

## 7. RENEWABLE ENERGY & PLANNING POLICY CONTEXT

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### 7.1 INTRODUCTION

This chapter identifies the planning policy context, used as a basis for guiding the design of the proposed development and considering the likely significant environmental effects. Reference is made to national, strategic and local policies as well as to other material considerations.

Planning policy and guidance is produced at three levels:

- National planning policy and guidance in the form of the National Planning Framework (NPF), Scottish Planning Policies (SPPs), National Planning Policy Guidelines (NPPGs) and Planning Advice Notes (PANs), produced by the Scottish Government;
- Structure Plans, produced by local authorities; and
- Local Plans, produced by local authorities.

The Structure and Local Plans for a Council area together form the statutory Development Plan. In addition, a Development Plan may be supported by Supplementary Planning Guidance (SPG) usually produced at Local Authority level. SPG can form a material consideration but does not formally form part of the statutory Development Plan.

It is important to note that this chapter does not include an assessment of the proposed wind farm's accordance with statutory Development Plan policy and other material considerations. This would inevitably involve a degree of subjective interpretation, which is contrary to advice on ES preparation, including good practice guidance on EIA which states that discussions of planning policy in an ES must be objective. However, a Planning Policy Statement has been prepared which includes an assessment of the proposed development in terms of the relevant planning policies and material considerations. The Planning Policy Statement does not form part of the ES.

### 7.2 NATIONAL GUIDANCE

#### 7.2.1 The National Planning Framework

The National Planning Framework (NPF) is a framework to guide the spatial development of Scotland to 2025. The NPF identifies "*priorities for investment in strategic infrastructure.*"

The role of Renewable Energy within Scotland is recognised within paragraphs 138 to 140 of the NPF and the establishment of the Forum for Renewable Energy Development in Scotland (FREDS) is referred to as part of the government's strategy to promote "*electricity generation from renewable resources.*" In paragraph 139 it is noted that "*consideration is being given to...a new subsea link to Shetland,*" which is seen as an

integral part of the proposed development. The NPF is due to be replaced by the National Planning Framework 2 (NPF2) upon finalisation. The Scottish Government published a Discussion Draft NPF 2 in January 2008 and the NPF2 Proposed Framework was laid before the Scottish Parliament by the Scottish Ministers on 12<sup>th</sup> December 2008. The Framework was debated by Parliament on the 5 March 2009. The NPF2 continues to recognise and promote electricity generation from renewable sources including wind energy and includes the creation of a sub sea link with Shetland as an identified project within the chapter on Infrastructure and Electricity Transmission.

Paragraph 47 of the NPF2 Proposed Framework confirms the Government's long term target of an 80% reduction in carbon emissions by 2050. The Plan notes that a key element of the strategy for achieving a substantial reduction in emissions will be "making the most of Scotland's renewable energy potential" (NPF2 Proposed Framework, paragraph 47).

Paragraph 143 of the NPF2 Proposed Framework confirms the target of deriving 50% of electricity demand from renewable sources by 2020 and 20% of total energy use from renewable sources by 2020. Additionally it is stated within the framework, that we need to derive a higher proportion of our energy requirements for heating and transport from renewable sources.

### **7.2.2 Scottish Planning Policies (SPPs) and National Planning Policy Guidelines (NPPGs)**

The purpose of the Scottish Planning Policy (SPP) 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 determining planning applications.

### **7.2.3 Scottish Planning Policy**

On the 28<sup>th</sup> October 2008, Scottish Ministers released the initial sections of the consolidated SPP, "Scottish Planning Policy". This replaces the former SPP 1 "*The Planning System*", and comprises the first two parts in a series of three which will streamline the current SPP series. Part three was issued as a consultation draft in April 2009 and is considered below.

The Government's view is that Scottish Government planning policies will comprise the following:-

- The Scottish Government's view of the purpose of planning and the core principles for the operation of the system;
- the objectives for key parts of the system;
- thematic policies on planning structured around:
  - The contribution to the Scottish Government Central Purpose;
  - concise expression of policy;
  - implications for development planning; and

- implications for development management.

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.”*

In this context they state that the planning system should be structured and operated toward the purpose of increasing sustainable economic growth and to supporting the Scottish Government's 5 **“strategic objectives”**:-

- 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 places 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.

The new SPP also refers to what are termed **“core principles”** which are expected to underpin the modernised system. These, in summary, are:-

- That there should be a genuinely plan led system;
- that primary responsibility for the operation of the planning system will lie with Local Authorities;
- that confidence in the planning system needs to be reinforced through the efficient and predictable preparation of plans and handling of applications;
- that the constraints and requirements that planning imposes should be necessary and proportionate;
- that the system should operate to engage all interests as early and as fully as possible; and
- that there should be a clear focus on the quality of outcomes with due attention given to the considerations of the sustainable use of land, good design and the protection and enhancement of the built and natural environment.

The relationship between the Viking Wind Farm development and the Strategic objectives of the Scottish Government is examined in the Planning Policy Assessment.

As noted above, the third strand of new national planning policy will be a range of what are termed **“thematic policies”** which will cover matters such as housing, industry and business, renewable energy, waste management etc. Topics such as these are already

covered in the currently published Scottish Planning Policy series (SPPs). The 23 SPPs that currently exist will remain in force until the new thematic policies are in place, with the exception of SPP 1 which has been replaced by the new SPP as referred to above.

### **Part 3 of SPP (April, 2009)**

The third part of the SPP was issued for public consultation in early April 2009. The consultation period runs until 24<sup>th</sup> June 2009. As noted above, the first part of the SPP was issued in October 2008. This final part of the SPP covers community engagement, sustainable development, and the various subject policies currently expressed through 17 separate SPPs and NPPGs. 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).

The SPP, when eventually published in its final form, will supersede a number of SPPs and NPPGs, in particular SPP 2, SPP 6, NPPG 14, SPP 15, SPP 17 and SPP 23.

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. Information, advice, policy context and background supplied in the current SPP and NPPG series has not been included.

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 regard to NPPG 14 (Natural Heritage) it is proposed to limit local designations to two types, namely Special Landscape Areas and Local Nature 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 SPPs.

#### **7.2.4 SPP 6: Renewable Energy**

SPP 6 provides national planning policy on renewable energy. SPP 6 was published in March 2007 and replaced NPPG 6. It sets out national planning policy for renewable energy developments that Planning Authorities need to consider when considering planning applications. The SPP refers to Scotland’s sustainable development strategy which has as a key priority, the need to change the way Scotland generates and uses energy with a view to reducing greenhouse gas emissions and maximising Scotland’s considerable renewable energy potential.

Paragraph 8 of the SPP refers to the natural and historical environment and notes that support for renewable energy developments and the need to protect Scotland’s natural and historical environment must be regarded as compatible goals if effective responses are to be made to the challenges of sustainable development and climate change. The SPP outlines the 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; and
- maximising environmental, economic and social benefits (paragraph 17).

It is stated in Paragraph 5 of the SPP that *“the Executive’s 2010 target has been met”*. More importantly, the 2020 target of 40% renewable energy generation is confirmed within paragraph 4 of the SPP (however, as noted above, the 2020 target is now 50%). It is made clear in the SPP that this target is not an aspiration, but a commitment. Furthermore, this target is not to be considered as a ‘cap’ since the Ministers expect to meet the target several years ahead of schedule.

With reference to SPP principles, the SPP continues to emphasise that the focus is on facilitating early progress towards national targets in an environmentally acceptable way.

The SPP makes it clear that Scottish Ministers (paragraph 21) believe that a thriving renewables industry in Scotland has the potential to develop new indigenous industries particularly in rural areas. The scope for development to contribute to national or local economic development priorities should be a material consideration when considering policies and decisions.

In terms of **cumulative impacts**, SPP 6 addresses this topic at paragraph 51 and notes that in reaching decisions on individual applications, Planning Authorities should take account of those projects in the vicinity that have been built, those that have permissions and those that are currently the subject of valid but undetermined applications. The SPP notes that decisions should not unreasonably be delayed because other schemes in the area are at a less advance stage in the consideration process and, in such circumstances, *“the weight the planning authorities should attach to undetermined applications should reflect their position in the application process”*.

SPP 6 refers to **grid information** at paragraph 53 and notes that available capacity on the grid to accommodate a project should be a material planning consideration, however *“it should not be the sole determining factor, particularly where upgrade or installation of the grid is required to enable development in those areas where considerable renewable energy potential exists.”*

In terms of considering applications, the SPP notes that in considering the significance of adverse impacts from a renewable generation proposal, regard should be had to projected benefits of the proposed development. Paragraph 54 notes that the integrity of national and international designations should not be compromised. The SPP also notes that where material concerns have been raised as part of the planning process, the applicant will need to demonstrate how these can be overcome, or how detrimental environmental effects can be minimised.

It is made clear in the SPP that there is a necessity to provide greater certainty to all parties in the development process, through the use of clarity in policy formulation and the use of clear criteria. A key point that is made explicit in the SPP is that there should not be

a sequential approach to determining applications (paragraph 23) and that Planning Authorities “*should continue to determine those applications that are, or come before them, ahead of revised local policies being put in place*” (paragraph 40).

An important part of the SPP is contained in Annex A which is entitled ‘**Spatial Framework for wind farms over 20MW**’. The Annex emphasises that it is important for clarity to be provided to both developers and communities. It is made clear that “*Development Plans should set out:-*

- a) *those broad areas of search where proposals are likely to be supported subject to specific proposals satisfactorily addressing all other material considerations;*
- b) *those areas that can be afforded significant protection through spatial policies; and*
- c) *the criteria to be followed in the remainder of the plan area, where the approach will be to consider applications on their merits, against clear criteria and mindful of the support given in this policy to the promotion of renewable energy developments”.*

The Annex to the SPP outlines the circumstance in which spatial policies must be used to identify areas that will be afforded significant protection. These include *inter alia:-*

- Areas designated for their national or international natural heritage value; and
- areas where there are cumulative impacts.

### 7.2.5 SPP 23 Planning and The Historic Environment

SPP 23 (2008) supersedes and consolidates NPPG 18 ‘Planning and the Historic Environment’ and NPPG 5 ‘Archaeology and Planning’. It sets out National Planning Policy for the historic environment with a view to its protection, conservation and enhancement.

Other SPPs and NPPGs of relevance to the proposed development are:

- NPPG 14 Natural Heritage (1999);
- SPP 7 Planning and Flooding
- SPP 15 Planning for Rural Development (2005); and
- NPPG 19 Radio Telecommunications (2001).

Relevant aspects of these NPPGs and SPPs are identified in subsequent chapters and considered in the Planning Statement, which is submitted as a separate document.

### 7.2.6 Planning Advice Notes (PANs)

The purpose of the PAN series is to provide advice on good planning practice and other relevant information, both for formulating Development Plans and for determining planning applications. PAN 45 Renewable Energy Technologies (2002) is of specific relevance and, whilst it predates SPP 6, it supports its policies providing advice and

information on technical issues. The specific aspects discussed for wind energy developments are:

- Electro-magnetic interference on communication systems, aircraft, aerodromes and technical sites, military low flying, and television reception;
- noise;
- siting in the landscape;
- visual impact; and
- ornithology and habitats.

An assessment of the effects of the proposed development in relation to the above issues is provided in the relevant sections of this ES.

### **7.2.7 PAN 45 Renewable Energy Technologies and Annex 2 Spatial Frameworks and Supplementary Planning Guidance for Wind Farms**

PAN 45 Annex 2 was published in November 2008. It primarily provides guidance to Planning Authorities on preparing Supplementary Planning Guidance (SPG) for wind farms over 20MW capacity. The Annex focuses on SPG and particularly the process of preparing the spatial framework as set out in SPP 6 Annex A. SPP 6 remains the definitive statement of national planning policy.

Other PANs of relevance to the proposed development include:

- PAN 42 Archaeology – The Planning Process and Scheduled Monument Procedures (1994);
- PAN 50 Controlling the Environmental Effects of Surface Mineral Workings (1996), Annex A, The Control of Noise at Surface Mineral Workings;
- PAN 51 Planning and Environmental Protection (1997);
- PAN 56 Planning and Noise (1999);
- PAN 58 Environmental Impact Assessment (1999);
- PAN 60 Planning for Natural Heritage (2000);
- PAN 68 Design Statements (2003); and
- PAN 75 Planning for Transport (2005).

Relevant aspects of these PANs are identified in subsequent chapters and considered in the Planning Statement submitted as a separate document.

## **7.3 STRUCTURE PLAN**

The approved Shetland Structure Plan (July 2000) seeks to promote the sustainable development of Shetland. It contains a sustainable vision for 2016, which provides the values to be followed in the policies, and direction in tackling key issues.

The plan sets out strategic aims that have been developed in response to the vision:

- To 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.

These aims are supported by a series of strategic policies relevant to Shetland. Although not all the policies are relevant to this project, policies pertinent to wind farm development are:

- Policy SP GDS 1: this policy is an overarching sustainability policy. The policy seeks to ensure that planned development meets the economic and social needs of Shetland protecting the environmental assets identified in the Development Plan, using and conserving the resources wisely to minimise environmental impact.
- Policy SP GDS2: Policy GDS2 relates to economic competitiveness and encourages the expansion of existing and new industry ensuring that there is sufficient land in settlements throughout Shetland. It states that where developments cannot be appropriately sited in existing settlements, locations that do not conflict with other policies will be favoured.
- Policy SP GDS4: Policy GDS4 seeks to conserve and improve the built environment by controlling new development, minimising pollution and waste generation, considering the re-use of land and buildings and avoiding hazards to health and safety.
- Policy SP GDS5: Policy GDS5 states that development will be assessed in terms of accessibility and its positive contribution to the whole community.
- Policy SP NE1: this policy expresses the encouragement of the Council for developers to produce a high standard of design, in terms of siting, scale, colour, materials and form, for all new developments, and to ensure that new developments are sympathetic to the landscape and built environment of which they will form a part.
- Policy SP NE3: this policy is designed to protect the best and most versatile agricultural land;
- Policies SP NE4, SP NE6 and SP NE7: these policies are designed to protect nature conservation sites of international and national importance;
- Policies SP NE8 and SP NE9: these policies are designed to protect biodiversity and protect and enhance the natural environment;
- Policy NE10 is a multi criteria policy requiring assessment of applications for their impact on the environment. It states a presumption in favour of applications for planning permission for the exploitation of natural resources provided they have no unacceptably significant adverse impact on the natural or built environment.



- Policy SP BE1: this policy is designed to protect the cultural heritage of Shetland.
- Policy SP BE2: this policy seeks to ensure that when the preservation of archaeological remains in situ is impossible, the site will be surveyed and recorded with advice taken from the Shetland Archaeologist or other relevant bodies.
- Policy SP CST1: this policy is designed to protect the Shetland coastline.
- Policy SP CST2: this policy lists factors that the Council will take account of in determining applications for works licences, namely:
  - implications for fishing interests;
  - the need to ensure that safe navigation is maintained;
  - existing marine fish farms in the locality;
  - the availability of any necessary infrastructure and potential impact on existing infrastructure, where relevant;
  - implications for recreational interests; and
  - potential effects, including cumulative, on the environment and natural heritage interests.
- Policy SP WD1: this policy is designed to protect Shetland's marine and freshwater resources.
- Policy SP ENG3: this policy expresses the support of the Council for the generation of power from renewable energy sources where these conform to other relevant policies in the Structure and Local Plan.
- Policy SP ENG4: this policy expresses the support of the Council for energy-related developments which take into account the objectives and strategies set out in the Shetland Energy Plan, as considered below, as well as complying with environmental and other provisions of the Structure and Local Plan.
- Policy SP IND1: this policy states that subject to other development plan policies the Council in partnership with enterprise companies will promote a sustainable approach to the development of the economy. The policy lists a series of criteria that this approach should achieve.
- Policy SP IND 2: On sites which comply with relevant policies of the development plan; this policy encourages support and the development of value-adding enterprise where appropriate with partnerships with industry and enterprise.
- Policy SP MIN 1: this policy states that sources and commercially viable sites for mineral extraction will be safeguarded from development that would sterilise or prevent their extraction.
- Policy SP MIN 2: this policy states that proposals for mineral and aggregate extraction will be favourably considered provided there are no adverse impacts

on, residents, landscape, agricultural land, water courses, nature conservation, the historic environment or visual amenity.

- Policy SP MIN 3: this policy states that the Council will impose conditions on minerals proposals to ensure minimum disturbance from, noise, dust, vibration, fly rock and traffic to ensure the adequate restoration and aftercare of sites.

## 7.4 LOCAL PLAN

The Shetland Local Plan (2004) is the current adopted Local Plan covering the proposed development area. The Local Plan is based on the same four aims as the Structure Plan, and it supports these with specific policies.

The proposed Viking Wind Farm site is in an area where there are no designated sites such as National Scenic Areas (NSAs) or Sites of Special Scientific Interest (SSSIs).

The Local Plan explicitly encourages developments which utilise the considerable renewable energy resource within Shetland. The Plan states that the Shetland Islands possess an abundant supply of renewable energy resources such as wind, wave and tidal power.

Policy ENG6 of the Plan states a general presumption in favour of renewable energy developments subject to compliance with policy NE10 which identifies the environmental issues that must be assessed in relation to applications for planning permission. Such developments will also be assessed against the listed criteria:

- That, where appropriate, the proposal conforms with policy LP ENG8, concerning designated environmental sites, Structure Plan policy CST2 (as detailed above) and CST6, concerning coastal development;
- that suitable site restoration proposals which include the enhancement of biodiversity and the removal of redundant plant and equipment are agreed at the application stage; and
- that the proposal does not conflict with any other Structure Plan or Local Plan Policy.

In designing the proposed Viking Wind Farm, the applicant has sought to ensure that it conforms to all of the above requirements.

Policy LP ENG 7 of the Plan seeks to control potential nuisance from energy generation and its associated infrastructure. Proposals will normally be approved if all of the following criteria can be met:

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

- 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;
- the proposal would not significantly increase the risk of driver distraction;
- the development would not interfere with aircraft activity;
- the development would not interfere with aircraft activity;
- the development would not interfere with migratory paths of wild birds and other animals;
- the development, including associated buildings and infrastructure, permanent access roads and tracks, is sensitively designed and sited to have a minimum impact;
- aerogenerators are sited at least five times the diameter of the rotor blade away from the site boundary, public roads and well-used footpaths;
- the proposal does not conflict with current government guidance and any other Structure Plan or Local Plan policy.

Additional Policies which will be relevant to the consideration of the proposed development are:-

- Policy LP NE 13 which states that where there is evidence to suggest that a habitat or species of local importance exists, the Council will require specialist survey;
- Policy NE 14 which contains a presumption against the loss of the best agricultural land;
- Policy LP NE 15 which states that the Council will protect trees;
- Policy LP WD5 which states that proposals that would have a harmful effect on a water catchment area will not be permitted;
- Policy LP WD11 which states that developments that are likely to give rise to surface water run-off may be required to incorporate soft engineering solutions;
- Policy LP WD12 which encourages developers to incorporate existing ponds and watercourses or wetlands as positive features in development schemes. The policy also seeks to avoid canalisation and culverting whilst encourage sustainable urban drainage schemes (SUDS);
- Policy LP ENG11 which seeks to ensure that connections between energy generating sources and the electricity grid shall be by underground cable unless material planning considerations dictate otherwise;
- Policy LP MIN7 which states that applications for the development of borrow pits will only be granted subject to a number of listed criteria;
- Policy LP TP11 which states that development will be refused where it would constrain the present and future operations of existing airports and airfields;

- Policy LP TP14 which states that development supporting improved public access and the provision of new routes will be favoured; and
- Policy LP BE 13 which states that developers will be required to produce and execute a high standard of design in terms of siting, layout, scale, colour, materials and form, including roads in accordance with the design principles set out in appendix F.

To date, no detailed locational guidance for wind farms has been provided in the Shetland Local Plan. However, as explained below, the Shetland Islands Council has approved supplementary guidance relating to large scale wind farms: this is being updated.

## 7.5 SUPPLEMENTARY PLANNING GUIDANCE

### 7.5.1 Shetland Energy Plan

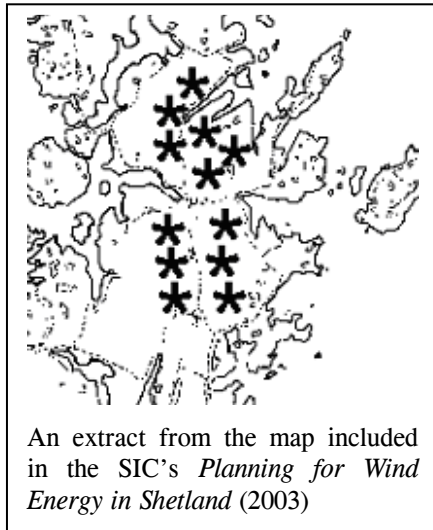
The *Shetland Energy Plan* (May 1998) states that the integration of renewables into the Shetland Energy Infrastructure must be a high priority, and that future initiatives should address:

- Wind farm development;
- small-scale wind power schemes,
- small-scale hydro schemes;
- R & D of Tidemill scheme;
- research into wave, solar and other potential sources;
- financing renewables; and
- promoting renewables.

Progress on the development of wind farms prior to 1998 was hampered by technical and economic factors. The first of Shetland's future objectives, as stated in the Shetland Energy Plan, is "*to encourage and stimulate the integration of alternative/renewable energy sources (RES) and thus reduce the reliance on oil for electricity production.*"

### 7.5.2 Wind Energy Guidance

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 report addressed the need for a land use planning strategy to guide large scale wind energy developments in Shetland, given that interest in such projects was being expressed by developers. It enumerated the possible environmental effects of such development and outlined the process by which any proposal would be considered. In particular, it dealt with the safeguards that would need to be in place were the Council to place itself in the position of both co-developer and planning authority.



The paper referred to the established policies contained in the approved Structure Plan (described above). In considering the question of location, it indicated that it would be prudent to concentrate development in a particular area or areas of the islands rather than disperse them more widely. Four options relating to the scale of development that might be contemplated were set out.

The paper then proposed a draft preferred area for large scale wind farm development. This was based on a consideration of Structure Plan and Local Plan policies; on some knowledge, gained from potential developers, of likely technical parameters and preferences; and on preliminary discussions with Scottish Natural Heritage. The

boundaries of the proposed area were, deliberately, not defined precisely, in recognition of the need for further investigation. However, on the basis of a preliminary analysis, the preferred area did not impinge on any major area of nature conservation interest or conflict either with Local Protection Areas identified in the Local Plan or the National Scenic Area. It was nevertheless recognised that substantial further work would be required if the detailed implications of development were to be properly examined.

*Planning for Wind Energy in Shetland* was intended only to provide locational guidance in general terms. However, the land area proposed for the Viking Wind Farm corresponds well with the 'preferred area' identified in the document.

### 7.5.3 New Wind Energy Guidance

Shetland Islands Council produced draft Supplementary Planning Guidance in relation to renewable energy development. The draft SPG, titled 'Energy Efficiency & Wind Energy' was published in July 2007 for a six week consultation period. The SPG if approved would have been a material consideration in the determination of planning applications. However, following consultation on the document it is understood that the Council determined not to progress the document to final approval and instead sought to examine the drafting of new guidance which takes into account the terms of SPP6 Renewable Energy.

It is understood that the Council have commissioned studies to assist in this process and that they are working towards the development of a draft interim Planning Policy in relation to wind farm developments.

### 7.5.4 Local Biodiversity Action Plan

The importance of conserving global biodiversity was identified at the Earth Summit in Rio de Janeiro in 1992. The UK signed the Convention on Biological Diversity at the Summit. The Convention requires each signatory to develop national strategies, plans or programmes for the conservation and sustainable use of biodiversity. In response to this, the UK Biodiversity Action Plan (BAP) was produced in 1994. The goal of the UK BAP is

to conserve and enhance biological diversity within the UK and to contribute to the conservation of global diversity.

Each local authority area in Scotland has produced a Local Biodiversity Action Plan (LBAP), which focuses national biodiversity targets onto local regions. It is intended that the Shetland LBAP will enable the Council to account for local sites, habitats and species in considering development proposals and produce a number of priority biodiversity projects for implementation with the assistance of local communities.

The maintenance of the distribution and quality of priority LBAP habitats and species is a material consideration within the ES. A detailed assessment of the effects of the proposed development on BAP habitats and species is considered in Chapters 10 (Ecology) and 11 (Birds).

## 7.6 SUMMARY CONCLUSION

Statutory plans, policies and guidance provide advice on renewable energy and wind farm development, and associated effects, at a national, regional and local level. The policies also emphasise the overall need for sustainable development.

The relevant planning policy framework as contained in the approved Structure Plan and the adopted Local Plan has been outlined. These are of relevance in considering the planning implications which arise from any likely significant environmental effects of the proposed wind farm.

As explained in the introductory section, this chapter has not included an assessment of the proposed wind farm's accordance with statutory Development Plan policy and other material considerations. This would inevitably involve a degree of subjective interpretation, which is contrary to advice on ES preparation, including good practice guidance on EIA. However a Planning Policy Statement has been prepared which includes an assessment of the proposed development in terms of the relevant planning policies and material considerations. The Planning Statement does not form part of the ES.

Table 7.1 summarises the policies and guidance that are pertinent to the proposed wind farm development, and cross references the chapter of the ES where relevant information is presented.

**Table 7.1 Summary of plans, policies and guidance**

<b>Aspect</b>	<b>SPP/NPPG</b>	<b>PAN</b>	<b>Structure Plan</b>	<b>Local Plan</b>	<b>Relevant chapter of ES</b>
Sustainable development	NPF, NPF2, SPP, SPP15	PAN 45, PAN 51, PAN 58	GDS 1, SPNE3,		2&7
Renewable energy	NPF, NPF2, SPP 6	PAN 45	ENG3, ENG4	ENG6, ENG7, ENG8, ENG11	2&7
Wind energy	SPP 6	PAN 45			2&7
Landscape & Visual	SPP, NPPG 14,	PAN 45, PAN 60, PAN 50, PAN 51, PAN 68	NE1,CST1, GSD4, MIN1, MIN2, MIN3.	NE10, MIN7, BE13	8 & 9
Ecology	NPPG 14,	PAN 45, PAN 60	NE4, NE5, NE6, NE7, NE8, NE9, WD1,	ENG8, NE13, NE15	10
Birds	NPPG 14,	PAN 45, PAN 60		ENG6	11
Noise		PAN 45, PAN 56		ENG7	12
Cultural Heritage	SPP, SPP 23, NPPG14	PAN 42	BE1, BE2	ENG6	13
Soils & Water	SPP7	PAN 51	WD1, WD2	WD5,WD11, WD12	14
Roads & Traffic	SPP, SPP17		PAN75		15
Air & Climate					16
Social & Economic	NPF, NPF2, SPP, SPP 6		GDS 2, GSD4, GSD 5, IND 1, IND2	NE14, TP14	17
Telecommunications & Aviation	NPPG 19	PAN 45		TP11,	18
Recreation & Tourism	SPP 6,	PAN 68			19

## 7.7 REFERENCES

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