



Viking Wind Farm

November 2018

Planning Statement

Section 36 Variation Application - Environmental Impact Assessment Report



TABLE OF CONTENTS

1.	INTRODUCTION	2
1.1	Preface	2
1.2	About Viking Energy Windfarm LLP	3
1.3	Application Documentation	3
1.4	Legislative Context	3
1.5	This Planning Statement	4
2.	THE PROPOSED VIKING WIND FARM	5
2.1	Preface	5
2.2	The Consented Viking Wind Farm	5
2.3	Changes in Site Area	8
2.4	The Proposed Varied Development	8
2.5	The proposed varied development	8
2.6	The proposed variations	9
3.	RELEVANT ENERGY POLICY	9
3.1	Preface	9
3.2	Overview of European, UK and Scottish Energy Policy	9
3.3	Relevance of energy policy to the proposed variations	9
4.	THE DEVELOPMENT PLAN	11
4.1	Preface	11
4.2	Summary of Development Plan Status	11
4.3	Broad LDP Policy Framework	12
4.4	Relevant SG	15
5.	NPF3 AND SCOTTISH PLANNING POLICY	19
5.1	Preface	19
5.2	NPF3	19
5.3	Scottish Planning Policy (2014)	19
5.4	Planning Advice Notes	21
6.	POLICY ASSESSMENT	21
6.1	Preface	21
6.2	Summary	22
6.3	Section Structure	23
6.4	Part 1: Broad policy framework	23
6.5	Part 2: Main environmental effects	24
6.6	Part 3: Other environmental effects	27
6.7	Part 4: Assessment against national policy considerations	28
7.	SUMMARY AND CONCLUSIONS	29

1. INTRODUCTION

1.1 Preface

- 1.1.1 This Planning Statement ("this "Statement") has been prepared by Young Planning & Energy Consenting Ltd on behalf of Viking Energy Windfarm LLP (hereinafter referred to as "the Applicant"), in support of its application under Section 36C of the Electricity Act 1989 (the "S36C application"). The S36C application proposes variation of the Section 36 consent granted by Scottish Ministers on 4 April 2012 under the Electricity Act 1989 (the "S36 consent") for the construction and operation of the proposed Viking Wind Farm ("the relevant section 36 consent"). The proposed Viking Wind Farm that has the benefit of the relevant section 36 consent is hereinafter referred to as "the consented Viking Wind Farm"). The application is made in accordance with the relevant provisions under The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 (as amended).
- 1.1.2 The S36C application seeks variation to the Description of Development contained in Annex 1 (the "proposed variations") to the consented Viking Wind Farm as currently approved through the S36 consent (the "originally consented development"). The proposed variations to the Description of Development are discussed in Section 2 of this Statement and are as follows:
- An increase to the maximum tip height of the 103 turbines, from 145 metres (m) to a maximum of 155 m;
 - An increase in the maximum rotor diameter from 110 m to a maximum of 120 m; and
 - These proposed variations are referred to collectively throughout this Statement as the "proposed variations".
- 1.1.3 The consented Viking Wind Farm with the proposed increase in tip height to 155m and increase in rotor diameter to 120m, is referred to as "the proposed varied development". Reference is made to the EIA Report prepared in support of the S36C application and the description of the proposed varied development provided in Chapters 1 and 2. The site location is shown in Figure 1.1 and the site layout with the S36C variation application boundary is shown in detail in Figure 1.2, both of which accompany the EIA Report. The area within the S36C application boundary is hereinafter referred to as "the application site". Reference in this Statement to "the proposed Viking Wind Farm" is intended to cover both the consented Viking Wind Farm and the proposed varied development.
- 1.1.4 The need for, and benefits of, the proposed variations are set out in Section 1.4 of Chapter 1 of the EIA Report. As summarised in paragraph 1.4.4 of the EIA Report, the proposed variations would:
- Improve the viability of the project in commercial terms by increasing the energy yield and alternative turbines available to the applicant and would thereby support the applicant in pursuing a route to market through the forthcoming Contracts for Difference (CfD) auction;
 - Make a valuable contribution to the achievement of the UK and Scottish Government 'whole system' targets to de-carbonise energy consumption by increasing the zero-carbon energy yield by 19%;
 - Lead to an equivalent increase in homes supplied with clean, renewable energy and an equivalent increase in CO₂ reduction, making a valuable contribution to the Scottish Climate Change Plan targets;
 - Bring a wealth of socio-economic benefits to the Shetland Islands community, including the creation of jobs and opportunities for local businesses and suppliers during the construction phase and for the lifetime of the project. The project is jointly owned with the Shetland Charitable Trust and the community share represents approximately 200 MW in generation capacity making it by far the largest community owned energy project in the UK; and

- Result in an increase in the contribution to public finances through non-domestic rates in line with the increased installed capacity, thus increasing the total contribution to funding for public services in Scotland.

1.2 About Viking Energy Windfarm LLP

- 1.2.1 Viking Energy Windfarm LLP is a 50:50 joint venture business partnership between Viking Energy Shetland LLP and SSE plc. Viking Energy Shetland LLP (VES) represents the interests of the Shetland community in large-scale wind farm development in Shetland. VES is 90% owned by the Shetland Charitable Trust, the charity set up to manage funds on behalf of the community. The remaining 10% is held by private investors.
- 1.2.2 SSE has vast experience in building and operating onshore and offshore wind farms. Currently, it has nearly 60 wind farms in operation or development in the UK and Ireland.

1.3 Application Documentation

- 1.3.1 This Statement forms part of the documentation submitted in support of the S36C application. These documents are hereinafter referred to collectively as “the supporting documents”. This Statement should be read in conjunction with the supporting documents, which are cross-referenced in this Statement where relevant.
- 1.3.2 In addition to this Statement, the supporting documents comprise:
- The Environmental Impact Assessment (EIA) Report, comprising:
 - Volume 1 - Non-Technical Summary (NTS);
 - Volume 2 - Written Statement, comprising:
 1. Introduction;
 2. Description of the Proposed Development;
 3. Comparative Assessment;
 4. Landscape and Visual Amenity;
 5. Ornithology;
 6. Noise;
 7. Aviation and Telecommunications;
 8. Ecology;
 9. Hydrology, Hydrogeology, Geology, Soils and Peat;
 10. Access, Traffic and Transport;
 11. Cultural heritage;
 12. Shadow flicker;
 13. Socio-economics;
 14. Schedule of Mitigation.
 - Volumes 3a and 3b - Figures and Visual Representations;
 - Volume 4 - Technical Appendices;
 - A Pre-Application Consultation Report; and
 - A Design and Access Statement.

1.4 Legislative Context

- 1.4.1 Consent under Section 36 of the Electricity Act 1989 is required prior to the construction, extension or operation of generating plant with a capacity in excess of 50 MW. Since the consenting of generating plant under Section 36 of the Electricity is a matter devolved to Scottish Government,

determination of such applications for consent is the responsibility of Scottish Ministers. As noted above, the relevant section 36 consent and associated direction granting deemed planning permission for the proposed development were granted on 4 April 2012. As a consequence of judicial review proceedings being raised by a community-based group of objectors known as Sustainable Shetland seeking reduction of the grant of the necessary statutory consents, there was delay in progressing with the consented Viking Wind Farm for more than three years. The Applicant requested an extension to the period for commencement of development in January 2017 as a consequence of the delays caused by the Judicial Review. This was granted by the Scottish Ministers by letter dated 29 March 2017. Commencement of Development must now commence no later than 4th April 2020, unless the commencement period is otherwise further varied by the Scottish Ministers.

- 1.4.2 The Growth and Infrastructure Act 2013 inserted a new section 36C into the Electricity Act 1989 which introduces a procedure for applications to vary section 36 consents and for planning permission to be deemed granted in connection with such applications.
- 1.4.3 The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 were enacted on 1 December 2013 and provide a regulatory framework for variation applications under S36C. These Regulations were the subject of amendment in 2017 to take account of the provisions contained in the new Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 EIA Regulations”) that apply to S36C applications. The EIA Report has been prepared in accordance with the requirements of the 2017 EIA Regulations.
- 1.4.4 Schedule 9 to the Electricity Act 1989 requires the Applicant to consider 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 archaeological interest*’ and ‘*shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.*’ These considerations are considered in formulating any proposal for generating stations that require consent under section 36 as a result of which the requirements of Schedule 9 have been addressed through the Applicant’s assessment of the proposed variation under S36C as reported in the EIA Report.
- 1.4.5 The regulatory context for the proposed varied development is referred to where relevant in this Statement.

1.5 This Planning Statement

- 1.5.1 This Statement considers the land use policy issues relevant to the determination of the application and summarises the key issues, in respect of which the policy considerations are addressed in greater detail as part of the policy assessment.
- 1.5.2 A key assumption that underpins this Statement is that the principle of large scale commercial wind farm development on the application site has been established as acceptable through the relevant section 36 consent. Such an approach is consistent with the legislative purpose in providing greater flexibility in the development of large scale commercial wind farm development through provision of a statutory procedure to vary section 36 consents under S36C of the Electricity Act 1989. In planning terms, such a position is entirely appropriate since the alternative to the proposed varied development is the implementation of the relevant section 36 consent to construct and operate the consented Viking Wind Farm. The policy assessment provided in Section 7 of this Statement focuses on the policy implications of the proposed variations. Consideration is also given to policy considerations of relevance to the proposed varied development in which the focus is on the proposed wind farm development as a whole.

- 1.5.3 In the case of the EIA Report, an assessment is provided to confirm the likely significant effects associated with the consented Viking Wind Farm, the likely significant effects associated with the proposed varied development, and also provides a description of how the effects of the proposed varied development may differ from those of the consented Viking Wind Farm. By doing so, the EIA Report provides an assessment of the proposed varied development as a whole, while highlighting the effects resulting from the proposed variations to the consented Viking Wind Farm.
- 1.5.4 Based upon the characteristics of the application site and the narrow scope of the proposed variations to the consented Viking Wind Farm development, the Applicant considers the likely main environmental effects and issues directly affected by the proposed variations to comprise: (i) landscape and visual impact assessment; (ii) ornithology, (iii) socio-economic effects; and (iv) noise. This Statement differentiates between these main environmental effects and other policy considerations, in that detailed policy assessment is provided in relation to the main environmental effects. A more general assessment, with significant cross reference to relevant parts of the EIA Report, is undertaken in respect of all other considerations.
- 1.5.5 Given the broader range of considerations listed within Schedule 9 to the Electricity Act 1989, and whilst the focus of the policy assessment provided in Section 7 is upon the proposed variation and associated main environmental effects, this Statement refers to a wider range of policies as part of the policy assessment. Notwithstanding, the focus remains on the main environmental effects.
- 1.5.6 This Statement comprises the following Sections:
- Section 2: The Proposed Viking Wind Farm;
 - Section 3: Relevant energy policy;
 - Section 4: The development plan;
 - Section 5: NPF3 and Scottish Planning Policy;
 - Section 6: Policy assessment; and
 - Section 7: Summary and conclusions.

2. THE PROPOSED VIKING WIND FARM

2.1 Preface

- 2.1.1 This Section outlines the background to the S36C application and the planning history of the proposed Viking Wind Farm and the application site. It explains the differences between the consented Viking Wind Farm and the proposed varied development as a result of the proposed variations.

2.2 The Consented Viking Wind Farm

Consenting history

Section 36 consent for the proposed Viking Wind Farm

- 2.2.1 As referred to in the above Introduction to this Statement, on 4 April 2012 the relevant section 36 consent for the consented Viking Wind Farm was granted together with a direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 granting deemed planning permission.
- 2.2.2 Annex 1 to the relevant section 36 consent describes the consented Viking Wind Farm as comprising:

“The development as indicated on figures A4.1.1. and A4.1.2. (of the Environmental Statement Addendum) excluding the Delting Parish turbines D5-7, D9-18 and D23-33 and associated ancillary developments inclusive, with a maximum generating capacity of 457MW, and comprising a wind-powered electricity generating station including:

1. *Not more than 103 turbines each with a maximum tip height of 145m, and associated crane pads; (*)*
 2. *all site tracks and foundations;*
 3. *7 permanent anemometry masts (as detailed in ES Addendum table A4.5 with the deletion of masts at Duddin Hill and Hill of Neegarth) for monitoring wind farm (free standing lattice masts up to 90m tall);*
 4. *substation at Moo Field and associated control buildings and compounds and a central sub-station/control building and workshop adjacent to Scottish Hydro Electric Transmission Ltd's converter station in the Kergord valley;*
 5. *up to 10 borrow pits for the excavation of rock; (as detailed in ES addendum table A4.8 with the deletion of pits DBP02 and DBP03);*
 6. *temporary turbine component laydown areas;*
 7. *underground power cables;*
 8. *watercourse crossings;*
 9. *temporary construction compound areas providing site offices, welfare facilities and storage for plant and materials and satellite construction compounds; and concrete batching plants; and*
 10. *all as specified in the Application, the Environmental Statement and the Supplementary Environmental Information Addendum, (excluding the Delting Parish area turbines D5-7, D9-18 and D23-33 and ancillary developments inclusive), and references in this consent and deemed planning permission to "the Development" will be construed accordingly." (*)*
- (*) Note: parts of the description of development in sub-paragraphs 1 and 10 in the above list are the subject of the S36C application."

2.2.3 Annex 2 to the relevant section 36 consent comprises:

- At Part 1, the conditions applying to the section 36 consent, including at condition 2 the condition relating to timescales for the commencement of the development, discussed at Paragraph 2.2.8; and
- At Part 2, the conditions applying to the deemed planning permission.

2.2.4 The decision letter containing the Scottish Ministers' reasoning in determining to grant the necessary statutory consents includes commentary on the application process and the relevant and material considerations taken into account in the determination of the application. Statements of relevance to the main environmental effects include:

- "Shetland Islands Council (a statutory consultee and the Relevant Planning Authority) was supportive of the application and re-affirmed its support for the development on the basis that it has considered the views of the community, the socio-economic issues, as well as environmental impact. The Planning Authority asserts that the benefit to the Shetland economy and community outweighs any negative impacts and that the project may produce *[sic.]*" (page 2)
- "The reduced, 103 turbine Development in central Shetland, will provide sufficient power for at least 175,112 homes, and probably considerably more, given that the load factor is expected to be much higher on Shetland than mainland Scotland, upwards of 40%. This increase in the amount of renewable energy produced in Scotland is entirely consistent with the Scottish Government's policy on the *promotion of renewable energy and its target to meet 100% of demand for Scotland's electricity from renewable sources by 2020.*" (page 9 & 10)
- "The development represents an excellent opportunity to help meet European Climate Change objectives, through the development of renewable energy and associated reduction in carbon emissions. The total annual CO₂ saving from the windfarm is estimated to be 1.13 million

tonnes CO2 per annum, based on a 127 turbine development. Based on the 103 turbine development, this might be revised downwards pro rata to approximately 0.93 million tonnes per annum.” (page 10)

- “The overall condition of the environment upon which wild bird species rely in Shetland is of concern. In particular, the peatland ecosystem is in serious decline and suffering extensive degradation. The windfarm's expansive Habitat Management Plan (HMP) will restore peatland and offers benefits to a whole range of species and habitats, a factor which has been recognised by SNH, and which Ministers have taken into account. In particular, the HMP will include habitat restoration and protection for red-throated diver, merlin, whimbrel (and by association arctic skua) and peatland management actions to restore, enhance and protect blanket bog and thereby benefit birds and other species that depend on this habitat. The HMP is far more ambitious and expansive than HMPs which have formed part of mitigation for previously consented windfarms, in total encompassing an area of some 12,800 hectares. SNH have welcomed the HMP and recognise that it offers the possibility of significant biodiversity benefits and is an excellent opportunity to explore various habitat management methods.” (page 10)
- “Ministers accept that significant (landscape and visual) impacts will remain but consider that these are outweighed by the very considerable economic benefits which the development will bring to the Islands, and more widely, and by the benefits of generating at least 370.8MW of renewable electricity.” (page 12)

2.2.5 Relevant statements relating to the rationale behind the proposed variations include those relating to economic and renewable energy benefits:

“Scottish Ministers aim to achieve a thriving renewables industry in Scotland. The focus being to enhance Scotland’s manufacturing capacity, to develop new indigenous industries, particularly in rural areas, and to provide significant export opportunities. A scheme of at least 370.8MW (pro rata) in Shetland is entirely consistent with these goals. Scottish Ministers have considered material details of how this proposal can contribute to local or national economic development priorities as stated in Scottish Planning Policy (SPP). For the proposed 127 turbine development, estimates were of capital expenditure of £707M, of income into the islands of £38.2M per year, and of 42 operational jobs with an additional 174 jobs during 5 years of construction. Shetland Island Council have estimated there would be a total of 435 FTE jobs created (including jobs created by the Shetland Charitable Trust). Furthermore, the Islands’ aspiration to seek to benefit from the renewable energy revolution, including by embracing marine renewables, will rely upon the construction of an interconnector to the mainland to export electricity. It is very likely that the construction of such an interconnector is not viable without the Viking Windfarm development or at least one of a comparable scale.” (page 12)

2.2.6 In concluding, it was stated that:

“The Scottish Ministers consider that environmental impacts will for the most part be satisfactorily addressed by way of mitigation and conditions, and that the residual impacts are outweighed by the benefits the development will bring.” (page 13)

2.2.7 As explained in paragraph 1.4.1 above, on 29 April 2017 the Scottish Ministers varied Condition 2 in Part 1 of Annex 2 and granted an extension of time for commencement of development. As a consequence of the extension of time, commencement of the consented Viking Wind Farm must begin by 4 April 2020, unless otherwise agreed in writing with the Scottish Ministers.

Implications of consenting history on planning policy assessment of the proposed variations

2.2.8 As a result of this consenting history, as stated within Paragraph 1.5.2, this Statement and its assessment of the proposed variation against relevant policy (as detailed within Section 7) is

underpinned by the fact that the principle of major wind farm development at the site is established as acceptable. As such, Section 7's policy assessment focuses upon the main environmental effects discussed in Section 1.5.

2.3 Changes in Site Area

2.3.1 The section 36 variation application site comprises approximately, 7,040 hectares of land across Shetland's central mainland. Irregular in shape, the site is predominantly rural in character with small settlements within 2 km of the boundary. Much of the site forms an undulating landscape of open moorland, most commonly in agricultural-related uses. While the consented Viking Wind Farm was granted consent under s36 of the Electricity Act for 103 turbines (reduced from the 150 turbine layout included in the original ES in 2009, and 127 turbines included in the ES Addendum in 2010), the consented site boundary was not amended to reflect the reduce number of turbines and the reduced spatial extent of the supporting infrastructure. The section 36 variation application site boundary has been revised to align with the scheme for development granted consent under section 19A of the Crofters (Scotland) Act 1993 and includes an area relevant for the purpose of developing the 103 turbine proposed varied development. It is important to note, that while the site area has reduced, there is no change to the footprint between the consented Viking Wind Farm and the proposed varied development.

2.4 The Proposed Varied Development

- 2.4.1 The proposed varied development is described within Chapter 2 of the accompanying EIA Report and its accompanying technical appendices. Table 2.1 in Chapter 2 summarises the changes to the technical appendices where it has been considered necessary to provide updated information. This Section provides a summary of the proposed varied development, highlighting proposed variations, in order to provide sufficient context to the policy assessment provided at Section 7 of this Statement.
- 2.4.2 This Section includes a description of the proposed variations, which are collectively referenced throughout this Statement as the "proposed variation".

2.5 The proposed varied development

- 2.5.1 The proposed wind generating station together with the associated infrastructure and ancillary development comprise the development for which deemed planning permission is sought under a section 57(2) direction under the 1997 Act. The proposed varied development would include the following key components:
- not more than 103 turbines each with a maximum tip height of 155 metres (m) and rotor diameter of 120m, and associated crane pads;
 - all site tracks and foundations;
 - seven permanent anemometry masts for monitoring wind farm (free standing lattice masts up to 96.5 m tall);
 - substation at Moo Field and associated control buildings and compounds and a central sub-station/control building and workshop adjacent to the proposed Scottish Hydro Electric Transmission plc converter station in the Kergord valley;
 - up to 10 borrow pits for the excavation of rock;
 - temporary turbine component laydown areas;
 - underground power cables;
 - watercourse crossings; and
 - temporary construction compound areas providing site offices, welfare facilities and storage for plant and materials and satellite construction compounds; and concrete batching plants.

2.6 The proposed variations

- 2.6.1 The proposed varied development as described above incorporates the proposed variations. For the purpose of this Statement, it is necessary to highlight the proposed variations against which the relevant policies are assessed.
- 2.6.2 The proposed variations comprise:
- An increase the maximum tip height of the turbines, from 145 m to a maximum of 155 m; and
 - An increase in the maximum rotor diameter from 110 m to a maximum of 120 m.

3. RELEVANT ENERGY POLICY

3.1 Preface

- 3.1.1 This Section summarises relevant European and national energy policy.

3.2 Overview of European, UK and Scottish Energy Policy

- 3.2.1 In recent years, policies of the European Union, and the United Kingdom and Scottish Governments have focused increasingly on addressing climate change and reducing greenhouse gas emissions. Each tier of governmental regulation has developed targets, policies and actions to achieve these policy objectives.
- 3.2.2 The targets set for the United Kingdom by the European Commission under the EU Renewables Directive (2009/28/EC) include a 16% reduction in United Kingdom greenhouse gas emissions by 2020 and for 15% of all energy consumed in the United Kingdom to come from renewable resources by 2020. The Scottish Government has set more ambitious statutory targets through the Climate Change (Scotland) Act 2009, which requires the reduction of the 'basket of seven Kyoto Protocol greenhouse gases' by at least 42% by 2020 and 80% by 2050, compared to the 1990-1995 baseline.
- 3.2.3 The Scottish Government Climate Change Plan (2018)¹ outlines a new interim target of reducing greenhouse gas emissions by 66% by 2032. The Scottish Energy Strategy² also includes a new 2030 'whole system' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied by renewable sources. Both the Scottish Energy Strategy and the Onshore Wind Policy Statement³ recognise that onshore wind projects must play a vital role in decarbonising electricity, heat and transport systems and meeting the emissions reduction targets.
- 3.2.4 The Scottish Energy Strategy confirms the Scottish Government target to achieve at least 1 GW of renewable energy generation capacity in community ownership by 2020.

3.3 Relevance of energy policy to the proposed variations

- 3.3.1 The proposed changes in turbine specification are directly relevant to the achievement of policy objectives. Wind turbine technology is continually evolving with more productive and efficient turbines coming on to the market place each year. The final decision on turbine specification has not yet been taken, but suitable candidate turbines with a generation capacity between 4.2 and 4.5 MW have been identified that match the proposed variations currently being sought. For the purposes of the environmental assessment, the Siemens SWT 4.3MW 120 WTG has been identified as a suitable candidate turbine. The increase in tip height and rotor diameter would substantially increase the energy yield, resulting in proportionately greater carbon dioxide emissions reductions from the site as shown in Table 1.

¹ URL: <https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018/>

² URL: <https://www2.gov.scot/energystrategy>

³ URL: <https://www.gov.scot/publications/onshore-wind-policy-statement-9781788515283/>

- 3.3.2 The proposed varied development benefits from an exceptional wind resource resulting in an expected capacity factor substantially higher than the UK average for onshore wind. As a result, the proposed varied development would make a significant contribution to achieving the targets set out in the Scottish Energy Strategy.
- 3.3.3 Furthermore, the proposed varied development is the single largest renewable energy generation project in community ownership in the United Kingdom, with the potential to contribute more than 200 MW (20%) of the overall target in the Scottish Energy Strategy.

Table 1: Energy Generation Comparison		
	Siemens SWT-3.6-107 (90 hub height): Candidate Turbine – Consented Viking Wind Farm	Siemens SWT 4.3MW 120: Candidate Turbine – Proposed Variation
Energy Yield (GWh/annum)	1,503.92	1,796.35
Homes Equivalent⁴	397,757	475,099
CO₂ Emissions Reduction (tonnes/annum)⁵	422,421.14	504,558.58
Carbon Payback Time (years)	1.72	1.65

The proposed variation applied to relevant energy policy

- 3.3.4 Scottish energy and climate change policy effectively promotes the maximising of the efficiency and contribution of major renewable energy developments toward the achievement of overarching targets and ambitions. In summary, the proposed variations are entirely consistent with the strategic priority action set out in the Scottish Energy Strategy, under the heading ‘renewable and low carbon solutions’ which specifically references ‘island wind’ projects and the need to provide a route to market, ‘*offering a new opportunity for island communities to participate in the energy transition*’. The proposed varied development contributes to the strategic priorities in that it will:
- Improve the viability of the project in commercial terms by increasing the energy yield and alternative turbines available to the applicant and would thereby support the applicant in pursuing a **route to market** through the forthcoming Contracts for Difference (CfD) auction;
 - Make a valuable contribution to the achievement of the UK and Scottish Government ‘**whole system**’ targets to de-carbonise energy consumption by increasing the zero-carbon energy yield by 19%;
 - Lead to an equivalent increase in homes supplied with clean, renewable energy and an equivalent increase in CO₂ reduction, making a valuable contribution to the Scottish Climate Change Plan targets;
 - Make a **significant contribution** towards the national policy target relating to **community ownership**, as the largest example of shared ownership in the UK. The project is jointly owned with the Shetland Charitable Trust and the community share represents more than 200 MW in generation capacity making it by far the **largest community owned energy project in the UK**;
 - Bring a wealth of socio-economic benefits to the Shetland Islands community, including the creation of jobs and opportunities for local businesses and suppliers during the construction phase and for the lifetime of the project.; and

⁴ Average home consumption base on 3.781 MWh. Available from URL: <http://www.renewableuk.com/page/UKWEExplained> (Accessed October 2018)

⁵ Based on comparison to carbon emissions associated with grid mix electricity (from Carbon Calculator v1.5, URL: <https://www2.gov.scot/WindFarmsAndCarbon>)

- Result in an increase in the contribution to public finances through non-domestic rates in line with the increased installed capacity, thus increasing the total contribution to funding for public services in Scotland.

3.3.5 The proposed variation is therefore considered to be entirely consistent with the principles of relevant energy policy, to and will make a significant contribution towards the attaining of the Scottish Government's de-carbonisation ambitions.

4. THE DEVELOPMENT PLAN

4.1 Preface

4.1.1 By virtue of a direction being sought for the grant of deemed planning permission for the proposed varied development under section 57(2) of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"), consideration must be given to the terms of the development plan. As the principal statutory development consent is an electricity consent granted under section 36 of the Electricity Act 1989, the development plan does not have primacy under section 25 of the 1997 Act because the decision is not a determination under the 1997 Act. However, development plan policies are relevant to understanding in a local context, the generic duties under Schedule 9(2) to the Electricity Act 1989 and are also material considerations in the decision-making process together with national energy and planning policy. It is therefore appropriate to identify the relevant policies of the development plan and give consideration as to the extent to which the proposed varied development is in accordance with those policies. Determination of the application to vary the Section 36 consent must consider the requirements of paragraph 3(2) of Schedule 9 to the Electricity Act 1989.

4.1.2 This Section distinguishes between: (i) policies of relevance to the main environmental effects that have been identified as reported in the EIA Report in respect of the proposed variations; and (ii) policies that are of relevance to the other potential environmental effects of the proposed varied development as discussed in the EIA Report and which also relate to Schedule 9 considerations, but which have been assessed as having no significant effects on the relevant receptor. This distinction is maintained when addressing national policy, guidance and advice that is identified in Section 6, and the policy assessment in Section 7.

4.2 Summary of Development Plan Status

4.2.1 From a development planning perspective, under the 1997 Act the statutory development plan comprises:

- The Shetland Local Development Plan 2014 ("the LDP") (adopted September 2014);
- Associated adopted Supplementary Guidance:
 - "Shetland LDP 2014: Supplementary Guidance Onshore Wind Energy" (adopted February 2018), hereinafter referred to as the "Onshore Wind Energy SG"; and
 - "Shetland LDP 2014: Local Nature Conservation Sites Supplementary Guidance" (Adopted July 2015), hereinafter referred to as the LNCS SG).

4.2.2 The development plan has changed since the granting of the relevant Section 36 consent. At the time of the original application for the consented Viking Wind Farm the development plan comprised the Shetland Structure Plan (approved 2001) and the Shetland Local Plan (adopted 2004). Notwithstanding that the principle of development of the proposed Viking Wind Farm on the application site is established through the site's consenting history, this Statement addresses the new development plan policies in the LDP that are: (i) generic in nature and have a relevance to all forms of development; (ii) relevant to site specific policy considerations; and, (iii) specific to renewable energy development. This approach demonstrates that the changes in the policy provisions of the development plan since the relevant Section 36 consent was granted do not alter

the acceptability of the principle of the proposed varied development in development plan policy terms.

- 4.2.3 The remainder of this Section is ordered to identify firstly the policies that reflect the approach set out in paragraph 5.2.2 above that set the broad policy framework. Thereafter, the distinction drawn in paragraph 5.1.2 is maintained and the relevant policies identified that relate to the main environmental effects in respect of the proposed variations and, separately, the policies that relate to the other environmental receptors for which no significant effects have been identified in the EIA Report.

4.3 Broad LDP Policy Framework

- 4.3.1 The site is located within a wider area identified as the North Mainland locality, for which the relevant LDP Designated Sites Map and LDP Proposals Map by locality are extracted at Figure 1.
- 4.3.2 The North Mainland Designated Sites Map identifies the following designations as being within the application site boundary, to which the associated LDP policies apply:
- Sites of Special Scientific Interest – to which LDP Policy NH1: International and National Designations applies. Policy NH1 provides proposals for development that affects a SSSI will only be permitted where: (i) the integrity of the area and/or the qualities or protected species for which it is designated are not adversely affected; or (ii) *“any such adverse effects are outweighed by social, environmental or economic benefits of national importance”*.

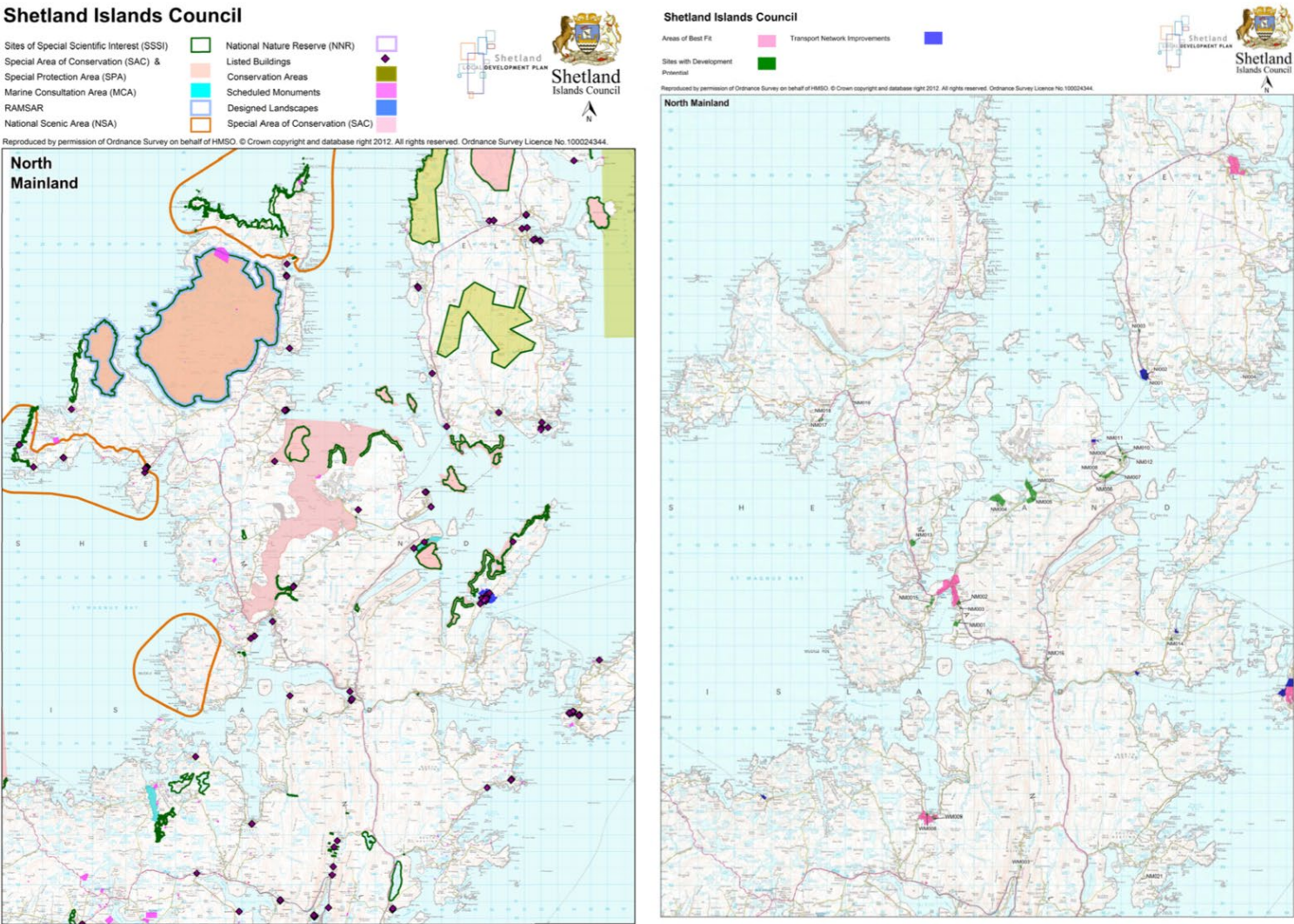


Figure 1: Extract from Proposals Map

- 4.3.3 No specific site proposals (as identified on the LDP Proposals Map by locality) are located within the application site boundary.
- 4.3.4 Given the nature of the proposed varied development, LDP Policy RE1: Renewable Energy applies. Policy RE1 states:

“The Council is committed to delivering renewable energy developments that contribute to the sustainable development of Shetland. Proposals for renewable energy developments will be supported where it can be demonstrated that there are no unacceptable impacts on people (benefits and disbenefits for communities and tourism and recreation interests) the natural and water environment, landscape, historic environment and the built environment and cultural heritage of Shetland.

All proposals for renewable energy developments will be assessed with consideration of their cumulative impacts.

Further detailed guidance on renewable developments is provided in Supplementary Guidance - Onshore Wind Energy which will contain the spatial framework for large scale wind energy developments of 20 MW and above generating capacity.”

- 4.3.5 LDP policies relating to all form of development and which are applicable to the proposed varied development comprise:
- GP1: Sustainable Development, which states that: *“Development will be planned to meet the economic and social needs of Shetland in a manner that does not compromise the ability of future generations to meet their own needs and to enjoy the area’s high quality environment. Tackling climate change and associated risks is a major consideration for all development proposals...”*; and
 - GP3: All Development: Layout and Design, which requires that new development should be sited and designed to respect the character and local distinctiveness of the site and its surroundings and should make a positive contribution in a variety of terms including the “good use of resources”.
- 4.3.6 General policy GP2: General Requirements for All Development specifically relates to applications for “new buildings or for the conversion of existing buildings”. Given the characteristics of the proposed varied development, Policy GP2 is not considered relevant to the proposed varied development.

LDP policies relating to main environmental effects

- 4.3.7 As described within Section 1.5 of this Statement, the main environmental effects for this application, in the context of the proposed variations, are: (i) landscape and visual impacts; (ii) ornithology; (iii) socio economic effects; and (iv) noise.

Landscape and visual impacts

- 4.3.8 Policy NH1: International and National Designations provides policy protection to internationally and nationally designated sites, including those such as National Scenic Areas where designations are based upon their landscape features.
- 4.3.9 Policy NH4: Local Designations provides some policy protections for locally designated sites, with specific guidance on Local Landscape Areas provided within the relevant draft SG.

Ornithology

- 4.3.10 The aforementioned policies NH1 and NH4, referenced above in relation to landscape and visual impacts, apply equally to ornithology, in respect of internationally/nationally designated sites, and local nature conservations sites, respectively.

- 4.3.11 In addition, LDP Policy NH2: Protected Species, provides LDP policy protection to reflect the legal requirements in both UK law and European law for the protection of flora and fauna and avian species.

Socio economics

- 4.3.12 No LDP policies relate specifically to the consideration of socio economic matters, either generally in relation to all development, or specifically in relation to renewable energy proposals. Notwithstanding, socio economic considerations are key to Policy DC4 of the Onshore Wind Energy SG, discussed below at paragraph 4.4.6.

Noise

- 4.3.13 The aforementioned LDP Policy GP3: All Development: Layout and Design is relevant in the context of noise-related impacts, in that it requires consideration of local characteristics in the design of new development.

LDP policies relating to other environmental effects

- 4.3.14 The following LDP policies are relevant to the application in the context of other environmental, infrastructure and community considerations, which are considered within technical assessments in various Chapters of the EIA Report Chapters:
- Policy NH3: Furthering the Conservation of Biodiversity, which promotes the further conservation of biodiversity and the ecosystem services it delivers;
 - Policy NH5: Soils, which ensures development proposals mitigate impacts on soil resources and functions;
 - Policy NH6: Geodiversity, which ensures development proposals mitigate impacts on important geological and geomorphological resources and sites;
 - Policy HE4: Archaeology, which ensures preservation of sites or features of cultural heritage significance;
 - Policy TRANS3: Access and Parking Standards, which ensures appropriate access is in place to service new development; and
 - Policy CF1: Community Facilities and Services, which promotes developments which facilitates new community facilities and services.

4.4 Relevant SG

- 4.4.1 This Section focuses upon the Onshore Wind Energy SG, but also documents relevant elements of other SG documentation referenced within the LDP policies of relevance to the proposed development, namely those relating to Local Nature Conservation Sites and Local Landscape Areas, as referenced within LDP Policy NH4.

Onshore Wind Energy SG

Section 1 – Spatial Framework

- 4.4.2 In line with Scottish Planning Policy, the Onshore Wind Energy SG is based upon a spatial framework that is illustrated through three maps:

- Map 1 – Areas where wind farms will not be acceptable;
- Map 2 – Areas of significant protection; and
- Map 3 – Group 3 areas considered to be capable, in principle of supporting large scales wind energy developments.

- 4.4.3 As it relates to these three maps, the context of the site is as follows:

- It is not within any of the National Scenic Areas identified on Map 1, and is not therefore an area where a wind farm will not be acceptable;
- Significant parts of the site are within areas defined as “Class 1 and 2 Carbon-rich soil, deep peat and priority peatland habitat”, as defined on Map 2. Map 2 also identifies the SSSIs within the application site boundary, which are also illustrated on the LDP Designated Sites Map; and
- Parts of the site which are outwith the areas identified on Map 2 are part of the Group 3 areas considered to be capable, in principle of supporting large scales wind energy developments identified on Map 3.

4.4.4 Extracts from Maps 2 and 3 are illustrated at Figure 2.

4.4.5 Spatial Policies 2 and 3 as detailed within the Onshore Wind Energy SG therefore apply. The implications of Spatial Policies 2 and 3 are broadly similar in that they: (i) require proposals to be assessed against the criteria contained within Section 2 of the Onshore Wind Energy SG; and (ii) require proposals to be otherwise consistent with LDP policies and relevant national and international guidance. In the case of Spatial Policy 2, sites with areas constrained by features illustrated on Map 2 must also demonstrate that any significant effects on these features can be substantially overcome by way of siting, design or other mitigation.

Section 2: Development Criteria

4.4.6 Section 2 of the Onshore Wind Energy SG contains the policy substance, based around seven policies. The first four of these relate to main environmental effects as defined within Section 1.5 of this Statement:

- DC1: Landscape and Visual Impact, which requires that all applications be accompanied by an assessment of the likely impact of the proposed development on landscape character and visual amenity;
- DC2: Cumulative Impact, which requires that applicant demonstrate that proposals will not result in unacceptable cumulative impacts;
- DC3: Natural Heritage, which requires applicant to consider:
 - Conservation of species and habitats;
 - Ornithology;
 - European protected species;
 - UKBAP priority species;
 - Habitat management;
 - Peat; and
- DC4: Impacts on Communities, requiring applicants to consider, in combination with existing and consented wind energy developments, the likely impact on communities and the long-term impacts on amenity including outdoor access, recreation and tourism.

4.4.7 Given the significance of Policies DC1-DC4 to the assessment of the application, and for ease of reference, these policies are attached at Appendix 1 of this Statement.

4.4.8 The final policies relate to other technical issues:

- DC5: Water Resources, which requires that proposals demonstrate there to be no significant adverse effects on the water environment;
- DC6: Decommissioning, requiring that proposals be accompanied by a decommissioning statement; and
- DC7: Historic Environment, requiring that developments not adversely affect the historic environment or its key features, including its setting and inter-visibility between assets.

Local Nature Conservation Sites (LNCS) SG (Adopted July 2015)

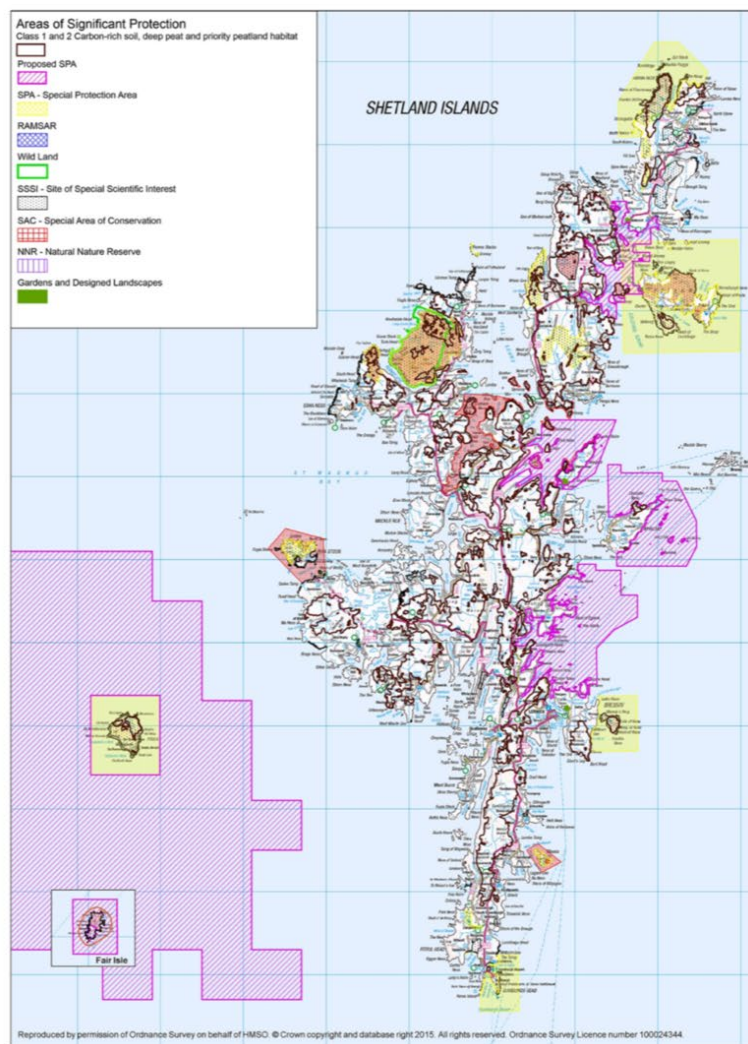
- 4.4.9 Supplementary to LDP Policy NH4, the LNCS SG identifies local conservation sites across the Shetland Islands and provides a Site Statement for each.
- 4.4.10 Having reviewed Appendix 1, since there are none within the S36C application site, the Applicant considers there to be no direct or indirect effects on Local Nature Conservation Sites.

Local Landscape Areas (LLA) SG

- 4.4.11 The Applicant notes reference on the Shetland Islands Council website⁶ to the error within the LLA SG and acknowledges that it refers to LDP Policy NH4 rather than Policy N3 as is stated within the document. The Applicant further notes that the LLA SG remains in draft and considers that, as a result, the weight that can be attached to the document is less than would be the case if the document had been through the full SG preparation, consultation and scrutiny process.
- 4.4.12 The LLAs of relevance to the site and the proposed development are discussed in detail in Chapter 4 of the accompanying EIA Report.

⁶ <https://www.shetland.gov.uk/planning/LocalDevelopmentPlan.asp> - under the heading "Draft Supplementary Guidance Documents"

Map 2 – Areas of Significant Protection



Map 3 - Group 3 Areas considered to be capable, in principle of supporting large scale wind energy developments

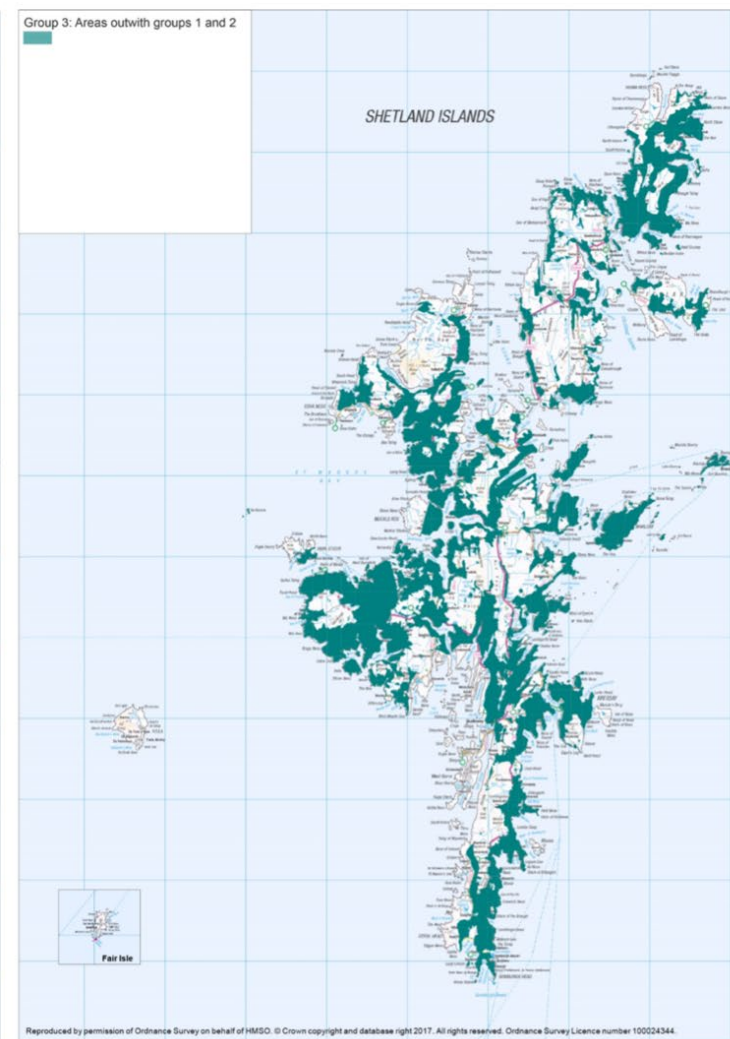


Figure 2: Extracts from Onshore Wind Energy SG

5. NPF3 AND SCOTTISH PLANNING POLICY

5.1 Preface

5.1.1 National planning policy, guidance and advice are considerations of significant materiality to the determination of the application. This Section outlines those elements of the National Planning Framework (NPF) 3 and Scottish Planning Policy (2014) ("SPP") which are of relevance to the application.

5.2 NPF3

5.2.1 NPF3 sets out the Scottish Government's vision for Scotland, highlighting:

- ***"A low carbon place.*** *We have seized the opportunities arising from our ambition to be a world leader in low carbon energy generation, both onshore and offshore. Our built environment is more energy efficient and produces less waste and we have largely decarbonised our travel.*
- ***A natural, resilient place.*** *Natural and cultural assets are respected, they are improving in condition and represent a sustainable economic, environmental and social resource for the nation. Our environment and infrastructure have become more resilient to the impacts of climate change."*

5.2.2 NPF3 states the Scottish Government's policy objective to achieve at least an 80% reduction in greenhouse gas emissions by 2050 and highlights the role of the planning system in achieving these targets. It also states the Scottish Government's ambition that Scotland maximise its renewable energy potential and be a world leader in the industry. Both these policy objectives stem from the energy policy discussed in Section 4 of this Statement.

5.2.3 NPF3 estimates that renewable energy currently (2014) supports around 11,000 jobs in Scotland and anticipates that employment in this sector will grow significantly over the coming years.

5.2.4 Under the heading of "*Scotland today*" it is noted that at present the energy sector accounts for a significant share of Scotland's greenhouse gas emissions. Whilst noting the relationship between the energy industry and Scotland's fossil fuel emissions NPF3 states that: "*we need to employ our skills and innovation to help capitalise on our outstanding natural advantages*".

5.2.5 Consistent with the targets referenced in Section 4 of this Statement, under the heading of "*Scotland tomorrow*", NPF3 reaffirms the Scottish Government's ambition to meet at least 30% of overall energy demand from renewables by 2020 – including the generation of the equivalent of at least 100% of gross electricity consumption from renewables (with an interim target of 50% by 2015).

5.3 Scottish Planning Policy (2014)

5.3.1 Scottish Planning Policy (SPP) sets out the Scottish Government's vision for the planning system in Scotland, which includes specific reference to the promotion of Scotland's low-carbon economy. This vision is underpinned by four planning outcomes. Of particular relevance to the application are outcome numbers 2 and 3, which state:

- ***"Outcome 2: A low carbon place – reducing our carbon emissions and adapting to climate change";*** and
- ***"Outcome 3: A natural, resilient place – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use."***

5.3.2 Furthermore, and of particular relevance given the nature of the proposed Viking Wind Farm, the SPP introduces "*a presumption in favour of development that contributes to sustainable development.*"

5.3.3 Guidance⁷ published by the Scottish Government in relation to the role of SPP in the context of section 36 applications refers to the following sections of SPP as being relevant to the consideration of such an application:

- A low carbon economy, including renewable energy and onshore wind;
- Landscape and natural heritage;
- Green belt; and
- Historic Environment.

5.3.4 SPP as it relates to green belt is not relevant to the application; those aspects of remaining sections of SPP which are relevant to the application are considered, in turn, below.

SPP: A low carbon economy

5.3.5 Paragraphs 152-192 of SPP provide national planning policy in relation to low carbon-related considerations, with paragraphs 161-166 relating specifically to development planning in the context of onshore wind. Whilst acknowledging the variable relevance of the specific considerations depending upon the individual characteristics of the particular site and the proposed renewable energy development, paragraph 169 lists potential issues of relevance to the consideration of proposals for energy infrastructure development. These include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- cumulative impacts – planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- opportunities for energy storage*; and

⁷ <https://www2.gov.scot/Topics/Business-Industry/Energy/Infrastructure/Energy-Consents/Guidance>

- the need for a robust planning obligation to ensure that operators achieve site restoration.

(Note: * denotes issues not relevant to the proposed development).

5.3.6 Paragraph 170 continues: *“Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited, but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.”*

It is anticipated that robust conditions requiring decommissioning in the event the proposed development ceases to operate are sufficient in order to ensure that the site operators comply with restoration obligations.

SPP: Landscape and natural heritage

5.3.7 Paragraphs 193-268 of SPP considers the natural environment, with paragraphs 202-205 being of particular relevance in a development management context:

- Paragraph 202: *“The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.”*
- Paragraph 203: *“Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development.”*
- Paragraph 204: *“Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development.”*
- Paragraph 205: *“Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release.”*

5.4 Planning Advice Notes

5.4.1 PANs of relevance to the proposed development are discussed in relevant technical chapters of the EIA Report.

6. POLICY ASSESSMENT

6.1 Preface

6.1.1 Sections 5 and 6 of this Statement set out the development plan and national planning policy considerations relevant to the determination of the application.

6.1.2 By virtue of a direction being sought for the grant of deemed planning permission for the proposed varied development under section 57(2) of the 1997 Act, consideration must be given to the terms of the development plan. As the principal statutory development consent is an electricity consent granted under section 36 of the Electricity Act 1989, the development plan does not have primacy under section 25 of the 1997 Act because the decision is not a determination under the 1997 Act. However, development plan policies are relevant to understanding in a local context, the generic duties under Schedule 9(2) to the Electricity Act 1989 and are also material considerations in the decision-making process together with national energy and planning policy. Determination of the

application to vary the Section 36 consent must consider the requirements of paragraph 3(2) of Schedule 9 to the Electricity Act 1989.

- 6.1.3 This Section comprises a detailed assessment (with appropriate cross-reference to relevant chapters of the EIA Report, where the substance of a number of the statements made within this policy assessment are documented) of the proposals against relevant site-specific planning policy considerations. It also assesses the main environmental effects described at Section 1.5 of this Statement (i.e. those relevant to the proposed variation) against the relevant policy context. An appraisal of the proposals against policy considerations of relevance to other environmental considerations can also be found within this policy assessment.

6.2 Summary

- 6.2.1 Table 2: Summary of Development Plan Policy Assessment summarises, on a policy-by-policy basis, the location of detailed policy assessment, whether that assessment can be found within this Statement or elsewhere in the EIA Report.

TABLE 2: SUMMARY OF DEVELOPMENT PLAN POLICY ASSESSMENT			
Policy	Policy Summarised in Planning Statement at:	Location of Policy Assessment and/or d Detailed Analysis	
		Planning Statement	EIA Report
Shetland Local Development Plan (Adopted 2014)			
Broad Policy Framework			
NH1: International and National Designations	Paragraph 5.3.2	Paragraph 7.4.4	Chapters 4, 5 and 8
RE1: Renewable Energy	Paragraph 5.3.4	Paragraph 7.4.7-7.4.8	Chapters 1 and 3
GP1: Sustainable Development	Paragraph 5.3.5	Paragraph 7.4.1	Chapters 1 and 3
GP3: All Development: Layout and Design	Paragraph 5.3.5	Paragraph 7.4.2	Chapter 2
Policies relating to Main Environmental Effects			
Landscape and Visual Impact Assessment			
NH1: International and National Designations	Paragraph 5.3.8	Paragraphs 7.5.1-7.5.4	Chapter 4
NH4: Local Designations	Paragraph 5.3.9		Chapter 4
Noise			
GP3: All Development: Layout and Design	Paragraph 4.3.6	Paragraphs 6.4.2	Chapter 6
Ornithology			
NH1: International and National Designations	Paragraph 5.3.10	Paragraphs 7.5.6 - 7.5.7	Chapter 5
NH2: Protected Species	Paragraph 5.3.11		
NH4: Local Designations	Paragraph 5.3.10		
Policies relating to Other Environmental Effects			
NH3: Furthering the Conservation of Biodiversity	Paragraph 5.3.14		Chapter 8, Habitat Management Plan

TABLE 2: SUMMARY OF DEVELOPMENT PLAN POLICY ASSESSMENT			
Policy	Policy Summarised in Planning Statement at:	Location of Policy Assessment and/or d Detailed Analysis	
		Planning Statement	EIA Report
NH5: Soils		N/A – Briefly referenced at Paragraph 7.6.2	Chapter 9, Habitat Management Plan
NH6: Geodiversity			Chapter 11
HE4: Archaeology			Chapter 10
TRANS3: Access and Parking Standards			Chapter 13
CF1: Community Facilities and Services			
Onshore Wind Energy SG			
Spatial Policy 2	Paragraph 5.4.5	Paragraph 7.4.6	N/A
Spatial Policy 3			
DC1: Landscape and Visual Impact	Paragraph 5.4.6	Paragraphs 7.5.1 - 7.5.4	Chapter 4
DC2: Cumulative Impact		Paragraphs 7.5.1 - 7.5.4, (landscape and visual), Paragraph 6.4.2 (noise), Paragraphs 7.5.6 - 7.5.7 (ornithology)	Chapters 4-13
DC3: Natural Heritage		Paragraphs 7.5.6 - 7.5.7	Chapters 5 and 8
DC4: Impacts on Communities		Paragraphs 6.5.9, 6.5.16	Chapters 4, 6, 7, 12
DC5: Water Resources		Paragraph 5.4.8	N/A – Briefly referenced at Paragraph 7.6.2
DC6: Decommissioning	Chapter 2		
DC7: Historic Environment	Chapter 11		

6.3 Section Structure

6.3.1 This Section is structured as follows:

- Part 1: Broad policy framework;
- Part 2: LDP and SG policies relating to main environmental effects;
- Part 3: LDP and SG policies relating to other environmental effects; and
- Part 4: National policy.

6.3.2 Parts 2 and 3 together demonstrate that the requirements of Schedule 9 to the Electricity Act 1989 have been met.

6.3.3 Reference is made where appropriate to relevant EIA Report Chapters.

6.4 Part 1: Broad policy framework

6.4.1 The proposed variations are consistent with LDP Policy GP1 in that when compared with the originally consented development, it contributes positively towards the attaining of

decarbonisation and climate change-related targets. Furthermore, and in addition to the joint community ownership, the proposed variation will bring a wealth of socio-economic benefits to the Shetland Islands community, including the creation of jobs and opportunities for local businesses and suppliers during the construction phase and for the lifetime of the project.

- 6.4.2 In respect of LDP Policy GP3, as discussed within Paragraph 4.3.2 the proposed variations contribute positively from a variety of perspectives. As discussed in relation to site specific policy considerations, the siting of the component elements of the proposed development has specifically been informed by the environmental sensitivities within the site, respecting its character and local distinctiveness. It is noted that there are no proposed changes to the consented layout or design, other than to increase the maximum permitted tip height of the turbines and rotor diameter. The rationale for the design layout remains the same as was the case for the consented Viking Wind Farm.
- 6.4.3 Table 8.3 (and Figure 8.1) of the EIA Report describes the location of designated sites. The Burn of Lunklet SSSI is within the site, and the Sandwater SSSI is located immediately adjacent to the site, whilst the Laxo Burn SSSI is also considered within the EIA Report. Chapters 4, 5 and 8 of the accompanying EIA Report confirms that there is no change in the significance of effects associated with the proposed variations when compared with the originally consented development. As a result, the proposed variations can be considered consistent with LDP Policy NH1, as it relates to the SSSIs. Furthermore, the Scottish Ministers have previously determined that residual impacts associated with the Viking Wind Farm are offset by the wider associated benefits.
- 6.4.4 Spatial Policies 2 and 3 as described within the Onshore Wind Energy SG could be considered site specific policies but given their reliance on accompany policies DC1-DC7 which relate to specific environmental topics, are considered in Part 4, below.
- 6.4.5 In relation to the component parts of LDP Policy RE1:
- The accompanying EIA Report describes the likely significant and non-significant environmental effects associated with the consented Viking Wind Farm, the likely significant environmental effects associated with the proposed varied development and describes how the effects of the proposed varied development may differ from those of the consented Viking Wind Farm. In doing so the EIA Report confirms that the majority of potential effects can be substantially overcome through design and mitigation. Where some residual significant effects remain (in relation to landscape and visual), the EIA Report demonstrates that there would be no material difference in the effects associated with proposed varied development when compared with the consented Viking Wind Farm;
 - The accompanying EIA Report assesses all relevant cumulative impacts; and
 - The proposed variation is considered consistent with the various policies detailed within the Onshore Wind Energy SG (see assessment against Onshore Wind Energy SG with Part 2), below.
- 6.4.6 The proposed variation is therefore considered to be consistent with LDP Policy RE1.

6.5 Part 2: Main environmental effects

Landscape and visual impacts

- 6.5.1 Development plan policies of relevance to landscape and visual impacts comprise LDP policies NH1 and NH4, and Onshore Wind Energy SG policies DC1 and DC2.
- 6.5.2 A review of the landscape impacts associated with the proposed variation can be found at Chapter 4 of the accompanying EIA Report, where further detail is provided. The proposed variations relevant to landscape and visual considerations comprise the proposed increase in the maximum tip height of the turbines from 145m to a maximum of 155m and the increase in maximum rotor diameter from 110m to a maximum of 120m.

- 6.5.3 That Chapter identifies likely significant effects associated with the consented Viking Wind Farm, and the proposed development. The conclusion of the assessment is that there would be no material difference in the adverse landscape or visual impacts of the proposed development when compared to the consented Viking Wind Farm either in isolation or cumulatively. As such, the significance of landscape and visual impacts associated with the proposed variation are considered consistent with those of the originally consented development, in respect of which the Scottish Ministers have previously determined that residual impacts associated with the Viking Wind Farm are offset by the wider associated benefits.
- 6.5.4 When consented in 2012, Scottish Ministers acknowledged the significant residual landscape and visual impacts, however the Scottish Ministers considered that the wider benefits of the consented Viking Wind Farm to be sufficient to offset any such residual impacts. This Statement notes that one purpose of the proposed variation is to secure a route to market for the proposed development based on improving the commercial viability of the project. The wider benefits associated with the proposed development will only be realised if the development can be brought to market. The EIA Report has confirmed that the potential for significant landscape and visual effects associated with the proposed development during daylight hours is unchanged from the effects identified for the consented Viking Wind Farm.
- 6.5.5 A separate assessment of the potential effects associated with lighting required for safeguarding flights in and out of Scatsta Airport (presented as Technical Appendix 4.6) found that the proposed varied development would have significant effects, when the lights are visible in the hours of low light and darkness. The Applicant has proposed to engage with aviation stakeholders to agree a technical mitigation solution, which would reduce the times at which the lighting would be required substantially and also reduce the intensity and visibility of the light at receptor locations. Based on the assumption that a technical mitigation solution is acceptable to the airport operator and the Civil Aviation Authority, this Statement concludes that any residual adverse effects associated with lighting are outweighed by the significant benefits for the Shetland economy and community.

Ornithology

- 6.5.6 The proposed variations relevant to ornithology comprise the proposed increase in the maximum tip height of the turbines from 145m to a maximum of 155m and the increase in maximum rotor diameter from 110m to a maximum of 120m.
- 6.5.7 Development plan policies of relevance to ornithology comprise LDP policies NH1, NH2 and NH4, and Onshore Wind Energy SG policies DC2 and DC3, with which the proposed variation is consistent.
- 6.5.8 When consented in 2012, Scottish Ministers acknowledged the significant effects upon whimbrel, however Scottish Ministers concluded that the wider benefits of the originally consented development to be sufficient to offset such residual impacts. A comprehensive assessment of the ornithological impacts associated with the proposed variation are provided at Chapter 5 of the accompanying EIA Report, where further detail is provided. The conclusion of the ornithology assessment, subject to the implementation of the proposed Habitat Management Plan, is that there are no significant effects and therefore would be no material change in the collision risk mortality for key bird species associated with proposed varied development when compared with the consented Viking Wind Farm.

Socio-economic Effects

- 6.5.9 Socio-economic and community-related benefits were identified by both Shetland Islands Council and the Scottish Ministers as outweighing any residual adverse effects associated with the consented Viking Wind Farm. As documented within Chapter 13 of the EIA Report and as

summarised at Paragraph 4.3.2 of this Statement, the proposed varied development significantly improves upon the benefits of the originally consented development in terms of the potential to realise socio-economic benefits and is considered to be consistent with Policy CF1 and relevant elements of Onshore Wind Energy SG Policy DC4.

- 6.5.10 The assessment of the likely significant effects of the originally consented development confirmed that significant beneficial effects would be realised through the construction and operational phases of development. The likely significant beneficial effects of the proposed varied development are considered to be enhanced by the proposed variations.
- 6.5.11 The originally consented development and proposed varied development is a 50:50 joint venture between the community owned Viking Energy Shetland LLP and SSE plc. The purpose of the proposed variations is to provide greater support in creating an economically viable route to market for the proposed varied development, in turn enabling the community to realise the benefits from their investment in the project. Of the 50% of the project owned by the Shetland community, 90% is owned by the Shetland Charitable Trust (with the remaining 10% owned by local private investors). Shetland Charitable Trust is a charity set up to benefit the inhabitants of Shetland. Its aims are to provide public benefit to, and improve the quality of life for, the people of Shetland. Given the scale of the wind energy resource in Shetland, the project and the related grid connection to the mainland would provide significant financial returns for the community while providing significant intergenerational economic and social benefits for Shetland.
- 6.5.12 Economic analysis carried out for the consented Viking Wind Farm based on an established model has identified beneficial effects for both the local, Scottish and UK supply chain, contributing to wider industrial strategy. The overall capital investment associated with the consented Viking Wind Farm would be approximately £511 million. The capital investment associated with the proposed varied development would be approximately £611 million.
- 6.5.13 It is estimated that up to 8% of the overall value of contracts could be realised in Shetland, with up to 27% realised in the rest of Scotland (RoS), and a further 21% in the rest of the United Kingdom (RoUK). The remaining 44% of the economic benefits would be realised in the rest of the world (RoW).
- 6.5.14 Overall, supply chain opportunities for UK companies are estimated to be worth at least £319 million for the consented Viking Wind Farm and £342 million for the proposed varied development. Significant indirect socio-economic benefits would include job creation and skills training opportunities, especially for those within the North East Oil and Gas industry who have key transferable skills and expertise. It is anticipated that the direct job creation would comprise approximately 790.9 job years in Shetland, 1,449.9 job years in RoS and 1054.5 job years in RoUK. It is anticipated that around 35 permanent operational and maintenance related job would be created in the operational phase of the development for both the consented Viking Wind Farm and the proposed varied development. Although it is noted that the employment, skills and training benefits are likely to be the same for both the consented Viking Wind Farm and the proposed varied development, the purpose of the variation application is to improve the economics of the scheme in order to find a route to market, such that the likelihood of the socioeconomic benefits being realised is materially increased as a result of the proposed variation.
- 6.5.15 Indirect and strategic socio-economic benefits would also be associated with the proposed marine HVDC cable grid connection to the UK mainland. While this grid connection does not form part of the application for consent, it is likely that the connection would be unviable without the proposed varied development. The grid connection would provide strategic grid benefits for the UK including security of supply, diversification of the UK's electricity generation mix, and the possibility of encouraging further inward and cross-border investment in trans-European interconnector projects and new marine technologies (floating offshore wind, deep water offshore wind and wave and tidal).

Noise

6.5.16 Development plan policies of relevance to noise comprise LDP policy GP3, and Onshore Wind Energy SG policies DC2 and DC4. It is noted that both the consented Viking Wind Farm and the proposed varied development would be required to operate in accordance with a condition designed to protect residential amenity in line with the ETSU-R-97 guidance⁸, in accordance with relevant national planning advice⁹. The operational noise assessment has been updated to consider existing current background noise levels and predicted noise levels resulting from the development. On the basis that both the consented Viking Wind Farm and the proposed varied development would be required to operate within appropriate noise limits, no significant noise related impacts are identified. It is noted that the overall combined cumulative effect, including existing operational turbines, currently exceeds the ETSU-R-97 daytime noise limits for a small number of receptors. However, the proposed varied development would operate such that it would have a negligible effect on noise. The result is that while there would be a combined significant cumulative effect at a small number of receptors, this is entirely due to existing turbine noise, and there would be no additional significant effects associated with the proposed varied development. On this basis, the proposed variation is consistent with relevant noise-related development plan policies. A comprehensive assessment of the noise impacts associated with the proposed variation are included at Chapter 6 of the accompanying EIA Report, where further detail is provided.

6.6 Part 3: Other environmental effects

6.6.1 The proposed variations do not specifically relate to other environmental effects, which are nevertheless relevant in the context of Schedule 9 of the Electricity Act 1989 and any assessment against development plan policies.

6.6.2 Such technical considerations comprise:

- Biodiversity to which LDP Policies NH3 applies – an assessment of ecological effects detailed within Chapter 8 of the accompanying EIA Report, identifying no significant adverse effects, subject to the implementation of the proposed Habitat Management Plan which would compensate for all habitat loss and provide further enhancement through the restoration of blanket bog habitat over an area of 260 ha. The proposed variations are therefore considered to be consistent with NH3;
- Cultural heritage/historic environment issues including archaeology, to which LDP Policy HE4 and Onshore Wind Energy SG Policy DC7 applies – Chapter 11 of the EIA Report demonstrates compliance with such policies. The originally consented development was assessed as having no significant effects in such terms. No significant changes result from the proposed variations, the assessment of which concludes there to be no significant effects;
- Access, to which LDP Policy TRANS3 applies – which is the subject of comprehensive assessment in Chapter 10 of the EIA Report. No significant impacts are identified, and the proposed variation is consistent with TRANS3;
- Geology, soils and water resources, to which LDP Policies NH5 and NH6, and Onshore Wind Energy SG Policy DC5 apply – the proposed variation does not result in any change to such considerations when compared with the originally consented development, both of which being assessed as having no significant effects. The proposed variations are therefore considered to be consistent with SG Policy DC5, as described within Chapter 9 of the EIA Report; and

⁸ ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97),
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/49869/ETSU_Full_copy__Searchable_.pdf

⁹ Scottish Government, Planning Advice Note PAN 1/2011: 'Planning and Noise',
<http://www.gov.scot/Publications/2011/02/28153945/0>

- Decommissioning, to which Onshore Wind Energy SG Policy DC6 – A description of decommissioning forms part of Chapter 2 of the EIA Report.

6.7 Part 4: Assessment against national policy considerations

- 6.7.1 The proposed variations are consistent with the vision shared by NPF3 and SPP. It effectively achieves a balance between the latter's outcomes 2 and 3, by contributing significantly towards decarbonisation and the achieving of the Scottish Government's climate change targets, whilst ensuring the preservation and enhancement of the natural environment.
- 6.7.2 In doing so, the proposed variations contribute significantly towards the proposed development being considered sustainable development, to which SPP's presumption in favour can be applied.
- 6.7.3 Of the three relevant sections of SPP which the Scottish Government identify as being applicable to the consideration of S36 applications (and therefore S36C applications):
- Low carbon economy, including renewable energy and onshore wind – Paragraph 4.3.2 of this Statement outlines proposed variations in this context;
 - Landscape and natural heritage – which are considered in Chapters 4, 5 8 and 9 of the EIA Report, the outcomes of which are described in the context of development plan policy, above; and
 - Historic environment – which is assessed alongside other cultural heritage considerations in the EIA Report at Chapter 11.
- 6.7.4 The application documentation comprehensively assesses the proposed variation against the criteria identified at Paragraph 169 of SPP as being relevant to the consideration of applications relating to proposals for renewable energy developments. A number of these criteria relate to main environmental effects and in practical terms require similar to development plan policies considered in Part 2 of this Chapter:
- Cumulative impacts – considered throughout the technical chapters of the EIA Report;
 - Landscape and visual impacts – assessed in detail in Chapter 4 of the EIA Report; and
 - Effects on the natural heritage, including birds – assessed in detail in EIA Report Chapters 5 and 8.
- 6.7.5 Remaining relevant considerations as listed within Paragraph 169 of SPP are considered in the following locations:
- Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities – which are comprehensively assessed within Chapter 13 of the EIA Report and at Paragraphs 6.5.9 to 6.5.16 of this Statement;
 - (i) The scale of contribution to renewable energy generation targets; and (ii) effect on greenhouse gas emissions – see EIA Report Chapter 1, Section 1.4 and Section 4 of this Statement;
 - Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker – which are considered between EIA Report Chapters 4, 6 and 12;
 - Impacts on carbon rich soils, using the carbon calculator; and effects on hydrology, the water environment and flood risk – which are assessed within Chapter 9 of the EIA Report;
 - (i) Public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF; and (ii) impacts on tourism and recreation;
 - Impacts on the historic environment, including scheduled monuments, listed buildings and their settings – as assessed within Chapter 11 of the EIA Report;

- Impacts on: (i) aviation and defence interests and seismological recording; (ii) telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised – comprehensively assessed in Chapter 7 of the EIA Report;
- Impacts on: (i) road traffic; and (ii) adjacent trunk roads – assessed within Chapter 10 of the EIA Report; and
- The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration - considered throughout technical chapters of the EIA Report.

7. SUMMARY AND CONCLUSIONS

7.1.1 The scope of determination of this S36C is narrow, focussing upon a comparison between the proposed variations and the originally consented development. As a result of the similarly narrow scope of the proposed variation, the main environmental effects associated with the application and associated assessment have been identified as:

- Landscape and visual impacts;
- Ornithology;
- Socio-economic effects; and
- Noise.

7.1.2 Whilst focusing upon these main environmental effects, this Statement acknowledges the wider scope of considerations relevant to Schedule 9 of the Electricity Act 1989.

7.1.3 The proposed variations do not result in any significant negative environmental effects of a magnitude different to those associated with the originally consented development. Any negative effects associated with the originally consented development were deemed to have been offset by micro and macro socio economic effect. Indeed, in enhancing the benefits associated with the originally consented development, without additional environmental impacts, the proposed variation adopts a best practice approach in that it will:

- Improve the viability of the project in commercial terms by increasing the energy yield and alternative turbines available to the applicant and would thereby support the applicant in pursuing a route to market through the forthcoming CfD auction;
- Make a valuable contribution to the achievement of the UK and Scottish Government 'whole system' targets to de-carbonise energy consumption by increasing the zero-carbon energy yield by 19%;
- Lead to an equivalent increase in homes supplied with clean, renewable energy and an equivalent increase in CO₂ reduction, making a valuable contribution to the Scottish Climate Change Plan targets;
- Bring a wealth of socio-economic benefits to the Shetland Islands community, including the creation of jobs and opportunities for local businesses and suppliers during the construction phase and for the lifetime of the project. The project is jointly owned with the Shetland Charitable Trust and the community share represents approximately 200 MW in generation capacity making it by far the largest community owned energy project in the UK; and
- Result in an increase in the contribution to public finances through non-domestic rates in line with the increased installed capacity, thus increasing the total contribution to funding for public services in Scotland.

