quality environment. All development must therefore protect environmental assets as defined in this structure plan and local plan, use and conserve resources wisely, and minimise environmental impacts”.

3.3.4 The policy is clearly overarching and wide ranging and has relevance in many of the policy areas of the Development Plan.

3.3.5 The renewable energy policy context is set out in Chapter 2 of the ES and it explains the need for renewable energy in the context of international obligations and national Government policy on climate change. The proposed development has the potential to take advantage of the abundant wind resource in the Shetland Islands and produce renewable energy.

3.3.6 The design approach to the proposed development has been to protect and conserve environmental assets and resources and to minimise impacts. The development would make a significant contribution to the economic and social needs of Shetland in a manner which will not compromise the ability of future generations to meet their own needs and enjoy the area’s high quality environment. In this context, subject to there being no significant residual adverse impact on the environment, the proposed development can draw significant support from Policy SP GDS 1.

Conclusion

3.3.7 The proposed development can draw support from sustainability policy in the respect that it has been designed to protect and conserve the environmental assets as defined in the Structure Plan and Local Plan and it would contribute significantly to the economic and social needs of Shetland in a manner which would not compromise environmental resources for future generations. At a wider level it would contribute to significant reductions in CO² emissions and would generate renewable energy, which are recognised nationally and internationally as global priorities.

3.4 Landscape and Visual Policy

- 3.4.1 This section of the assessment addresses landscape and visual related policies. The landscape and visual effects associated with the proposed development are identified in the ES in Chapters 8 (Landscape Character) and 9 (Visual Impact).
- 3.4.2 A comprehensive and thorough site selection process was undertaken by the Applicant, broadly based upon the British Wind Energy Association Guidelines (BWEA 1994)² and the factors considered by (SNH) in its Strategic Locational Guidance (SNH, 2002)³.
- 3.4.3 Significant landscape and visual impacts are inevitable as a result of wind farm developments. The site selection criteria examined landscape and visual sensitivity and the final proposed turbine layout has been subject to many design and layout iterations to minimise impacts. The site selection criteria are outlined in chapter 3 of the ES.
- 3.4.4 The Landscape Character and Visual Impact Chapters of the ES set out in detail the means of identifying the significant landscape and visual effects of the proposed development. The methodology is not repeated in detail within this assessment, however it is important to note that while there are no statutory or other local designations with regard to landscape character or visual amenity within the application site, the study assessed impacts upon all designated areas and visual receptors within 35km of the site periphery, and included a detailed landscape character assessment within 15km of the site (being the area within which significant direct and indirect impacts upon landscape character are predicted to occur).
- 3.4.5 Table 3.3 below highlights the relevant landscape and visual policies contained within the Development Plan.

Table 3.3: Landscape and Visual Policies

Development Plan	Shetland Structure Plan 2001 - 2016	Shetland Local Plan 2004
	SP GDS 4 – Natural and Built Environment	LP NE 10 – Amenity and
	SP NE 1 – Design	LP EN G7- control potential nuisance from energy generators
	SP NE 9 – Protect and enhance the natural environment	
	SP NE 2 – National Scenic Areas	

The Shetland Structure Plan

- 3.4.6 Structure Plan Policy SP GDS 4 concerns the 'Natural and Built Environment and States' :-
SP GDS4 Natural and Built Environment

“New development will conserve and, where possible, improve the quality of life and the environment by:

- a) controlling the location, scale and design of new development to respect, protect and conserve the natural and built environment;*
- b) minimising water, air and land pollution and waste generation;*
- c) considering all opportunities for the reuse of land and buildings;*
- d) avoiding hazards to health and safety.”*

² BWEA (1994) Best practice guidelines for wind energy development. British Wind Energy Association, London.

³ SNH (2002) Strategic Locational Guidance for Onshore Wind farms in respect of the Natural Heritage: Policy Statement No. 02/02, Scottish Natural Heritage, Inverness.

- 3.4.7 The prime objective of the policy is to conserve and where possible improve the quality of life and the environment. Four criteria are listed in seeking to achieve this outcome and each are addressed in turn below.
- 3.4.8 Criterion (a). The proposed development has taken careful account of the landscape and while to a degree the location of the wind turbines is dictated by the efficiency of the wind resource, the individual locations and overall layout of the turbines has been chosen carefully to avoid any sensitive landscape features and wherever possible to limit and minimise the impact upon visual receptors. The scale and design of the individual turbines is relatively standard and by necessity, they have been designed to achieve the greatest efficiency. However, the scale and design of the overall scheme has been considered in the context of the environment, the landscape character and visual receptors and has been designed to reduce impact on the natural and built environment in compliance with Part (a) of the policy.
- 3.4.9 Criterion (b). of the policy seeks to protect the natural and built environment by minimising water, air and land pollution and waste generation and this is considered in detail within Chapter 14 (Soil and Water) and Chapter 16 (Air and Climate) of the ES and under the relevant topic areas detailed below.
- 3.4.10 Criterion (c) of the policy refers to opportunities for the re-use of land and buildings. The proposed development does not take advantage of brownfield land or existing buildings as neither exist in locations which would be suitable for the development. However, the ES has considered the potential location of wind turbines and all associated equipment and in this respect the proposed development meets with the general terms of the policy in examining opportunities for the use of existing buildings and brownfield land as far as it is relevant.
- 3.4.11 Criterion (d) of the policy seeks to avoid hazards to health and safety. The design of the proposed wind farm has been considered carefully in the context of potential hazards to health and safety and has sought to avoid or minimise potential risks. The Applicant has significant experience in the operation of wind farms and the proposed design of the wind farm is considered to avoid any significant impact upon health and safety interests.
- 3.4.12 Policy SP NE 1, concerns the 'Design' of development and states:-

Policy SP NE 1 Design

"The Council will encourage developers and their professional advisors to produce a high standard of design, in terms of siting, scale, colour, materials and form for all new developments (including roads and other engineering works) to ensure that new developments are sympathetic to the landscape and built environment of which they will form part."

- 3.4.13 Policy SP NE 1 encourages a high standard of design for all new developments. The policy is designed to achieve the first design principle, to seek locations which have some enclosure from surrounding land form from which the visual impact can be minimised.
- 3.4.14 Clearly the location of wind turbines does not fit with this design ethos given the fact that to be commercially viable, the wind turbines must sit in higher more exposed locations where the wind source is at its best.
- 3.4.15 In this respect while the proposed development takes advantage of ridge lines and higher locations, the proposed development has been designed to avoid locations which have greater landscape sensitivity to wind farm development and close juxtaposition to visual receptors. The development design has also used the local topography, wherever possible, to create foreground screening to visual receptors.
- 3.4.16 The siting of the wind turbines therefore takes account of this policy, seeking to ensure that the locations chosen avoid areas of high landscape sensitivity. Whilst the design of the turbines themselves is relatively standard, the colour and materials have been chosen taking into account design requirements and also to minimise the visual impact. Access track routes have been chosen to follow existing routes where available and existing contours where such routes are not present.
- 3.4.17 In this regard the proposed development accords with Policy SP NE 1.

3.4.18 Policy SP NE 2 concerns the National Scenic Area (NSA) and states:-

SP NE 2 National Scenic Areas

“In the national scenic area the conservation and enhancement of the landscape will be given prime consideration in the determination of development proposals. The Shetland Local Plan will contain specific policies for its conservation and enhancement.”

3.4.19 As detailed above, the application area does not lie within or adjacent to the NSA. Nevertheless best practice guidelines require the consideration of land outwith the application site area. The effect on the NSA in this regard is assessed in Chapter 8, Table 8.4.1 of the ES. The magnitude of change is considered low to negligible, with a generally high sensitivity to the change. The impact is assessed as ranging from negligible to slight - moderate and indirect during construction and operation and is not therefore considered to be significant. The proposed development does not, therefore, conflict with the terms of policy SP NE 2.

3.4.20 Policy SP NE 9 ‘Protection and Enhancement of the natural environment’ states:-

Policy SP NE 9 Protect and Enhance the Natural Environment

“The Council will seek to protect and enhance the natural environment with local communities, the private sector and all appropriate agencies. The Shetland Local Plan will contain specific policies to achieve this.”

3.4.21 Policy SP NE 9 recognises the need to protect the natural environment, but also to enhance it where the opportunity arises. Examples such as tree planting, the removal of eyesores and management of habitats are listed in the preceding text of the Structure Plan as a means of achieving such enhancement.

3.4.22 As part of the ES, the Applicant has undertaken extensive analysis of the natural environment and, as part of the proposed development programme, would incorporate survey and management of the surrounding habitats. This would have the objective of ensuring that the proposed development would have no negative effects upon them, but also bringing with it the opportunity to manage the habitats in such a manner that enhances them. In these respects the proposed development does not conflict with terms of policy SP NE 9.

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3.4.23 Policy LP ENG 7 ‘Potential Nuisance from Energy Generators’ seeks to control potential nuisance from energy generators and makes specific reference to visual dominance within part (b) of the policy. In addition part (a) of the policy offers support for commercial aero generators provided they are not to be located within 400 metres of occupied schools or permanently occupied houses.

Policy LP ENG 7 Potential Nuisance from Energy Generators (Extract)

Proposals for energy generation and its associated infrastructure will normally be approved if the following criteria are met:

- a) Commercial aero generators are not located within 400 metres of occupied schools or permanently occupied houses;
- b) The development will not unacceptably affect the amenities of neighbouring occupiers by reason of noise emission, visual dominance, shadow flicker or reflected light.

3.4.24 The visual impact of the proposed wind turbines has been assessed using a methodology as detailed within Chapter 9 of the ES. A Zone of Theoretical Visibility (ZTV) of 35km, from the periphery of development has been utilised to assist in this assessment.

3.4.25 The potential visual impacts of the development are detailed within the conclusions of the ES (Chapter 9). Whilst the conclusions do not break down the visual impact into distances below 15km, the ES identifies in appendix 9.1 "Visual Impact Tables" the receptors assessed and the proximity of the development to residential receptors. The table identifies that there would be no turbines located within 400m of any occupied schools or permanently occupied houses.

3.4.26 Policy LP NE 10 'Development and the Environment' is an overarching policy listing a number of assessment criteria with the aim of encouraging development but at the same time protecting the natural and built environment. The policy has a number of elements:-

Policy LP NE 10 - Development and the Environment.

"The Council will assess applications for planning permission for their impact on the environment. Applications for planning permission for the extraction and exploitation of natural resources will normally be permitted provided the proposal, by virtue of its location, scale or duration of operation, would not have an unacceptably significant adverse effect on the natural or built environment. When assessing development proposals, the following general considerations will be taken into account, namely:

a) likely impacts, including cumulative impacts, on amenity and the environment as a whole;

b) effects on nearby residents and the buildings they occupy;

c) landscape, character and visual amenity;

d) water resources and the marine environment (particularly pollution of controlled waters by any contaminants associated with the land); biodiversity; archaeology and other land uses in the area;

e) transport considerations, including the type and volume of traffic, including construction traffic, likely to be generated by the proposal;

f) current Government guidance, other policies in the Shetland Structure and Local Plan and particularly those relating to the proposed type of development.

In particular the Council will refuse development proposals that would have a significant adverse effect on the integrity or character, as appropriate, of the following designated sites:

g) Possible, candidate or designated Special Areas of Conservation, potential or classified Special Protection Areas, Ramsar sites, Sites of Special Scientific Interest, National Nature Reserves and Marine Consultation Areas and the National Scenic Area;

h) Listed Buildings;

i) Conservation Areas;

j) Scheduled Ancient Monuments;

k) Historic gardens or designed landscapes."

3.4.27 Those elements of policy LP NE 10 that are relevant to the consideration of landscape character and visual impact are parts (a), (b), and (c). The policy also lists International and National designations under part (g) and other designations including Listed Buildings, Conservation Areas, Scheduled Ancient Monuments and Historic Gardens or Designed Landscapes which are considered in Chapter 13 of the ES (Cultural Heritage) and later within this Planning Statement.

3.4.28 It is inevitable that significant landscape and visual impacts will result from wind farm development. These have been quantified and summarised in the tables forming the conclusion to the ES Landscape Character and Visual Amenity chapters.

- 3.4.29 Parts (a), (b) and (c) of the policy seek to ensure that the likely impacts including cumulative impacts on amenity and environment as a whole are taken into account. The ES takes this into account in Chapters 8 regarding landscape character and Chapter 9 on visual amenity.
- 3.4.30 All significant landscape effects would be found where direct change or large scale indirect changes (generally within 15km of the proposed development) are predicted, notably in both East and West Kames and in the Peatland and Moorland Inland Valleys character areas, where the development would be located. The wider study area beyond 15km from the periphery of the proposals and all designated / historic and designed landscapes would not receive any significant landscape effects.
- 3.4.31 Inevitably, the proposed development will be visible from a wide variety of locations. The Visual Impact assessment in chapter 9 of the ES details the potential areas of visibility and the significance of predicted impacts. It is concluded in the summary, that the majority of the significant visual impacts would be located within 15km of the proposed development; however these effects, although significant, are unlikely to result in an overwhelming or overbearing experience for residential receptors.
- 3.4.32 Policy NE10 states a general presumption in favour of development provided that *"by virtue of its location, scale or duration of operation, would not have an unacceptably significant adverse effect on the natural or built environment."*
- 3.4.33 The impacts of the proposed development have been fully taken into account in accordance with Policy LP NE 10, and the impacts upon the landscape and visual amenity have been quantified and assessed. It is the Applicant's view that the proposed development would not result in unacceptable significant adverse effects on the natural or built environment.
- 3.4.34 Part (g) of the policy lists designated areas where the Council would seek to refuse development which would have a significant adverse effect and this includes the NSA. The nearest part of the NSA lies about 5km to the south of the application site and the predicted impacts of the proposed development upon it were found to range from negligible to slight -moderate. These impacts upon the NSA are not considered to be significant.
- 3.4.35 Whilst SSSIs are located within the study area, these are valued for their habitat value and are assessed with Chapter 10 of the ES (Ecology) and under the topic headings detailed below.
- 3.4.36 The assessment of landscape character concludes in chapter 8 of the ES that there is *"no significant impact on designated sites such as the National Scenic Area or Gardens and Designed Landscapes"*.

Conclusion

- 3.4.37 In conclusion, the visual and landscape impacts of the proposed development have been fully assessed. Whilst a number of effects are categorised as significant, they are unlikely to result in an overwhelming or dominant visual experience for residential receptors. In this context the proposed development does not conflict with the Development Plan policies relating to landscape and visual matters.

3.5 Ecology Policy

- 3.5.1 The Structure Plan identifies that Shetland is an internationally important area for nature and has a number of international and national designations including one Ramsar site, 78 Sites of Special Scientific Interest (SSSIs) and 3 National Nature Reserves (NNRs).
- 3.5.2 The proposed area of development has been considered carefully and the proposed development has been designed to avoid ecologically sensitive areas wherever possible. Whilst physical development lies some way away SSSI's exist within the application boundary and close to the site boundary. The application site boundary also lies adjacent to two LPAs. The effects on habitats, species and biodiversity have been considered in detail within Chapter 10 of the ES (Non-avian Ecology) and Chapter 11 (Ornithology).
- 3.5.3 The policies of the Development Plan that are considered relevant to ecological matters are listed in Table 3.4 below.

Table 3.4: Ecology Policies

Development Plan	The Shetland Structure Plan 2001 - 2016	Shetland Local Plan 2004
	SP NE 8 Bio-Diversity	LP NE 13 Bio-Diversity
	SP NE 7 Ecology	LP NE 10 Impact on Environment
	SP WD 1 Marine Fresh Water Resources	LP NE 11 Local Protection Area
	SP NE 4 European Site	LP NE 15 Protection of trees
	SP NE 6 SSSI	LP ENG 7 Potential nuisance from Energy Generators.

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- 3.5.4 Policy SP NE 4 concerns designated or proposed European sites and Ramsar sites and states:-

Policy SP NE 4 – European Sites

“Development not directly connected with or necessary to the management of a European site, proposed European site or a Ramsar site and which is likely to have a significant effect on the site (either individually or in combination with other plans or projects) will be subject to the most rigorous examination. Where it cannot be ascertained that the development would not adversely affect the integrity of the site it will not be permitted unless :-

- a) *there is no alternative solution ; and*
- b) *there are imperative reasons of over-riding public interest which may, for sites not hosting a priority habitat type and/or priority species, be of a social and economic nature.*

Where the European site hosts a priority habitat type and/or a priority species (as defined in Article 1 of the Habitats Directive), the reasons referred to at b) must relate to human health, public safety or beneficial consequences or primary importance to the environment, or other reasons which in the opinion of the European Commission are imperative reasons of overriding public interest.

The Council will seek to work in co-operation with other competent authorities and local communities to secure the conservation objectives of European sites dependent on wider management, such as marine sites. It will also encourage the management of features of the landscape which are of major importance for wild flora and fauna”.

- 3.5.5 The area of the proposed development does not contain any designated ecological site of European importance or a proposed European site or a Ramsar site. The proposed development has nevertheless been assessed

taking into account all potential ecological impacts as detailed in Chapter 10 (Ecology) and Chapter 11 (Ornithology) of the ES. It has been ascertained through the findings of the ES, that the proposed development would not adversely affect the integrity of any statutory designated site.

3.5.6 Policy SP NE 6 concerns Sites of Special Scientific Interest (SSSIs) and states:-

Policy SP NE6 – SSSI

“Development which would affect Sites of Special Scientific Interest will only be permitted where it can be adequately demonstrated that either:

- a) the proposed development will not compromise the conservation objectives and overall integrity of the site; or*
- b) there is a proven public interest where social, economic or safety considerations outweigh the ecological interest of the site and the need for the development cannot be met in other less ecologically damaging locations or by reasonable alternative means”.*

3.5.7 SSSIs are identified in Figure 10.1 of the ES. Within the application site boundary, SSSIs exist at:-

- Burn of Lunklet SSSI (1.4 ha and designated for endemic hawkweed species);
- Kergord Plantations SSSI (6.45 ha designated for broadleaved, mixed and conifer woodlands);
- Laxo Burn SSSI (0.5 ha designated for vegetation, Hawkweed);
- Catfirth SSSI (0.16ha limestone ravine); and
- Dales Voe SSSI (5.2ha salt marsh habitat, feeding area for wading & nesting birds).

3.5.8 In addition, Sandwater SSSI, sits outside but adjacent to the application site boundary:

- Sandwater SSSI (38.3 ha Mesotrophic loch with breeding waterfowl, wetland vegetation & geological features.

3.5.9 The SSSIs have been considered within the ES (discussed further below) and all conservation objectives assessed. It has been identified within the ES that the development will not compromise either the conservation objectives of any of these areas or the integrity of the sites. The proposed development accords with Policy SP NE 6.

3.5.10 Policy SP NE 7 states that the Council will give full consideration to conservation objectives:-

Policy SP NE 7

“In considering development proposals, the Council will give full consideration to the legislation, policies and conservation objectives, that apply to the following:

- *Habitats & Species listed under Annex I, II & IV of the Habitats Directive;*
- *Species listed under Annex I of the Birds Directive;*
- *Species listed on schedules 1, 5 and 8 of the Wildlife Countryside Act 1981; and*
- *Habitats & Species listed in the UK Biodiversity Action Plan;*
- *Habitats & Species which are widely regarded as locally important.”*

3.5.11 The Biodiversity Plan for Shetland identifies local species and habitat protection and explores options for the restoration, enhancement and management of habitats.

- 3.5.12 The impact of biodiversity and habitats has been considered in detail in Chapter 10 of the ES (Non-avian Ecology) with the effects on ornithology considered in Chapter 11.
- 3.5.13 In addition to considering the relevant legislation, policies and conservation objectives of the Council outlined in Policy SP NE 7, the methodology and approach used to assess the significance of potential environmental impacts of the proposed development upon the ecological receptors of the site, commonly known as 'ecological impact assessment' was carried out and is consistent with best practice guidance from the Institute of Ecology and Environmental Management (IEMM, 2006). Consultation was also undertaken with statutory and non-statutory bodies, namely:
- Royal Society for the Protection of Birds (RSPB);
 - Scottish Government ;
 - Scottish Environment Protection Agency (SEPA);
 - Shetland Anglers Association (SAA);
 - Shetland Biological Records Centre (SBRC), data provision only;
 - Shetland Islands Council (SIC); and
 - Scottish Natural Heritage (SNH).
- 3.5.14 No significant adverse residual impacts are predicted for the non-avian ecological receptors. However local adverse impacts in terms of direct habitat loss of Blanket Bog of regional to national value will occur. The impact is predicated to be moderate but insufficient to affect the overall integrity of the landscape character type. It is notable that the ES concludes that the proposed development would have no significant adverse effect on any of the species identified.
- 3.5.15 Chapter 11 of the ES identifies that the magnitude of residual effects on Merlin due to operational disturbance is likely to be moderate. As Merlin is a species of high nature conservation importance the residual affects after mitigation are judged to be significant under the terms of the EIA regulations.
- 3.5.16 Moderate residual affects are also predicted in terms of operational disturbance and collision mortality for Whimbrel. As Whimbrel are a species of high nature conservation importance the residual affects after mitigation are judged to be significant under the terms of the EIA regulations.
- 3.5.17 It is inevitable that the proposed development will have some adverse impacts on birds however; the design approach and site selection methodology has been designed to avoid as far as practicable any sensitive habitats. The ES identifies appropriate mitigation and as a result significant residual impacts are limited and will be assessed in the balance of the proposed developments benefits. Full consideration has been given to legislation, policies and conservation objectives and in this context, the proposed development is considered to comply with Policy SP NE 7 of the Structure Plan.
- 3.5.18 Policy SP NE 8, states that the Local Plan should have regard to the principles of biodiversity:-
- Policy SP NE 8**
- "The Shetland Local Plan will have regard to the Principles of Biodiversity and the objectives set out in the U.K. Biodiversity Action plan and the Local Biodiversity Action Plan for Shetland. Special attention will be paid to the maintenance of Biodiversity whenever reasonably practical."*
- 3.5.19 Biodiversity is considered in further detail under Local Plan policy NE 13 below.
- 3.5.20 Policy SP WD 1 concerns Shetland's marine and freshwater resources:-

Policy SP WD 1

“Development which is likely to have an adverse effect on Shetland’s marine and freshwater resources, will not be approved.”

- 3.5.21 The potential impact of the proposal development on freshwater resources has been considered in detail along with the analysis of species and biodiversity. Fish surveys were carried out by Waterside Ecology on 11 catchments during late August and early September 2008 and 5 species were identified in the 11 streams surveyed. These were European eel, Atlantic salmon, brown/sea trout, three-spined stickleback and flounder. The salmon evidenced supports an evaluation of Regional value; although not confirmed, taking the opinion that the trout species is wild and taken collectively, the trout supports an evaluation of Regional value, and all remaining species have been taken as Local value.
- 3.5.22 As part of the design process, fish friendly bridge/culvert designs have been considered and built into the design plan process and so the magnitude is assessed as likely to be low and no significant impacts are predicted. With regard to pollution, best practice pollution prevention measures have been incorporated and it is unlikely that a serious pollution incident would occur during construction or during the operation of the wind farm.
- 3.5.23 The ES also concludes that there would not be any significant impacts upon otters during the construction and operation of the proposed development and otter activity evidence suggest that otters rarely, or only occasionally use the application site water courses for feeding. Design mitigation measures have also been included with the use of ‘otter-friendly’ tunnel / culverts. However, as otters are legally protected, all measures would be taken to avoid harming them or their habits during the construction and operation of the Viking wind farm.
- 3.5.24 The potential effects of surface water run off have been assessed for the development and it is concluded in Chapter 10 of the ES that no significant adverse affects result from the proposed development.

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- 3.5.25 Policy LP NE 11 – Local Protection Areas recognises the local value of particular non-statutory protected areas within Shetland.

Policy LP NE 11 Local Protection Areas

“where an area has been identified on the map as a Local Protection Area, only applications for the development of facilities, which benefit the community as a whole, will be considered.”

- 3.5.26 The development area does not include any statutory conservation designations or LPAs but the development boundary does lie adjacent in certain locations. Two SSSIs lie within the wider study area: the Burn of Lunklet SSSI (1.4 ha and designated for endemic hawkweed species) and the Kergord Plantations SSSI (6.45 ha designated for broadleaved, mixed and conifer woodlands), with three further SSSIs lying just beyond the edge of the wider study area.
- 3.5.27 Since construction impacts will be away from both the Burn of Lunklett SSSI and the Kergord Plantations SSSI, the impacts on the conservation features of these nationally important designated sites is evaluated in the ES (Chapter 10 Non-avian Ecology) as being negligible, with no significant impacts predicted. Secondary impacts on downstream sites such as the two SSSIs within the study area would not threaten the SSSI features or site integrity and are therefore considered to be of negligible magnitude with no significant impacts predicted.
- 3.5.28 In summary, no designated sites lie within the area directly proposed for development. The potential for any adverse affects in LPAs has been considered in detail, but following analysis of the proposed development, no significant diverse affects have been identified.
- 3.5.29 Policy LP NE13 concerns biodiversity:-

Policy LP NE 13 Biodiversity

“When considering development proposals the Council will seek to contribute to the delivery of the objectives and targets set by the Local Biodiversity Action Plan (LBAP). Proposals that incorporate existing site interests within the design wherever possible will be encouraged. Where there is evidence to suggest that a habitat or species of local importance exists on a proposed development site, the Council will require the applicant, at his/her own expense, to submit a specialist survey of the site’s natural environment .

Applications will be refused unless the developer proves to the satisfaction of the Planning Authority all of the following criteria are met:

- a) there is no suitable alternative site for the development; and*
- b) satisfactory steps are taken to mitigate damage;*
- c) the benefit to the community as a whole is deemed to outweigh the nature conservation value of the site.”*

3.5.30 Policy LP NE 13, is developed upon Policy SP NE 8 of the Structure Plan as detailed above and seeks that development proposals contribute to the delivery of objectives and targets set by the Local Biodiversity Action Plan (LBAP). Furthermore the policy offers support for proposals that incorporate existing site interests within the design wherever possible. The policy also requires that where there is evidence to suggest a habitat or species of local importance exists on a proposed development site, the applicant will be required to submit a specialist survey. Finally, the policy states that applications will be refused unless the developer proves to the satisfaction of the Planning Authority that the policy criteria are met as listed above.

3.5.31 The ES identifies that there are a number of positive benefits that are outlined in the Viking Habitat Management Plan (HMP) and in this respect the proposed development can contribute to the delivery of objectives set by the LBAP. The development strategy also seeks to incorporate existing site interests within the design wherever possible. In these respects the proposed development can draw support for the policy.

3.5.32 The ES has involved extensive surveys to identify habitats and species of importance and these are identified and discussed in Chapters 10 (Ecology) and 11 (Ornithology). Specialist surveys have been commissioned and conducted at the expense of the Applicant and in this respect the proposed development meets with the terms of the policy.

3.5.33 The ES has identified significant residual impacts on Whimbrel and Merlin. The site selection process has involved extensive examination of turbine locations and site alternatives and a proposed mitigation strategy has been prepared in compliance with criterion a) and b) of the policy. Inevitably the impacts will have to be considered and assessed in the balance of the benefits of the proposed development. In terms of non-avian ecology local adverse impacts have been identified in terms of habitat loss to blanket bog of regional to national value and the ES concludes that the proposed mitigation and compensation package will improve this habitat. In this context there is no evidence to suggest that there would any long term residual significant adverse impact on non-avian local biodiversity

3.5.34 The non-avian features of nature conservation and biodiversity that have been identified and evaluated include:

- Blanket bog/mire;
- Wet and dry dwarf shrub heath;
- Acid grassland; base-rich flushes;
- Aquatic habitats;
- Evaluation of plan species interest;
- Evaluation of otter interest;

- Evaluation of terrestrial vertebrate interest;
- Evaluation of terrestrial invertebrate interest;
- Evaluation of freshwater pearl mussel interest;
- Evaluation of fish interest; and
- Evaluation of freshwater macro-invertebrate interest.

3.5.35 Inevitably construction and operational activity will result in habitat losses but these losses do not result in any significant adverse affect on the integrity of habitat types. The magnitude of construction and operational impacts on habitats are assessed as likely to be moderate for active blanket bog, which is the most widespread habitat affected and low for other habitats.

3.5.36 The site layout has been considered in detail to avoid significant adverse impacts and steps are proposed to mitigate against any damage that could occur. No significant impacts on designated sites, otter, terrestrial invertebrates, freshwater macro-invertebrates or trout and salmon are predicted subject to mitigation measures relating to the overall design of the planned works and the implementation of the construction methodology as detailed in the Method Statements. For example, these will include ensuring that there are no physical barriers to otter and fish movements at all times in all watercourses within the Viking Wind Farm study area as well as the detailed pollution prevention measures, including contingency plans.

3.5.37 The following mitigation measures will be undertaken and the full works are outlined in Chapter 10 of the ES (Non-avian Ecology). A full mitigation and Habitat Management Plan (HMP) has also been prepared. The HMP is a working document that will be adapted as circumstances change with input from an Ecological Clerk of Works and SNH prior to construction. Areas of mitigation that would be covered would include: :

- Pre-construction surveys; (Including surveys of potentially sensitive breeding birds).
- Works programming and awareness raising;
- Micro-siting of infrastructure demarcation and exclusion zones;
- Control of pollution and sedimentation;
- Watercourse crossing;
- Potential hydrological changes due to cabling, tracks and trackside drains;
- Habitat reinstatement; and
- Borrow pit working.

3.5.38 Any significant impacts remaining after mitigation (the residual impacts), together with an assessment of the likelihood of success of the mitigation, are factors which will to be considered. Although no significant residual impacts are predicted, there remain a number of significant opportunities to enhance the Viking Wind Farm area for a range of important ecological receptors.

3.5.39 The development would also be to the longer term benefit of Shetland in the respect that it helps to achieve the long term sustainable vision of decreasing Shetland's reliance upon fossil fuel and there will also be a contribution to the community in terms of economic diversity as discussed in this assessment and the benefits of local employment. These are important considerations with regard to part (c) of policy LP NE 13. The proposed development is considered to be in accordance with policy LP NE 13 of the Local Plan.

3.5.40 Policy LP NE 10 'Impact on the Environment' is an overarching policy as discussed above. Part (d) of this policy includes the considerations that should be taken into account which include water resources and the marine environment and bio-diversity.

Policy LP NE 10 Impact on the Environment (Extract)

“When assessing development proposals the following general considerations will be taken into account, namely:-

d) water resources and the marine environment (particularly pollution of controlled waters by any contaminants associated with the land); biodiversity; archaeology and other land uses in the area”;

3.5.41 Water resources and the marine environment have been fully taken into account in assessing the proposed development, as detailed within the ES and as discussed in the consideration of the policies detailed above. The proposed developed accords with part (d) of policy LP NE 10.

3.5.42 Policy LP NE 15 concerns the Protection of Trees:-

Policy LP NE 15 – Protection of Trees

“The Council will protect trees, groups of trees and areas of woodland by making Tree Preservation Orders where this appears expedient in the interests of amenity.

The Council will ensure that, through the development control process, adequate provision is made for the preservation of planting of trees”.

3.5.43 Trees and groups of trees are relatively sparse within the proposed development area and the resources that there are would not be significantly affected by the proposed development. No Tree Preservation Orders (TPOs) would be adversely affected. The HMP outlines plans to expand tree cover and restore woodland habitats as part of the site restoration resulting in an expansion of woodland cover in Shetland. The proposed development would accord with policy LP NE 15.

3.5.44 Policy LP ENG 7, concerns the potential nuisance from energy generators. Part (f) of the policy concerns the migratory paths of birds and other animals.

Policy LP ENG 7 Potential nuisance from Energy Generators (Extract)

“f) The development would not interfere with the migratory paths of wild birds and other animals”.

3.5.45 Chapter 11 of the ES consider ornithology in detail and assesses a number of potential impacts including the migratory paths of birds. The effects of the proposed development have been evaluated and it is concluded that the likely effects of the proposed development on the migration paths of bird species are not significant.

3.5.46 The potential impacts on non-avian ecology are considered in Chapter 10 of the ES and no significant impacts on the migratory paths of other animals are predicted.

Conclusion

3.5.47 In conclusion, the predicted impacts upon the natural environment, including ecology and bio-diversity have been considered in detail in the relevant chapters of the ES. It is concluded that the significant affects identified on the two avian species should be considered in the context of the wider development and the proposed benefits to Shetland. Despite the identification of some local adverse impacts, in terms of direct habitat loss to blanket bog of regional to national value which can be addressed through mitigation, there would be no residual significant non-avian adverse effects on any area of ecological value, or on any identified species or habitats. The proposed development is in accordance with the relevant policies of the Development Plan in this regard.

3.6 Soil, Water and Drainage Policy

- 3.6.1 The Shetland Structure Plan and Local Plan both set out a topic goal to encourage the adequate provision of water supply but also to protect and enhance the quality of Shetland’s marine and fresh water resources.
- 3.6.2 In this respect the Structure Plan and Local Plan contain a number of policies that will be relevant to considering the impact of the proposed wind farm development. The majority of potential impacts relate to ecological matters and these have been considered in the previous Chapter and in the relevant chapters of the ES. In addition to ecological matters, Chapter 14 of the ES specifically considers soil and water issues.
- 3.6.3 The policies of the Development Plan that are considered relevant to soil, water and drainage are listed in Table 3.5 below.

Table: 3.5: Soil, Water and Drainage Policies

Development Plan	The Shetland Structure Plan 2001 - 2016	Shetland Local Plan 2004
	SP WD 1 Marine Fresh Water Resources	LP WD 5 Water Catchments
	SP GDS 4 Natural and Built Environment	LP WD 10 Flooding
	SP NE 3 Agricultural Land	LP WD 11 Surface Water Run-off
		LP WD 12 SUDS

The Shetland Structure Plan

- 3.6.4 Policy SP GDS 4 is an overarching sustainability policy. Part b) of the policy seeks to minimise water, air and land pollution and waste generation:-

Policy SP GDS 4 Natural and built environment (extract)

*New development will conserve and, where possible, improve the quality of life and the environment by:
 “b) minimising water, air and land pollution and waste generation”;*

- 3.6.5 Part (b) of the policy seeks to protect the natural and built environment by minimising water, air and land pollution and waste generation. The proposed development is designed to take advantage of Shetland’s abundant wind resource in order to decrease the reliance upon traditional fossil fuels. In this latter respect, the increased use of clean wind generation technology decreases demand for traditional power generation from fossil fuel which has a greater impact on air quality land pollution and waste generation. The proposed development has been designed to avoid pollution to water, air and land and the wind farm would generate no waste. In this regard the proposed wind farm is fully in accordance with Part (b) of the policy and indeed can draw support from it.

- 3.6.6 Policy SP WD 1 concerns the effects of development on marine and freshwater resources:-

Policy SP WD 1 Marine and freshwater resources

“Development, which is likely to have an adverse effect on Shetland’s marine and freshwater resources, will not be approved”.

- 3.6.7 Policy SP WD 1 is considered in relation to impact on ecology, as detailed above. The relevant chapters of the ES establish that the development would not have any residual significant adverse effect on marine or freshwater resources. The proposed development does not conflict with Policy SP WD 1.
- 3.6.8 Policy SP NE 3 concerns the loss of agricultural land and seeks that development should not be made on the best and most versatile agricultural land.

Policy SP NE 3 Agricultural Land

“Provision for development should not be made on the best and most versatile agricultural land. Any loss of such land due to development must be limited to circumstances where the need to conserve such land is outweighed by the importance of the development and the lack of alternative sites”.

3.6.9 The location of the wind turbines is dictated by various factors including the topography of the land. Due to their elevated position, the land in the vicinity of turbines is generally not viable for more than rough grazing. In the wider application area there are small pockets of more versatile agricultural land in Voe, the Dales Voe valley and the Weisdale valley. These areas would not be directly or significantly affected by the proposed development, and where minor impacts might occur, these impacts would not be expected to prevent the agricultural use of the land. No significant residual adverse effects on agriculture land are predicted and the development would not prevent the farming of the most versatile agricultural land as classified in the Macaulay land use capability for agriculture classes.

The Shetland Local Plan

3.6.10 **Policy LP WD 5** – water catchment areas states a presumption against development that would have a harmful effect on a water catchment area.

Policy LP WD 5 Water Catchment Areas

“Proposals that would have a harmful effect on a water catchment area will not be permitted.”

3.6.11 The effects on soil water and drainage are considered in detail within Chapter 14 of the ES (Soil and Water). The potential effects of surface water run off on fresh water resources have been examined in detailed in Chapter 10 of the ES (Non-avian Ecology). The potential effects on surface waters, groundwater, peat and private water supplies that have been considered are:

- pollution incident;
- erosion and sedimentation;
- changes to water resources i.e. private water supplies;
- modification of surface water and groundwater flows;
- modification of natural drainage patterns;
- impediments to flows and flood risk;
- peat instability; and
- compaction of soils.

3.6.12 A number of layout, design and construction proposals have been identified that would avoid, minimise or offset these effects.

3.6.13 From the findings of the assessments undertaken and as reported in the ES, no significant adverse impacts have been identified on any water catchment area and the development does would not conflict with Policy LP WD 5.

3.6.14 **Policy LP WD 10 – Flooding** states that where the Council determines that development may give rise to a flood risk, the applicant will be required to provide a flood risk assessment or a hydrological study.

Policy LP WD 10 Flooding

“In cases where the Council determines that a development proposal may give rise to a flood risk (to the application site or to adjacent land), applicants will be required to provide a flood risk assessment and/or a hydrological study, which will be taken into consideration when processing their planning application. SEPA will be consulted on applications where there may be flood implications. Applicants are advised to Contact the Council and SEPA at an early stage when considering their development to ascertain if a flood risk and/or hydrological assessment is required in support of their application.”

- 3.6.15 The ES takes into account both potential flood risk and more general hydrological issues. SEPA provided flood mapping and this has been reviewed to ascertain the likelihood of river flooding in the study area. Based on a 1 in 200 year event, there are small areas immediately adjacent to some streams in the site which are at risk of freshwater inundation. The locations identified tend to be at the base of valleys where topography has shallow slope and where streams merge. These flooding events would be expected to be restricted to the area immediately adjacent to the stream channel. No large adjacent areas are anticipated to be flooded in such events.
- 3.6.16 These locations were identified from SEPA mapping, to enable these areas to be avoided or to enable detailed mitigation measures to be considered.
- 3.6.17 The Council has not identified that the proposed development is likely to give rise to a flood risk. In this respect the impact of the proposed development has been considered in detail, and, as concluded within Chapter 14 of the ES (Soil and Water), no adverse impact from the development in terms of flood risk would result from the proposed development. The proposed development does not conflict with Policy LP WD 10.
- 3.6.18 Policies LP WD 11 and LP WD 12 relate to surface water drainage standards and sustainable drainage systems and have the aim of enhancing and protecting natural water courses and promoting sustainable drainage systems.

Policy LP WD11 – Surface Water and Drainage Standards

“All development proposals that will give rise to surface water run-off may be required to incorporate soft engineering solutions for its disposal in accordance with Sustainable Urban Drainage Systems principles as outlined in policy LP WD12. All such schemes will require to include details of future maintenance as part of the application for development.”

Policy LP WD12 – Sustainable Drainage Systems

“In accordance with Government advice the Council will encourage developers to incorporate existing ponds, watercourses or wetlands as positive environmental features in development schemes. The Council will also seek to encourage alternatives to extensive canalisation or culverting, which can increase the risk of flooding and also greatly reduce the ecological and amenity value of watercourses. Development and enhancement of Sustainable Drainage Systems SUDS (see glossary) for the benefit of the natural environment (both flora and fauna) will be encouraged. The Council will encourage the use of Sustainable Drainage Systems, as opposed to the more traditional use of culverts, etc, where feasible. Consideration of a SUDS approach within a proposed development should be given at the earliest opportunity.”

- 3.6.19 The policies are perhaps most relevant to urban development, but the principles of protecting water courses and allowing for soft engineering solutions to allow settlement filtration and biological actions and the infiltration of water and soils does remain relevant to the proposed wind farm development.

- 3.6.20 In this respect, the surface water implications of the proposed development have been considered in Chapter 14 of the ES (Soil and Water). As detailed in the conclusions of Chapter 14, there would be no significant surface water effects from the proposed development and natural infiltration into soils is promoted where possible. Surface drainage ditches would be installed alongside cut tracks where necessary and cross drains constructed at regular intervals to conduct this surface flow across tracks where it would be discharged from the drainage system. The constructed drainage system would not discharge directly to any natural watercourse, but would discharge to buffer strips/trenches, preferably on flat ground. These buffers would act as filters, minimising sediment transport, attenuating flows and maximising infiltration back into the peat. Erosion protection would be installed at appropriate discharge points.
- 3.6.21 Drainage has been designed to benefit the natural habitat where possible, in line with the aims of promoting biodiversity.
- 3.6.22 Drainage has the potential to affect the soil and the water environment. Whilst the policies of the Structure and Local Plan do not specifically refer to this, it has been identified that there are two construction phase issues of moderate effect; relating to peat instability and peat erosion. It has been identified that should a peatslide occur, the impact would be significant. However, a peatslide risk has been considered in detail in Chapter 14 of the ES and an assessment has been carried out which has concluded that the risk of a peatslide occurring, as a consequence of the wind farm construction, is low provided the proposed mitigation measures are put in place.

Conclusion

- 3.6.23 In conclusion, the proposed development does not conflict with policies of the Development Plan that relate to water and drainage matters.

3.7 Noise Policy

3.7.1 Potential noise disturbance from the proposed development is considered in detail within Chapter 12 of the ES (Noise).

3.7.2 Policies of the Development Plan which are considered relevant to noise impact are show in Table 3.6 below:-

Table 3.6: Noise Policies

Development Plan	The Shetland Structure Plan 2001 - 2016	Shetland Local Plan 2004
		LP NE 10 Impact on the Environment
		LP ENG 7 Potential nuisance from energy generators

The Shetland Local Plan

3.7.3 Policy NEL10 is an overarching policy which seeks to ensure that applications seeking to exploit natural resources will not have an unacceptably significant adverse effect on the natural or built environment.

3.7.4 Part (b) of this policy concerns the effects on nearby residents and buildings they occupy:-

Policy LPNE 10 Impact on the Environment (Extract)

“The Council will assess applications for planning permission for their impact on the environment. The applications for planning permission for the extraction and exploitation of natural resources will normally be permitted provided the proposal, by virtue of its location, scale or duration of operation, would not have an unacceptably significant adverse effect on the natural or built environment. When assessing development proposals the following general considerations will be taken into account. namely:

Part (b) – effects on nearby residents and the buildings they occupy”:-

3.7.5 The justifying text within the Local Plan states that the Council wish to encourage development while at the same time protecting the natural and built environment.

3.7.6 Noise from wind farms has the potential to adversely affect the amenity of nearby residents and the buildings they occupy. The ES (Chapter 11) has therefore identified noise sensitive receptors within 1.5km of wind turbines and within 1km of borrow pits.

3.7.7 Policy LP ENG 7 of the Local Plan gives further advice in relation to the separation distances expected:-

Policy LPENG 7- Potential nuisance from energy generators (extract)

“Proposals for energy generation and its associated infrastructure will normally be approved all the following criteria are met:-

- a) Commercial aero generators are not located within 400m of occupied schools or permanently occupied houses;*
- b) The development will not unacceptably affect the amenities of neighbouring occupiers by reason of noise emission, visual dominance, shadow flicker or reflected light”.*

3.7.8 The justifying text within Policy LPENG 7 states that *“experience has shown that noise is unlikely to be a significant problem for residents of property situated further than 350 to 400m from the nearest aero generator.”*

3.7.9 It is further stated that *"shorter separation distances may be acceptable depending upon the particular aero generators used and the specific conditions at the proposed site"*.

3.7.10 Chapter 14 of the ES has taken into account all predicted noise impacts and a summary of noise impacts from construction effects and ongoing effects is provided at the end of chapter 14.

3.7.11 The ES Chapter concludes that the significance of effects from construction would be minor and the significance of operational phase effects would be negligible.

Conclusion

3.7.12 In conclusion, the proposed development would not unacceptably affect the amenity of neighbouring occupiers by reason of noise emissions. Furthermore, noise matters can be controlled by means of planning conditions and this is standard practice with regard to wind farm developments. The proposed development complies with policies LP NE 10 and LP ENG 7 in this respect.

3.8 Cultural Heritage Policy

- 3.8.1 The Structure Plan recognises the enhancement of the built environment as one of the aims of the Structure Plan and states that the role of historic buildings, ancient monuments and archaeological sites are visible reminders of the past, representing the social, economic and cultural history of Shetland. Cultural heritage is also recognised in the Structure Plan for its ability to bring economic benefits from tourism and the preservation of traditional building and craft skills as well as an invaluable educational resource.
- 3.8.2 Table 3.7 below details the policies that can be considered relevant to Cultural Heritage issues.

Table 3.7: Cultural Heritage Policies

Development Plan	The Shetland Structure Plan 2001 - 2016	Shetland Local Plan 2004
	SPBE 1 Built Heritage	LPNE 10 Impact on Environment
	SPBE 2 Ecology	

The Shetland Structure Plan

- 3.8.3 Shetland is recognised as having just over 6,000 recorded archaeological sites, including 353 Scheduled Ancient Monuments (SAMs) which are of national importance.
- 3.8.4 Policy SP BE 1 states a presumption against development that would destroy or have an adverse effect on the built heritage resources of Shetland.

Policy SP BE 1 Shetland’s Built Heritage Resources

“ There will be a presumption against any development proposals that would destroy or have any adverse effect on the following built heritage resources of Shetland.

- *Scheduled Ancient Monuments and their setting;*
- *Buildings and settings of buildings listed as being of Special Architectural or Historic interest and designated Conservation Areas;*
- *Archaeological sites and their setting;*
- *Historic gardens and designed landscapes;*
- *Other sites and areas of significant archaeological, architectural or historic interest.*

The Shetland Local Plan will include detailed policies for their protection and enhancement.”

- 3.8.5 The supporting text for the policy states an expectation that developers should take account of archaeological interest in putting forward detailed proposals.
- 3.8.6 Archaeological interests are discussed in detail in Chapter 13 of the ES (Cultural Heritage). It is noted that 89 sites of archaeological and architectural interest lie within the application boundary.
- 3.8.7 Included in the 89 sites identified in the immediate vicinity of the application area, is one SAM and one Category B Listed Building. Namely, the Hill of Dale chambered cairn is located within the Delting Quadrant, and Grobness Haa has an 18th century Category B Listed Building located within the Kergord quadrant. Within the wider Cultural Assessment area, (which was taken as a 10km radius, from the position of the turbine bases) there are 134 SAMs, 1 Historic Garden Designed Landscape, (HGDL) and 91 Listed Buildings.
- 3.8.8 The potential visual impacts on the setting of the SAM and Listed Buildings and other protected sites within 10km of the proposed turbine stances have been assessed. Assessments have been based upon site visits to the protected sites and the ZTV as established by turbine placement, height and the surrounding topography. Proposed mitigation measures are also noted.

- 3.8.9 From the ZTV study and site visits, it has been found that the majority of the visually affected sites, including Category A, B, and C Listed Buildings, would sustain an impact of Negligible and Minor significance. However, 12 sites would sustain an impact of Moderate significance and 13 of Major significance. Those features that would incur an effect of Major significance are cairns. The impact upon the HGDL at Lunna House is likely to be Minor-Moderate (i.e. not a significant effect).
- 3.8.10 The assessment has indicated that only three sites lie within 10 metres of proposed access tracks and turbine bases these are Laxo Burn, South Newing and the Catfirth Linen Industry Landscape. At Laxo Burn the impact is Moderate-Major significance, at South Newing it is Moderate, and at Catfirth it is judged to be of Moderate significance.
- 3.8.11 The proposed development strategy as detailed in Chapter 13 of the ES takes account of the policy and protects cultural heritage interests with a strategy to address the potential direct and indirect impacts and possible unexpected discovery of archaeological remains with the necessary mitigation response.
- 3.8.12 In recognition of national and local planning policies, mitigation measures would be implemented that would include complete avoidance of known archaeological/architectural sites, ensuring that turbines and access tracks are placed to avoid archaeological sites that can remain *in situ*, which is the current preferred mitigation response. If in any instance disturbance of a known site, such as Laxo Burn, South Newing and Catfirth Linen Industry cannot be avoided, it is advised that an archaeological excavation may be required to ensure that the site is *preserved by record*. An archaeological watching brief would be implemented during all ground breaking works. Where archaeological remains are discovered, they will require to be recorded and reported.
- 3.8.13 Where mitigation measures outlined above are put in place prior to and during the construction of the proposed wind farm, residual effects on archaeology and properties of architectural interest are likely to be Minor overall. The fencing off of known archaeological sites in the application site would also ensure that these sites are preserved *in situ* and thus would not be impacted upon by the construction of the wind farm. A 10m buffer zone would also be implemented around the Hill of Dale and Grobness Haa to protect the SAM and Listed Building from plant moving around the site during construction.
- 3.8.14 The position of wind turbines has been considered in the context of archaeological constraints and is not expected to adversely affect any area of archaeological or architectural interest. The proposed development complies with the terms of policy SP BE 1.
- 3.8.15 Policy SP BE2 of the Structure Plan considers circumstances where archaeological remains can not be preserved in situ and where no alternative site is available.

Policy SP BE 2

“When preservation in situ of scheduled and other nationally, regionally and locally important archaeological remains has been proven to be impossible and where no alternative site is available, then sites will require to be recorded, surveyed and/or excavated prior to development. The Council will take advice from the Shetland Archaeologist and/or other appropriate bodies regarding the most appropriate course of action. In such cases the financing of the work will normally fall on the developer, in accordance with national policy.”

- 3.8.16 The Applicant's strategy as detailed above, and in Chapter 13 of the ES, is to use micro-siting to allow the preservation of archaeological remains *in situ*. Turbines and access tracks would be placed to avoid archaeological remains and known sites would be fenced off to ensure they are preserved *in situ*. However, should it be required, the developer will look to contact the Council's archaeological advisor and/or other appropriate bodies regarding the most appropriate course of action and will agree the most appropriate steps taking into account Structure Plan and national policy.
- 3.8.17 Where archaeological sites cannot remain *in situ*, excavation of the sites prior to commencement of construction would ensure that the sites or portions which have been disturbed would be preserved by record. If such impacts

upon archaeology and cultural heritage remains do occur, the attendance of the watching brief officer(s), who will be supported by an Environmental Clerk of Works, during all ground breaking works on site would ensure that any cultural heritage remains encountered would be identified and recorded to an appropriate level. This will also ensure preservation by record.

3.8.18 Where significant archaeological remains are encountered during a watching brief, further mitigation would have to be agreed. The Environmental Clerk of Works would liaise with the Council's archaeological advisor, and a process will be laid to prepare a Written Scheme of Investigation or Method Statement, to be agreed prior to the commencement of works on site.

3.8.19 Additionally, where, and if construction and associated landscaping lead to the diversion of water courses or drainage, the affect of these diversions upon archaeological sites will be monitored periodically during the course of the working life of the wind farm. If such impacts upon cultural heritage remains do occur at anytime, further archaeological mitigation may be required to be agreed with the Council's archaeological advisor.

Conclusion

3.8.20 In conclusion, the rich archaeological history of Shetland is recognised and has been investigated in detail as reported in Chapter 13 of the ES. The development has been designed to avoid any adverse effect on sites of archaeological interest. Where mitigation measures outlined above are put in place prior to and during the construction of the proposed wind farm, residual effects on archaeology and cultural heritage resources are assessed to be minor overall.

3.8.21 Nevertheless, should archaeological remains be discovered in the course of the development, the ES confirms the strategy to be adopted will first seek to preserve archaeological remains *in situ*. Where this is impossible, the advice of the Council's archaeological advisor and other appropriate bodies shall be taken to identify the most appropriate course of action, which will include site recording, surveying and the possibility of excavation of any remains prior to development. The development is in accordance with the cultural heritage policies of the Development Plan in this regard.

3.9 Traffic & Transport Policy

- 3.9.1 The traffic and transport implications of the proposed development are considered in detail, in chapter 15 of the ES.
- 3.9.2 The policies of the Development Plan which are considered relevant to traffic and transport are listed in Table 3.8 below:-

Table 3.8: Traffic and Transport Policies

Development Plan	The Shetland Structure Plan 2001 - 2016	Shetland Local Plan 2004
		LP NE 10 Impact on Environment
		LP ENG 7 Potential nuisance from energy generators
		LP TP 14 Public Access and Rights of Way

The Shetland Local Plan

- 3.9.3 Policy LP NE 10 is an overarching policy which seeks to ensure that applications seeking to exploit natural resources will not have an unacceptably significant adverse effect on the natural or built environment.
- 3.9.4 Part (e) of this policy concerns the effects of development on transport considerations:-

Policy LP NE 10 Impact on Environment (extract)

“The Council will assess applications for planning permission for their impact on the environment. The applications for planning permission for the extraction and exploitation of natural resources will normally be permitted provided the proposal, by virtue of its location, scale or duration of operation, would not have an unacceptably significant adverse effect on the natural or built environment. When assessing development proposals the following general considerations will be taken into account. namely:

Part e)– transport considerations, including the type and volume of traffic including construction traffic, likely to be generated by the proposal”;

- 3.9.5 Chapter 15 of the ES (Roads and Traffic) details that there are two phases to be considered in relation to the proposed development: the construction phase and the operational phase. It is noted that the construction phase will involve a greater number of vehicle movements to and from the site, whilst the amount of traffic associated with the operational phase will be minimal.
- 3.9.6 The ES summarises the predicted adverse effects as consisting of a short term adverse impact on the local highway network resulting from construction traffic and the movement of abnormal loads. The ES notes the main adverse effects as a short term impact on the local highway network which can be minimised through agreed mitigation and, wear and tear on particular roads which can be addressed through agreement with the Council to ensure the condition of the roads remains as it was before the scheme. Again, this is a matter that can be addressed by way of standard planning conditions.
- 3.9.7 The ES also details within (Chapter 15) that the main beneficial effects would include junction improvements at Sella Ness, the access at the access A968/B9076 Junction south of Mossbank and the A968/A970 junction at Voe, with increased capacity and potentially safer design. In addition localised road widening would upgrade routes and improve the safety and operation of these roads.

- 3.9.8 In conclusion transport considerations have been taken fully into account in accordance with the terms of Policy LP NE 10, part e) and the impacts have found to be short term with little or no impacts post construction.
- 3.9.9 Policy LP ENG 7 concerns potential nuisance from energy generators and includes the following criteria which are relevant to traffic and transport matters.

Policy LP ENG 7- Potential nuisance from energy generators (extract)

“Proposals for energy generation and its associated infrastructure will normally be approved if all the following criteria are met:-

d) the proposal would not significantly increase the risk of driver distraction;

h) aerogenerators are sited at least five times the diameter of the rotor blade away from the site boundary, public roads and well-used footpaths”.

- 3.9.10 Part (d) of the policy relates to driver distraction and this has been considered within the Transport Statement that forms Appendix 15.1 of the ES. The potential for distraction from the wind turbines was found not to be significant and the proposed development is considered not to significantly increase the risk of driver distraction and complies with policy LP ENG 7 part (d).
- 3.9.11 Under Part (h) the policy offers support (subject to compliance with other criteria) where the minimum separation distance between any aero generator and the site boundary, public roads and well used footpaths is at least 5 times the diameter of the rotor blade. The diameter of a rotor blade is proposed to be 55m with an overall rotor diameter of 110m.
- 3.9.12 Appendix 9.1 of the ES assesses the proximity of visual receptors and identifies the approximate distance between public roads, footpaths and other routes. Appendix 9.1 details that one turbine (D19) is marginally within 550 metres of the site boundary. The turbine could potentially be micro-sited to achieve the suggested separation distance, however, the boundary at this point has been chosen simply as an arbitrary line and there is no obvious benefit to the re-alignment of the boundary or the turbine in this respect.
- 3.9.13 Four turbines (N106, N107, N109 and N110) lie slightly within 550 from a Public Road. The policy does not state any justification for the proposed separation and there is no evidence to suggest that turbines within 550 metres of Public Roads should present any significant adverse impact. No turbines lie within 550 metres of any known well used footpaths.
- 3.9.14 Whilst 5 turbines have been identified as not achieving a separation distance of 550 metres there is no significant adverse effect as a result of this. The proposed development generally meets the criteria listed under parts (d) and (h) of Policy LP ENG 7 and can, in this respect, draw support from Policy LP ENG7.
- 3.9.15 Policy LP TP 14 relates to public access and rights of way and states:-

Policy LP TP 14 Public Access and Rights of Way

“Development that supports improved public access, or the provision of new routes for public access, will be favoured, those which reduce or restrict public access along recognised routes shall be refused planning permission. The Planning Authority will work with land managers, local communities, user groups and other relevant agencies to extend and improve the footpath network (e.g. signage) and safeguard the tradition of responsible access to Shetland’s countryside.

Access for cyclists, walkers, horse-riders and those with special needs will be catered for as far as practicable”.

- 3.9.16 Chapter 19 of the ES considers recreation and tourism and includes consideration of the impact of development on public access and rights of way. Traditionally access has not been restricted in Shetland and statutory access rights under the Land Reform (Scotland) Act 2003 and the Scottish Access Code are now in effect.
- 3.9.17 A number of walking routes in Shetland are promoted and these are detailed in Figure 19.2, of the ES. The routes promoted are predominately located around the coast of Shetland and therefore not within the application site.
- 3.9.18 Shetland Islands Council is also preparing a Core Paths Plan and Shetland Countryside Access Strategy (Shetland Islands Council, 2005), which identifies a number of walking routes throughout Shetland for use by local people and tourists.
- 3.9.19 Chapter 19 notes that in normal operating conditions there would be no specific restrictions on access to the wind farm development and that the development would introduce a network of additional access tracks into the area. The area is not of high landscape/scenic value and is also not a priority area for most tourists interested in visiting locations of cultural or wildlife interest.
- 3.9.20 Whilst the area is not promoted and used routinely by walkers and cyclists at present, if planned, managed and promoted through an access management plan, the increased access could play a role in positively promoting new walking and cycling routes within Shetland.
- 3.9.21 In summary, no significant residual adverse affects on public access or rights of way has been identified and the development will open up new access routes, improving public footpath provision and access to the countryside.
- 3.9.22 In conclusion the proposed development can draw support from policy LP TP 14.

Conclusion

- 3.9.23 In conclusion, the proposed development has been assessed in relation to traffic and transport policy and no unacceptable significant adverse residual affects have been identified. The proposed development is in accordance with the relevant traffic and transport policies of the Development Plan.

3.10 Tourism, Recreation & Economic Development Policy

3.10.1 The Structure Plan contains the strategic aim *"to maximise the competitiveness of the Shetland Economy"*. It is recognised that the Structure Plan cannot determine levels of economic growth, but it has an important role in promoting employment and economic competitiveness by ensuring the supply of suitable land for development and by fostering a high quality environment to encourage investment and to provide marketing opportunities.

3.10.2 There is an appreciation within this aim that due to the concern over global warming there is also a need to reduce the amount of car travel and commuting. It is considered that a more dispersed pattern of employment is important, is the interest of sustainability and that the Council need to work in partnership with Shetland Enterprise to encourage the right conditions and opportunities to diversify the local economy.

The Shetland Structure Plan

3.10.3 Table 3.9 below identifies the relevant Tourism and Economic Development policies.

Table 3.9: Tourism & Economic Development Policies

Development Plan	Structure Plan	Local Plan
	SP GDS 2 Economic Competitiveness	
	SP GD5 5 Social Inclusion	
	SP IND 1 Creation of Employment Opportunity	
	SP IND 2 Adding Value	

3.10.4 Policy SP GDS 2 – ‘Economic Competitiveness’ encourages the aims detailed above.

Policy SP GDS 2 – Economic Competitiveness –

"The Structure Plan policies will encourage the expansion of existing and new industry by ensuring that there is sufficient land and premises for business and industry to meet local needs in existing settlements throughout Shetland. For developments that cannot appropriately be sited in existing settlements, locations that do not conflict with the other policies, aims and goals of the Structure Plan will be favoured".

3.10.5 In addition to Policy SP GDS 2, the Policy SP GDS 5 below adds that development will be assessed in terms of its accessibility and contribution that it makes to the social well being of the whole community.

Policy SP GDS 5 – Social Inclusion –

"New Development will be assessed in terms of its accessibility and the positive contribution it makes to the social well-being of the whole community".

3.10.6 Chapter 17 of the ES (Social Economic Assessment) considers the implications of the development in terms of its impact upon the Shetland economy.

3.10.7 It is clear from the assessment that the development brings with it a number of advantages both from a local employment opportunity perspective but also in a far wider reaching capacity in the respect that it contributes to Scotland’s role in the supply of renewable energy and associated infrastructure projects that are likely to follow on the back of this initiative.

3.10.8 As detailed in the ES, the proposed development is estimated to provide 221 jobs per annum over the construction phase. Thereafter, in the operational phase, some 49 jobs would be created, associated with the wind farm, with around 40% of these estimated to be likely to come from the Island population. The development can take support from Policy SP GDS 2 and its encouragement of new industry provided that the proposed development does not conflict with other policies, aims and the goals of the Structure Plan. The proposed

development can also draw support from Policy SP GDS 5 – Social Inclusion, on the basis that the employment opportunities would be dispersed across Shetland, promoting inclusion of the more remote communities. The Structure Plan gives further support for the development in Chapter 9 in considering the creation of employment opportunity.

- 3.10.9 The plan recognises that nearly 70% of existing jobs are in Lerwick and Delting (Sullom Voe). It is recognised that unless jobs are created in other areas, main land communities will function as dormitory settlements for Lerwick. The creation of employment in Shetland's rural community is therefore important.
- 3.10.10 Policy SP IND 1 states that subject to the consideration of other policies the Council in partnership with the Enterprise companies will promote an integrated and sustainable approach to the development of the Shetland economy.

Policy SP IND1 – Creation of Employment Opportunity

“Subject to the consideration of other Structure Plan and Local Plan policies, Shetland Islands Council, in partnership with the Enterprise Companies, will promote an integrated and sustainable approach to the development of the Shetland economy that;

- a) recognises the interdependence between the local economy and the environment;*
- b) ensures through the Local Plan that an adequate supply of land is made available for business and industrial use throughout Shetland;*
- c) accepts the need for locally-based employment generating initiatives that can diversify the economic base of the rural areas;*
- d) pursues further opportunities associated with the oil industry in Shetland;*
- e) prioritises the re-use of suitable existing buildings and brown field sites for appropriate economic activity;*
- f) provides, subject to budget constraints, appropriately sized accommodation for employment uses that are well integrated with existing development, within, or adjacent to, existing settlements”.*

3.10.11 Part (a) of the policy recognises the interdependence between the local economy and the environment.

3.10.12 Policy SP IND 2 below gives further encouragement for value adding enterprises in partnership with industry and Enterprise companies where appropriate.

Policy SP IND 2, Adding Value

“The Council will encourage and support the development of value adding enterprises where appropriate in partnership with industry and the Enterprise Companies on sites which comply with relevant policies contained in the Structure and Local Plans”.

Conclusion

3.10.13 In conclusion, the proposed development would result in a number of significant benefits in terms of achieving sustainability and the contribution to the local economy both in terms of direct, indirect and induced employment opportunities and economic benefits. In this regard, and subject to the other policies of the Development Plan, the proposed development can draw considerable support from the Development Plan.

3.11 Telecoms & Aviation Policy

3.11.1 Telecoms and Aviation are considered briefly in the Shetland Local Plan.

3.11.2 From a telecoms perspective, Policy LPG EN7 concerns electric magnetic disturbance. Both of these matters are considered in detail within Chapter 18 of the ES, (Telecoms and Aviation). Table 3.10 below details the relevant policies.

Table 3.10: Telecoms & Aviation Policies

Development plan	Structure Plan	Local Plan
		LP TP 11 Airports and Airfields
		LP ENG 7 Potential Nuisance from Energy Generators

The Shetland Local Plan

3.11.3 Policy LPTP11 – Airports and Airfields seeks to prevent unnecessary dangers to low flying aircraft and ensure that the scope for expansion facilities at the existing airports and airfields is not limited by inappropriate development.

Policy LP TP11 – Airports and Airfields

“Development will be refused where it would constrain the present and future operations of existing airports and airfield”.

3.11.4 Shetland has two airports both of which provide a major benefit to the Shetland economy and it is recognised that development should not prejudice either the existing operation of the airports or their potential future expansion.

3.11.5 The wind farm development has been carefully considered in this regard and the layout has been designed in consultation with the Civil Aviation Authority to avoid potential conflict between the uses. This matter is covered in detail within Chapter 18 of the ES (Telecommunications and Aviation). From the conclusions at paragraph 18.7.3 in the ES, it has been demonstrated that the only aviation issues relates to Scatsta airport and this can be resolved by changing the existing approach procedures which is being negotiated with the Directorate of Airspace Policy (DAP). The residual impact was found to be negligible and there would be no adverse impact on either the existing airfields or the operation of the airports as a result of the proposed wind farm development.

3.11.6 The proposed development does not conflict with Policy LP TP 11.

3.11.7 Policy LP ENG 7 Part (c) refers to electromagnetic disturbance.

Policy LP ENG 7 Potential Nuisance from Energy Generators (Extract) Part C.

“If electromagnetic disturbance is likely to be caused to any existing transmitting or receiving systems by the development, if disturbances caused the proposal includes measures to remedy or mitigate any such disturbance”.

3.11.8 The ES considers the potential of electromagnetic interference within Chapter 18 and in particular the potential impacts on television broadcast radio communications, air traffic control, military radar, civilian airspace and military airspace.

3.11.9 In relation to radar impacts, there are two radars at or near the proposed wind farm, one at Sumburgh Airport and one at Scatsta Airport. Sumburgh Airport has confirmed that they have no objections and no impact is predicted. Scatsta Airport lies in closer proximity to turbine locations, and surveys have been agreed and are being carried

out to identify any potential issues that may arise from the construction of the turbines. Any such issues will be dealt with by appropriate mitigation agreed between both parties.

- 3.11.10 In relation to television impacts, the BBC provides an assessment to tool but due to the scale of the proposed wind farm it is difficult to accurately predict areas which may be affected. A further survey is therefore proposed by the Applicant to fully understand the areas affected and the Applicant will commit to rectifying any ill effects on TV signals caused by the turbines. This is a matter that can also be addressed by way of a planning condition.
- 3.11.11 In terms of broadcast radio impacts, it is considered that the omni- directional radio transmissions which omit radio signals in a circular non-direct manner are highly unlikely to be affected to any significant degree such that this would notified by potential receptors. However the Applicant is committed to further work to detail the exact impact of the wind farm on broadcast radio signals.
- 3.11.12 To ensure the appropriate survey and subsequent mitigation takes place, the Applicant anticipates a Section 75 Legal Agreement between the Applicant and the local authority which will commit Viking Energy Partnership to the implementation of any necessary mitigation measures.
- 3.11.13 Table 18.4 in the ES summaries the predicted residual effects following the mitigation and it is notable that residual impacts negligible in each case.
- 3.11.14 The proposed development complies with Policy LP ENG 7 Part C.

Conclusion

- 3.11.15 In conclusion, telecoms and aviation matters have been considered in detail within Chapter 18 of the ES and no significant adverse residual impacts have been identified. The proposed development is in compliance with the relevant telecoms and aviation policies of the Development Plan.

3.12 Minerals Policy

- 3.12.1 The Shetland Structure Plan recognises that a wide range of base and industrial minerals are present in Shetland.
- 3.12.2 The proposed wind farm development does not propose mineral extraction for commercial purposes, however, the construction methodology involves mineral extraction from borrow pits for purposes including the formation of access tracks and the formation of foundations for the individual wind turbines.
- 3.12.3 Policies of the Development Plan also seek to safeguard significant aggregate resources and commercially viable sites for mineral extraction from development that would sterilise or prevent their future extraction. Borrow Pits have been considered within the relevant topic chapters and specifically within Chapter 14 of the ES (Soil and Water) and in Appendix 14.2 "Borrow Pit Report."
- 3.12.4 Table 3.11 below details the relevant minerals policies.

Table 3.11: Mineral Policies

Development Plan	The Shetland Structure Plan 2001 – 2016	Shetland Local Plan 2004
	SP MIN 1 Sterilisation of Minerals	
	SP MIN 3 Control of Disturbance	LP IN 7 Borrow Pits

The Shetland Structure Plan

- 3.12.5 Policy SP MIN 1 seeks to safeguard significant viable mineral resources.

Policy SP MIN 1

“Significant aggregate sources and commercially viable sites for mineral extraction will be safeguarded from development which would sterilise or prevent their future extraction”.

- 3.12.6 The application site has been considered in detail for its viability in terms of wind energy and its location in terms of landscape and visual impact. The locations of the turbines, as would be expected, are generally in elevated positions where mineral extraction would be less likely to be considered viable or environmentally acceptable. The turbines are also of a construction which can be easily removed and would not prohibit extraction of a mineral resources in the future.
- 3.12.7 Policy SP MIN 2 states that proposals for mineral extraction will be considered favourably where the proposed development does not have adverse effects.

Policy SP MIN 2

“Proposals for mineral and aggregate extraction will be favourably considered where the proposed does not have an adverse effect on : local residents; the best and most versatile agricultural land; water courses; nature conservation; the historic environment or the visual amenity of the area”.

- 3.12.8 Policy SP MIN 3 states that the Council will impose appropriate conditions to prevent disturbance and ensure adequate restoration and aftercare of sites.

Policy SP MIN 3

“The Council will impose appropriate conditions on proposals for mineral and aggregate extraction to ensure the minimum of disturbance from noise, dust, vibration, flyrock, and traffic and to ensure the adequate restoration and aftercare of sites”.

- 3.12.9 Whilst the terms of Policy SP MIN 2 and SP MIN 3 are more applicable to commercial mineral extraction, the principals of avoiding disturbance from noise, dust, vibration and traffic could equally be considered relevant to the extraction of material from borrow pits. The majority of the borrow pits have been chosen for their proximity to the areas for development and existing access roads and are not in close proximity to residential properties or other sensitive receptors.
- 3.12.10 The potential impacts of the proposed Borrow Pits as identified in policies SP MIN 2 and SP MIN 3 are considered in detail under the relevant topic chapters of the ES. Following the extraction of material necessary for the construction, the borrow pits will be restored as detailed in Chapter 14 (Soil and Water) and Technical Appendix 14.4 of the ES.
- 3.12.11 It is expected that appropriate conditions will be employed to ensure minimum disturbance and the proposed development is considered to be in accordance with the terms of Policy SP MIN 2 and SP MIN 3.

The Shetland Local Plan

- 3.12.12 Policy LP MIN 7 – Borrow Pits considers applications for the development of borrow pits in detail.

Policy LP MIN 7 Borrow Pits

“Applications for the development of borrow pits will only be granted where the following criteria are met in full, namely that:

a) there are net demonstrable environmental benefits from developing a borrow pit, compared with supply the construction project from an established source of aggregate;

b) the development will not adversely affect sites of archaeological or natural heritage significance including, those of interest for geological or geomorphological features;

c) material extracted from the borrow pit is used only in connection with the specific construction project it is associated with;

d) the borrow pit is located within the immediate vicinity of the construction project;

e) the impact of the development on waterflows and water quality are evaluated;

f) the borrow pit is located so as to minimise its landscape and visual impact, just and noise disturbance to the local community;

g) suitable restoration proposals which enhance biodiversity are agreed at the application stage and the site is restored immediately the construction project is complete; and

h) the proposal does not conflict with any other Structure Plan or Local Plan policy or proposal”.

- 3.12.13 The Shetland Local Plan identifies that the poor liquidation of quarries and pits in the Shetland landscape is perceived as a problem, with former borrow pits opened without planning permission and subsequently used for illegal dumping and fly tipping. There is however, recognition that borrow pits can be used to provide material for the repair and maintenance of paths and tracks and a rolling programme for restoration is encouraged in this case. Policy LP MIN 7 above states 8 requirements that must be met. The ES considers these matters in detail and confirms compliance with the policy in the respect that:-

- 3.12.14 In terms of Part (a) of the Policy. There is demonstrable environmental benefit from developing a borrow pit compared with the supply of aggregate from an existing established source;
- 3.12.15 In terms of Part (b) of the Policy - Issues of archaeology are considered earlier within the policy assessment and in Chapter 13 of the ES and it has been established that no feature of archaeological significance is likely to be affected by the borrow pits. Additionally, a construction methodology ensures that should archaeological remains be found that a process is followed to ensure remains are first of all retained in situ, or with agreement from the Council's archaeologist, surveyed recorded and removed in accordance with this programme.
- 3.12.16 Material extracted from the borrow pit will only be used in connection with the proposed wind farm development and no other purpose, in compliance with Part (c) of the policy.
- 3.12.17 The borrow pits have been designed to be located as close to the areas where the material will be required and in the immediate vicinity of the construction project, in compliance with Part (d) of the policy.
- 3.12.18 In terms of Part (e) of the Policy - Water and drainage is considered in Chapter 14 of the ES and the impact of the development including the borrow pits on water flows and water quality are examined in detail. It is concluded that no significant environmental effects result from the proposed development.
- 3.12.19 In terms of Part (f) of the Policy - The borrow pits have been located as far as possible from residential properties and any other sensitive receptors to limit disturbance to the local community, taking into account the position where the borrow pit material is required. Landscape and visual impacts are discussed earlier in this assessment and are detailed in Chapters 8 and 9 of the ES. Dust is considered in Chapter 16 of the ES and noise is considered in Chapter 12 of the ES. In all cases, no significant residual adverse impacts were predicted to occur.
- 3.12.20 The ES has detailed the restoration proposals for borrow pits the restoration programme has been designed to ensure the earliest restoration of the borrow pits and the best opportunity for the establishment of a landscape that will enhance bio-diversity, in accordance with Part (g) of the Policy.
- In terms of Part (h) of the Policy, the policies of the Development Plan are considered within this overall policy assessment.
- 3.12.21 The proposed development is in accordance with Policy LP MIN 7.

Conclusion

- 3.12.22 In conclusion, the establishment of borrow pits is seen as the most environmentally beneficial means of construction in the circumstances. The borrow pits have been selected carefully, taking account of other environmental protection policies and those relating to mineral extraction to minimise any disturbance. The proposed development is in accordance with policies of the Development Plan in relation to minerals

4 Material Considerations

4.1 Introduction

4.1.1 This chapter provides an assessment of the Viking Wind Farm project against relevant material considerations.

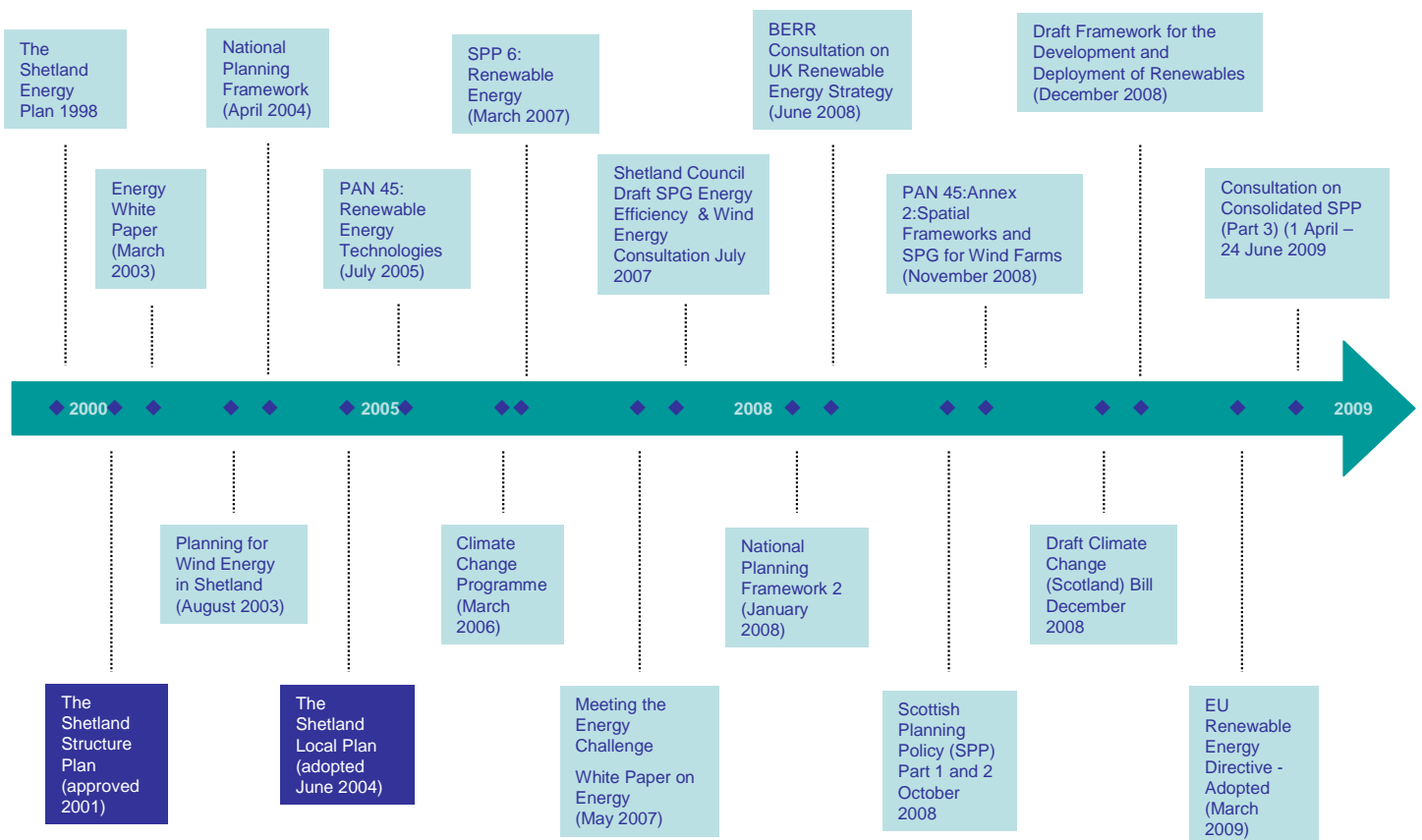
4.1.2 Chapter 2 (Background) of the ES outlines material considerations that are considered relevant to the proposed development. These include:

- National energy and renewable energy policy;
- The National Planning Framework;
- National Planning Policy and Advice.

4.1.3 National energy policy and the renewable energy context is a relevant and important consideration for the Viking Wind Farm project as detailed in Chapter 2 of the ES. This is not repeated in detail in this policy assessment.

4.1.4 Figure 1 Below shows a timeline of the adopted Development plan and other Key Material Considerations.

Figure 1: Dates of the statutory Development Plan & Timeline of Material Considerations



4.2 The Need Case & Renewable Energy Policy

4.2.1 The need case for the proposed development is set out within Chapter 2 of the ES. The need for the proposed development is an important material consideration. Specific reference is made in the need case to national renewable energy targets. The wind farm would have has an estimated energy generating capacity of 540 MW and would contribute to Scottish, UK and European level renewable energy generation targets.

Evolving European Energy Policy

4.2.2 A draft Renewable Energy Directive from the European Commission was published in January 2008 which requires significant increases in renewable energy production. It is important to note that the Directive was adopted in March 2009 and is now legally binding. As result, the UK Government has committed to publishing a strategy in 2009 in order to implement the obligations contained within the Directive. The EU wishes to see 20% of all energy use to be generated by renewable sources. The 20% will be split between member states – so called ‘burden sharing’. The current draft suggests that the UK will have to provide 15% of all its primary energy use from renewable sources by 2020. This is a considerable challenge and would represent a 10-fold increase from the current level of some 1.5% of all energy used in the UK coming from renewable sources.

United Kingdom Policy

4.2.3 The UK Government retains control of the overall direction of energy policy. Since devolution in 1999, some energy policy issues have been devolved to Scotland such as energy efficiency and renewable energy (including planning consents for generating plants covered by the Electricity Act 1989). Encouraging more electricity generation from renewable sources is an important element of both the UK and Scottish Climate Change Programmes. The Government is working towards a target of renewable energy providing 10% of UK electricity supplies by 2010 and 20% by 2020.

4.2.4 In January 2008, the UK Government published the Government’s plans for developing a strategy to increase renewable energy use in the UK. As noted above, the EU Renewables Directive provides the framework for achieving the EU’s target of securing 20% of all its energy from renewable sources by 2020. For the UK, the Commission’s proposals include a requirement for a 16% reduction in UK greenhouse gas emissions by 2020 and for 15% of all energy consumed in the UK to be generated from renewable sources by 2020.

The Renewables Obligation

4.2.5 The framework of Renewable Obligations is creating significant demand for renewable generation and the market has reacted by bringing forward proposals for new renewable plant. A large proportion of these proposed new developments are for on-shore wind-powered generation in Scotland.

4.2.6 Supply businesses of energy are subject to the RO, which requires licensed electricity suppliers to source a specific and annually increasing percentage of the electricity that they supply from renewable sources. The RO started at 3% in 2002 and is increased each year. The target for 2008/09 is 9.1%, rising to 15.4% in 2015. The RO is expected to be 20% by 2020. At present the UK is behind its RO target: the RO for 2007 was 6.7% and renewable generation, as noted above, was 4.96% in that year). The House of Lords EU Committee have noted that the shortfall is due to various “barriers to renewable generation”⁴: these include the need for grid upgrades and investment, grid queue and constraints in the planning system.

4.2.7 In this regard there is a need case separate from overall Government targets. Licensed suppliers have a legal obligation that must be fulfilled otherwise penalties will be applied.

⁴ The EU’s Target for Renewable Energy: 20% by 2020, Volume 1 Report, 27th Report of Session 2007-08, European Union Committee, House of Lords (HL paper 175-I), page 3.

4.2.8 Therefore, there is justification and a need for the development related to Government policy but arising out of a separate legal obligation that seeks to bring about the policy change of increasing the proportion of electricity to be supplied from renewable sources. This can properly be regarded as a relevant material consideration.

Consultation for a UK Renewable Energy Strategy, (June 2008)

4.2.9 The UK Renewable Energy Strategy Consultation was formally launched on 26th June 2008. This sought views on how to drive up the use of renewable energy in the UK, to meet the share of the EU target to source 20% of the EU's energy from renewable sources by 2020. Responses will inform the UK Renewable Energy Strategy which is to be published in late Summer 2009.

4.2.10 Prime Minister Gordon Brown MP, in his speech at the Government's Low Carbon Economic Summit on 26th June 2008 said that:

"Last year I committed our country to fulfilling our share of the European Union renewables target. This means that by 2020, increasing the proportion of our energy coming from renewable sources to 15%. Now we are setting out how we will achieve this, and let me just tell you this is a green revolution in the making. It will be a tenfold increase in our current deployment of renewables, a 300% increase on existing plans. It is therefore the most dramatic change in our energy policy since the advent of nuclear power and it will require an investment programme – and this is a huge opportunity – of around £100 billion over the next 12 years."

4.2.11 He added that *"there will have to be more wind farms onshore too and we are determined that they are sited in the right, and not the wrong, places and that local communities will benefit from them."*

4.2.12 Also on 26th June 2008, John Hutton MP formally launched the UK Renewable Energy Strategy consultation (referred to in the Prime Minister's speech), for the UK Renewable Energy Strategy, which aims to achieve the UK's target of 15% renewable energy by 2020.

4.2.13 Mr Hutton said that, to meet this target, *"The challenge that a target of 15% renewable energy represents should not be underestimated. It may require a 10-fold increase in renewable generation in the UK from 2006 levels. This might mean, for example, needing up to an extra 4,000 onshore and 3,000 offshore wind turbines, a major challenge for the supply chain and UK business.... Regardless of our final approach, success will require action right across the economy, from industry and investors, but also from the Devolved Administrations..."*

4.2.14 The consultation notes that 4,000 turbines would be the equivalent of 14GW of onshore wind. It is expected that a large proportion of onshore wind development will take place in Scotland. The consultation also outlines possible measures to facilitate a swift expansion of renewables and these measures include:

- Extending and raising the level of the Renewables Obligation to encourage up to 30-35% of electricity to come from renewable sources by 2020; and
- Ensuring appropriate incentives for new electricity grid infrastructure and removing grid access as a barrier to renewable deployment.

Scottish Government Policy and Renewable Energy Generation Targets

4.2.15 In Scotland, policy and commitment generally reflects that of the UK Government. The Scottish Government set a target that 18% of electricity supplies in Scotland should be generated from renewable resources by 2010. Scotland's Climate Change Programme 2006 makes it clear that Scotland has a leadership role to play in tackling climate change. The programme notes (paragraph 5.30) that operational and consented renewable projects are such that the 2010 target of 18% of electricity generation from renewables can be met.

4.2.16 However, the longer term Scottish Executive target was to achieve 40% of its electricity from renewable sources by 2020. This figure has been increased to 50% which demonstrates that the Scottish Ministers have a long-term energy policy.

- 4.2.17 With regard to the current SNP administration that forms the Scottish Government, the Government Spending Review in late 2007 provided the first detailed insight into how the Scottish Government intends to deal with the global issue of climate change over the next few years.
- 4.2.18 The Scottish Budget Spending Review in 2007 contained a 'Greener Scotland' strategic objective.
- 4.2.19 In the Spending Review, the Government stated *"we are committed to playing our part in the global effort to reduce greenhouse gas emissions. We will work towards an ambitious target: to reduce Scotland's emissions by 80% (from 1990 levels) by 2050"*.
- 4.2.20 In addition, a strategic objective is set in the SBSR that 50% of electricity in Scotland is to come from renewable sources by 2020 (SBSR, p47). These new higher targets, as contained in the SBSR are contained in a statutory framework through the Scottish Climate Change Bill.

The Climate Change (Scotland) Bill

- 4.2.21 The Climate Change (Scotland) Bill was introduced in the Scottish Parliament on 4th December 2008. The Bill was approved by Parliament on 25 June 2009 and places Scotland's commitment to reduce its emissions levels on a statutory footing. The Bill in December 2008 noted:

"climate change is one of the most serious threats facing Scotland and the world. The most severe consequences include famine, drought and extinction of species. Urgent action is needed by all nations to avoid the most severe climate change".

- 4.2.22 The Climate Change Minister, Stewart Stevenson MSP stated on 25 June 2009, in announcing the passing of the Climate Change Bill in the Scottish parliament:

"while climate change is a threat, it should also be seen a real opportunity. Harnessing the energy related opportunities presented by Scotland's natural capital and create 10,000 of jobs and help us emerge from the current global economic downturn on the back of a strong green economic revival."

"Achieving these targets will be challenging. But I am confident that Government, business and the people of Scotland are ready to rise to the challenge".

- 4.2.23 The aim of the Climate Change (Scotland) Bill is to establish a framework to drive greater efforts at reducing Kyoto Protocol greenhouse gas emissions in Scotland. The Bill creates mandatory climate change targets to reduce Scotland's greenhouse gas emissions.
- 4.2.24 The provisions in the Bill set a long term target to reduce Scotland's emissions of greenhouse gases by 80% by the year 2050 (against a baseline of 1990 levels). This long term target is to be supported by a framework of annual targets intended to drive the policies necessary for achieving the 2050 target. An interim target is set of a 42⁵% reduction in greenhouse gas emissions by 2020. Scotland's targets apply to all greenhouse gases, as set out in the Kyoto Protocol and are not restricted to carbon dioxide emissions.
- 4.2.25 The Scottish Government intends to liaise closely with the UK Committee on Climate Change to establish the level of annual targets to be set under the Scottish Bill and on the most cost effective abatement methods available to deliver targets. This advice is not expected to be available until the second half of 2009. The first batch of annual targets is expected to cover the period up to and including 2022. Scottish Ministers may decide to establish a Scottish Committee on Climate Change and provisions for such are made in the Climate Change (Scotland) Bill.

⁵ Note: this figure is higher than the UK Government target of seeking to cut greenhouse gas emissions by 34% by 2020 and the EU target of 20% by 2020.

Climate Change Delivery Plan (2009)

4.2.26 The Scottish Government issued the Climate Change Delivery Plan, entitled 'Meeting Scotland's Statutory Climate Change Targets' in June 2009. The Climate Change Minister, Stewart Stevenson MSP, commenting on the Climate Change Bill, stated on 25 June 2009

"setting targets is not an end in itself, it is delivery that matters. In our Delivery Plan published last week we set out a vision of how we will achieve our targets, demanding action now and in the future."

4.2.27 The Climate Change Delivery Plan notes that the Scottish Government is already taking action to tackle climate change, but states that Scotland requires a coordinated approach – a national delivery plan for all the actions that can be delivered over the next decade and beyond, to achieve the targets that Parliament has laid down in the Climate Change (Scotland) Bill.

4.2.28 The Delivery Plan identifies key sectors of the economy for abatement and identifies the high level measures required in each sector to deliver the interim 2020 targets: both the 34% (UK) and the 42% (Scottish) targets.

4.2.29 The Plan confirms that the key milestone is that by 2020, more than 50% of electricity should be generated from renewable sources. The Plan (paragraph 3.19) confirms that the 2020 target equates to an electricity generation level of some 8.4GW of installed renewables capacity.

4.2.30 Paragraph 3.20 notes that the requirement on the UK to meet EU renewable targets by 2020, equating to 15% of all energy use from renewable sources, which will lead to strong demand from elsewhere in the UK for Scottish renewable electricity. The Plan also notes that a new Scottish Renewables Action Plan will be published for consultation in summer 2009.

Draft Framework for the Development & Deployment of Renewables in Scotland

4.2.31 Also of particular relevance as a material consideration, the Scottish Government and the Forum for Renewable Energy Development in Scotland (FREDS) published a draft Framework for the Development and Deployment of Renewables in Scotland. This was published in late 2008. The Government has recently consulted on this Framework and it complements the proposals in the parallel consultation document on a Renewable Energy Strategy issued in June 2008 by the UK Department for Business, Enterprise and Regulatory Reform (BERR).

4.2.32 The Scottish Government intends that its proposed Framework should contribute to the Scottish element of the UK National Action Plan for renewable energy when the proposed EU Directive on renewable energy comes into force. The consultation period on the document ended in December 2008 and a final Framework is expected in 2009. The draft Framework notes at Para 1.2 that:

"promoting the development and deployment of renewable energy is a key aspect of meeting the Scottish Government purpose of promoting sustainable economic growth in Scotland. The Scottish Government economic strategy identifies energy as a priority sector of the economy with renewable energy development contributing both to commitments to reduce carbon emissions and to promoting growth".

4.2.33 The Framework notes that relevant indicators in the Government performance framework are:

"working towards an emissions reduction target of 80% by 2050, and to target that 50% of Scottish gross electricity consumption should come from renewable generation in Scotland by 2020, with 31% by 2011".

4.2.34 The Framework notes that Scotland is on track to meet its target of meeting 50% gross electricity consumption from renewable generation. Recent statistics (for 2006) indicate that renewable generation was equivalent to 16.3% of Scottish gross electricity consumption. The Government recognises, however, that progress is required on renewable energy more generally, i.e. taking into account heat and transport as well as electricity. In the Framework, the Government states:

"we believe that a challenging, necessary and achievable objective is 20% renewable energy by 2020. This aligns with the EU target but goes higher than the 15% likely to be required by of the UK as a whole. It is also

important to stress that this is in no sense a cap but rather an interim stage towards our more long term vision for renewable energy in Scotland, where we see Scotland having a leading role in conjunction with European partners in developing and supplying renewable energy to a wider market".

4.2.35 Therefore, the Scottish Government is committed to the achievement of a 20% of total energy use coming from renewable sources by 2020, in line with the overall EU approach. The Government notes (para 4.3) in the Framework that to reach this figure, *"significant progress above current levels will be required in all sectors"*.

4.2.36 In terms of renewable electricity, the Framework notes (page 21) that in meeting the 2011 interim target of 31% of gross electricity consumption from renewable sources:

"we expect the vast bulk of new capacity to be delivered by additional onshore wind power stations".

4.2.37 As noted above however, there is no guarantee that all consented schemes will actually be built. The Framework notes that emerging technologies are expected to make significant contributions in the next decade but that:

"onshore wind will continue to increase beyond 2011 playing a strong part in meeting our 2020 target".

4.2.38 The Framework also notes that to achieve the objectives, significant increases in grid capacity would be required: both on onshore and off shore.

4.2.39 The Framework notes (page 24) that on the assumption that renewable sources will operate at 30% of theoretical potential, Scotland will require 5GW to achieve the 2011 target and 8.3 – 8.4 GW to achieve 50% by 2020. It notes that current installed renewable capacities are around 2.8GW, and that 1.7GW of capacity is approved under the Electricity Act and under construction, and, approximately 2.5GW of capacity of section 36 applications is in the system, with more applications under the Town and Country Planning (Scotland) Act 1997 being approved and being considered by Councils. It is expected that further applications would feed into 2020 capacity. There therefore remains a shortfall which requires to be addressed in order to achieve the 2020 target.

4.2.40 In terms of consents and planning, the Framework notes that the objective is:

"an approach to planning and consenting which ensures that acceptable renewable energy developments can proceed expeditiously.....".

4.2.41 Moreover, it notes that various improvements are already underway to the planning system including focusing Public Local Inquires where appropriate on key outstanding issues.

4.3 The National Planning Framework (NPF 2)

4.3.1 The planning policy context as set out in the ES refers to the National Planning Framework 2 (NPF 2) (Proposed Framework) which was issued in December 2008. However, the NPF 2 was issued in its final form on 25 June 2009. NPF 2 guides Scotland's development to 2030 and sets out strategic development priorities to support the Scottish Government's central purpose – sustainable economic growth. The Planning etc (Scotland) Act 2006 puts this and future iterations of the NPF on a statutory footing. The document therefore carries considerable weight as a material consideration.

4.3.2 NPF 2 is concerned with Scotland in its wider context and addresses major challenges including climate change. It contains targets for energy supply and the reduction of greenhouse gas emissions (para 3).

4.3.3 NPF 2 takes forward the spatial aspects of the Scottish Government's policy commitments on sustainable economic growth and climate change, which para 5 of the document notes *"will see Scotland move towards a low carbon economy"*.

4.3.4 The NPF refers to sustainable development (page 6) and notes that *"The Scottish Government's commitment to sustainable development is reflected in its policies on matters such as climate change, transport, renewable energy...."*

4.3.5 Climate change is specifically referred to at paragraph 16 *et seq* and it notes that substantial reductions in greenhouse gas emission will be necessary to minimise the impact of climate change. Paragraph 19 notes that

the UK and Scottish Governments are taking an international lead by introducing ambitious statutory emission reduction targets through, respectively, the UK Climate Change Act and the Scottish Climate Change Bill.

4.3.6 Energy is specifically referred to at paragraph 25 in NPF 2. It notes that:

"tackling climate change and reducing dependence on finite fossil fuels are two of the major global changes of our time addressing these challenges will demand profound changes in the way we produce, distribute and use energy over the coming decades."

4.3.7 Paragraph 26 notes that the EU has now set a commitment to derive 20% of its energy use from renewable sources by 2020. Reference is also made to the Scottish Government support for this objective and Scotland's own, higher target for electricity generated from renewable sources, which is 50% by 2020.

4.3.8 NPF 2 also refers to a development strategy at paragraph 53 and notes that the main elements of the spatial strategy to 2030 are to *inter alia*:

"release the potential of Scotland's renewable energy resources and facilitate the generation of power and heat from all clean, low carbon sources".

4.3.9 In terms of sustainable growth, paragraph 65 notes that energy is a major resource for rural areas and it states that *"the Government is committed to realising the power generating potential of renewable sources of energy"*.

4.3.10 It should also be noted that paragraph 145 in NPF 2, with regard to energy, notes that the Government is committed to establishing Scotland as a leading location for the development of renewable energy technology and an energy exporter over the long term. It notes that *"the aim of national planning policy is to develop Scotland's renewable energy potential while safeguarding the environment and communities"*.

4.3.11 Overall therefore, the NPF 2 sets out the Government's commitment to the further development of renewable energy in Scotland and confirms importance of this resource as a key element of achieving the spatial strategy for the country up to 2030 and indeed, as a key element to attaining the Government's central purpose of increasing sustainable economic growth.

4.3.12 NPF2 offers substantial support for the development of renewable energy and acknowledges the benefits both nationally and to rural economies that can result. In this respect, the Shetland Islands offer an outstanding wind resource and subject to detailed analysis of the environmental effects the Viking Wind Farm Project can draw significant support from the NPF 2.

4.4 Scottish Planning Policies (SPPs)

4.4.1 The purpose of the Scottish Planning Policy Series, and the National Planning Policy Guidelines which they are gradually replacing, is to provide statements of Government policy on nationally important land use and other planning matters. Statements contained in SPPs and NPPGs are material considerations to be taken into account by planning authorities when preparing development plan policies and in determining planning applications.

Scottish Planning Policy

4.4.2 On the 28th October 2008, The Scottish Ministers issued "Scottish Planning Policy" (SPP) which replaces the former SPP 1 "the Planning System". This is the first and second part of the series of three parts to the SPP which is aimed at streamlining the current SPP series into a single document.

4.4.3 The SPP provides an overview of the land use planning system in Scotland and states the Scottish Government's belief that *"a properly functioning planning system is essential to achieving its central purpose of increasing sustainable economic growth"*.

4.4.4 In this context, it is the view of the Scottish Government that the planning system should be structured and operated with the purpose of increasing sustainable economic growth and to support the Scottish Government's strategic objectives.

4.4.5 These strategic objectives are relatively high level and wide reaching:-

- Strategic Objective 1: WEALTHIER AND FAIRER - Enable businesses and people to increase their wealth and more people to share fairly in that wealth.
- Strategic Objective 2: HEALTHIER - Help people to sustain and improve their health, especially in disadvantaged communities, ensuring better, local and faster access to health care.
- Strategic Objective 3: SAFER AND STRONGER - Help local communities to flourish, becoming stronger, safer place to live, offering improved opportunities and a better quality of life.
- Strategic Objective 4: SMARTER - Expand opportunities for Scots to succeed from nurture through to life long learning ensuring higher and more widely shared achievements.
- Strategic Objective 5: GREENER - Improve Scotland's natural and built environment and the sustainable use and enjoyment of it.

4.4.6 The Viking Wind Farm Project has a number of benefits when considered against the Government's strategic objectives.

Wealthier and Fairer

4.4.7 The harnessing of the abundant sources of renewable energy and promoting Scotland as a market leader in renewable energy production will contribute to the Scottish economy and create opportunity both in terms of employment and spin off benefits for the population.

Safer & Stronger

4.4.8 The Viking Wind Farm Project brings new development to an isolated rural community helping local communities to flourish with improved opportunities for employment and benefits to the wider Shetland economy and the quality of life.

Greener

4.4.9 The promotion of wind farm development has a clear benefit of reducing the reliance on fossil fuels and the potential effects of coal and gas power station development. Renewable energy is clearly a more sustainable option with limited environmental effects and no waste product. In this regard, the proposed Viking Wind Farm project can draw support from the SPP.

The Consolidated SPP (Thematic Policies)

4.4.10 The third stage of the consolidated SPP, and associated Environmental Report, were published for consultation purposes on 1 April 2009⁶. These sections provide national policy on community engagement, sustainable development, various subject policies and outcomes. The subject policies covered in the consolidated SPP are economic development, town centres and retailing, housing, rural development, coastal planning, fish farming, historic environment, natural heritage, open space and physical activity, green belts, transport, renewable energy, flooding, waste, minerals, open cast coal and radio telecommunications.

4.4.11 The consultation document makes it clear that the consolidation of these subject policies into a single SPP is not a review of an established policy. Rather *"existing policy is being rationalised and expressed in more concise terms, providing clarity and greater certainty of intended outcomes"* (page 7).

4.4.12 In the SPP, the policy sections focus on key principles, considerations and actions required, particularly in terms of development plans and development management decision making. Certain elements of the information, advice, policy context and background supplied in the current SPP and NPPG series has not been included.

4.4.13 Of particular relevance are certain key amendments proposed in relation to SPP 6 and NPPG 14. With regard to SPP 6, Annex A' a spatial framework for wind farms over 20MW' is to be incorporated into main policy. With

⁶ The consultation period on the draft SPP ran from 1 April to 24 June 2009.

regard to NPPG 14 (Natural Heritage) it is proposed to limit local designations to two types, namely Special Landscape Areas and Local Nature of Conservation Areas, in order to limit the proliferation of designations. Substantive and minor policy changes are also summarised in the accompanying Environmental Report which is also issued for consultation at the same time as the SPP.

4.4.14 Of most relevance to the proposed Viking project is the subject policy on renewable energy which runs from paragraph 137 and that on 'Landscape and Natural Heritage' which runs from paragraph 92 .

4.4.15 The SPP (part 3) Consultative Draft states a general presumption in support of wind farms "*in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed*". The SPP sets out the criteria that should be considered in deciding applications for all wind farm developments. The criteria will vary depending on the scale of the development and its relationship to the characteristics of the surrounding area, but they are likely to include;

- Landscape and visual impact;
- Impact on natural and built heritage;
- Contribution of the development to renewable energy generation targets;
- Effect on the local and national economy and tourism and recreation interests;
- Benefits and disbenefits for communities;
- Aviation and telecommunication;
- Noise and shadow flicker, and
- Cumulative impact.

4.4.16 These criteria have been assessed in detail within the ES and within this assessment along with the potential constraints on wind farm development which are stated in the SPP(Part 3) to include:-

- The historic environment;
- Areas designated for their regional and local nature heritage value;
- Tourism and recreation interests;
- Benefits and disbenefits for communities, including long term and significant impact on amenity;
- Impact on aviation and defence interests, particularly airport operation, flight activity, aviation and defence radar and seismological recording, and
- Impact on broadcasting installations, particularly maintaining transmission links.

4.4.17 Until the final consolidation (expected 2009) , the existing SPPs and NPPGs remain in force.

4.4.18 A separation distance of up to 2km between areas of search and the edge of settlements is recommended to guide development to the most appropriate sites and limit visual impact but it is recognised that development should take into account local circumstances and geography and it is stated that "these constraints should not lead to blanket restrictions on development.."

Scottish Planning Policy 6 'Renewable Energy' (SPP 6)

4.4.19 The national planning policy on renewable energy is provided by SPP 6. The SPP outlines principles which are expected to make a positive provision for renewable energy developments through the planning system as follows:-

- Supporting a diverse range of renewable energy technologies including encouraging the development of emerging and new technologies;

- Recognising the importance of fully engaging with local communities and other stakeholders at all stages of the planning process;
- Guiding development to appropriate locations and providing clarity on the issues that will be taken into account when assessing specific proposals;
- Maximising environmental, economic and social benefits. (Paragraph 17)

4.4.20 At the same time, international and statutory obligations and designations should be met, ensuring that potential impacts on local communities are clearly addressed.

4.4.21 SPP 6 expresses strong support for renewable energy developments. The strong commitment of the Scottish Government is expressed explicitly in Paragraph 4 where it is stated:

"The Scottish Minister's commitment to increasing the amount of electricity generated from renewable energy sources is a vital part the response to sustainable development in climate change imperatives".

4.4.22 As highlighted earlier in this assessment, SPP 6 makes reference to the 2010 target for the generation of renewable energy and this has been met with the 2020 target of 40% renewable energy generation confirmed within Paragraph 4 of the SPP6. It is made clear that this target is not an aspiration but a firm commitment. Furthermore, the target is not to be considered a "cap" since the Ministers expect to meet the targets several years ahead of schedule. As covered within the ES, the Scottish Government has now increased the 2020 target to 50%.

4.4.23 The policy guidance recognises that the support for renewable energy development and the need to both protect and enhance the natural and built environment should be recognised as compatible goals. No reference is made to individual, national and international natural heritage designations however, the SPP advocates that the planning system has a key role in insuring that appropriate protection to the natural and historic environment is considered without unreasonably restricting the potential for renewable energy development. (SPP6, Paragraph 8).

4.4.24 In terms of policy formulation and the use of clear criteria, a key point is made explicit in the SPP 6 with a statement that there should not be a sequential approach to determining applications (SPP 6 Paragraph 23) and the planning authorities "should continue to determine those applications that *are* or come before them, ahead of the revised local policies being put in place" (SPP 6, Paragraph 40).

4.4.25 With regard to environmental impact assessments (EIA) SPP 6 states that "applicants should use the (EIA) assessment process to demonstrate the *appropriateness* of the chosen location" (SPP 6, Paragraph 48).

4.4.26 Paragraph 23 of SPP 6 emphasises that during a lifetime of the SPP, onshore wind power is likely to make "the most substantial contribution towards meeting renewable *energy* targets".

4.4.27 The ES demonstrates that the quality of the wind resource in Shetland is particularly good exceeding the efficiency levels of mainland locations.

4.4.28 It is clear in this context, that Viking Wind Farm has the potential to make a significant contribution to renewable energy targets and can draw significant support from the provisions of SPP 6 in this regard. Given that the Viking Wind Farm has the capacity to generate 540MW of renewable energy, it would result in a generating capacity equivalent to some 7.25% of the Scottish 2020 target for renewable energy generation.

4.4.29 As detailed in Chapter 16, Table 16-8 of the ES, the proposed development would also resulting very considerable CO₂ emissions savings of approximately 1,292,109 tonnes of CO₂ per annum and approximately 32,302,725 tonnes of CO₂ over the lifetime of development.

Planning Advice Note 45 (Renewable Energy Technologies) (PAN 45)

- 4.4.30 PAN 45 supplements SPP 6 and provides more detailed advice in relation to landscape and visual matters. In addition, PAN 45 Annex 2 "Spatial Frameworks and Supplementary Planning Guidance for Wind Farms" was published in November 2008. This gives specific advice to planning authorities on developing supplementary planning guidance for wind farms, particularly on the process of preparing spatial frameworks for wind farms over 80MW capacity.
- 4.4.31 Paragraph 17, of PAN 45 notes that public concern over the visual impact past (and many current) proposals has been a recurrent feature, that the experience following construction, *"suggests that much of the fear is unnecessary"*.
- 4.4.32 The PAN notes that not all landscapes will be able to accommodate wind farms and Paragraph 78, acknowledges that turbines and wind farms are likely to be *"tall, free from the located open land, and therefore likely to be highly visible"*.
- 4.4.33 PAN 45 notes in Paragraph 71 that:-
- "There are no landscapes into which a wind farm will not introduce a new and distinctive feature. Given Scottish ministers commitment to addressing the important issue of climate change and the contribution expected from renewable energy developments, particularly wind farms, it is important for society at large to accept that as a feature of many areas of Scotland for the foreseeable future."*
- 4.4.34 Landscape and visual impact has been assessed within Chapter 8 and 9 of the ES and whilst significant visual impacts are predicted to occur within 15km of the proposed development, these effects have been quantified and assessed and while they are recognised as significant, it is concluded that no overwhelming or visually dominant experience is likely to occur for residential receptors.
- 4.4.35 In conclusion, the proposed development complies with statutory and non statutory guidance in relation to renewable energy and wind farm developments. The proposal will make a significant contribution to the Scottish Government's renewable energy targets for 2020.

SPP 23 "Planning and the Historic Environment"

- 4.4.36 SPP 23 was published in October 2008 and replaces NPPG 18 'Planning and the Historic Environment' and NPPG 5 'Archaeology and Planning'.
- 4.4.37 SPP 23 sets out the Scottish Government's policy on the protection, conservation and enhancement of the historic environment and the role of the planning system.
- 4.4.38 SPP 23 notes that non-designated heritage assets, in addition to designated sites, are an important element of Scotland's heritage and also contribute to national identity. The Government's policy is to protect and preserve these assets wherever possible and as such, non-designated heritage assets are material considerations in the planning process. If this is not possible, planning authorities should have procedures in place for recording before and/or during development.
- 4.4.39 Scottish Historic Environment Policy (SHEP) was also issued along with SPP 23 and replaces the policy aspects of the Memorandum of Guidance on Listed Buildings and Conservation Areas and should be read alongside the SPP.
- 4.4.40 The development has been designed to avoid any adverse impact on any site of archaeological interest. Where the mitigation measures are put in place the residual effects on archaeological remains and building of architectural interest are assessed to be minor overall.

NPPG 14 'Natural Heritage'

4.4.41 NPPG 14 provides national planning policy guidance for the conservation and enhancement of Scotland's natural heritage for the benefit of present and future generations. The guidance clearly provides that the approach to conservation and enhancement should be integrated with economic and social aspects. Key interests which should be safeguarded include:

- Overall populations and natural ranges of native species/habitats;
- Geological and physiographical features;
- Natural beauty and amenity of the countryside;
- Opportunities for enjoying and learning about the natural environment.

4.4.42 Local Planning Authorities are directed to consider the scale, siting and design of new development in terms of the landscape and potential impact on the local environment.

4.4.43 Para 20 provides guidance relative to protected species of habitats and notes that consideration of these issues is a material consideration within the planning system. Local Planning Authorities should take particular care to avoid harm to species or habitats protected under the Wildlife and Countryside Act 1981, European Directives or priorities identified within the UK Biodiversity Plan.

4.4.44 The Conservation (Natural Habitats & c.) Regulations 1994 place a statutory duty on Local Planning Authorities to meet the requirements of the Habitats Directive. Circular 6/1995 on the Habitats and Birds Directive is also relevant: this contains detailed advice on the requirements of the Directive. Para 47 of the NPPG provides a clear duty on Local Planning Authorities to seek to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. The guidance is clear that the effect of development on the natural heritage at any level can be a material consideration, albeit that the level of protection afforded to undesignated areas will not normally be as high as designated sites.

4.4.45 Para 50 provides guidance on the protection of trees and woodlands where they have natural heritage value or where they contribute to the amenity of the specific locality. Ancient and semi-natural woodlands have the greatest value for nature conservation and are given greater protection.

4.4.46 The ES does not predict any significant setting impact on natural heritage designations. The siting of turbines has also been informed by an assessment of habitats and the most appropriate turbine layout has been chosen to reduce potential impacts.

4.4.47 The ES has sought to reduce the potential for and to mitigate adverse effects on the natural heritage resource and the ES predicts that there will be no residual significant adverse effects on any area of ecological value or on any identified species or habitats. It is considered the proposed development accords with the terms of the NPPG.

SPP 15 'Planning for Rural Development'

4.4.48 SPP15 provides Scottish Government guidance to ensure that the planning system recognises and responds to the differences within rural areas, when planning for development. The guidance provides for a particular direction to ensure that Local Planning Authorities embrace the rural environment in a positive manner, accepting change where it is required, and managing it, in order to benefit the environment rather than damage it.

4.4.49 The guidance states, that there are increasing numbers of people choosing to live and work within the rural environment, who are not employed within traditional rural industries. SPP 15 encourages this change to be seen as a positive one, and directs Local Planning Authorities to enable development opportunities where infrastructure capacity and good access exist. Hand in hand with this however, is a requirement to recognise the

unique environment which rural Scotland offers, and to ensure that new development takes special care in terms of the built, historic and natural environment.

4.4.50 The relevance of SPP 15 is driven by virtue of the proposed development being located in a rural environment. The development of Scotland's Renewables agenda will inherently impact upon the rural environment and have a positive impact upon the rural economy, whilst also affecting the environment in terms of development and disturbance through construction and operation, in some cases.

4.4.51 SPP 15 guides Local Planning Authorities to grant consent only where planning conditions can satisfactorily resolve any environmental conflicts, unless, social and economic benefits of national importance outweigh environmental importance.

4.4.52 This balancing consideration is considered to be particularly relevant to the consideration of the potential adverse significant environmental effects identified within the ES. In this regard the need case detailed within Chapter 2 of the ES and the recognition within the NPF that the project has the status of a 'National Development' are particularly relevant.

SPP 17 'Transport and Planning'

4.4.53 SPP 17 is the key planning policy document where the Scottish Government expresses its over-riding aim to achieve sustainable patterns of development and reduce the need to travel. The SPP sets out five main objectives which are:

- to meet European and UK commitments and targets on greenhouse gases and local air quality;
- to maintain and enhance the natural and built environment, through avoiding or mitigating adverse environmental impacts, minimising environmental intrusion and retaining, improving and enhancing areas for biodiversity;
- to maintain and enhance the quality of urban life, particularly the vitality and viability of urban centres;
- to reinforce the rural economy and way of life; and
- to ensure that the impact of development proposals on transport networks does not compromise their safety or efficiency.

4.4.54 PAN 57 supports SPP 17 and provides details on the construction of new roads and advises that, where possible, new routes should seek to follow the existing landscape character of an area by following existing gradients and working with the landforms and landscape features inherent to a site. This is an important consideration in terms of the construction of access tracks.

4.4.55 Where a route is permanent, PAN 57 provides that appropriate landscaping should be provided by way of native species where appropriate. Routes should also be given appropriate earth moulding to aid screening. Where routes can not be designed to avoid environmental impact, new routes should be designed to make provision for badger and otter tunnels, avoid farm severance and disruption to field drainage systems etc.

4.4.56 The design and development of the proposed wind farm including its associated access tracks have been considered in detail and assessment in this regard is provided in the ES, Chapter 15: (Roads and Traffic). In addition, Appendix 15.1 of the ES provides a more detailed transportation assessment and Appendix 15.2 considers abnormal loads.

4.4.57 The SPP is largely concerned with development that will give rise to changes in traffic generation. The proposed development will not generate significant permanent traffic and therefore the long-term impacts of the proposed development are considered to be minor. However there would be impacts of the proposed development in terms of traffic during construction.

4.4.58 In terms of the objectives of the SPP, it is considered that the proposed development is entirely consistent with the objectives of the SPP, the predicted impacts are relatively minor and are typically confined to the construction period only.

4.5 Supplementary Planning Guidance

Wind Energy Guidance

4.5.1 In August 2003, the Shetland Islands Council considered and subsequently adopted as draft locational guidance, a report entitled "Planning for Wind Energy in Shetland". The guidance was intended to supplement the established policies contained within the approved Structure Plan and concluded that it would be prudent to concentrate on the development in a particular area or areas of the Islands rather than disperse them more widely.

4.5.2 The paper proposed a draft 'preferred area' for large scale wind farm development but stopped short of defining any boundary.

4.5.3 It was recognised that further work would be required if the detailed implications of development were to be properly examined. The paper was intended only to provide locational guidance in very general terms; however the indicative diagram demonstrates that the proposed land area for the Viking Wind farm corresponds well with the "preferred area" identified in the document.

Draft Supplementary Planning Guidance Energy Efficiency and Wind Energy

4.5.4 In recognition of Shetland's role in addressing global warming by lowering carbon dioxide emissions, Shetland Islands Council developed supplementary planning guidance entitled "Energy Efficiency and Wind Energy". A document was released for consultation over a 6 week period commencing 21st July 2007. Viking Energy responded to the consultation with constructive comments and also raised a number of concerns in relation to the content of the guidance.

4.5.5 It is understood that following consultation, the Council has chosen not to adopt the draft supplementary planning guidance, but rather to re-draft the document to take on board relevant comments and the most up to date guidance contained within the SPP 6 'Renewable Energy'. Reference to the preferred areas did not appear to be based on sound analysis of environmental constraints and there was no evidential basis for defining the preferred area. The preferred area also differed significantly from that which was approved by the Infrastructure Committee and the effect was to create a presumption against development that has taken its starting point from the Wind Energy Guideline as approved in the infrastructure committee of 2003.

4.5.6 Importantly, the Draft Supplementary Guidance was considered by Viking Energy to be contrary to Paragraph 40 of SPP 6, which stated that in defining preferred areas of search in Development Plans "*such areas should provide a steer to developers on acceptable locations but their existence should not be used to rule out development elsewhere if it can be predominantly accommodated in a manner consistent with the approach set out in SPP 6*".

4.5.7 For these reasons, it is the strong view of Viking Energy that the draft SPG should be given no significant weight in considering the proposed development.

The Shetland Energy Plan

4.5.8 In 1995 the Shetland Energy Unit was established within Shetland Islands Council, to identify and develop the most cost effective energy conservation measures for natural resources. The unit developed the Shetland Energy Plan in 1998, to provide a sustainable approach to energy management in Shetland and to minimise Shetland's reliance on oil.

4.5.9 Policy SP ENG 4 states, "*energy related development, which take into account the objectives, and strategies set out in the Shetland Energy Plan and comply with environmental and other provisions of the Structure and Local Plan will be considered favourable*".

4.5.10 The ES demonstrates that the Viking Wind Farm has taken into consideration the objectives and strategies set out in the Shetland Energy Plan. In the regard, the proposed Viking Energy wind farm project can be considered favourably.

4.6 Conclusion

4.6.1 The material considerations set out above are considered to be the most relevant considerations applicable to the proposed development. These material considerations provide significant support for the proposed development.

5 Conclusions and Recommendations

5.1 Introduction

- 5.1.1 This chapter sets out overall conclusions. As explained in the introduction (Chapter 1), the statutory Development Plan is an important consideration.
- 5.1.2 It has been considered appropriate to have regard to, so far as relevant, individual Development Plan policies in the evaluation of the proposed development, alongside other material considerations. The aims and objectives and key policies in the Development Plan are an important part of the relevant framework against which the proposed development falls to be considered.
- 5.1.3 The underlying *aims and objectives* of Development Plan and individual policies have been considered, and the conclusion is reached at both a strategic and local level that these aims and objectives would not be undermined to the extent of causing harm to the regional or local land use planning strategy, (as set out in either the Structure or Local Plan).

5.2 Development Plan Conclusions

- 5.2.1 The conclusions reached are that the proposed development is supported by the aims and objectives of the Structure Plan and that there are no individual policies within the plan which the proposed development does not comply with to the extent of harming the strategic land use planning policy framework that the plan promotes.
- 5.2.2 Following detailed consideration of the relevant policies, it is considered that the proposed development would be in accordance with the Development Plan read as a whole.

5.3 Material Considerations

- 5.3.1 Material considerations, by definition, can be far reaching and involve a variety of considerations. However, only key material considerations of relevance to the project have been examined. Of note is the fact that a number of important material considerations have emerged post the approval of the Structure Plan and the adoption of the Local Plan: this is illustrated in Figure 1 at the start of chapter 4. Of particular relevance are the EU, UK and Scottish Government renewable energy targets and policies with regard to climate change. Such targets and policies, provide the basis of the need case for the proposed development.
- 5.3.2 It is fully recognised that Shetland has an abundant wind resource with an unparalleled estimated efficiency for onshore wind. In this context the proposed development would aid the realisation of renewable energy generation targets, potentially making a significant contribution (some 7.25%) to the Scottish 2020 target.
- 5.3.3 The proposed development would also result in a significant benefit in terms of CO² emissions savings with an estimated saving of 1,292,109 tonnes per year displaced and 32,302,725 tonnes displaced over the lifetime of the wind farm.
- 5.3.4 Such targets are also recognised within the NPF 2 which is now (as of June 2009) a national planning policy statement that has statutory recognition.
- 5.3.5 National planning policy has also been considered. SPP 6 and SPP 2 are particularly supportive of the proposed development with regard to renewable energy generation, climate change action, employment creation, land use diversification and economic benefit. SPP 6 identifies within paragraph 21 that the contribution of a development to national or local economic development priorities should be a material consideration.
- 5.3.6 The proposed development will be a significant consideration in relation to the provision of a subsea grid cable link between Shetland and the mainland. This will allow Shetland to realise its potential in terms of renewable energy provision decrease its exiting over-reliance upon fossil fuels and have significant beneficial impacts in terms of the Shetland economy and employment opportunity.

- 5.3.7 In line with SPP 6, whilst community benefits are not a benefit to weighed in the planning balance, the proposed development, through a community benefit fund, will compensate for falling revenues from fossil fuels and bring with it very real and substantial benefits that will accrue to the wider community over the lifetime of the project.
- 5.3.8 National planning policies regarding the built environment and natural and cultural heritage have also been considered and the proposed development is considered to be supported by these policies in the context of it having been designed and sited to avoid areas of greatest sensitivity and to minimise environmental effects.
- 5.3.9 In conclusion, the material considerations set out are found to be particularly supportive of the proposed development.

5.4 The Electricity Act 1989

- 5.4.1 As identified in Chapter 1, the proposed development requires to be considered under the terms of the 1989 Act. Paragraph 3(2) of Schedule 9 to the 1989 Act, provides a specific statutory requirement on the Scottish Ministers to have regard to the following when considering development proposals:

"The desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeology interest; and..... The extent to which the developer has complied with its duty to do what it reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or any such flora, fauna, features, sites, buildings or objects".

- 5.4.2 The information that is contained within the individual topic chapters of the ES and associated Appendices addresses these matters.
- 5.4.3 It is important to note the use of the terms 'desirability' and 'reasonably' with regard to project design, siting and mitigation. This recognises that there are balances and reconciliations to be considered in decision making.
- 5.4.4 Through the EIA process which has been undertaken in accordance with good practice, many possible environmental effects have been avoided or reduced. It is considered that the detailed work undertaken for the EIA has confirmed that the proposed development is environmentally acceptable. It is further considered that the Applicant has fulfilled the obligations under Schedule 9 of the Electricity Act in this regard.

5.5 Overall Conclusions

- 5.5.1 Conclusions with regard to the Structure and Local Plan have been presented within the preceding Chapters of this assessment. In considering the underlying aims and objectives of the plans and those of individual policies, together with the specific terms of the relevant policies, it is concluded that the project is, on balance, in general accordance with the Development Plan.
- 5.5.2 However, should the decision maker not share this conclusion, then it is considered that the weight attributable to material considerations would be so significant so as to outweigh the potential elements of non accordance with the Development Plan.
- 5.5.3 The overall conclusion reached is that that the proposed development satisfies the terms of the 1989 Act, and is also supported by the terms of s.25 of the 1997 Act. It is therefore recommended that consent should be granted under s.36 of the Electricity Act 1989 and deemed planning permission should be granted under s.57 (2) of the Town and Country Planning (Scotland) Act 1997 for the proposed development.
- 5.5.4 The Development Plan has sustainability at its core and recognises Shetland's current over reliance on non-renewable sources of fuel. The Development Plan promotes renewable energy projects in this context subject to compliance with other criteria within the Plan. From this assessment of planning policy considerations, the proposed development can draw significant support from the Development Plan.

5.5.5 The Development Plan also recognises the economy as a key issue and the policies recognise the need to encourage the economy to flourish in growth sectors. In this respect Shetland has a unique and substantial capacity to facilitate renewable energy development. The proposed Viking Wind Farm development can draw significant support from the policies of the Development Plan in this regard.



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