

# CATAPULT

Offshore Renewable Energy

## LEVENMOUTH DEMONSTRATION WIND TURBINE PLANNING STATEMENT

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Prepared By:

**Arcus Consultancy Services**

7<sup>th</sup> Floor  
145 St. Vincent Street  
Glasgow  
G2 5JF

**T** +44 (0)141 221 9997 | **E** [info@arcusconsulting.co.uk](mailto:info@arcusconsulting.co.uk)  
**w** [www.arcusconsulting.co.uk](http://www.arcusconsulting.co.uk)

Registered in England & Wales No. 5644976

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## **1 INTRODUCTION**

### **1.1 Background**

This Planning Statement has been prepared by Arcus Consultancy Services Ltd (Arcus) on behalf of Offshore Renewable Energy (ORE) Catapult (the Applicant) in support of an application under Section 36C of the Electricity Act 1989 (as amended)<sup>1</sup> to request a variation to Condition 1 of the approved consent for the Levenmouth Demonstration Turbine (reference: 022/OW/SEM) (the LDT). The variation is for an extension of the operational life of the LDT from five to 15 years (effectively requesting an extension for 10 years) (the Variation). The LDT consists of a single seven megawatt (MW) turbine located at the Fife Energy Park (FEP) in Methil. No changes to any of the built or physical aspects of the operational LDT are requested by the Variation.

### **1.2 ORE Catapult**

The Applicant is the UK's flagship technology innovation and research centre for advancing wind, wave and tidal energy. The Applicant operates the largest concentration of open access renewable energy test and demonstration facilities in the world, with the LDT complementing the existing open access testing facilities in Blyth, Northumberland.

The Applicant completed the acquisition of the LDT from Samsung Heavy Industries UK in November 2015. The LDT is the world's most advanced, open access, offshore wind turbine dedicated to research. It offers opportunities for economic growth, training and development of skills essential for the future of the offshore wind industry in Scotland and further afield. The Applicant is working closely with key academic and industry stakeholders to align the LDT research programme with industry priorities to continue driving down the costs of offshore wind, whilst maximising UK Supply Chain opportunities and growing the economic benefits arising from a vibrant offshore wind sector.

### **1.3 Planning History of the LDT**

An application under Section 36 of the Electricity Act 1989 (as amended) for the construction, operation and decommissioning of a single 7 MW demonstration wind turbine off the East Fife coast at FEP was submitted to the Scottish Ministers in July 2012. An Environmental Statement (ES) accompanied that application. Subsequently, an addendum was submitted to the Scottish Ministers on 03 March 2013, which detailed an increase in the size of boreholes required for the turbine foundation.

Consent was granted by the Scottish Ministers on 03 May 2013 and the turbine is now operational, measuring 196 metres (m) from mean sea level to blade tip with a rotor diameter of 171 m.

In addition to the turbine itself, the LDT also comprises of the following elements:

- A personnel bridge connection between FEP and the turbine substructure;
- An onshore crane pad at FEP; and
- An onshore Control compound.

Subsequently, an application to vary the operational noise limits as detailed in Condition 13 and Annex 3 of the consent was made to Scottish Ministers on 03 October 2014 and subsequently approved on 23 March 2016.

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<sup>1</sup> UK Government (1989). 'Electricity Act 1989'. Available online at: <http://www.legislation.gov.uk/ukpga/1989/29/contents> [Accessed 17/10/2017].

## 1.4 Variation Sought

Consent for the LDT was originally granted to Scottish Enterprise, with ownership of the consent being first assigned to Samsung Heavy Industries UK on 22 July 2013 and subsequently assigned to the Applicant on 24 November 2015. In conjunction with the Section 36 consent, two Marine Licences were also obtained; one for a 'Marine Renewable Energy Project in the Territorial Sea and UK Controlled Waters adjacent to Scotland' and one for 'Dredging and Deposit of Solid Waste in the Territorial Sea and UK Controlled Waters adjacent to Scotland' as required by the Marine (Scotland) Act 2010.

Condition 1 of the consent limited operation of the LDT to a five-year period, specifying the following:

*"The consent is for a period from the date the consent is granted until the date occurring **5 years** after the Final Commissioning of the turbine. Written confirmation of the date of the Final Commissioning of the turbine must be provided by the Company to the Scottish Ministers, the Planning Authority and Scottish Natural Heritage no later than one calendar month after the Final Commissioning of the Development."*

The Variation requests the following change to the wording of Condition 1:

*"The consent is for a period from the date the consent is granted until the date occurring **15 years** after the Final Commissioning of the turbine. Written confirmation of the date of the Final Commissioning of the turbine must be provided by the Company to the Scottish Ministers, the Planning Authority and Scottish Natural Heritage no later than one calendar month after the Final Commissioning of the Development."*

This application therefore seeks a variation to extend the operational life of the LDT from five to 15 years under Section 36C of the Electricity Act 1989 (as amended), and as agreed with Marine Scotland-Licensing Operations Team (MS-LOT) will be considered under the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013.

## 1.5 Environmental Impact Assessment

Under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017<sup>2</sup> and the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017<sup>3</sup> (the 2017 EIA Regulations), an Environmental Impact Assessment (EIA) must be carried out for certain types and scale of development. Developments that always require, or may require, an EIA to be undertaken are described in Schedule 1 and 2 of the 2017 EIA Regulations respectively.

A screening opinion was issued by MS-LOT on 16 March 2017, confirming that an EIA is required for the Variation. MS-LOT also confirmed that whilst updated information regarding the environmental effects must be provided, documents submitted in support of the original application (i.e. the 2012 ES) can be resubmitted.

A scoping exercise was undertaken in July 2017 with MS-LOT, statutory consultees and interested parties to determine the scope of an Environmental Impact Assessment Update Report (the EIA Update Report), and this exercise confirmed that the EIA Update Report should focus on potential effects on seascape, landscape and visual interests; noise; ornithology; socio-economics; climate change and carbon balance.

Topics scoped out of the EIA Update Report include ecology; water resources and coastal hydrology; cultural heritage; tourism, land use and commercial fisheries; navigation; telecommunications; shadow flicker; access and traffic; human health; and health and

<sup>2</sup> Scottish Government (2017). The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Available at: [http://www.legislation.gov.uk/ssi/2017/101/pdfs/ssi\\_20170101\\_en.pdf](http://www.legislation.gov.uk/ssi/2017/101/pdfs/ssi_20170101_en.pdf) [Accessed online 19/10/2017]

<sup>3</sup> Scottish Government (2017). The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017. [Online] Available at: [http://www.legislation.gov.uk/ssi/2017/115/pdfs/ssi\\_20170115\\_en.pdf](http://www.legislation.gov.uk/ssi/2017/115/pdfs/ssi_20170115_en.pdf) [Accessed online 19/10/2017]

safety. These topics have been scoped out of the EIA Update Report as no significant effects are expected to occur on these receptors as a result of the Variation.

An EIA Update Report has been submitted in support of the Variation. The EIA Update Report sets out the approach and findings of the EIA in detail. The EIA Update Report should be read alongside and regarded as an update of the ES submitted in July 2012 (the 2012 ES), including associated figures and appendices. The EIA Update Report updates the 2012 ES to include environmental information pertaining to potential significant environmental effects arising from the extension of the turbine life.

## **1.6 Purpose and Structure of Planning Statement**

The purpose of this Planning Statement is to assess the key planning considerations whilst providing an overview of the need and benefits arising from the Variation.

Any proposal to construct, operate or vary the consent of an offshore power generation scheme with a capacity in excess of 1 MW requires consent from Scottish Ministers under Section 36 of the Electricity Act 1989 (the Electricity Act). The Variation will therefore be determined by Scottish Ministers (i.e. the determining authority). Fife Council (the Council) are designated as the planning authority under the Electricity Act, and as such, the Council are a Statutory Consultee within the determination process. Appropriate consideration to the policy and guidance set out within the Development Plan and relevant Supplementary Guidance is therefore required, as set out within this Planning Statement.

The purpose of the Planning Statement therefore is to consider whether the Variation accords with the Development Plan whilst identifying other material considerations to be taken into account in determining the Variation.

This Statement is set out as follows:

- Section 1: Introduction
- Section 2: Need for the Variation;
- Section 3: Development Plan Assessment;
- Section 4: Material Considerations; and
- Section 5: Conclusions.

## **2 NEED FOR THE VARIATION**

This section of the Statement highlights the need for the Variation based on national policies to implement legally binding climate change targets by encouraging appropriate renewable energy development throughout Scotland. By encouraging such developments, the Scottish Government is seeking to move towards a low carbon economy, with an increased focus on the nation's energy security.

### **2.1 Economic Benefits**

The LDT has generated economic benefits, and the Variation will ensure the continued growth and delivery of a wide range of economic benefits related to the LDT, including product testing, training and development of the offshore wind industry. The LDT supports the offshore wind industry in Fife, Scotland and further afield, whilst offering a range of employment and training benefits.

The economic benefits associated with extending the operational life of the LDT are set out within Chapter 8 of the EIA Update Report, and will continue on the basis that the LDT remains operational. In summary, approval of the Variation is expected to contribute to:

- Removing barriers in the UK industrialisation of offshore wind;
- Increasing local industry and academic collaboration, thereby building knowledge capacity in the local area;
- Significantly progressing integrated systems technology for offshore wind;
- Facilitating growth and development of the industry, developing industry process, workforce skills and industry culture in the Fife area; and
- Raising the profile of Fife at an international level.

### **2.2 Development Context**

Continued testing of offshore wind turbines is vital in supporting the development of the offshore wind industry, as well as supporting wider economic growth and employment within Scotland and the UK. As a result of facilities such as those offered by the FEP, research, testing, production and understanding of offshore wind turbines is gained, refined and developed, whilst ongoing training opportunities are promoted to support the wider offshore industry.

Scotland is advanced in the research and understanding of offshore wind development, and the continued operation of the LDT will support the offshore industry and the objectives of the FEP. Furthermore, continued development of the offshore wind industry in Scotland offers the potential for this technology and expertise to be exported to other parts of the world, especially to locations where the offshore wind industry is less developed.

Whilst there are clear benefits associated with the continued development of the offshore wind industry, and national support through planning and energy policy, there are few opportunities available to test offshore wind turbines or other products designed to support the offshore wind industry in the UK, due to the need to replicate offshore conditions at sites that are accessible and serviceable. The LDT provides an opportunity for such testing to occur, and extending the operational period of the LDT will ensure the offshore wind industry, and the expertise associated with this industry, continues to develop.

The ongoing development of FEP is supported by the LDT, and the Variation will help support the wider aims and objectives of FEP. Continued operation of the LDT will make a valid contribution to ensuring that the offshore wind industry continues to develop in Scotland.

### 3 DEVELOPMENT PLAN ASSESSMENT

#### 3.1 Introduction

Any proposal to construct, operate or vary the consent of an offshore power generation scheme with a capacity in excess of 1 MW requires Scottish Ministers consent under Section 36 of the Electricity Act 1989. The Variation will therefore be determined by Scottish Ministers, however as established by Section 1.6 of this Planning Statement, the Council are a Statutory Consultee and due regard must be given to the appropriate Development Plan.

Section 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning decisions to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. Section 25 of the Planning Act states, in part, that:

*"Where, in making any determination under the Planning Acts, regards is to be had to the development plan, the determination is, unless material considerations indicate otherwise to be made in accordance with that plan[...]"*

Section 37 (2) of the Planning Act states:

*"In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."*

Schedule 9, Section 3 (1) of the Electricity Act 1989 places a duty on a developer to:

*"Have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of archaeological, historical or archaeological interest."*

This section of the Planning Statement identifies the Development Plan policies applicable to the Variation, before assessing compliance against the provisions of the Development Plan.

Planning policy considerations are presented under key environmental topics which correspond to the chapter headings of the EIA Update Report. Material considerations comprising regional and national planning policy and guidance, including emerging policy are considered in section 4 of the Statement.

#### 3.2 The Development Plan

The Development Plan relevant to the Variation comprises:

- SESplan Strategic Development Plan (adopted 27 June 2013)<sup>4</sup> (the SDP); and
- FIFEplan (adopted 21 September 2017)<sup>5</sup> (the LDP).

The SDP provides a strategic overview of the Local Authorities to which the SDP applies, setting out a vision for the region that *"by 2032, the Edinburgh City Region is a healthier, more prosperous and sustainable place which continues to be an internationally recognised as an outstanding area in which to live, work and do business."*

The SDP sets out eight aims to deliver the vision, including:

- *"Enable growth in the economy by developing key economic sectors, acting as the national hub for development and supporting local and rural development;*

<sup>4</sup> SESplan (2013). 'Strategic Development Plan June 2013'. Available online at: <http://www.sesplan.gov.uk/assets/SESplan%20Strategic%20Development%20Plan%20Approved%2027%20June%202013.pdf> [Accessed 17/10/2017].

<sup>5</sup> Fife Council (2017). 'Adopted FIFEplan'. Available online at: [http://lpconsult.fife.gov.uk/portal/fife\\_ldp/fifeplan\\_-\\_adopted\\_plan\\_13/adopted\\_fifeplan?tab=files](http://lpconsult.fife.gov.uk/portal/fife_ldp/fifeplan_-_adopted_plan_13/adopted_fifeplan?tab=files) [Accessed 17/10/2017].

- *Conserve and enhance the natural and built environment; and*
- *Contribute to the response to climate change through mitigation and adaptation and promote high quality design/development."*

Paragraph 68 of the SDP advises that *"FEP is identified as a key location for the research and development of renewable energy technologies and is promoted as a 'centre of excellence' in Scotland for these activities. [...] These areas will be the primary focus of increased growth in the renewable energy key sector."*

### **3.2.1 The Emerging Strategic Development Plan**

Legislation requires Development Plans are updated every five years to ensure that they make appropriate provisions for the adequate supply of land for various uses. The status of the emerging SESplan is set out below.

The Proposed SESplan Strategic Development Plan<sup>6</sup> (the Proposed SESplan) was submitted to Scottish Ministers for examination on 26 June 2017, following consultation on the Proposed SESplan from 13 October to 24 November 2016.

Whilst the Proposed SESplan is currently in draft form, it is considered to widely support development proposals for renewable energy projects, including wind development. Paragraph 4.29 advises that *"Local Development Plans will also set out the full range of additional considerations they will apply to wind farm proposals based on the particular characteristics of each area. In doing so, they should liaise closely with neighbouring authorities to identify and establish a consistent policy approach to key strategic cross-boundary assets."*

Examination of the Proposed SDP is ongoing and is expected to take around nine months; shortly afterwards, the Proposed SDP will be adopted.

## **3.3 Site Specific Policies and Designations**

### **3.3.1 Policy Identification**

The LDT is designated within the LDP as site reference: BKN 003 (FEP). The site is suitable for development relating to use classes 4, 5 and 6 (energy) and is *"a project of national importance and is designated within the Scottish Government's National Renewables Infrastructure Plan. This facility will create energy assembly, fabrication, and research and development facilities. Land reclamation as a part of this is being investigated. In addition, the potential exists to demonstrate renewable energy generation on site where appropriate."*

Green Network priorities include consideration of the intertidal area's Special Protection Area (SPA) designation, integration of habitat, Sustainable Drainage Systems (SUDS) and greening, and development of a high quality landscape edge along the western and northern perimeter of the FEP, making a contribution to landscape setting.

Development proposals for the FEP are required to be in accordance with the provisions of the LDP, whilst also demonstrating that the development proposed will not adversely affect the integrity of the Firth of Forth SPA on an individual or cumulative basis.

**SDP Policy 10: Sustainable Energy Technologies** advises that the SDP will seek to promote sustainable energy sources, including the FEP. The SDP requires LDP's to establish a framework for the encouragement of renewable energy developments that make a contribution to national targets for electricity generation, whilst taking into account relevant economic, social, environmental and transport considerations.

<sup>6</sup> SESPlan (2016). 'Proposed Strategic Development Plan October 2016'. Available online at: <http://www.sesplan.gov.uk/assets/publications/SDP2/Proposed%20Strategic%20Development%20Plan.pdf> [Accessed 17/10/2017].

**LDP Policy 1: Development Principles** is a 'gateway policy', designed to assess the principle of any development proposal. The LDP advises that *"the assessment will be made against the background of a presumption in favour of development that contributes to sustainable development introduced by Scottish Planning Policy."*

LDP Policy 1 states that development proposals which conform to LDP policies and proposals, whilst addressing individual and cumulative impacts, will be supported. LDP Policy 1 is subdivided into three subsections; Parts B and C are considered of relevance to the Variation:

**Part B** requires development proposals to *"address their development impact"* by complying with a range of criteria and supporting policies, including:

- Mitigate against any loss in infrastructure capacity caused by the proposed development;
- Avoid loss of valuable cultural, tourism and community resources;
- Protect existing and allocated employment land;
- Protect sport and recreation facilities, and local community and business amenity;
- Safeguard the character and qualities of the landscape;
- Avoid flooding impacts on the water environment;
- Safeguard or avoid any loss of natural resources, including internationally designated nature conservation sites;
- Safeguard characteristics of the historic environment, including archaeology; and
- Avoiding any compromise to the performance or safety of strategic infrastructure, or alternatively, assist in delivery of improvements to mitigate impacts arise from development.

**Part C** sets out the range of supporting information or assessments the Council would expect to see support a development proposal, alongside compliance with the appropriate supporting LDP policies. Those considered relevant to the LDT include provision of:

- On-site infrastructure or facilities, including transport measures;
- Measures to implement the waste management hierarchy;
- Green infrastructure as identified by the green network map;
- SUDS, in accordance with any relevant drainage strategies applying to site or flood assessments;
- Design brief or development framework, if required;
- A layout and design that demonstrate the six qualities of successful places, as per the Scottish Government's Creating Places policy; and
- Energy conservation and generation in layout and design

Development proposals are expected to contribute to achieving the full potential for electricity and heat from renewable sources, in accordance with national climate change targets, with due regard to relevant environmental, community and cumulative impact considerations.

### **3.3.2 Policy Assessment**

The nature of the LDT, as an operational renewable energy development supported by the LDP and national policy guidance, ensures that the Variation can draw support from LDP Policy 1 and the SDP. The Variation will play a key role in supporting the wider benefits and aims of FEP, including energy assembly, training, research and fabrication. The Variation has assessed the potential for any effects to the aims and objectives of the SPA, and no significant effects will occur on the qualifying features of the SPA or the surrounding habitat as a result of the Variation. The Variation is considered to be in accordance with the provisions of the LDP, and as such, complies with the LDP objectives for FEP, along with the overarching aims and objectives of the SDP. This is especially

apparent when the wider benefits that arise from extending the operational period of the LDT are taken into account.

The Variation has been assessed against the policy requirements of LDP Policy 1, and is considered fully compliant, on the basis that:

- The principle of the LDT is supported at the location and as an established operational development, complies with the policies relevant to the location, and is supported by the LDP;
- The Variation requests an extension to the operational period of the LDT only, and acceptability of the LDT has already been established. The Variation is therefore assessed on the basis of whether an extension to the operational period of the LDT will cause any significant adverse effects to occur;
- The LDT (nor the Variation) will not cause any loss of valuable resources, and will also not introduce any negative adverse effects to the surrounding area; and
- The nature of the LDT and the Variation will promote electricity generation from a renewable source, and supports wider development of the renewable energy sector in Scotland and the UK.

Therefore the Variation is considered to fully comply with LDP Policy 1.

The Variation will support and extend the business and economic benefits to FEP, whilst safeguarding and promoting the economic and commercial opportunities available. Any potential effects that may arise from the Variation have been fully assessed, and no significant adverse effects have been identified.

### 3.4 Principle of Development

#### 3.4.1 Policy Identification

As outlined in Section 3.3.1, **SDP Policy 10: Sustainable Energy Technologies** advises that the SDP will seek to promote sustainable energy sources, including FEP. The SDP requires LDP's to establish a framework for the encouragement of renewable energy developments that make a contribution to national targets for electricity generation, whilst taking into account relevant economic, social, environmental and transport considerations.

**LDP Policy 11: Low Carbon** states that the development of low carbon energy schemes within Fife will be supported, as long as unacceptable significant adverse effects which cannot be satisfactorily mitigated do not occur. Cumulative impacts are expected to be considered, alongside relevant environmental and community considerations. Assessment of planning applications for renewable energy developments will be based on the principles set out within Scottish Planning Policy (SPP) and will include the following considerations:

- *“Landscape and visual impacts, including landscape character;*
- *Cumulative impacts, including cumulative landscape and visual impact;*
- *Impacts on communities and dwellings, including visual impact, residential amenity, noise and shadow flicker;*
- *Impacts on aviation and defence interests, public access, the historic environment, tourism and recreation, telecommunications, forestry and woodland, trunk roads and road traffic, hazardous installations and carbon rich soils;*
- *Effects on natural heritage, hydrology, the water environment and flood risk;*
- *Opportunities for energy storage;*
- *Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain benefits;*
- *The scale of contribution to renewable energy generation targets, and the effect on greenhouse emissions;*

- *The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration; and*
- *The need for a robust planning obligation to ensure that operators achieve site restoration."*

### **3.4.2 Policy Assessment**

The nature of the Variation ensures that the LDT will continue to make a valid contribution to national and local renewable energy targets. LDP Policy 11 advises that low carbon energy schemes will be supported by the Council, on the basis that no unacceptable significant adverse effects will occur as a result of a development. If such effects do occur, appropriate mitigation is required to ensure compliance with the LDP.

Potential effects arising from the Variation (i.e. effects solely linked to an extension of the operational period of the LDT) have been fully assessed against the provisions of the LDP and SDP, and no significant adverse effects have been identified that cannot be made acceptable via mitigation, other than significant visual effects which are limited to within approximately 3 km to 5 km of the LDT. Furthermore the nature of the Variation ensures that no new effects will occur, as no amendment is proposed to the turbine model or capacity. The Variation therefore proposes only an extension to the operational period of the LDT.

Considerations set out within SPP have been assessed and compliance of the LDT and the Variation against the relevant considerations is presented throughout this Planning Statement. No significant environmental effects will be exacerbated by the Variation requested.

The Variation will deliver sustained electricity generation from a low carbon renewable technology, whilst delivering significant wider benefits of FEP including employment, training and manufacturing. No significant loss of heritage or community resource will occur as a result of the Variation, and no loss will occur to open space, business or industrial land resource. The Variation is therefore considered fully compliant with LDP Policy 11.

## **3.5 Seascape, Landscape and Visual**

### **3.5.1 Policy Identification**

**LDP Policy 13: Natural Environment and Access** states that development proposals will only be supported where they protect or enhance natural heritage and access assets. Should adverse impacts on existing assets be unavoidable, the Council will only support development proposals where such impacts can be satisfactorily mitigated.

Assets considered under LDP Policy 13 include:

- Designated sites of international national and local importance;
- Woodlands, trees and hedgerows that have a landscape, amenity or nature conservation value;
- Biodiversity in the wider environment;
- Protected and priority habitats and species;
- Landscape character and views;
- Carbon rich soils (including peat);
- Green networks and greenspaces; and
- Core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation.

Development proposals are also required to assess any potential impacts on natural heritage, biodiversity, trees and landscape, whilst including proposals for the

enhancement of natural heritage and access assets, as per the detail set out within Supplementary Guidance 'Making Fife's Places'.

### **3.5.2 Policy Assessment**

The Variation does not introduce any alteration to the turbine or infrastructure of the LDT, and there is no potential for additional landscape effects to occur as a result of the Variation, although any existing effects will be extended in duration. The SLVIA undertaken to assess the Variation concludes that no significant effects will occur on local landscape units or the Fife Coastal Path. Significant visual effects are identified at dwellings orientated to face the LDT within up to approximately 5 km, and the Variation will extend the duration of these effects.

The SLVIA found that the LDT sits within an area considered as strongly industrial in character, with general industrial activity and movement. The Variation does not significantly affect or exacerbate this local landscape character, nor does it adversely affect heritage, landscape or historic interests. The Variation is considered acceptable in respect of seascape, landscape and visual, and complies with LDP Policies 13 and 14.

## **3.6 Noise**

### **3.6.1 Policy Identification**

**LDP Policy 10: Amenity** states that development will not be supported if it has a significant detrimental impact on the amenity of existing or proposed land uses. Proposals for new development must demonstrate that they will not cause any significant detrimental impact on a range of amenity receptors, including:

- Air quality, including impacts of a proposed development on designated Air Quality Management Areas;
- Contaminated and unstable land, with an emphasis on the need to address potential impacts at both the application site and surrounding area;
- Noise, light and other nuisances, including shadow flicker from wind turbines;
- Traffic movements;
- Loss of privacy, sunlight and daylight;
- Construction impacts;
- Visual impacts;
- Loss of open space, green networks, and protected trees; and
- Impacts on operations of existing or proposed businesses and commercial operations.

Where impacts on amenity as a result of a proposed development are identified, appropriate mitigation measures will need to be implemented.

**LDP Policy 11: Low Carbon** states that the development of low carbon energy schemes within Fife will be supported, as long as the development will not result in unacceptable significant adverse effects which cannot be satisfactorily mitigated. Assessment of planning applications for renewable energy developments will be based on the principles set out within SPP and is required to fully assess the proposed development against a range of criteria, including noise effects.

### **3.6.2 Policy Assessment**

As explained previously, the Variation seeks an extension to the operational period of the consented LDT, and the principle of the LDT has previously been established. The noise assessment carried out as part of the EIA Update Report identifies that operational noise levels may exceed derived noise limits under some conditions, based on wind speed and direction. Appropriate mitigation is however proposed, in the form of operational

restrictions on the LDT or restricted noise outputs when specific wind speed and direction result in an exceedance to operational noise levels. This mitigation ensures that no significant adverse effects will occur on residential amenity as a result of the LDT, and as such no unacceptable effects will occur as a result of the Variation.

The Variation is therefore considered acceptable in respect of noise and amenity effects, and consequently complies with LDP Policy 10.

### **3.7 Ornithology**

#### **3.7.1 Policy Identification**

As stated above, **LDP Policy 11: Low Carbon** states that the development of low carbon energy schemes within Fife will be supported, as long as the proposed development will not result in unacceptable significant adverse effects which cannot be satisfactorily mitigated. Assessment of planning applications for renewable energy developments will be based on the principles set out within SPP and is required to fully assess the proposed development against a range of criteria, including effects on natural heritage.

As above, **LDP Policy 13: Natural Environment and Access** states that development proposals will only be supported where they protect or enhance natural heritage assets. Should adverse impacts on existing assets be unavoidable, the Council will only support development proposals where such impacts can be satisfactorily mitigated.

Assets considered under LDP Policy 13 include:

- Designated sites of international national and local importance;
- Woodlands, trees and hedgerows that have a landscape, amenity or nature conservation value;
- Biodiversity in the wider environment;
- Protected and priority habitats and species; and
- Carbon rich soils (including peat).

Development proposals are also required to assess any potential impacts on natural heritage, biodiversity, trees and landscape.

#### **3.7.2 Policy Assessment**

The LDP designation afforded to FEP requires development proposals to be in accordance with the provisions of the LDP, whilst also demonstrating that any development proposed will not adversely affect the integrity of the Firth of Forth SPA on an individual or cumulative basis.

Potential ornithology effects that could arise from the Variation are assessed within Chapter 7 of the EIA Update Report, including effects on designated ecological sites and protected species. This assessment concludes that there will be no significant adverse effects arising from the Variation.

The Variation has been assessed against the qualifying interests of the Forth Islands SPA, the Firth of Forth SPA, and the Outer Firth of Forth and St Andrew Bay Complex proposed SPA. Displacement of wintering seabirds has been identified as the main potential effect associated with the Variation, however no significant effects are anticipated on the integrity of the designated areas identified.

No adverse effects will occur on natural heritage assets, protected species or designated sites as a result of the Variation, and therefore complies with LDP Policies 11 and 13.

### **3.8 Socio Economics**

#### ***3.8.1 Policy Identification***

As outlined above, **LDP Policy 11: Low Carbon** states that the development of low carbon energy schemes within Fife will be supported, as long as the proposed development will not result in unacceptable significant adverse effects which cannot be satisfactorily mitigated. Assessment of any proposed development is expected to assess a range of criteria specified within SPP, including the net economic impact of the proposed development, including local and community socio-economic benefits such as employment, associated business and supply chain benefits.

#### ***3.8.2 Policy Assessment***

A full assessment of the socio-economic resources of the LDT, and the extension of these effects as a result of the Variation, is presented within Chapter 8 of the EIA Update Report, concluding that the Variation will continue to offer benefits to the local and national economy via the provision of an innovation, testing and training facility. Demand for continued use of the LDT as an innovation, testing and training facility to support the offshore wind industry has been established, as are the economic benefits linked with the Variation. In addition positive effects linked with the LDT have been identified, notably on the local economy and land use during the operational phase, and the Variation will extend the duration of the effects identified.

Additionally, the Variation will have no discernible effects on recreation and tourism interests. It remains the case that there is no substantive evidence that is accepted by the Scottish or UK Government that wind energy development causes significant adverse effects on tourism.

The Variation is therefore considered to comply with LDP Policy 11.

## 4 MATERIAL CONSIDERATIONS

There are a range of material considerations that need to be taken into account when determining planning applications, including national planning and energy policy. This section of the Planning Statement provides an overview of the material considerations considered relevant to the Variation.

### 4.1 National Planning Framework 3 (June 2014)

National Planning Framework 3 (NPF3)<sup>7</sup>, as the spatial expression of the Scottish Government's Economic Strategy and development priorities over the next 20-30 years, outlines clear support for sustainable economic growth and the transition to a low carbon economy. NPF3 is a statutory document and is to be afforded significant weight in the determination of planning applications.

Section 3 entitled 'a Low Carbon Place', paragraph 3.4 (page 30) acknowledges Scotland's wind resource and states *"we have a significant wind resource, both onshore and offshore, and electricity generation from wind continues to rise"*.

Paragraph 3.8 (page 31) reaffirms the Scottish Government's renewable energy targets and states *"by 2020, we aim to reduce total final energy demand by 12%. To achieve this, and maintain secure energy supplies, improved energy efficiency and further diversification of supplies will be required. We want to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015"*.

Paragraph 3.14 (page 32) states that *"our natural energy resources will result in unprecedented opportunities for associated development, investment and growth in the coming years. Ports and harbours identified in the National Renewables Infrastructure Plan will invest in their facilities to accommodate manufacturing, servicing and maintenance of our renewable energy infrastructure. We expect planning to enable development in all of these locations."*

Paragraph 3.37 (page 37) states that *"ports and harbours have been identified as having potential for renewables-based investment, including Methil."*

The NPF3 is thus supportive of renewable energy developments in appropriate locations, and the Variation is supported by, and complies with NPF3. Significant weight should be afforded to NPF3 in the determination of planning applications, and as a result, NPF3 lends significant support to the LDT and the Variation.

### 4.2 Scottish Planning Policy (June 2014)

SPP<sup>8</sup> (June 2014) outlines the Scottish Government's priorities for land use planning and therefore should be afforded significant weight in the determination of planning applications.

The SPP was written in an effort to produce guidance for the use of Local Authorities and others, relating to planning policy and the operation of the planning system. It sets the context between planning policies and other policies, which have an important bearing on issues of development and land use. Local Authorities must take their contents into account when preparing new development plans and assessing planning applications.

<sup>7</sup> Scottish Government (2017). 'National Planning Framework 3'. Available online at: <http://www.gov.scot/Resource/0045/00453683.pdf> [Accessed 17/10/2017].

<sup>8</sup> Scottish Government (2014). 'Scottish Planning Policy'. Available online at: <http://www.gov.scot/Resource/0045/00453827.pdf> [Accessed 17/10/2017].

It is clear from SPP that the Scottish Government is committed to further development of renewable energy projects in appropriate locations, including operational life extensions such as that proposed by the Variation.

Paragraph 161 (page 38) advises that *"development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales – including extensions and re-powering."*

Key considerations are listed in paragraph 169 of SPP. The EIA Update Report considers all relevant environmental and amenity aspects cited in SPP and it is clear that the effects of the LDT should be considered acceptable in the planning balance, taking into account the need and benefits of the LDT.

Additionally, Paragraph 169 states that proposals for energy infrastructure development should take into account consideration of *"net economic impacts, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities."*

Paragraph 170 (page 41) states that *"areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities."*

Paragraph 174 (page 41) states that *"proposals to repower existing wind farms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity, underpinning renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals."*

SPP offers a high level of support to repowering and life extensions of existing wind energy sites, such as that proposed by the Variation, and the existing use of any renewable energy site shall be a material consideration for proposals to repower existing sites. The Variation is therefore supported by SPP, and as significant weight should be afforded to SPP in the determination of planning applications, this lends significant support to the Variation.

### **4.3 A Low Carbon Economic Strategy for Scotland**

The Low Carbon Economic Strategy for Scotland<sup>9</sup> is an integral part of the Scottish Government's Economic Strategy and a key component of the Scottish Government's broader approach in meeting Scotland's climate change targets and securing the transition to a low carbon economy in Scotland.

With specific regard to offshore wind, it recognises that Scotland potentially has as much as 25% of Europe's offshore energy potential. It further states:

*"The large scale development of offshore wind represents the biggest opportunity for sustainable economic growth in Scotland for a generation. It is critical that Scotland exploits the opportunities being made available by the offshore wind industry. Harnessing just one third of our offshore renewable energy potential could meet Scotland's electricity needs seven times over by 2050."*

The Variation, if approved, will extend the benefits of the LDT, such as those linked to developing the offshore industry and wider economic benefits, as specified within the Socio-economic Analysis prepared by BiGGAR Economics and Chapter 8 of the EIA Update Report. The LDT makes a valid contribution to developing the offshore industry

<sup>9</sup> The Scottish Government (2010). 'A Low Carbon Economic Strategic for Scotland'. Available online at: <http://www.scotland.gov.uk/Resource/Doc/331364/0107855.pdf> [Accessed 17/10/2017].

and promoting low carbon technology, and as the Variation will extend these benefits, is supported by A Low Carbon Economic Strategy for Scotland.

#### **4.4 2020 Routemap for Renewable Energy in Scotland June 2011 (Updated October 2012, December 2013 and September 2015)**

The 2020 Routemap for Renewable Energy in Scotland (June 2011, Updated October 2012, December 2013 and September 2015<sup>10</sup>) (the Routemap) reflects the Scottish Government's target to meet an equivalent of 100% demand for electricity from renewable energy by 2020, as well as a target of 11% renewable heat.

The Variation seeks to extend the operational lifespan of an existing renewable development that provides energy to the grid and is a valuable addition to Scotland's energy generating portfolio. By extending the operational time period, the LDT will continue to contribute to achieving the minimum targets set out by the Scottish Government in the 2020 Routemap and its updates.

The Routemap also recognises that offshore wind energy developments have huge scope for sustainable economic growth in Scotland, and that there must be support for innovation in order to reduce the costs of offshore wind development. The LDT presents an opportunity to develop innovation and knowledge relevant to the offshore wind industry, whilst making a positive contribution to Scotland's emerging offshore industry.

The Variation is therefore fully supported by the Routemap as it provides investment to the local and Scottish economy, makes a valuable contribution to meeting legally binding targets, and offers significant support to the growth of the offshore wind industry.

#### **4.5 Scotland's Economic Strategy (March 2015)**

Scotland's Economic Strategy (March 2015)<sup>11</sup> is clear that the reduction of greenhouse gas emissions represents a long term strategy for Scotland's economic growth, and opportunities to export Scotland's technology innovations. The LDT offers a range of economic benefits, whilst making a contribution to developing the offshore industry in Scotland.

Scotland's offshore technology innovation has the potential to be exported as other nations develop their offshore wind capability, representing further potential economic benefits to Scotland. As such Scotland's Economic Strategy is considered supportive of the LDT and the Variation.

#### **4.6 Scotland's National Marine Plan (March 2015)**

Scotland's National Marine Plan (2015)<sup>12</sup> is clear that in order for offshore wind energy to secure economic benefits and contribute to achieving renewable energy targets, decision makers should support the development of research programmes. As the Variation entirely concerns the LDT, which offers the opportunity to continue offshore wind industry research and innovation, including wider benefits associated with developing the key aspects of the offshore industry, is the Variation is fully supported by Scotland's National Marine Plan.

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<sup>10</sup> Scottish Government, (2015). '2020 Routemap for Renewable Energy in Scotland – Update'. Available online at: <http://www.gov.scot/Resource/0048/00485407.pdf> . [Accessed 17/10/2017].

<sup>11</sup> The Scottish Government (2015). 'Scotland's Economic Strategy' Available online at: <http://www.gov.scot/Resource/0047/00472389.pdf> . [Accessed 17/10/2017].

<sup>12</sup> The Scottish Government (2015). 'Scotland's National Marine Plan'. Available online at: <http://www.gov.scot/Resource/0047/00475466.pdf> . [Accessed 17/10/2017].

#### **4.7 Scotland's Offshore Wind Route Map - Developing Scotland's Offshore Wind Industry to 2020 and Beyond (January 2013)**

Scotland's Offshore Wind Route Map (2013)<sup>13</sup> ('the Offshore Wind Route Map') seeks to support the offshore wind industry, and highlights specifically the importance that the Scottish Government attaches to investment and further development at FEP. The Offshore Wind Map specifies progress at FEP and describes the intrinsic link between the LDT, the proposed manufacturing facility, and employment benefits.

The Variation seeks to extend the operational period of the LDT, and in doing so will increase the positive contribution of the LDT in relation to FEP. Sufficient weight should therefore be granted to the Onshore Wind Route Map in support of the Variation.

#### **4.8 Wind Energy Planning Supplementary Guidance (June 2013)**

Published in June 2013, the Wind Energy Supplementary Guidance<sup>14</sup> is a revised spatial framework that sets out planning policy and guidance to inform renewable energy development proposals within Fife. The guidance sets out the wind turbine constraints within Fife and the key environmental constraints, whilst confirming the importance of the Fife region with regards to demonstrator offshore wind turbines.

Paragraph 7.4.2 (page 39) advises that FEP is being developed to *"serve both the onshore and offshore renewable energy industry"*.

Paragraph 10.0.2 (page 68) states that *"FEP has been identified for the manufacturing and shipping of offshore turbines and appropriate provisions must be made to accommodate this."*

Paragraph 10.3.1 (page 71) states that *"demonstrator turbine sites will be vital to the development of the Offshore Wind industry around the United Kingdom. In order for a wind farm developer to secure funding for a site they must be able to prove the reliability and performance of the turbines they will be using [...] Demonstrator sites allow manufacturers to test, optimise and prove the performance of their turbines before large scale production."*

Paragraph 10.3.2 (page 71) outlines the benefits associated with such demonstrator turbines being located in Fife: *"locating demonstrator sites in Fife would help to promote the offshore wind industry in the area. It would allow Fife to develop strong relationships with turbine manufacturers and help attract future investment e.g. manufacturing of the turbine being tested. The site will become a focal point for training and could result in further operations and maintenance facilities being located nearby."*

The Variation will extend the operational period of the LDT, and in doing so, will continue to meet the guidance set out within the Wind Energy Supplementary Guidance. Furthermore the wider benefits associated with the LDT will be extended, which in-turn will make a contribution to the development of the offshore wind industry in Scotland and throughout the UK. The Variation is therefore supported by the Wind Energy Supplementary Guidance.

<sup>13</sup> The Scottish Government and the Offshore Wind Energy Industry Group (2013). 'Scotland's Offshore Wind Route Map'. Available online at: <http://www.gov.scot/Resource/0041/00413483.pdf> [Accessed 17/10/2017]

<sup>14</sup> Fife Council (2013). 'Wind Energy Planning Supplementary Guidance'. Available online at: [http://publications.fifedirect.org.uk/c64\\_WindenergySPG.pdf](http://publications.fifedirect.org.uk/c64_WindenergySPG.pdf). [Accessed 17/10/2017].

#### **4.9 Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013 – 2027 – The Second Report on Proposals and Policies (June 2013)**

Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013 – 2027 – The Second Report on Proposals and Policies (2013)<sup>15</sup> (the RPP2) sets out how Scotland can deliver its statutory annual targets for reductions in greenhouse gas emissions for the period 2013 -2027.

The RPP2 sets out targets which aim to make significant progress towards decarbonisation by 2020, including (page 8): *"Meet at least 30% overall energy demand from renewables by 2020; ...Deliver the equivalent of at least 100% of gross electricity consumption from renewables by 2020 with an interim target of the equivalent of 50% of gross electricity consumption from renewables by 2015"*.

As the Variation will, if approved, extend the contribution of the LDT towards achieving these targets, whilst securing and diversifying energy supplies within Scotland and the UK, the RPP2 should be afforded weight within the decision making process.

#### **4.10 Blue Seas - Green Energy Sectoral Marine Plan for Offshore Wind Energy in Scottish Territorial Waters**

Blue Seas - Green Energy - the Sectoral Marine Plan (SMP) for Offshore Wind Energy in Scottish Territorial Waters<sup>16</sup> sets out a vision for the delivery of energy from offshore wind resources and contains proposals for offshore wind development at the regional level up to 2020 and beyond. Nine short term options to be developed by 2020 with a further 25 medium term areas of search for development between 2020 and 2030 are identified.

The SMP states that there are generic issues which apply in all offshore wind plan regions, including shipping, fishing, environmental impacts and visual impacts. It recognises that the East region has favourable conditions for the development of offshore wind and, whilst significant strategic issues relating to fishing, shipping and the environment are noted, it suggests that such issues can be addressed through appropriate mitigation measures.

The nature of the Variation and the LDT support the vision and aims of the SMP, and will contribute to the offshore wind industry, including supporting skills development, training, and expertise. The Variation is therefore supported by the SMP.

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<sup>15</sup> The Scottish Government (2013). 'Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013 – 2027 – The Second Report on Proposals and Policies'. Available online at: <http://www.gov.scot/Resource/0042/00426134.pdf> [Accessed 17/10/2017].

<sup>16</sup> Marine Scotland (2011). 'Blue Seas – Green Energy'. Available online at: <http://www.scotland.gov.uk/Resource/Doc/346375/0115264.pdf> [Accessed 17/10/2017].

## 5 CONCLUSION

The purpose of this Planning Statement is to assess the key planning considerations arising from the Variation, to enable consent for the extension to the operational period of the LDT to be granted, based on the need and benefits arising from the Variation as well as the compliance with the Development Plan and associated material considerations. The principle of the LDT at FEP has been established previously, and the Variation will introduce no new effects (although may extend the duration of any existing effects).

Approving the Variation will allow for further testing and development of the Scottish offshore wind industry, which will in-turn support wider enhancement of skills and expertise relevant to this developing industry. In addition, the Variation will support the continued operation and proposed long-term expansion and development of FEP.

Considerable support can be drawn from the Development Plan, national planning and energy policy which continue to be wholly supportive of renewable energy development. This recognises the contribution of the LDT to the wider offshore wind industry, as well as the socio-economic benefits provided by the LDT (and extended by the Variation, if permission is granted).

The Variation is considered acceptable with regards to seascape, landscape and visual; noise; ornithology and ecology; and climate change and carbon balance. As such, the Variation accords with the Development Plan in this regard, and does not exacerbate any environmental or amenity effects of the LDT.

Relevant material considerations also afford significant weight to support approval of the Variation. The LDT encourages and assists the wider offshore wind sector, whilst facilitating skills training and development. In addition, the LDT plays a role in reducing costs associated with offshore wind infrastructure. Benefits arising from the LDT to the offshore industry are significant, and the Variation will ensure that these benefits can be utilised over an extended operational period.

Environmental effects arising from the LDT are already in existence, and the Variation will simply extend the duration of any effects rather than introduce and new effects. The benefits of the Variation are considered to outweigh any such effects, and on balance the benefits of the LDT and the Variation outweigh any limited environmental effects.

Applications such as the Variation are to be determined on the basis of the proposed amendment to the relevant Section 36 Condition. In this case, the change related to an extension of the operational period of the LDT, to facilitate operation for a further 10 years. The principle of the LDT has already been established as acceptable by MS-LOT and the Council, and when the benefits arising from the LDT are considered, the Variation is found to be acceptable on planning grounds.

Having assessed the Variation against the provisions of the Development Plan and considered the significant weight of relevant material considerations, the planning balance and case for approving the Variation is strong. It is therefore kindly requested that permission for the Variation is granted, and the operational extension to the LDT is consented.