DAVID BELL PLANNING
CHARTERED TOWN PLANNERS

Mossy Hill Wind Farm
Substation Development:

Planning Statement

December 2024

Statkraft

dbplanning.co.uk

Contents

1. Introduction and Overview

1.1 Introduction

1.1.1 Mossy Hill Shetland Ltd ("the Applicant") has submitted a full (national) planning application, under the Town and Country Planning (Scotland) Act 1997 (as amended), for planning permission for new 33kV/132kV kilovolt (kV) Substation infrastructure, access, and ancillary development including landscaping and habitat management. Mossy Hill Shetland Ltd is wholly owned subsidiary of Statkraft UK Limited (Statkraft). The terms “Applicant”, “Mossy Hill” and “Statkraft” are used interchangeable in this document to describe the Applicant.

1.1.2 The Proposed Development would provide the substation facilities required to connect the consented Mossy Hill Wind Farm into Scottish and Southern Electricity Networks Transmission (SSENT) new grid infrastructure from Kergord to Gremista, which runs through the application Site. The cabling infrastructure comprises two 132 kV underground cables, one of which will provide the connection point for the Applicant’s Mossy Hill Wind Farm (MHWF). The Wind Farm will operate at 33kV and the proposed substation will transform the voltage from 33kV to 132kV in order to connect to the SSENT cable.

1.1.3 The Proposed Development of substation infrastructure comprises two substation development elements: a 132kV substation building for SSENT and associated control building and facilities, and a 132 kV substation building for MHWF with associated 33 kV switch room and control and welfare buildings. SSENT will build and operate their substation and the expected connection date for this substation is Q4 2028. Although there are two substation elements to the proposal, it will appear as one overall substation compound and development. The Proposed Development replaces two smaller 33kV substations consented as part of the existing MHWF (Ref: 2018/186/PFF) and seeks to deliver these on one consolidated site.

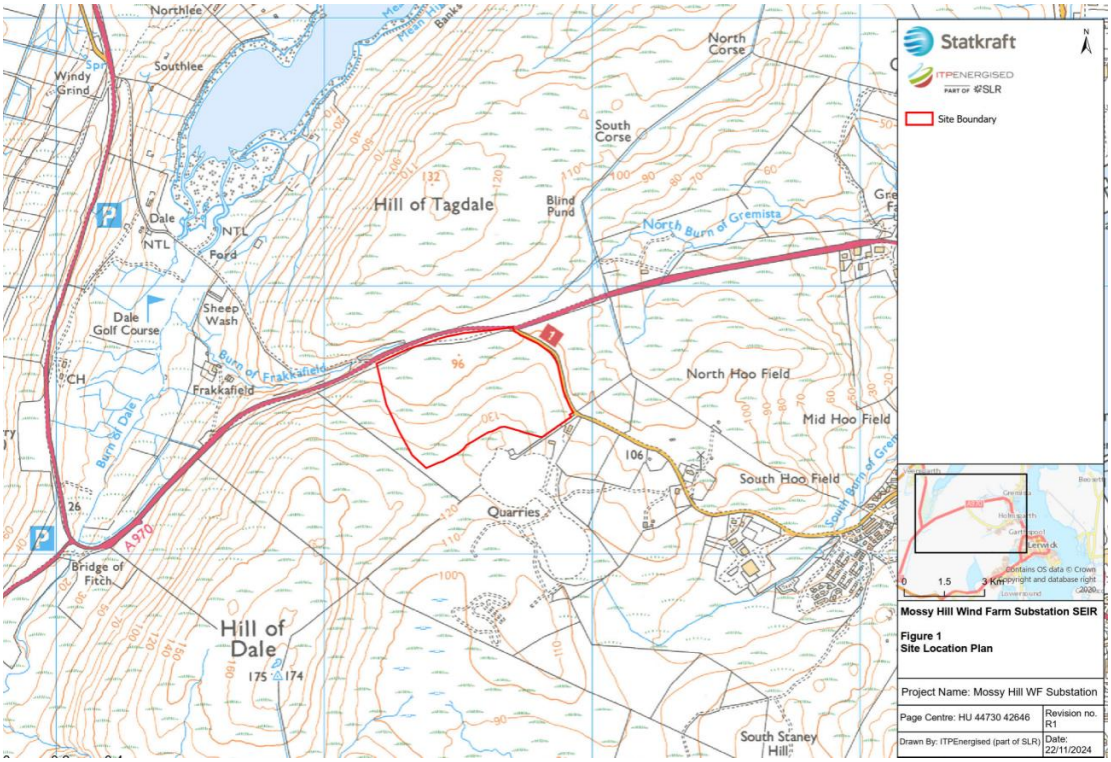
1.1.4 The Kergord to Gremista cables form a key part of the new electricity network in Shetland and will allow customers to be supplied directly from the Scottish Mainland via the new subsea cable. The Proposed Development provide a direct connection for MHWF into that system.

1.1.5 This Planning Statement considers the case for approval in land use planning policy terms at the national (National Planning Framework 4 (NPF4)) and local (The Shetland Islands Council (SIC)) level, with reference to the Development Plan and national planning and energy policy which supports the delivery of electricity infrastructure that will assist in the delivery of the Government’s legally binding ‘net zero’ commitments and will ensure security of supply to customers.

1.2 Site Location and Description

1.2.1 The Proposed Development Site is located in the Shetland Islands, approximately 600 metres (m) north-west of the western extent of Lerwick. The Site is approximately 25.8 hectares (ha) in area and comprises predominantly rough grazing, acid grassland and blanket bog. The Site sits within the consented Mossy Hill Wind Farm site boundary. A consented substation and site compound which form part of the Wind Farm consent noted above and are located within the Proposed Development Site boundary.

Figure 1: Site Location Boundary Plan



1.2.2 The Site is bordered to the north by the A970 and to the east by Ladies Drive. Access to the Site is proposed from the A970 and Ladies Drive via the consented Wind Farm access junctions together one further proposed access, off Ladies Drive.

1.2.3 The Site sits within a rural setting surrounding largely by agricultural ground for grazing and industrial development including an adjacent quarry, Lerwick Brewery and Staney Hill Industrial Estate. A small historic landfill site is located within the boundary.

1.2.4 One residential property lies within 1 km of the Proposed Development.

1.2.5 A number of environmental designations and sites are located within 5 km of the Proposed Development. These are discussed in more detail within the accompanying Supplementary Environmental Information Report (SEIR) but in summary comprise:

> East Mainland Coast Special Protection Area (SPA);

> Lochs of Tingwall and Asta Site of Special Scientific Interest (SSSI); and

> East Rova Head SSSI.

1.2.6 The following Local Nature Conservation Sites (LNCS) are within 5 km of the Site:

> Clickimin Loch LNCS;

> Tingwall Meadow LNCS;

> South Bight of Rova LNCS; and

> Lang Lochs LNCS.

1.2.7 There are 153 listed buildings within 5 km of the Site, 71 of them within 3 km of the Site. The three in closest proximity to the Site are:

> Bod Of Gremista;

- Veensgarth House; and
- Steading, Veensgarth House.

1.2.8 There are 20 Scheduled Monuments within 5 km of the Site, five of them within 3 km of the Site and none within 2 km of the Site. The five Scheduled Monuments within 3 km are:

- Clickimin Broch;
- Law Ting Holm;
- Tingwall Parish Church;
- Fort Charlotte; and
- Teind Barn.

1.2.9 Lerwick New Town Conservation area is located approximately 2.4 km south-east of the Site, and Lerwick Central Area Conservation area is approximately 2.6 km south-east of the Site. Gardie House Garden and Designed Landscape (GDL) is located approximately 3.8 km east of the Site.

1.3 Planning History

1.3.1 Mossy Hill Wind Farm was granted consent from Shetland Island Council (SIC) on 27th May 2019 (Ref:2018/186/PPF) subject to conditions which have been discharged in part. The proposal was for a wind farm with a maximum generating capacity of up to 50MW comprising 12 turbines with maximum tip heights of 145 m and associated infrastructure. The consent allowed for two separate on-site substations and two separate construction compounds. The Proposed Development seeks to consolidate the wind farm connection substation and the required SSENT main substation grid point on one site.

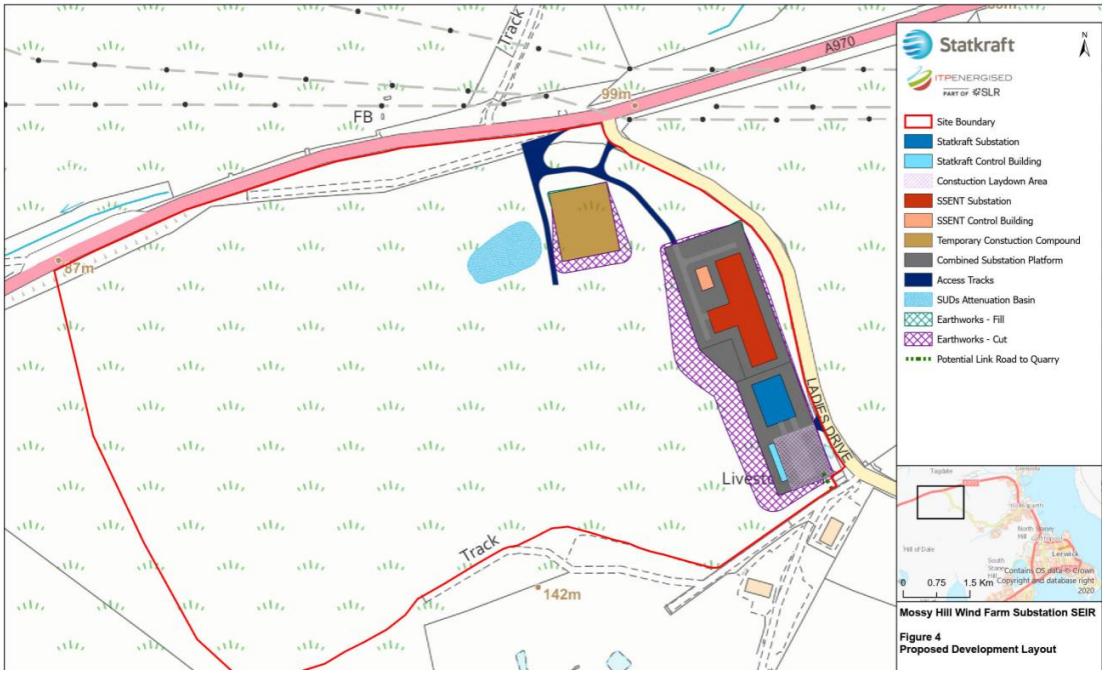
1.3.2 A Proposal of Application Notice (PAN) for the Proposed Development was submitted on 18th April 2024 (Ref: 2024/107/PAN).

1.3.3 A request for screening opinion was made on 3rd May 2024 and a negative screening opinion was received on 6th June 2024.

1.3.4 A PAN to construct, commission and operate a redesigned Wind Farm was submitted on 6th August 2024 and consultation is ongoing. This will be progressed separately to the Proposed Development and does not impact the requirements or delivery of the Substation infrastructure as proposed in this application.

1.4 The Proposed Development

Figure 2: Proposed Site Layout



1.4.1 The Proposed Development comprises:

- 1.7 ha of built footprint;
- SSENT's 132 kV substation building with an area of approximately 3,115 sqm housing electrical switchgear and associated equipment with a maximum height of 12 m;
- SSENT's control and welfare building with an area of 252 sqm and a maximum height of 7 m;
- Statkraft's 132 kV substation building with an area of approximately 1,219 sqm housing an electrical transformer, electrical switchgear and associated equipment with a maximum height of 13 m;
- Statkraft's 33 kV switch-room, control and welfare building with an area of 222 sqm and height of 7 m;
- A temporary construction compound to service SSENT construction with an approximate area of 3,574sqm;
- Drainage system including an attenuation pond and pipework;
- Associated on-site underground cabling to Site boundary;
- Equipment foundations including construction of site drainage;
- Hard surfacing for access tracks, internal service roads, car parking and areas under electrical equipment;
- Site securing fencing and gates approximately 2.4 m in height; and
- CCTV and internal floodlights mounted on posts measuring approximately 3 m in height.

1.4.2 The detailed design will be developed at Contractor stage.

1.4.3 Indicative layouts of substation and compounds including elevation are provided as part of the submission package. During construction the main Statkraft building will be served by a construction compound formed within the fenced area of the substation to the south of the main building. The SSENT building will be served by a separate construction compound out with the fenced area, to the north west (see Figure 4 of SEIR).

1.4.4 An outline Habitat Management Plan (OHMP) has been prepared which sets out the proposed approach to biodiversity enhancement and compensation which also considers how best to integrate the Proposed Development into its natural environment and setting.

1.4.5 The Site will be accessed from the two consented access points as set within the Mossy Hill Wind Farm consent. One access is taken from the A970 and one from Ladies Drive in the north eastern corner of the Site. An additional new access junction from Ladies Drive to service the Statkraft substation in the south-east of the Site is also shown. The Applicant has been in discussions with SIC Roads to secure a speed limit reduction on Ladies Drive. This will be secured via a separate agreement.

1.4.6 A Sustainable Urban Drainage System (SUDs) strategy is proposed which will include hydrological and hydraulic modelling to develop a system to appropriately drain the Site to ensure post development runoff rates do not exceed the pre-development scenario. All necessary mitigation measures will be included, and residual impacts will be sufficiently managed through secondary and tertiary mitigation measures prior to and during construction and operation.

Construction

1.4.7 The estimated construction period for the Proposed Development is 42 to 48 months. The main platform construction is anticipated to commence in Q3 of 2025 with handover to SSENT in the summer of 2026 for construction of their substation building and grid connection energisation later in 2028.

1.4.8 A detailed construction programme will be developed and approved as part of a Construction Environmental Management Plan (CEMP) prior to commencement of development.

1.4.9 The CEMP will be produced as part of the construction contract. An outline CEMP is contained within Appendix 2 of the SEIR. The CEMP will be developed in accordance with good practice guidance and will describe how the Applicant will ensure suitable management of key environmental issues during construction including, waste, water quality, dust and noise, surface water drainage, archaeological protection, pollution and species protection.

1.4.10 Normal construction hours are expected to be 07.00 to 19.00 Monday to Friday and 09.00 to 13.00 on Saturdays. Where additional activities out with these hours are required prior agreement with the Council will be sought. Further details on construction hours and approach are provided within the SEIR.

Operation

1.4.11 The lifetime of the Proposed Development is envisaged to be 40 years from final commissioning.

Decommissioning

1.4.12 At the end of lifetime, the Site will be decommissioned unless further consent is sought to extend the operational life.

1.4.13 Prior to decommissioning a Restoration and Decommissioning Plan (RDP) would be produced in line with best practice and legislation at that time and would be agreed with the SIC prior to commencement. It is envisaged that this would form a condition to any consent.

The Town & Country Planning (Scotland) Act 1997

1.4.14 The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (as amended) amended by the Planning etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019 (the "1997 Act").

1.4.15 Section 25 of the 1997 Act states that:

"*Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise*".

1.4.16 Accordingly, the purpose of this Planning Statement is to provide an assessment of the Proposed Development in the context of relevant national and local planning and energy policies and other material considerations. As such it is important to establish:

> Is the development as proposed in accordance with the Development Plan policies?

> If not, are there material considerations that determine a decision should be made contrary to the Development Plan? Or do material matters further support the position that the Proposed Development should be approved?

1.4.17 In answering these questions consideration is given to whether:

> the proposal is in the national interest;

> there is an identifiable need for the Proposed Development;

> the proposal accords with relevant planning policies; and

> the environmental effects of the Proposed Development would be acceptable when considered against the Development Plan policy framework and material considerations.

1.4.18 The planning application is supported by an SEIR which examines the environmental effects of the Proposed Development. A **Design and Access Statement** (DAS) has also been prepared to support the application.

1.5 Policy Status of Proposed Development

1.5.1 Key facts relevant to this application are:

> The Proposed Development is identified as a National Development (ND) under the provisions of National Planning Framework 4 (NPF4) ND3 under the class of development noted at (c) as "*new and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations"*.

> The Proposed Development is for a critical expansion of the transmission network to enable a consented renewable connection (Mossy Hill Wind Farm) and transmission of energy to the wider GB network.

> ND3 supports renewable electricity generation, repowering, and expansion of the electricity grid. This nationally important infrastructure is also designated as essential infrastructure (NPF4 Annex F) and is explicitly supported by NPF4 under the provisions set out in Policy 11(a)(ii) (Energy).

> The Statement of Need for the Proposed Development as contained in NPF4 is as follows:

"*A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology*

and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions.

Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience across Scotland".

- The Proposed Development will deliver nationally important network and grid infrastructure required to deliver the Government's legally binding targets for net zero emissions and renewable energy electricity generation targets and policy objectives.
- The Proposed Development will be delivered in such a way that it is environmentally acceptable and will include a co-ordinated scheme of environmental mitigation to ensure the long-term protection of the local and wider environment and to deliver development which is sustainable.

1.6 Structure of Planning Statement

1.6.1 This Statement seeks to address the pertinent land use planning policy matters relevant to the determination of the application, to aid decision makers in their assessment and conclusions on the proposal.

1.6.2 The planning policy framework changed significantly in early 2023 when NPF4 came into force. This Planning Statement provides an assessment of the Proposed Development against relevant policy provisions and the statutory Development Plan. The appraisal also considers whether there are incompatibilities between the planning policies of NPF4 and those of the Shetland Local Development Plan.

1.6.3 This Statement is structured as follows:

- **Chapter 2** sets out the up-to-date position with regard to the renewable energy policy and emissions reduction legislative framework and includes reference to the Scottish Government's Draft Energy Strategy and Just Transition Plan;
- **Chapter 3** sets out the benefits of the Proposed Development;
- **Chapter 4** appraises the Proposed Development against the most up to date element of the Development Plan, namely the relevant provisions of NPF4;
- **Chapter 5** appraises the Proposed Development against the relevant provisions of the Shetland Local Development Plan and related guidance; and
- **Chapter 6** examines the planning balance and presents overall conclusions.

2. The Renewable Energy Policy & Legislative Framework

2.1 Introduction

2.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements and obligations, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and greenhouse gas emissions (GHG) reduction law is based. This underpins what can be termed the need case for renewable energy and associated transmission infrastructure from which the Proposed Development can draw a high level of support.

2.1.2 The Proposed Development requires to be considered against a background of material UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice. These taken together provide very strong support for onshore wind in principle.

2.1.3 It is evident that there is clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally, to combat the global climate crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets.

2.1.4 The Proposed Development, providing essential infrastructure to connect consented renewable energy would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting emissions reduction to combat climate change in the current Climate Emergency.

2.1.5 UK and Scottish Government renewable energy policy and associated renewable energy and electricity targets are important considerations. It is important to be clear on the current position as it is a fast-moving topic of public policy. The context of international climate change commitments is set out. This is followed by reference to key UK level statutory and policy provisions and then a detailed description of relevant Scottish Government statutory and policy provisions is set out.

2.2 International Commitments

The Paris Agreement (2016)

2.2.1 In December 2015, 196 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2^0C above pre-industrial levels and to pursue efforts to limit global warming to 1.5^0C.

2.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links to the Climate Change Committee's (CCC) advice to both the UK and Scottish Governments on 'net zero' targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK). This is referred to below.

2.2.3 The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.

United Nations - Intergovernmental Panel on Climate Change

2.2.4 The Intergovernmental Panel on Climate Change (IPCC) is the United Nations Body for assessing the science related to climate change.

2.2.5 The IPCC prepares comprehensive assessment reports about the state of scientific, technical, and socio-economic knowledge on climate change, its impacts and future risks and options for reducing the rate at which climate change is taking place. IPCC reports are commissioned by the worlds' Governments and are an agreed basis for COP[1] negotiations.

2.2.6 The IPCC's Special Report on Warming of 1.5°C, published in 2018, was a key piece of evidence for the CCC's recommendation to the UK Government for a 2050 net zero greenhouse gas emission target. The IPCC's reports since 2018 have provided an up-to-date estimate of how close global temperatures are to 1.5°C of warming above pre-industrial levels and the remaining volume of global cumulative carbon dioxide that could be emitted to be consistent with keeping global warming below any particular threshold (such as the 1.5°C and 2°C levels referred to in the Paris Agreement).

2.2.7 The IPCC's 6th Assessment Report was published in March 2023. The Summary for Policymakers Report (page 10) states that it is likely that warming will exceed 1.5°C during the 21st Century and make it harder to limit warming 2°C. It states (page 12):

"*Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards (high confidence). Deep, rapid and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades, and also to discernible changes in atmospheric composition within a few years (high confidence)*".

2.2.8 Page 24 of the report states "*There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (very high confidence)*".

COP 28, Dubai 2023

2.2.9 The United Nations Climate Change Conference (COP28) closed on 13 December 2023. The UN press release of the same date states that the agreement reached "Signals the 'beginning of the end' of the fossil fuel era by laying the ground for swift, just and equitable transition, underpinned by deep emissions cuts and scaled up finance."

2.2.10 The statement adds:

"*The stocktake recognises the science that indicates global greenhouse gas emissions need to be cut 43% by 2030, compared to 2019 levels, to limit global warming to 1.5°C. But it notes parties are off track when it comes to meeting their Paris Agreement goals*.

The stocktake calls on parties to take actions towards achieving, at a global scale, a tripling of renewable energy capacity and doubling of energy efficiency improvements by 2030. The list also includes accelerating efforts towards the phase down of unabated coal power, phasing out inefficient fossil fuel subsidies, and other measures that drive the transition away from fossil fuels in energy systems, in a just, orderly and equitable manner, with developed countries continuing to take the lead." (underlining added)

UN Emissions Gap Report (2024)

2.2.11 The UN Emissions Gap Report (October 2024) and its 'key messages' summary provides the annual independent science-based assessment of the gap between the pledged GHG) reductions, and the reductions required to align with the long-term temperature goal of the Paris Agreement.

[1] United Nations Framework Convention on Climate Change, Conference of the Parties (COP).

2.2.12 The Report states that against the background of GHG emissions reaching new highs and climate impacts intensifying globally, nations are preparing what are termed Nationally Determined Contributions (NDCs) for submission in early 2025, ahead of COP30 in Brazil.

2.2.13 The Report states that in order to avoid the present trajectory of temperature increase far beyond 2^0C over the course of this century:

"*Nations must use COP29 in Baku, Azerbaijan, as the launch pad to increase ambition and ensure the NDCs collectively promise to almost halve greenhouse gas emissions by 2030. They must then follow up with rapid delivery of commitments, building on actions taken now. If they do not do so, the Paris Agreement target of 1.5^{0}C will be gone within a few years and the 2^{0}C target will be in danger*".

2.2.14 The Report adds "*It remains technically possible to get on a 1.5^{0}C pathway, with solar, wind and forests holding real promise for sweeping and fast emissions cuts*".

2.2.15 The Report also states (page 1) that there must be "*unprecedented cuts to greenhouse gas emissions by 2030 to keep 1.5^{0}C alive*".

2.2.16 In order to put the challenge of emissions reduction in context, the key messages document (page 2), sets out that if only current NDCs are implemented and no further ambition is shown in the new pledges to come, "*the best we could expect to achieve is catastrophic global warming of up to 2.6^{0}C over the course of the century*".

2.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

2.3.1 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared by the Scottish Government in April 2019 and by the UK Parliament in May 2019. The declaration of Climate Emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

2.3.2 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.

2.3.3 The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.

2.3.4 The CCC has produced six four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 2.1** below. Essentially, they are five yearly caps on emissions.

2.3.5 These legally binding 'carbon budgets' act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037.

Table 2.1: Carbon Budgets and Progress[2]

Budget	Carbon budget level	Reduction below 1990 levels	Progress on Budgetary Period
1st carbon budget (2008 – 2012)	3,018 $MtCO_2e$	26%	-27%
2nd carbon budget (2013 – 2017)	2,782 $MtCO_2e$	32%	-42%
3rd carbon budget (2018 – 2022)	2,544 $MtCO_2e$	38% by 2020	50%[3]
4th carbon budget (2023 – 2027)	1,950 $MtCO_2e$	52% by 2025	n/a
5th carbon budget (2028 – 2032)	1,725 $MtCO_2e$	57% by 2030	n/a
6th carbon budget (2033 – 2037)	965 $MtCO_2e$	78% by 2035	n/a
7th carbon budget (2038 – 2042)	To be set in 2025	-	n/a
Net Zero Target	100%	By 2050	

2.3.6 The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK "*decisively on the path to net zero by 2050 at the latest, with a trajectory that is consistent with the Paris Agreement*" (CB6, page 13).

2.3.7 Page 23 of CB6 refers to the devolved nations and sets out that UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland. Key points from CB6 include:

> The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and doubling or even trebling by 2050.

> CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.

> The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.

2.3.8 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world's most ambitious climate change target into law (by the Carbon Budget Order 2021 (the Order)[4]) to reduce emissions by 78% by 2035 compared to 1990 levels. This effectively brings forward the UK's previous commitment of an 80% reduction by 2050 by 15 years.

[2] Source: CCC.

[3] Confirmed by the CCC in 'Final Statement for the Third Carbon Budget' May 2024. By the end of the period to 2022, UK net GHG emissions were 50% lower than te base year emissions.

[4] The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

The UK Energy White Paper (December 2020)

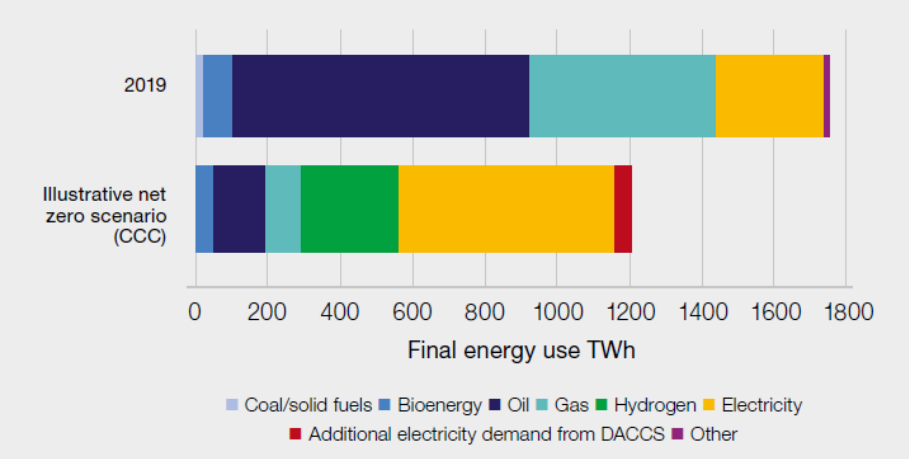
2.3.9 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020, represents a sea change in UK policy, and highlights the importance of renewable electricity.

2.3.10 It sets out that "*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050". A key objective is to "accelerate the deployment of clean electricity generation through the 2020s*" (page 38).

2.3.11 Electricity demand is forecast to double out to 2050, which will "*require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target*" (page 42).

2.3.12 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 2.1**.

Figure 2.1: Illustrative UK Final Energy Use in 2050[5]



2.3.13 Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that "*onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios*" (page 45).

The British Energy Security Strategy (April 2022)

2.3.14 The British Energy Security Strategy ("the Strategy") was published by the UK Government on 07 April 2022. The Strategy focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states *inter alia*:

"*this government will reverse decades of myopia and make the big call to lead again in a technology the UK was the first to pioneer, by investing massively in nuclear power….*

Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables….

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But

[5] Source: Energy White Paper page 9 (2020).

now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies."

2.3.15 Reducing Scotland's and the wider UK's dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.

CCC - Report on COP28: Key Outcomes and Next Steps for the UK (January 2024)

2.3.16 The CCC issued a report and related Statement 6 in January 2024 with reference to COP28 and next steps for the UK. The Statement set out that:

"*2023 was the hottest year on record, with worsening extreme weather events across the world. With global greenhouse gas emissions at an all-time high, COP28 took important steps to try to change the direction of travel.*

The UK played an important role in this hard-fought COP28 outcome. We may be further into the decarbonisation journey than many nations, but the obligation on every country is now to push even harder. This also frames the economic challenge for the UK. We must rapidly replace fossil fuels with low-carbon alternatives to get back on track to meet our 2030 goal."

2.3.17 In terms of next steps for the UK, the Statement sets out that:

"*In June 2023, the Committee noted a significant delivery gap to the UK's Nationally Determined Contribution (NDC) of reducing emissions by 68% by 2030. The agreements made at COP28 require a sharper domestic response and time is now short for the gap to be bridged.*

Achieving the 2030 NDC will require the rate of emission reductions outside of the electricity sector to quadruple from that of recent years. Addressing these gaps in a transparent way remains one of the most important ways for the UK to show climate leadership."

2.3.18 The related Outcomes Report, in addressing next steps for the UK sets out the following points (page 5) *inter alia*:

> "*The Global Stocktake undertaken at COP28 marks the first formal assessment of progress of the Paris Agreement process and it reinforced the growing momentum in renewables and other low carbon technology deployment.*

> *Countries were called upon to support a trebling of renewables globally….. Alongside this was the crucial brokering of recognition of the need to transition away from all fossil fuels to achieve a net zero energy system by 2050.*

> *The UK can continue to lead by example and support actions elsewhere to accelerate the pace of the low carbon transition and develop resilience to climate impacts. It must demonstrate delivery towards to its ambitious 2030 and 2035 targets on the path to Net Zero*."

2.3.19 Section 1.2.2 of the Outcomes Report specifically addresses 'next steps for the UK'. Reference is made to opportunities for climate leadership and in terms of energy there is a clear statement (page 21) which refers to a number of actions that will be important for ensuring domestic action is consistent with the language the UK signed up to at COP28. This includes *inter alia*:

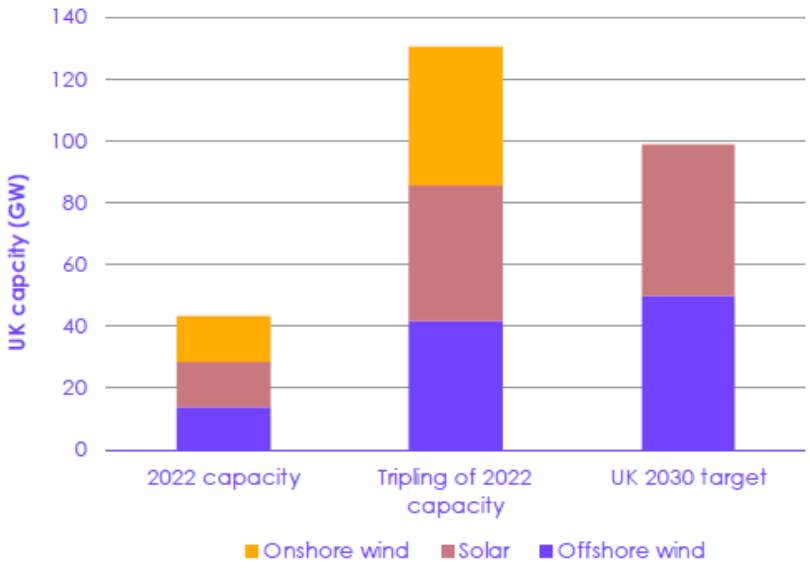
> Delivering rapid deployment of renewables. The report states that solar and onshore wind is progressing too slowly due to barriers around planning and consenting and access to network connections, despite being the cheapest form of generation.

[6] CCC Statement 'COP28 outcomes must lead to acceleration of action in the UK' (30 January 2024).

- In terms of the UK's 2030 NDC, the report states that the UK must continue to focus on addressing delivery gaps to the 2030 NDC. Reference is made to the CCC's 2023 Progress Report which established that if the UK is to achieve its 2030 NDC then the rate of emissions reduction "*outside electricity supply must almost quadruple from 1.2% annual reductions to 4.7%*".
- In terms of the tripling of renewable energy capacity by 2030, the Outcomes Report sets out (page 23) that the UK Government only has renewables deployment targets for offshore wind (aiming for up to 50 GW by 2030) and solar PV (aiming for up to 70 GW by 2035).

2.3.20 **Figure 2.2** below contrasts the level of deployment implied by a tripling of 2022 levels with UK targets.

Figure 2.2: The tripling of Renewable Energy Capacity in a UK Context[7]



2.3.21 The CCC report makes it clear that (page 23):

"*UK targets for offshore wind and solar PV are broadly consistent with COP28 calls to triple renewable energy capacity by 2030. However, a tripling of total renewable energy capacity (on 2022 levels) would also require growth in onshore wind.*"

2.3.22 The CCC also highlight that their 2023 Progress Report (referred to above) showed that the Government is currently off-track to meeting its renewables targets. It states that in order to support the ambitions agreed at COP28 "*and to meet the target of a decarbonised electricity supply by 2035, the Government must increase efforts to deliver against its existing targets on time*". (page 23)

Climate Change Committee Report to UK Parliament (2024)

2.3.23 The Climate Change Committee (CCC) published the report 'Progress in Reducing Emissions 2024 Report to Parliament' in July 2024 (the "CCC Report"). The Executive Summary (page 8) states:

"*The previous Government signalled the slowing of pace and reversed or delayed key policies. The new Government will have to act fast to hit the country's commitments.*

[7] Source: CCC, COP28: Key Outcomes and next steps for the UK, page 24, (January 2024).

The cost of key low-carbon technologies is falling, creating an opportunity for the UK to boost investment, reclaim global climate leadership and enhance energy security by accelerating take-up. British-based renewable energy is the cheapest and fastest way to reduce vulnerability to volatile global fossil fuel markets. The faster we get off fossil fuels, the more secure we become."

2.3.24 The CCC Report makes it clear that urgent action is needed to get on track for the UK's 2030 emissions reduction target. In this regard it states:

"*The UK has committed to reduce emissions in 2030 by 68% compared to 1990 levels, as its Nationally Determined Contribution (NDC) to the Paris Agreement. It is the first UK target set in line with Net Zero. Now only six years away, the country is not on track to hit this target despite a significant reduction in emissions in 2023. Much of the progress to date has come from phasing out coal generated electricity, with the last coal-fired power station closing later this year. We now need to rapidly reduce oil and gas use as well.*

Our assessment is that only a third of the emissions reductions required to achieve the 2030 target are currently covered by credible plans. Action is needed across all sectors of the economy, with low carbon technologies becoming the norm."

2.3.25 The CCC Report sets out priority actions (page 9) and they include:

> The UK should now be in a phase of rapid investment and delivery, however CCC note that all indicators for low carbon technology roll out are "*off track, with rates needing to significant ramp up*." In this regard in terms of renewable technologies it states onshore wind installations will need to double.

2.3.26 Chapter 2 of the CCC Report confirms that the third Carbon Budget was met (covering the period 2018 to 2022), however "*future carbon budgets will require an increase in the pace and breadth of decarbonisation. It is imperative that an ambitious path of emissions reduction is maintained towards Net Zero*." (Page 33).

2.3.27 Section 2.3 of the CCC Report addresses emissions reductions required for future Carbon Budgets. Paragraph 2.3.1 states that:

"*emissions reductions across most sectors will need to significantly speed up to be on track to meet the UK's climate targets in the 2030s, and therefore the long term target of Net Zero by 2050. Emissions reductions will need to outperform the legislated Fourth Carbon Budget for the UK to be on a sensible path to achieve its 2030 NDC, the Sixth Carbon Budget and Net Zero*."

2.3.28 Chapter 3 of the CCC Report examines indicators of current delivery progress and it sets out (page 50) it references a number of key points including *inter alia*:

"*Required pace – substantial progress is needed on a range of key indicators over the rest of this decade, to get the UK on track to meet its 2030 emissions targets. Low carbon technologies need to quickly become the default options in many areas…*

Renewable energy capacity has been growing steadily. However, roll-out rates will need to increase, compared to those since the start of this decade, to deliver the capacity needed by the end of the decade. Annual installations of offshore wind will need to more than treble, onshore wind more than double and solar increase by a factor of five."

2.3.29 Reference is made to electricity supply (page 56). With regard to onshore wind it states that only 0.5 GW of new onshore wind was installed in 2023 and "*this is considerably below the peak of 1.8 GW in 2017. Onshore wind installation rates will need to more than double compared to the average pace of deployment over the past three years*."

2.3.30 Chapter 2 of the CCC Report addresses the risks to the UK in achieving its emissions reduction targets.

2.3.31 With regard to the Fourth Carbon Budget (2023-2027) it states that although credible plans cover almost all of the emissions reductions required to meet it "*this budget was set before the UK's Net Zero target was legislated. The UK will need to reduce emissions by double the amount implied by the target to be on a sensible path to Net Zero*…."

2.3.32 With regard to the 2030 NDC and Sixth Carbon Budget (for the period 2023 to 2037) the CCC Report states that credible plans cover only around a third of emissions reductions needed to meet the UK's 2030 NDC and a quarter of those needed to meet the Sixth Carbon Budget. It adds "*that 2030 NDC is now only six years away. While our assessment of the policies and plans to deliver it has improved slightly, there remains significant risks to achieving these goals*."

Labour Government & Commitment to Renewables (2024)

2.3.33 The recent UK Government change at Westminster and a Labour administration for the UK is of relevance in terms of the new UK Government policy approach to net zero. The Labour Party Manifesto states that it has *"a national mission for clean power by 2030"* and it explicitly states that this is achievable *"and should be prioritised*". The Manifesto sees the clean energy transition as a huge opportunity to generate growth and also to tackle the cost-of-living crisis. This objective is set out as Labour's "second mission" for the UK.

2.3.34 The policy detail has yet to be seen; however, from the information available it is clear that the new administration will accelerate the pace of renewable development to achieve net zero. Energy policy is reserved to Westminster and although the Scottish Government has progressed its own energy policy in parallel with its full devolved authority over the planning system in Scotland, UK Government policy is an important material consideration.

2.3.35 The Department for Energy Security and Net Zero issued a Statement on 08 July 2024 which included references to doubling UK onshore wind capacity from its current level of approximately 15 GW to a planned capacity of 30 GW by 2030.

2.4 Climate Change & Renewable Energy Policy: Scotland

The Scottish Energy Strategy (2017)

2.4.1 The Scottish Energy Strategy (SES) was published in December 2017. The SES sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically 50% energy from renewable sources to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding 'net zero' targets so it is out of date in that respect.

2.4.2 The SES refers to "*Renewable and Low Carbon Solutions*" as a strategic priority (page 41) and states "*we will continue to champion and explore the potential of Scotland's huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets*".

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

2.4.3 Against this backdrop, the Scottish Government has set legal obligations to decarbonise and reduce emissions. The Scottish Government has a statutory target to achieve "net zero" by 2045. It is clear that to have any hope of achieving the net zero target, much needs to happen by 2030.

2.4.4 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. However, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the 2009 Act and has set the even more ambitious targets.

2.4.5 The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy made a Statement to the Scottish Parliament on 18 April 2024 with regard to the report to the Scottish Parliament

prepared by the (CCC, 'Progress in reducing emissions in Scotland' (March 2024). The Statement focussed on the implications the CCC report contains for Scottish emission reduction targets as set out in legislation, namely as set out in the Climate Change (Scotland) Act 2009. The Statement sets out that the Scottish Government will bring forward expedited legislation to address matters raised by the CCC and this is expected to be a change to the 2030 emissions reduction target. This is further referenced below.

Current Progress against Emission Reduction Targets

2.4.6 The Scottish Government publishes an annual report that sets out whether each annual emissions reduction target has been met. **Table 2.2** below sets out the annual targets for every year to Net Zero.

2.4.7 In their 2024 Progress in Reducing Emissions in Scotland report, the CCC stated that Scotland has missed its annual emission reduction targets eight times and Table 2.2 shows that in the years since 2018 where data is available, Scotland has only met its emissions reduction target once. This was in 2020, during which lockdown restrictions severely reduced commercial, industrial and transport emissions.

Table 2.2: Scotland's Annual Emission Reduction Targets to Net Zero

Year	Original % Reduction Target	New Targets (2023)	% Actual Emissions Reduction	Year	Original % Reduction Target
2018	54	-	50	2032	78
2019	55	-	51.5	2033	79.5
2020	**56**	**48.5**	**58.7**	2034	81
2021	57.9	51.1	49.9	2035	82.5
2022	59.8	53.8	-	2036	84
2023	61.7	56.4	-	2037	85.5
2024	63.6	59.1	-	2038	87
2025	65.5	61.7	-	2039	88.5
2026	67.4	64.4	-	**2040**	**90 (Interim)**
2027	69.3	67.0	-	2041	92
2028	71.2	69.7	-	2042	94
2029	73.1	72.3	-	2043	96
2030	**75**	**75**	**Interim Target**	2044	98
2031	*76.5*		-	***2045***	***100% Net Zero***

2.4.8 Notwithstanding as noted above, the Scottish Government has stated that they are to move away from annual targets, the targets set out in the above Table clearly illustrate the speed and scale of change that is required up to and beyond 2030. If there is a continuous growing shortfall each year, then it will be increasingly difficult to attain targets.

2.4.9 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and although the 2020s is a critical decade, all the

indicators are that the 2030s will be even more critical, because of slower-than-planned action to date.

CCC Report to Scottish Parliament – Progress in reducing emissions in Scotland (March 2024)

2.4.10 The CCC produced a report to the Scottish Parliament entitled 'Progress in reducing emissions in Scotland' in March 2024. The related press release of the same date states that Scotland's 2030 climate goals are no longer credible. It states:

"*Continued delays to the updated Climate Change Plan and further slippage in promised climate policies mean that the Climate Change Committee no longer believes that the Scottish Government will meet its statutory 2030 goal to reduce emissions by 75%. There is no comprehensive strategy for Scotland to decarbonise towards Net Zero.*

The Scottish Government delayed its draft Climate Change Plan last year despite the 2030 target being only six years away. This has left a significant period without sufficient actions or policies to reach the target; the required acceleration in emissions reduction in Scotland is now beyond what is credible."

2.4.11 The CCC calls in the report for Scotland's Climate Change Plan to be published urgently in order that the CCC can assess it and identify the actions which will deliver on its future targets.

2.4.12 The press release states that there is a path to Scotland's post-2030 targets, but stronger action is needed to reduce emissions across the economy.

2.4.13 The main report (page 10) states that "*The Scottish Government should build on its high ambition and implement policies that enable the 75% emissions reduction target to be achieved at the earliest date possible*."

2.4.14 Page 18 of the report addresses electricity supply, and it states that there has been some progress in delivering renewable electricity generation in Scotland. Reference is made to the Government aim to develop 8-11 GW of offshore wind and 20 GW on onshore wind capacity, both by 2030. The report notes that "*The growth in onshore wind capacity has slowed, however, and is slightly off track to deliver its 2030 target, which will require operational capacity to more than double.*"

2.4.15 Page 40 states that in terms of onshore wind, Scotland must increase the deployment rate by more than a factor of 4 to an average annual rate of 1.4 GW.

Statement to Scottish Parliament (18 April 2024)

2.4.16 In light of the CCC Report, the Cabinet Secretary made a statement to the Scottish Parliament on 18 April 2024 entitled 'Climate Change Committee Scotland Report – Next Steps: Net Zero Secretary Statement' It should be noted that this is a statement of intent only at this time and limited weight can be afforded however there it is important to note that any there is no suggestion that the overall 2045 target will change despite any potential changes being made to the interim 2030 target position.

2.4.17 The key points in the statement include:

> The Scottish Government has an "*unwavering commitment to ending our contribution to global emissions by 2045 at the latest, as agreed by Parliament on a cross-party basis*".

> The Cabinet Secretary states that she is "*announcing a new package of climate action measures which we will deliver with partners to support Scotland's transition to net zero*" and the Statement goes out to reference these specific measures.

- The Statement states sets out that in terms of the policies for these measures that "*they sit alongside extensive ongoing work that will be built upon through our next Climate Change Plan and Green Industrial Strategy*."
- The Cabinet Secretary states that, "*The Climate Change Committee is clear that the 'UK is already substantially off track for 2030' and achieving future UK carbon budgets 'will require a sustained increase in the pace and breadth of decarbonisation across most major sectors'. Indeed, we do see climate backtracking at UK level*."

2.4.18 The Cabinet Secretary added:

- "*And with this in mind, I can today confirm that, working with Parliament on a timetable, the Scottish Government will bring forward expedited legislation to address matters raised by the CCC and ensure our legislative framework better reflects the reality of long term climate policy making*."

2.4.19 A key point in the Statement is that the Scottish Government has reiterated its commitment to achieving net zero by 2045. The proposed approach to dealing with the position set out by the CCC in relation to the 2030 target being unachievable, is to amend the emissions reduction target for 2030 such that it better reflects reality and move to a carbon budget approach to measuring emissions reduction which would bring the Scottish Parliament in line with the Welsh and UK approaches.

2.4.20 In the CCC's May 2024 letter to the Scottish Government, a key message is:

"*The Committee strongly urges the Scottish Government to act quickly to implement a new legal framework, bringing its approach in line with the other nations of the UK. This is crucial to restore confidence and avoid a vacuum of ambition around Net Zero*."

2.4.21 On 5 September 2024 the Scottish Government introduced the Climate Change (Emission Reduction Targets) (Scotland) Bill to the Scottish Parliament. The Bill was passed on 5 November 2024 and awaits Royal Assent. When enacted will repeal the annual and interim emissions reduction target framework established under the 2009 Act and establish a carbon budget approach to target setting, with budgets set through secondary legislation using the latest advice from the CCC once available to replace the concept of statutory annual and interim targets. It will also make provision for a new Climate Change Plan to be published that reflects the carbon budgets. As explained, the Bill followed advice from the CCC that Scotland's interim emissions reduction target for 2030 could not be achieved. The Bill does not change the existing statutory target of net zero emissions by 2045.

2.5 The Draft Energy Strategy and Just Transition Plan

2.5.1 The Scottish Government published a new Draft 'Energy Strategy and Just Transition Plan' entitled 'Delivering a fair and secure zero carbon energy system for Scotland' on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period ended in April 2023. As a draft document it can only be afforded limited weight. The draft document is however consistent with the adopted policy set out in NPF4 and the identification of the 2020s as a crucial decade for the large-scale delivery of renewable energy projects supporting urgent transition to net zero.

2.5.2 The Ministerial Foreword states:

"The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generate economic opportunities, and builds a just transition…

The delivery of this draft Energy Strategy and Just Transition Plan will reduce energy costs in the long term and reduce the likelihood of future energy cost crises….

It is also clear that as part of our response to the climate crisis we must reduce our dependence on oil and gas and that Scotland is well positioned to do so in a way that

ensures we have sufficient, secure and affordable energy to meet our needs, to support economic growth and to capture sustainable export opportunities….

2.5.3 *For all these reasons, this draft Strategy and Plan supports the fastest possible just transition for the oil and gas sector in order to secure a bright future for a revitalised North Sea energy sector focused on renewables."*

2.5.4 The Foreword adds that the draft Strategy sets out key ambitions for Scotland's energy future including:

- More than 20 GW of additional renewable electricity on and offshore by 2030.
- Accelerated decarbonisation of domestic industry, transport and heat.
- Generation of surplus electricity, enabling export of electricity and renewable hydrogen to support decarbonisation across Europe.
- Energy security through development of our own resources and additional energy storage.
- A just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.

2.5.5 The draft Strategy states (page 7, Executive Summary) that the vision for Scotland's energy system is:

"…that by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve a wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.

In order to deliver that vision, this Strategy sets out clear policy positions and a route map of actions with a focus out to 2030".

2.5.6 A fundamental part of the Strategy is expanding the energy generation sector. The Executive Summary states (page 8) that Scotland's renewable resources mean that:

"….we can not only generate enough cheap green electricity to power Scotland's economy, but also export electricity to our neighbours, supporting jobs here in Scotland and the decarbonisation ambitions of our partners.

We are setting an ambition of more than 20 GW of additional low-cost renewable electricity generation capacity by 2030, including 12 GW of onshore wind….

An additional 20 GW of renewable generation will more than double our existing renewable generation capacity by 2030……"

2.5.7 The draft Strategy specifically addresses energy networks (page 36) and states "*Significant infrastructure investment in Scotland's transmission system is needed to ameliorate constraints and enable more renewable power to flow to centres of demand*."

2.5.8 The draft Strategy adds that: "*the Scottish Government is working closely with network companies to support timely delivery of this infrastructure*".

2.5.9 Reference is made to the ambitious business plans of transmission businesses which "*reflect the scale and pace of delivery required to meet Scottish Government ambitions*".

2.5.10 Chapter 5 of the Strategy refers to 'creating the conditions for a net zero energy system'. It states (page 125) that "*As we transition to a net zero energy system, renewables and other zero carbon technologies… will need to provide all the services required to ensure a secure energy system*".

2.5.11 The Chapter goes on to reference in this regard energy markets and network regulation and with regard to network investment (page 126), it states that the Government is working closely with the network companies "*to support timely delivery of required electricity network infrastructure*".

2.5.12 It further adds with regard to constraint costs that the Government will continue to work with National Grid ESO, transmission owners and Ofgem "*to explore opportunities to accelerate planned network investment to relieve constraints*".

2.5.13 Therefore, a key aspect of the Energy Strategy in terms of network investment is the need for speed of delivery of infrastructure to ensure not only that need can be met, but that there can be energy security and resilience within the wider energy system.

2.6 Green Infrastructure Strategy

2.6.1 The Scottish Government published a Green Industrial Strategy (GIS) in September 2024. The Executive Summary sets out the mission of the GIS, namely:

"*This Green Industrial Strategy's mission is to ensure that Scotland realises the maximum possible economic benefit from the opportunities created by the global transition to net zero*".

2.6.2 The GIS sets out five opportunity areas for Scotland where identified strengths are most likely to lead to growth and the potential to grow Scotland's exports. The sectors relate to Scotland's wind economy, carbon capture and storage, supporting the green economy by way of professional and financial services, growing the hydrogen sector and establishing Scotland as a competitive centre for clean energy intensive industries of the future.

2.6.3 Page 6 sets out that GIS forms a key part of the Government's broader National Strategy for Economic Transformation. It states that "*It also links explicitly to our Just Transition Plans which describe how the transition to net zero in the most emitting sectors will be achieved in a way that delivers economic, social and community benefits, including fair work, environmental preservation and reduced poverty and inequality*."

2.6.4 The first of the five opportunity areas is in relation to 'maximising Scotland's wind economy'. It states that this:

"*is about making the most of our natural resources, established onshore and offshore wind sectors and first-mover advantage in floating offshore wind to generate clean electricity; participating in global supply chains as well as expanding our domestic supply chain capacity and seizing opportunities across the offshore wind supply chain, from infrastructure to manufacturing; positioning Scotland as a leader in material circularity of wind turbines and components.*"

2.6.5 Actions include *inter alia*:

- Supporting investment to improve essential infrastructure, expanding supply chains and secure manufacturing opportunities;
- Developing and maintaining a pipeline of investment propositions backed by clear information about the timing and nature of renewable energy opportunities;
- Delivering planning and consenting systems which enable Scotland's net zero development pipeline; and
- Exploring the circularity opportunity in onshore wind.
- Page 13 states clearly that the single goal of the GIS is to help Scotland realise economic growth opportunities from the global transition to net zero.

2.6.6 Onshore wind is referred to in some detail at page 21 where the GIS states:

"*Onshore wind is the biggest single technology in Scotland's current mix of renewable electricity generation, comprising 62% of installed capacity.*

A thriving onshore wind sector is therefore critical to the decarbonisation in Scotland and the UK. As set out in our 2022 Onshore Wind Policy Statement, Government and industry are focused on delivering at least 20 GW of onshore wind by 2030 (doubling current capacity) and recent pipeline analysis shows that we should be on track to deliver this.

This trajectory is underpinned by the Onshore Wind Sector Deal which sets out a set of specific collaborative actions which include commitments by both the Scottish Government and the onshore wind industry to help deliver the 20 GW ambition.

A supportive policy environment and successful industry collaboration via the Onshore Wind Strategic Leadership Group confirms the shared commitment of Government and industry to achieve this successful and responsible growth.

The onshore wind workforce is highly skilled and opportunities in installation, consulting, operations and maintenance are anticipated to rise in response to growth ambitions. Specialised engineering consultancy services such as wind farm design and financial due diligence related to onshore developments are expected to grow and offer additional export potential. There is commercial opportunity in circular supply chains related to the UK wind industry. Scotland's established, and now ageing onshore wind assets may also offer opportunities for innovative solutions in remanufacturing, recycling, and decommissioning end of life assets."

2.6.7 It is clear therefore that to progress the Government's objectives with regard to wind energy there needs to be clear support for new investment and growth in onshore wind development. Realising the economic and social opportunities will only be achieved through the development and consenting of additional wind energy developments. Such deployment will not only be critical towards achieving the net zero target, given the important contribution that wind energy will make in that regard but will also help deliver the Government's clear green infrastructure mission.

2.7 Conclusions on the Renewable Energy Policy & Legislative Framework

2.7.1 The Applicant's position is that the Proposed Development is strongly supported by the current renewable energy policy and legislative framework.

2.7.2 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper than before and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the legally binding target of net zero by 2045 will not be met.

2.7.3 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.

2.7.4 The CCC has stated (June 2023) that there is declining confidence in the UK meeting its target obligations. Following COP28 the CCC has advised that the agreements made at COP28 require a sharper domestic response and "*time is now short for the gap to be bridged*".

2.7.5 The consented MHWF delivers up to 50 MW renewable energy to the grid. The Proposed Development is essential infrastructure required to connect that energy to the grid. The proposed MHWF redesign will deliver a broadly commensurable energy contribution and would also be served by this critical grid connection point as proposed.

2.7.6 As set out in the Cabinet Secretary's Statement referenced above, the Scottish Government retains its "unwavering" commitment to attaining that legally binding target for net zero.

2.7.7 Decisions through the planning system must be responsive to this changed position. Decision makers can do this by affording significant weight to the energy policy objectives, articulated above, in the planning balance.

2.7.8 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the urgent challenge of Net Zero and the need to substantially increase renewable energy capacity.

2.7.9 Overall, the Draft Energy Strategy forms part of the new policy approach alongside NPF4. These documents confirm the Scottish Government's policy objectives and related targets, reaffirming the crucial role that new electricity infrastructure will play in response to the climate crisis which is at the heart of all these policies.

2.7.10 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper than before and it is essential that rapid progress is made through the 2020s.

3. The Benefits of the Proposed Development

3.1 The Benefits: Summary

3.1.1 This chapter summarises the benefits that would arise from the Proposed Development:

Renewable Energy Transmission

> The Proposed Development will deliver new grid infrastructure to connect MHWF grid and enable the transmission of up to 50MW of consented renewable generation, the Proposed Development is defined as "essential infrastructure" in NPF4[8].

Security of Supply

> The British Energy Security Strategy has been referenced. It provides an increase to the requirements for both the scale and the urgency of delivery of new low carbon generation capacity, by refocussing the requirement for low-carbon power for reasons of national security of supply and affordability, as well as for decarbonisation.

> Within this context, the delivery of the Proposed Development will result in benefits to GB consumers through decarbonisation, security of supply and enhanced capacity to transmit renewable energy.

> The Proposed Development would provide essential infrastructure to enable transmission of renewable energy efficiently, safely and consistently.

Economic & Community Socio -Economic Benefits / Local Supply Chain Opportunities

> The Applicant promotes suppliers and contractors to maximise local employment and economic gain and social benefits as a result of the investment in new energy infrastructure in their area. Measures to be put in place to maximise opportunities for local people and businesses close to the site and in the wider region.

> In September 2023 the Scottish Government and the onshore wind industry signed the OWSD (Scottish Government 2023b). Statkraft was a key member of the working group, taking a leading role in the shaping of the OWSD. Statkraft fully supports the commitments of the OWSD to maximise the socio-economic benefits to Scotland, and currently sits on several Working Groups across the industry to deliver on the commitments of the OWSD.

> The OWSD aims to both achieve the Scottish Government's targets of 20 GW of onshore wind by 2030, but also foster collaboration between the Scottish Government, the wind industry and local communities to encourage and nurture sustainable growth and economic prosperity.

Biodiversity Enhancement

> The greatest threat to biodiversity is climate change, and delivering additional capacity of renewable energy is a critical step to attain Net Zero.

> The Proposed Development is consistent with NPF4 policy guidance to deliver significant biodiversity enhancement, and this is further referenced below in relation to NPF4 policy.

[8] NPF4 Annex F, page 148.

4. Appraisal against NPF4

4.1 Introduction

4.1.1 NPF4 was approved by resolution of the Scottish Parliament on 11th January 2023 and came into force on 13th February 2023.

4.1.2 A Chief Planner's Letter was issued on 8th February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contains advice intended to support consistency in decision making ahead of new style Local Development Plans (LDP) being in place.

4.1.3 Section 24 of the 1997 Act has been amended to provide that:

"*In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail*".

4.1.4 Included in this is where an LDP is silent on an issue that is now provided for in NPF4.

4.1.5 In relation to the Proposed Development, an assessment has been undertaken of relevant Shetland Local Development Plan (SLDP) policies against those of NPF4 and this is presented in Section 5 of this Planning statement.

Development Management

4.1.6 The statutory Development Plan consists of the provisions of:

> The National Planning Framework; and

> Any Local Development Plan (LDP).

4.1.7 Therefore, the statutory Development Plan covering the Site consists of NPF4 and the Shetland Local Development Plan (SLDP) (2014).

4.1.8 The SLDP is currently in the early stages of Review with adopted of the new LDP timetabled for Autumn 2028.

4.1.9 The publication of NPF4 coincided with the implementation of certain parts of the 2019 Act. A key provision is that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. That will include where an LDP is silent on an issue that is now provided for in NPF4.

4.1.10 The Chief Planner's Letter also states with regard to Supplementary Guidance associated with LDPs which were in force before 12th February 2023 (the date on which Section 13 of the 2019 Act came into force) that they will continue to be in force and be part of the Development Plan.

How NPF4 is to be used

4.1.11 Annex A (page 94) of NPF4 explains how it is to be used. It states:

"*The purpose of planning is to manage the development and use of land in the long-term public interest … Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places*."

4.1.12 Annex A states that NPF4 is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It adds:

"*It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals[9]. NPF4 includes a long-term spatial strategy to 2045*."

4.1.13 NPF4 contains a spatial strategy and Scottish Government development management policies to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan[10] (IIP).

4.1.14 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and discrimination and also, of particular relevance to the Proposed Development, "*meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity*".

4.2 The National Spatial Strategy – Delivery of Sustainable Places

4.2.1 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to the Spatial Strategy starts by stating (page 3):

"*The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change*."

4.2.2 The principles are stated as playing a key role in delivering the United Nation's Sustainable Development Goals and the Scottish Government's National Performance Framework[11].

4.2.3 The Spatial Strategy is aimed at supporting the delivery of:

- 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";
- 'Liveable Places': "where we can all live better, healthier lives"; and
- 'Productive places': "where we have a greener, fairer and more inclusive wellbeing economy".

4.2.4 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, *inter alia*:

"*Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030…Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment*."

4.2.5 The new Energy Strategy and Just Transition Plan for Scotland (as referenced in NPF4) was published as a consultative draft on 10th January 2023 (see below).

4.2.6 The National Spatial Strategy in relation to 'sustainable places' is described (page 7) as follows:

[9] The 17 UN Sustainable Development Goals are set out at page 95 of NPF4 and include *inter alia* 'affordable and clean energy' and 'climate action'.

[10] The Scottish Government's five-year Infrastructure Investment Plan (2021-22 to 2025-26) was published in February 2021. It set out a vision for Scotland's future infrastructure in order to support and enable an inclusive net zero emissions economy.

[11] The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

"*Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.*

Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.

Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation."

4.2.7 Six National Developments (NDs) support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.

4.2.8 A summary description of this ND is provided at page 7 of NPF4 as follows:

"*Supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply*".

4.2.9 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing greenhouse gas emissions. It states:

"*The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment*."

4.2.10 A key point in this statement is that the climate emergency and nature crisis are expressly stated as forming the foundations of the national spatial strategy. Recognising that tackling climate change and the nature crisis is an overriding imperative which is key to the outcomes of almost all policies within NPF4.

4.3 National Developments

Overview

4.3.1 Page 97 of NPF4 sets out that 18 National Developments have been identified. These are described as:

"*significant developments of national importance that will help to deliver the spatial strategy … National development status does not grant planning permission for the development and all relevant consents are required*".

4.3.2 It adds that:

"*Their designation means that the principle for development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors. … In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies*".

4.3.3 Annex B of NPF4 sets out the various NDs and related Statements of Need. It explains that NDs are significant developments of national importance that will help to deliver the Spatial Strategy. It states (page 99) that:

"*The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes*".

National Development 3 "Strategic Renewable Electricity Generation and Transmission Infrastructure"

4.3.4 Page 103 of NPF4 describes ND3 and it states:

"*This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.*

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."

4.3.5 The location for ND3 is set out as being all of Scotland and in terms of need it is described as:

"*Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas*."

4.3.6 The designation of classes of development confirms that the Proposed Development is National Development being of a scale or type that otherwise would have been classified as major by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (c) *new and/or replacement upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations"*.

4.3.7 The Proposed Development will further the delivery of the national Spatial Strategy. The Strategy requires a "*large and rapid increase*" in electricity generation and the delivery of an enhanced transmission network to enable this, it is recognised (NPF4, page 6) that "*we must make significant progress*" by 2030.

4.3.8 The Proposed Development could make a meaningful contribution to targets within this key timescale and that is a very important consideration. The proposed operational date for the Proposed Development is late 2028.

4.4 National Planning Policy

4.4.1 Part 2 of NPF4 (page 36) addresses national planning policy by topic with reference to three themes formulated with the aim of delivering sustainable, liveable and productive places.

4.4.2 In terms of planning, development management and the application of the national level policies, NPF4 states:

"*The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies*".

4.4.3 In terms of "sustainable places" the relevant policies to the Proposed Development include the following:

- Policy 1: Tackling the Climate and Nature Crisis;
- Policy 3: Biodiversity;
- Policy 4: Natural Places;
- Policy 5: Soils;
- Policy 7: Historic Assets and Places;
- Policy 11: Energy; and
- Policy 22: Flood Risk and Water Management.

4.4.4 These policies are addressed below.

4.4.5 The Chief Planner's Letter of 8th February 2023 provides advice in relation to applying NPF4 policy. It states that the application of planning judgement to the circumstances of an individual situation remains essential for all decision making, informed by principles of proportionality and reasonableness. It states:

"*It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement*."

4.4.6 The Letter adds:

"*It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between the provision of NPF and the provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible*".

4.5 NPF4 Policy 1: Tackling the Climate and Nature Crisis

Policy 1 & Principles

4.5.1 The intent of Policy 1 is "*to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis*".

4.5.2 **Policy 1** directs decision makers that *"when considering all development proposals significant weight will be given to the global climate and nature crises.*"

4.5.3 This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker. Significant weight should therefore be attributed to the Proposed Development given it would be consistent with the intent of Policy 1 and would make a positive contribution by helping to attain its outcome of net zero.

4.5.4 The Chief Planner's Letter of 8th February 2023 refers to Policy 1. It states:

"*This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises*."

4.5.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight, but it is for the decision maker to decide if it is for or against the proposal. The Proposed Development's contribution is positive and therefore the significant weight in this case is for the Proposed Development.

4.5.6 The term "Tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action. Furthermore, NPF4 (page 8) refers to cross cutting outcomes and states with regard to Policy 1 that the policy gives significant weight "*to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions*".

The Application of Policy 1

4.5.7 Given the nature of the Proposed Development, it would make a valuable contribution in relation to targets by enabling the transmission of up to 50 MW of consented capacity from MHWF. It will directly further the policy intent and outcomes of Policy 1 and should be afforded significant positive weight in terms of tackling the climate and nature crises. The specific emission and carbon saving benefits (set out in Chapter 3 above) also need to be recognised in the context of NPF4 Policy 11 (Energy) which requires the contribution that a development would make to targets to be taken into account.

4.5.8 A further important point is the need to recognise that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a valuable contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of Net Zero no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

4.5.9 The Reporter's comments on this particular policy in the Sanquhar II Wind Farm Inquiry Report[12] are informative. At paragraph 2.48 of the Supplementary Report, the Reporter addresses NPF4 Policy 1 and states that:

"*tackling the nature crisis is required to be given significant weight alongside the climate crisis. There is no indication that one strand should be given greater priority over the other. That does not necessarily mean that an individual proposal must be shown to respond to both crises in equal measure, however. The two matters are also inextricably linked, with the nature crisis being, in part, exacerbated by climate change*."

4.5.10 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development. It is anticipated that the habitat creation and restoration of peatland embedded within the design and wider mitigation associated with the Proposed Development will provide significant enhancement along with proposed planting and landscape measures which will also help set and screen the development within the landscape.

4.6 NPF4 Policy 11: Energy

Policy 11 & Principles

4.6.1 For the consideration of proposals of this nature, Policy 11 'Energy' (page 53) is the lead policy. Policy 11's intent is set out as:

"*to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low carbon and zero emission technologies including hydrogen and carbon capture utilisation and storage.*"

4.6.2 Policy Outcomes are identified as: *"expansion of renewable, low carbon and zero emission technologies".*

[12] Sanquhar II Wind Farm, Section 36 Decision dated 31 August 2023, Supplementary Report of Inquiry dated 20 February 2023 (Case Reference WIN-170-2006) and Scottish Ministers' Decision dated 31 August 2023.

4.6.3 Policy 11 is as follows:

"a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;

ii. enabling works, such as grid transmission and distribution infrastructure;

iii. energy storage, such as battery storage and pumped storage hydro;

iv. small scale renewable energy generation technology;

v. solar arrays;

vi. proposals associated with negative emissions technologies and carbon capture; and

vii. proposals including co-location of these technologies.

b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.

c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.

e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:

i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;

ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;

iii. public access, including impact on long distance walking and cycling routes and scenic routes;

iv. impacts on aviation and defence interests including seismological recording;

v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;

vi. impacts on road traffic and on adjacent trunk roads, including during construction;

vii. impacts on historic environment;

viii. effects on hydrology, the water environment and flood risk;

ix. biodiversity including impacts on birds;

x. impacts on trees, woods and forests;

xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;

xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and

xiii. cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity".

4.6.4 The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, on and offshore, through encouragement, promotion and facilitation, all of which the Proposed Development will help to deliver.

4.6.5 The wording of Policy 11 Paragraph (a)(ii) makes it clear that the policy supports new and replacement grid transmission and distribution infrastructure.

The application of Policy 11

4.6.6 **Paragraph c) of Policy 11** references socio-economic benefits being maximised, rather than simply being taken into account.

4.6.7 With regard to maximising socio-economic benefits, the Applicant builds, advertises and maintains a Local Supply Chain Register which aims to identify all potential suppliers who can support each project through development, construction, operation and decommissioning. The Register covers both on-site services such as power, engineering, site maintenance and fencing, and off-site services such as accommodation, catering and car hire. This is used with appointed contractors and suppliers for the construction of projects to promote the use of local suppliers. The Proposed Development will support the construction of the consented Mossy Hill Wind Farm and delivery of the socio-economic benefits associated with its construction and operation.

4.6.8 **Paragraph d) of Policy 11** states that development proposals that impact on international and national designations "*will be assessed in relation to Policy* 4". Policy 4 also deals with impacts in relation to local landscape designations. Therefore, the matter of the impacts of the Proposed Development in relation to such national and local designations is examined further below with specific regard to the provisions of Policy 4.

4.6.9 **Paragraph e) of Policy 11** states that project design and mitigation "will demonstrate how" impacts are addressed. These are listed in the quotation of the policy above and are addressed in turn below.

Impacts on Communities and Individual Dwellings

4.6.10 There are no communities or individual dwellings assessed as being negatively impacted upon as a result of the Proposed Development.

Noise and Shadow Flicker

4.6.11 The consideration of shadow flicker is not relevant to the consideration of the Proposed Development.

4.6.12 A noise assessment of the Proposed Substation has been undertaken in accordance with appropriate guidance and the approach has been agreed with SIC. The assessment considers the potential noise impact at the nearest noise sensitive receptor, representative of

the closest dwelling to the development. The assessment considers potential impacts during the daytime and night-time period. The predicted operational noise level associated with the substations is below the 'objectively low' criterion provided in BS4142, by a substantial margin of 13dB and has therefore been determined to result in a low impact on the noise environment.

4.6.13 In light of the context of development there is no reason to adjust the level of impact and it is concluded that the noise impact of the Proposed Development will be low.

Landscape and Visual Considerations

4.6.14 Before examining the landscape and visual effects of the Proposed Development, Part e(ii) of Policy 11 makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy and transmission infrastructure. This is a very different starting point compared to the position in the former SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to appropriate design mitigation, they should generally be acceptable.

Overview of Design Approach

4.6.15 The need for the Proposed Development has been clearly established.

4.6.16 The Site was identified as the appropriate location due to a number of environmental and technical considerations. Proximity to the Kergord to Gremista 132 kV cables was a primary driver given that the consented Mossy Hill Wind Farm will connect to one of the new cables being constructed in the northern part of the Site.

4.6.17 The existing MHWF consent incorporates two smaller substations as connection points and one of these is located within the Proposed Development Site boundary. At the time of the development work on the wind farm, the grid infrastructure was still being developed in Shetland. The Proposed Development will replace the need for the two smaller consented substations which formed part of the MHWF consent.

4.6.18 Within the Site boundary a number of alternative locations were evaluated with particular regard to:

> Landscape and visual impact
> Ecology and biodiversity;
> Geology, peat, hydrology and hydrogeology; and
> Transport and access.

4.6.19 The Site has been selected to safeguard critical infrastructure, minimise visual impact and avoid and mitigate environmental impacts so far as possible. A series of on-site environmental constraints are identified and assessed within the SEIR. The chosen location was selected due to:

> Avoidance of deep and high-quality peat which are mostly along northern boundary;
> Avoidance of Ground Water Dependent Terrestrial Ecosystems (GWDTEs);
> Avoidance of historic landfill site;
> Minimising impacts on Blanket Bog habitats;
> Backdropping the substation compound into existing hillside to reduce visual prominence and skylining;

- Aligning the substation with existing industrial developments including the quarry and the adjacent industrial estate;
- Proximity to the consented wind farm access junctions to facilitate efficient construction and operational access to substation compounds.

4.6.20 The proposed design has been consulted upon with stakeholders and the community and represented the best design option for the development.

4.6.21 A Design and Access Statement is submitted as part of the application package and provides more detailed design and development analysis.

4.6.22 *Landscape Character*

4.6.23 A Landscape and Visual Appraisal has been undertaken and is presented in Appendix 3 of the SEIR. The appraisal concludes that landscape effects due to the Proposed Development predominantly relate to the potential change to the Landscape Character Types (LCT) within the Study area which comprise LCT 349: Major Uplands LC and LCT 354: Farmed and Settled Voes and Sounds. A minor adverse level of effect is identified on both LCRs and overall it is considered that the Proposed Development would not compromise the key characteristics of the surrounding landscape character.

Designated Landscapes

4.6.24 The Proposed Development does not impact upon any designated landscapes.

Visual Effects

4.6.25 The appraisals of residual visual effects has concluded there would be some close-range views of the Proposed Development from the A970 and Ladies Drive, however the effect on the wider setting and views will be very limited due to the screening effect of topographic undulations. The effects are therefore localised and limited in nature with the Proposed Development being visually contained.

Public Access

4.6.26 The Proposed Development will not give rise to any adverse effects in relation to public access. No construction or operational effects are considered to give rise to use of undesignated paths or tourist traffic routes in this regard.

Aviation, Defence Interests and Telecommunications

4.6.27 The Proposed Development will not give rise to any negative effects in this regard.

Impacts on Road Traffic and Trunk Roads

4.6.28 A combined Transport Statement and Construction Traffic Management Plan (CTMP) has been undertaken and is reported in Appendix 9 of the SEIR. There are no predicted significant effects on roads or traffic subject to the implementation of the mitigation measures as outlined within CTMP. The control of these elements can be secured by way an appropriately worded planning condition.

4.6.29 The Proposed Development, once operational, is unmanned, operational traffic is therefore expected to be minimal. The impact on the wider road network is assessed as negligible.

Historic Environment

4.6.30 Appendix 8 of the SEIR provides a Cultural Heritage Desk Based Assessment of the Site noting its location within the already consented Mossy Hill Wind Farm boundary and the existence of consent for a substation and compounds in this location already.

4.6.31 The assessments identify three non-designated heritage assets within the Site. The importance of these assets has been judged to be negligible. The assessments also judges there to be a low potential for archaeological remains to survive within the Site although it is acknowledged that remains may survive in areas of deeper peat in the north-western corner.

4.6.32 Conditions 26 and 27 of the MHWF planning permission require a programme of archaeological works and the appointment of an archaeological Clerk of Works (ACoW). In line with this a programme of archaeological investigation works will likely be required prior to construction. This may take the form of a watching brief on ground breaking and / or the appointment of an ACoW to ensure appropriate recording on any remains uncovered.

4.6.33 The Proposed Development has been designed to avoid areas of deep peat where possible, with the exception of the access track (as per the consented wind farm). The appropriate mitigation measures to protect these potential findings can be appropriately conditioned within any consent issued for the Proposed Development.

4.6.34 The potential for impacts on the settings of designated assets within the 5km study area and within the Zone of Theoretical Visibility (ZTV) have also been assessed. No significant effects are identified and no mitigation regarding the setting of the designated heritage assets is proposed beyond that embedded into the design as proposed.

Hydrology, the Water Environment and Flood Risk

4.6.35 Appendices 6 and 7 of the SEIR (Peat Depth Survey Note and Flood Risk and Drainage Assessment) presents the appraisals of potential effects on hydrology, hydrogeology, geology and soils resulting from the Proposed Development.

4.6.36 A Peat Depth Survey has been undertaken across the Site to establish the prevailing ground conditions at the Site and to inform design and mitigation. The main built form has been located out with areas of deep peat. The access track entering the Site is underlain by deep peat but this has been deemed the most suitable access point (and is as per the consented MHWF). Appropriate mitigation and compensation is proposed. Initial peat condition assessments determine that the Site is in poor condition. The Site is extensively modified with a high density of historical peat cuttings present, and many erosion features.

4.6.37 In accordance with national planning policy and guidance all potential sources of flooding to the Site have been considered. The Flood Risk and Drainage Assessment confirms that the Site is overall of 'Low Risk' or lower from flooding.

4.6.38 The Assessments examine the potential increase in surface water runoff attributed to the Proposed Development and proposes a surface water management strategy to manage this. The strategy follows sustainable drainage principles and allows the Site to remain free of flooding in storm events whilst ensuring no increase in flood risk to offsite receptors and no deterioration in the water environment.

4.6.39 It is considered that there is no impediment to development on Site on the grounds of flood risk and drainage.

Ecology / Biodiversity

4.6.40 Appendix 4 of the SEIR present the assessments of the potential effects on ecology resulting from the Proposed Development. Before mitigation significant adverse effects for a small number of ecological receptors including Scottish Biodiversity List (SBL) habitats and European Protected Species (EPS) are predicted. Based on successful implementation of the mitigation and enhancement measures as outlined within Appendix 4 of the SEIR and the Outline Habitat Management Plan (OHMP) (which has been prepared to support the proposals), no significant adverse residual effects are predicted.

4.6.41 It is proposed that the mitigation measures can be secured through appropriately worded conditions as part of any planning permission granted. And / or under legal obligations as set within wildlife protection law.

4.6.42 Biodiversity enhancement measures have been set out within the OHMP which includes measures to deliver enhancements (in addition to required compensatory areas due to loss of blanket bog habitat) and enhancement of acidic grassland. The detailed management and maintenance approach would be subject to post consent consultation, and it is proposed that the approval of a detailed HMP would form part of an appropriate worded condition attached to any resultant consent.

Balancing the Contribution of a Development and Conclusions on Policy 11

4.6.43 Part e) ii) of NPF4 Policy 11 (Energy) makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of energy proposals. This is a very different starting point compared to the position in SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to design mitigation, they should generally be acceptable.

4.6.44 The Proposed Development is considered to be acceptable in relation to Policy 11's environmental and technical topic criteria.

4.6.45 The second last paragraph **of Paragraph e) of Policy 11** is expressly clear that in considering any identified impacts of developments, significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets. In particular, the Policy recognises that landscape and visual impacts are to be expected but provided they are localised and / or appropriate design mitigation has been applied, they are likely to be considered acceptable.

4.6.46 The "contributions" are inextricably related to the direct connection of a consented wind farm to the national grid alongside the delivery of an increase in renewable capacity which the Proposed Development is required to provide transmission for and policy recognises that any identified impacts must be assessed in the context of these contributions.

4.6.47 In terms of contribution to targets, the proposal's contributions have been set out in Chapter 3 above. The importance of delivering electricity infrastructure (which will enable the transmission of up to 50MW of renewable capacity) is a critical consideration and one which is provided strong support within NPF4 policy and National Development status.

4.7 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

4.7.1 A series of embedded and additional mitigation measures are proposed to minimise the direct effects of the Proposed Development, and no significant adverse residual effects are identified such that the Proposed Development falls contrary to Development Plan policy.

4.7.2 There are therefore considered to be no unacceptable effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 **Policies 3 and 4** (the latter in terms of designations – see below) respectively address.

4.7.3 **Policy 3** requires developments to wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided.

4.7.4 On outline Habitat Management Plan has been prepared to set out how biodiversity enhancement and compensation will be delivered for the Proposed Development.

Current Guidance Position

4.7.5 It should be noted that Policy 3 does not provide any guidance on how 'significant enhancements' will be measured and assessed, simply referring to "*best practice assessment methods*".

4.7.6 The Scottish Government published '**Draft Planning Guidance: Biodiversity**' in November 2023. Paragraph 1.1 states that it:

"*Sets out the Scottish Minister's expectations for implementing NPF4 policies which support the cross cutting NPF4 outcome 'improving biodiversity*."

4.7.7 The guidance refers to 'key terms' and with regard to 'enhancement', states at Paragraph 1.10:

"*The terms 'enhance' and 'enhancement' are widely used in NPF4. In order for biodiversity to be 'enhanced' it will need to be demonstrated that it will be in an overall better state than before intervention, and that this will be sustained in the future. Development proposals should clearly set out the type and scale of enhancements they will deliver*".

4.7.8 The guidance addresses development planning and, in terms of development proposals, references 'core principles.' At Paragraph 3.1 the guidance states that these principles can be followed when designing developments so that nature and nature recovery are an integral part of any proposal. Section 3.2 of the guidance states:

"*Applying these principles will not only help to secure biodiversity enhancements, they can also help to deliver wider policy objectives including for green and blue infrastructure, open space, nature based solutions, nature networks and 30 x 30. Development proposals which follow these steps are also much more likely to result in more pleasant and enriching places to live, work and spend time*."

4.7.9 The principles set out are as follows:

> Apply the mitigation hierarchy;

> Consider biodiversity from the outset;

> Provide synergies and connectivity for nature;

> Integrate nature to deliver multiple benefits;

> Prioritise on-site enhancement before off-site delivery;

> Take a place-based and inclusive approach;

> Ensure long term enhancement is secured; and

> Additionality.

4.7.10 Notwithstanding the fact that the guidance is informal at this stage, these core principles have nonetheless been applied as appropriate with regard to the Proposed Development.

4.7.11 Page 15 of the draft guidance makes specific reference to determining planning applications and, with regard to the policy context, Paragraph 4.1 makes it clear that NPF4 must be read and applied as a whole. Specific reference to NPF4 Policy 3 (Biodiversity) Part 3 b) is made and from Section 4.6 key points in the guidance include the following:

> It is set out that NPF4 does not specify or require a particular assessment approach or methodology to be used, although the policy makes clear that best practice assessment methods should be utilised;

> Assessments can be qualitative or quantitative (for example through use of a metric.

4.7.12 Section 4.12 of the guidance states:

"*In the meantime, the absence of a universally adopted Scottish methodology/tool should not be used to frustrate or delay decision making, and a flexible approach will be required. Wherever relevant and applicable, and as indicated above, information and evidence gathered for statutory and other assessment obligations, such as EIA, can be utilised to demonstrate those ways in which the policy tests set out in NPF4 have been met. Equally, where a developer wishes to use an established metric or tool, the planning submission should demonstrate how Scotland's habitats and environmental conditions have been taken into account. Where an established metric or tool has been modified, the changes made and the reasons for this should be clearly set out*".

4.7.13 Section 4.14 of the guidance states that it will be for a planning authority to determine whether the relevant policy criteria have been met, taking into account the circumstances of the particular proposal. The guidance adds:

"*NPF4 does not specify how much enhancement or 'net gain' should be delivered, though biodiversity should clearly be left in a 'demonstrably better state' than without intervention. Rather, the selection and design of enhancements will be a matter of judgement based on the circumstances of the individual case, taking into account a range of considerations*."

4.7.14 The guidance makes reference to the various considerations which are already set out in the NatureScot guidance issued in the Summer of 2023 with regard to NPF4 Policy 3 (as listed above).

4.7.15 The draft guidance also makes reference to off-site delivery of enhancement proposals and states at Paragraph 4.19 that:

"*Where the relevant policy tests cannot be met on site, off-site provision may be considered alongside on site. In these circumstances, off-site delivery should be as close as possible to the development site, with consideration being given firstly to the immediate landscape context and existing ecological value of the site*."

4.7.16 In early 2024 **NatureScot consulted on 'a Biodiversity Metric for Scotland's Planning System'.** The consultation ended on 10 May 2024. The consultation paper outlines work that NatureScot has been commissioned by the Scottish Government to develop a biodiversity metric for Scotland's planning system, to support delivery of NPF4 policy 3(b).

4.7.17 This consultation paper does not propose solutions or reach conclusions on specific aspects of the Scottish biodiversity metric to be developed, as these are yet to be fully assessed. While work on developing a Scottish biodiversity metric is ongoing, NatureScot highlight here the advice set out in the Scottish Government's draft Planning Guidance on Biodiversity, as referenced above, namely that the absence of a universally adopted Scottish methodology / tool at the present time, should not be used to frustrate or delay decision making.

4.7.18 The commission's final outputs will include:

> a Scottish biodiversity planning metric tool (to be hosted on the NatureScot website), which is based on current understanding of science and evidence, clear and transparent in its workings, accessible and easy to use by relevant professionals with outputs understandable by decision makers, and which informs siting and design of development as well as evidence-based decision making;

> a user guide supporting the metric (together with any supporting information); and

> recommendations on any requirements for maintaining and updating the metric and supporting information.

The application of Policy 3

4.7.19 Notwithstanding the lack of policy guidance at the present time, in terms of environmental benefit, there will be a permanent enhancement delivered through the Applicant's proposed enhancements to the natural habitat.

4.7.20 The OHMP sets out that significant beneficial effects are considered likely as a result of the delivery and implementation of a scheme of biodiversity enhancement. The features which form the subject of the OHMP have been determined through consideration of the relevant importance of ecological features present on the Site and the feasibility of providing beneficial measures for those features. The key features are therefore:

> Wetland habitats, including those on peat; and

> Acid grassland / heathland.

4.7.21 Given there are no significant adverse effects of the Proposed Development, and the scale of the habitat enhancements proposed, the Proposed Development will demonstrably deliver significant positive effects and strengthen nature networks and the connections between them, so they are in a demonstrably better state than without intervention consistent with the provisions of Policy 3.

4.7.22 It is important to keep in mind that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of energy transmission and security of supply within a modern grid network with enhanced capacity, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "net zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

4.8 NPF4 Policy 4: Natural Places

Policy 4 & Principles

4.8.1 Policy 4, Paragraph c) deals with national landscape designations and has a similar approach in relation to the former SPP in terms of how a proposal that affects a National Park or NSA should be addressed.

4.8.2 Policy 4, Part c) states that:

"*Development proposals that will affect the National Park or National Scenic Area….. will only be supported where:*

the objectives of designation and the overall integrity of the areas will not be compromised; or

any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance."

4.8.3 There are no national landscape interests that would be affected by the Proposed Development.

4.8.4 **Policy 4**, **Paragraph d)** deals with local landscape designations and contains a different policy approach to that which was contained within the former SPP. Policy 4 is as follows:

"*Development proposals that affect a site designated as …a local landscape area in the LDP will only be supported where:*

Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or

Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance".

4.8.5 The policy now follows a similar construct to that which deals with national level designations. The first limb of the policy refers to significant effects on the "*integrity*" of the area or "*the qualities for which it has been identified*".

4.8.6 The policy set out in the second limb of NPF4 Policy 4, Part d) provides that development proposals that affect a site designated as a local landscape area will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:

- this is a new policy provision, reflecting the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or National Scenic Area) must be balanced against the benefits of a proposed development;
- the second limb is independent of the first ("or") and is to be applied where a decision-maker concludes that a proposed development will have significant adverse effects on the integrity of a local designation;
- NPF4, Policy 4, Part d) now expressly includes a balancing mechanism ("*clearly outweighed by social, environmental or economic benefits*") and sets out the threshold to be used ("*of at least local importance*").

The application of Policy 4

4.8.7 As explained above in the context of NPF4 Policy 11 (Energy), SEIR Appendix 3 contains an assessment of the effects of the Proposed Development and concludes that the Proposed Development can be well integrated into the context of the surrounding landscape and that the Site has the capacity to accommodate the scale and type of development proposed, with only localised effects.

4.8.8 The Proposed Development would however result in benefits of national importance with no significant effects in relation to national or local landscape designations. The Proposed Development is considered to be in accordance with Policy 4.

4.9 NPF4 Policy 5: Soils

Policy 5 & Principles

4.9.1 In terms of soils, **Policy 5** states that where development on peatland or carbon rich soils or priority peatland habitat is proposed, a detailed site-specific assessment is required to identify baseline, likely effects and net effects. The policy intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. This is very similar to the policy position that was in the former SPP; however, a key difference is that essential infrastructure with a specific locational need is a type of development expressly envisaged to be acceptable in principle on peatlands (Paragraph c).

The application of Policy 5

4.9.2 The potential impacts of the Proposed Development on geology, hydrogeology and peat are assessed and the Proposed Development infrastructure avoids the thickest area of peat, so far as possible, with the substation footprint generally located on shallow peat (less than 1m) and peaty soils.

4.9.3 A peat depth assessment is submitted to support the application.

4.9.4 As explained above with regard to NPF4 Policy 11, the Applicant has proposed an appropriate design, mitigation and restoration approach to peatland resources. Appropriate planning conditions can be attached to a grant of consent in relation to peatland and carbon rich soil matters.

4.9.5 The Proposed Development is considered to be in accordance with Policy 5.

4.10 NPF4 Policy 7: Historic Assets and Places

Policy 7 & Principles

4.10.1 In terms of **Policy 7** which deals with Historic Assets and Places, the policy is very similar to that which was in SPP (paragraph 145).

4.10.2 The intent of the policy is to protect and enhance the historic environment, assets and places and to enable positive change. Key parts of the policy include the following:

- **Paragraph c)** states that "development proposals affecting the setting of a Listed building should preserve its character, and its special architectural or historic interest".
- **Paragraph d)** states that "development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced".
- **Paragraph h)** states that "development proposals affecting Scheduled Monuments will only be supported where:

  i) direct impact on the Scheduled Monument are avoided;
  ii) significant adverse impacts on the integrity of the setting of the Scheduled Monument are avoided; or
  iii) exceptional circumstances have been demonstrated to justify the impact on a Scheduled Monument and its setting and impact on the monument or its setting have been minimised.

- **Paragraph I)** states that "development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site or its setting".
- **Paragraph o)** states that "non designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impact".

The application of Policy 7

4.10.3 The assessment of effects on cultural heritage assets has determined that no significant adverse effects are predicted. Impacts identified take into account mitigation works including instruction of an ACoW and archaeological studies in advance of construction. A watching brief is put in place to protect the potential unknown resources should they be found during the construction period.

4.10.4 The Proposed Development is considered to accord with the provisions of Policy 7.

4.11 NPF4 Policy 22: Flood Risk and Water Management

4.11.1 The intent of Policy 22 is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Paragraph c) is the most relevant part of the policy which states that development proposals should not increase the risk of surface water flooding to others, or itself be at risk. In addition, all rain and surface water should be managed through SUDs.

4.11.2 As set out above, effects on hydrology, the water environment and flood risk are an assessment criterion within NPF4 Policy 11 (Energy). Appendix 7 of the SEIR addresses

flood risk and sustainable drainage and there are no issues arising with regard to these topics.

4.11.3 The Proposed Development is therefore considered to be in accordance with Policy 22

4.12 Conclusions on NPF4 Appraisal: Sustainable Place

4.12.1 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.

4.12.2 A key point within Policy 11 (Energy) is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant positive weight in this case.

4.12.3 Significant weight is also afforded in relation to Policy 1 (Tackling the climate and nature crises). This policy direction fundamentally alters the planning balance compared to the position that was set out in in NPF3 and SPP.

4.12.4 The term "tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action.

4.12.5 The National Spatial Strategy set out in NPF4 is intended to support the delivery of three types of 'place' in Scotland: namely, Sustainable, Liveable and Productive places.

4.12.6 Eighteen National Developments are identified to support the strategy and they are to be "focus for delivery" (NPF4 page 4). National Development 3 (strategic renewable electricity generation and transmission infrastructure) is one of six National Developments which support the delivery of Sustainable Places.

4.12.7 Sustainable Places are primarily concerned with dealing with the climate crisis, and this issue is seen as a fundamental threat to the capacity of the natural environment to provide the services and amenities relied on, including clean air, water and food (NPF4, page 6).

4.12.8 In order to deliver Sustainable Places, NPF4 makes it clear that there must be significant progress in achieving net zero emissions by 2030 in order to hit the overall target of net zero by 2045.

4.12.9 Furthermore, it sets out that meeting the Government's climate ambition will require a rapid transformation across all sectors of the economy and society and that this means ensuring "the right development happens in the right place". (Page 7)

4.12.10 In a development management context, this is to be achieved by the application of NPF4 policies which are to be read as a whole. The policy appraisal contained in this Statement has demonstrated that the Proposed Development would accord with NPF4 when it is read as a whole, and as a consequence, the proposal is considered to be the right one in the right location and one which will contribute to Scotland being a Sustainable Place.

5. Appraisal against the Local Development Plan

5.1 Introduction

5.1.1 The other element of the statutory Development Plan covering the Site is the Shetland Local Development Plan (SLDP) (2014);

5.2 SLDP Policy Provisions

Policy RE1 'Renewable Energy'

5.2.1 Policy RE1 'Renewable Energy' is the lead SLDP policy in relation to the Proposed Development.

5.2.2 Policy RE1, Renewable Energy 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 natura 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".

5.2.3 In light of the age of the SLDP relative to NPF4, where conflict arises or the LDP is silent, the provisions of NPF4 prevail.

Other Relevant LDP Policies

5.2.4 The other policies of relevance in the SLDP are summarised below in **Table 5.1** with brief comment added with regard to how the policies relate to the policies of NPF4, where relevant:

Table 5.1: SLDP Policy Summaries

SLDP Policy	Topic	Policy Summary	Comment re NPF4
GP1	Sustainable Development	Development will be planned to meet the economic and social needs of Shetland in a manner which does not compromise the ability of future generations to meet their own needs and to enjoy the area's high-quality environment. Tackling climate change and associated risks is a major consideration for all development proposals.	The provisions of this general policy insofar as relevant are contained within the scope of NPF4 Policy 11. No conflicts or contradictions.
GP2	General Requirements for All Development	Applications should not adversely affect the integrity or viability of sites designated for their landscape and natural heritage value, should be designed to minimise the use of energy and adapt to impacts from climate change, should have suitable access and parking, should	The provisions of this general policy insofar as relevant are contained within the scope of NPF4 Policy 11.

SLDP Policy	Topic	Policy Summary	Comment re NPF4
		not have significant effect on existing uses, should comply with health and safety standards and should be consistent with national and local policies and Supplementary Guidance.	No conflicts or contradictions.
GP3	Layout and Design	All development should be sited and designed to respect the character and local distinctiveness of the site.	The provisions of this policy insofar as relevant to the Proposed Development as technical infrastructure are contained within the scope of NPF4 Policy 11. No conflicts or contradictions.
NH1	International and National Designations	Requires that all proposals likely to have a significant effect on internationally important sites and not directly connected with or necessary to the conservation management of those sites will be subject to an assessment of the implications for the site's conservation objectives. Significant effects will only be permitted where an appropriate assessment demonstrates there will be no adverse effect on integrity, there are no alternatives and there are imperative reasons of overriding public interest. Developments affecting National Designations will only be permitted where there is no adverse effect on integrity of designation and any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.	NPF4 Policy 4 deals with natural heritage matters and international and national designations. No conflicts or contradictions.
NH2	Protected Species	Requires the assessment of potential significant effects on protected species as appropriate. Planning permission will not be granted where adverse effects on European protected species are affected unless it is required for the preservation of public health of public safety or for imperative reasons of overriding public interest, there is no satisfactory alternative, or development will not be detrimental to the maintenance of a population of that species in their natural range. In terms of other protected species the Council will require to be satisfied that the development will give rise to significant social, economic or environmental benefit and there is not satisfactory solution or that it is required for preserving	NPF4 Policy 4 deals with natural heritage matters. No conflicts or contradictions.

SLDP Policy	Topic	Policy Summary	Comment re NPF4
		public health or safety. The precautionary principle will be applied where uncertainty arises, and relative assessments should be provided.	
NH3	Furthering the Conservation of Biodiversity	Development will be considered against the Council's obligation to further conservation of biodiversity and the ecosystem services it delivers. The extent of these measures should be relevant and proportionate to the scale of the development. Proposals with a significant adverse effect on habitats or species identified in the Shetland Local Biodiversity Action Plan, Scottish Biodiversity Lise, UK Biodiversity Plan, Annexes I and II of the Habitats Directive, Annex I of the Birds Directive or on the ecosystem services of biodiversity, including cumulative impact will only be permitted where the developer can demonstrate that there will be benefits of overriding public interest and any harm of disturbance to the ecosystem services, continuity and integrity of the habitats or species is avoided, or reduced to acceptable levels by mitigation.	NPF4 Policy 3 deals with Biodiversity and sets a new approach and agenda requiring proposals wherever feasible to provide nature-based solutions integrated into development in order to delivery significant biodiversity enhancement. No conflicts or contradictions.
NH4	Local Designations	Development that affects a Local Nature or Landscape designation will only be permitted where it will not adversely affect the integrity of the area or qualities for which it identified, or any such effects are clearly outweighed by social, environmental or economic benefits.	NPF4 Policy 4 deals with natural heritage matters national and local designations. No conflicts or contradictions.
NH5	Soils	Development will only be permitted where appropriate measures are taken to maintain soil resources and functions to an extent that it is considered relevant and proportionate to the scale of development. Those with unacceptable effects on soil resources will only be permitted where there is overriding public interest or harm or disturbance to the soil resources and functions is avoided or reduced to acceptable level by mitigation. Evidence of best practise measures should be provided.	NPF4 Policy 5 deals with soils including peatland and related habitat. There is conflict with NPF4. Policy 5 allows for the siting of essential infrastructure and renewable energy development on peatlands, subject to site specific assessments.
NH6	Geodiversity	Development will only be permitted where appropriate measures are taken to protect and/or enhance important geological and	NPF4 Policy 5 deals with soils including peatland and related habitat.

SLDP Policy	Topic	Policy Summary	Comment re NPF4
		geomorphological resources and sites, including those of educational or research value. Proposals that have an unavoidable effect on geodiversity will only be permitted where it has been demonstrated there are benefits of overriding public interest of social or economic nature that outweigh the local, national or international contribution of the affected areas in terms of geodiversity. Any loss should be reduced to acceptable levels by mitigation.	No conflicts or contradictions.
HE1	Historic Environment	Provides a presumption in favour of the protection, conservation and enhancement of all elements of Shetland's historic environment.	NPF4 Policy 7 deals with historic assets. No conflict or contradictions.
HE4	Archaeology	Provides that scheduled monuments, and designated sites and other identified nationally important archaeological resources should be protected in site and within an appropriate setting. Developments with adverse effects on assets or their settings should not be permitted unless there are exceptional circumstances. All other significant archaeological resources should be preserved in situ wherever feasible, where not possible then appropriate mitigation should be put in place.	NPF4 Policy 7 deals with historic assets. Conflict with NPF4. Policy 7 requires there not to be a significant adverse effect on the integrity of the setting of a Scheduled Monument.

5.3 Conclusions on the LDP

5.3.1 The relevant development management considerations have been addressed above (Chapter 4) in the context of NPF4 Policy 11 and are not repeated with reference to the SLDP.

5.3.2 It is considered that the effects arising from the Proposed Development would not be unacceptable in terms of Policy RE1 or indeed other relevant policies within the SLDP.

5.3.3 Moreover, through considering the other relevant policies, it is considered that the Proposed Development accords with the SLDP when it is read as whole.

5.3.4 There are no electricity infrastructure policy provisions in the SLDP and relevant policies to the Proposed Development are based on those of the pre 2014 SPP. In addition, there are a number of incompatibilities between the SLDP policies and the policies of NPF4 as explained above. This means, as per the amendments made to the 1997 Act, the provisions of NPF4 (which is the most recent part of the Development Plan) must prevail.

5.3.5 Insofar as there are other relevant policies within the SLDP, they are considered to be generally consistent with those of NPF4 and given the appraisal set out above in Chapter 4 in relation to the various environmental and technical topics of relevance to the proposal, there would be no conflict with their terms.

6. Conclusions

6.1 The Climate Crisis & Renewable Energy Policy Framework

6.1.1 The nationally important benefits of the Proposed Development have been set out in the context of the current Climate Emergency – the Proposed Development would help address the issue of global heating and very challenging 'net zero' targets and contribute to improving security of supply.

6.1.2 A large and rapid increase in electricity generation from renewable sources is essential for Scotland to meet its net zero emissions targets. In turn this helps support jobs and business investment. The grid needs substantial reinforcement including new infrastructure to connect and transmit output from new generators and delivering this, and enabling connections is fundamental to achieve a net zero economy and supporting improved network resilience.

6.1.3 ND3 supports renewable electricity generation and repowering and expansion of the electricity grid. The infrastructure is designated as national development and essential infrastructure and is explicitly supported by NPF4 Policy 11(a)(ii) Energy.

6.2 The Planning Balance

6.2.1 In NPF4 there is a clear recognition that climate change must become a primary guiding principle for all plans and decisions. Significant weight is to be given to the Climate Emergency and the contribution of individual developments to tackling climate change.

6.2.2 The consented MHWF delivers up to 50MW of renewable energy and this essential infrastructure is required to deliver this to grid. The consented development is an important material consideration.

6.2.3 NPF4 came into force on 13th February 2023 and provides up to date statements of Scottish Government policy, directly applicable to determination of this application. This should be afforded very considerable weight in decision-making.

6.2.4 NPF4 is unambiguous as regards the policy imperative to combat climate change, the crucial role of facilitating further renewable energy production and transmission and the scale and urgency of renewables deployment required. As described in this Planning Statement:

> The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are "*at the heart of our vision for a future Scotland*" so that "*the decisions we make today will be in the long-term interest of our country*"[13]. The policy position, and the priority afforded to combatting the Climate Emergency, is different to that which was set out in NPF3 and SPP;

> NPF4 Policy 1 (Tackling the climate and nature crises) directs decision-makers to give significant weight to the global Climate Emergency in all decisions. This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker; and

> NPF4 is clear that electricity infrastructure plays a crucial role in combatting climate change, transitioning to a net zero Scotland and ensuring security of energy supply. NPF4 Policy 11 (Energy) strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including transmission infrastructure.

6.2.5 This change in policy is also seen in the designation of transmission infrastructure applications as National Developments. National Developments are significant developments

[13] NPF4, page 2.

of national importance that will help to deliver the spatial strategy, as the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains.

6.2.6 The Proposed Development accords with relevant policies and is in accordance with the statutory Development Plan when read as a whole. The development has been designed with embedded mitigation to ensure a satisfactory relationship with the receiving environment and to protect residents and communities from undue impact. Where potential significant effects arise, appropriate mitigation measures are proposed such that no significant residual effects arise.

6.2.7 The Proposed Development is considered to be in accordance with policy and delivers essential electricity infrastructure to enable renewable energy generation - whilst ensuring biodiversity enhancement and socio-economic benefits, in order to contribute to Net Zero and in doing so addresses both the global climate and nature crises.

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