

Introduction

Following feedback from the previous EWG meeting in December 2020, Scottish Government officials prepared and circulated a Project Portfolio Management (PPM) document ahead of the February 2021 meeting, which set out the ongoing strands of work (both industry and government led) which would be relevant to considerations around the Eskdalemuir Seismic Array.

Additionally, copies of the December 2020 meeting minutes, Planning Constraints Analysis contributed by Community Wind Power and the Proposal for Phase 4 were shared in advance and taken as read ahead of this meeting.

Minutes from December 2020 were agreed by members and can be found on the Scottish Renewables website: <https://www.scottishrenewables.com/publications/776-eskdalemuir-working-group-meeting-minutes-2-december-2020>

Presentation by Scottish Government

Officials determined that a brief outline of policy-making within Scottish Government would provide a useful context for ongoing discussions around EKA and therefore delivered a short presentation outlining SG commitments and requirements when developing policy.

Key points covered during the presentation were:

- Evidence-based Policy Making
- Outcome-based Policy Making
- Risk Management
- The Scottish Government Policy Cycle
- Timescales for the updated Onshore Wind Policy Statement (OnWPS)

By elaborating on these points, officials stressed the importance of having a robust evidence base, with no preconceived notions, in the development and implementation of policy. Scottish Government are committed to being open and transparent, and all policy officials, who represent Scottish Ministers, must therefore take an approach that is reasonable and lawful when developing policy.

Officials clarified that, in the case of the Eskdalemuir Consultation Zone, the policy outcome Scottish Government strive to achieve is the maximisation of renewable deployment within the area. No policy would be put in place without the necessary evidence to support and public consultation.

Following the presentation, a group discussion was opened. Industry representatives from Renewable UK and Scottish Renewables agreed with the principles set out by Scottish Government and welcomed an approach that can withstand scrutiny; accepting that policy cannot inherently please everyone.

Members raised queries around policy implementation and whose remit this falls under (i.e. UKG, SG or MoD). Scottish Government officials clarified that any change or implementation of policy to maximise deployment within the 50km consultation zone for EKA would likely be done through Scottish Energy Policy, rather than colleagues in the Planning and Architecture Division (i.e. NPF4). However it was also recognised that some policy aspects, such as budget allocation and the 10km 'exclusion' zone, remain reserved to MoD.

Phase 4 Discussion

Following the policy making presentation, the group were invited to discuss the proposal for Phase 4 of the technical analysis, undertaken by Xi Engineering. Scottish Government expressed the view that, currently, there is not a strong enough evidence base to form policy and that Phase 4 is essential to safely progress any policy decisions.

Xi Engineering added to this by clarifying that previous theoretical evidence from Phases 1-3 do suggest how deployment within the zone could be maximised but that this lacks the necessary data sets to be considered scientifically definitive.

The group considered if there are any other options including taking no further action or the potential for a temporary policy measure. Scottish Government officials clarified that 'temporary policy' does not exist. That any and all policy would require full consultation and some form of evidence base. With the existing evidence available, officials believe any policy implemented before Phase 4 is conducted would not stand up to scrutiny.

Through the discussion, the majority of members agreed that Phase 4 seems to be the only viable work that would provide an evidence base for Scottish Government to consider and therefore is the sensible route forward.

Phase 4 Funding

Members discussed what funding structure might be necessary to ensure Phase 4 can go ahead. Some suggestions included:

- Scottish Government providing the upfront costs for the project with developers feeding funds back in at a later date.
- Potential for AIFCL to provide a contribution/act as a contracting counter party.
- Securing a contribution from other government bodies (i.e. UKG and MoD).
- Consider any available funding opportunities, referencing existing climate emergency innovation funding and the Scottish National Investment Bank (SNIB).
- Suggestion that contributions could be determined by existing MWs in the pipeline for developers.

Scottish Government confirmed that officials would not have the resource or experience to appropriately administer a fund as was suggested. It was clarified that Scottish Government has funded all completed phases of this technical work to date, totalling around £88,000.00, in addition to committing £50,000.00 towards Phase 4.

Scottish Government also clarified that they do not expect any potential further phases of work to be funded by EWG after Phase 4 is complete.

Before the group can fully consider individual contributions to the work, it was determined that all members should provide written confirmation of their intention to/not to part fund Phase 4. See follow up actions.

Structure of EWG Discussion

Scottish Government officials indicated that membership of EWG has grown significantly since reforming and that this raises a question over its sustainability as we progress Phase 4. The discussion was then opened for comments and thoughts from the group on potential ways to restructure and refocus group membership.

The majority of members recognised the usefulness of this forum in terms of keeping individual developers up to date and, whilst they would be supportive in a change to overall structure, this should not be at the cost of developer inclusion in the group.

Some also raised that continued participation in group meetings would likely have impact on decisions around Phase 4 financial contributions.

Scottish Government agreed to take further comments and suggestions on potential group structure via email after the meeting, with a view to produce a group proposal ahead of the next EWG meeting.

Community Wind Power Update

Community Wind Power (CWP) agreed to provide a short update to the group regarding the research and development project they have been undertaking for their Faw Side and Scoop Hill projects. At the previous meeting, in December 2020, CWP had alluded that the final report from this work was due to be available in early 2021 and members had asked for an update.

CWP confirmed that this work is nearing finalisation and they intend to share this with MoD, for their consideration, in the coming weeks.

During the meeting, CWP indicated EWG members that they had triggered a PLI in respect to their Faw Side development, and that it would be likely their report would be made available through the public enquiry process.

However, for clarification, the consultation period (agreed by Ministers) hasn't yet been concluded and therefore no consideration has been given yet to whether or not a public inquiry should be held.

Agreed Actions

- SG to send Phase 4 contribution request email – detailing the purpose of the work in terms of policy making and a clear request from members to consider their financial contribution to the work. Complete by COP Monday 8th Feb.
- All members to respond to contribution request by the deadline TBC.
- Following responses from EWG members, SG to collate then consider a funding pot structure, engaging with BEIS and AIFCL representatives.
- All members to consider EWG membership structure and provide suggestions and comments via email by the end of the month.
- SG to provide a copy of the presentation slides on policy making to group members.



EVIDENCE-BASED POLICY MAKING

Presentation to the EWG – 3 February 2021



Scottish Government
Riaghaltas na h-Alba
gov.scot

Onshore Wind Policy Team

National Performance Framework

Our Purpose, Values and National Outcomes



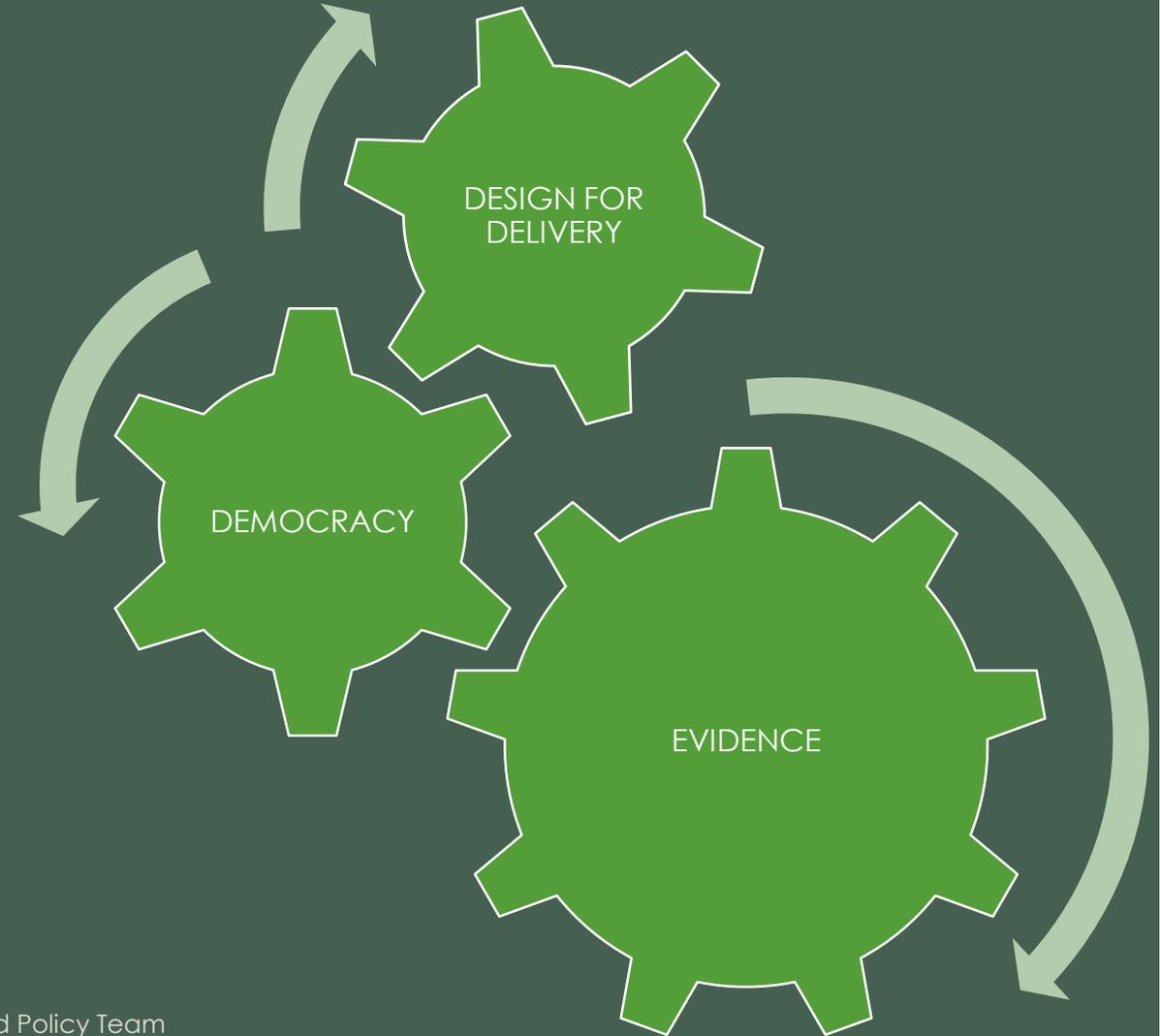
Scotland's National Performance Framework defines our Purpose, Values and National Outcomes and sits at the core of all decisions taken by the Scottish Government. It ensures that all the work of government directly aligns with the UN Sustainable Development Goals

All policy decisions must be directly linked to the goals of Programme for Government, and aligned with the National Outcomes and Performance Framework.

SCOTTISH GOVERNMENT POLICY DEVELOPMENT

The SG Policy Standards:

- Assessing all available evidence;
- Producing robust, challenging advice to inform political decisions;
- Designing the implementation according to the best available evidence, then evaluating and continuously improving the policy.



EVIDENCE BASED POLICY MAKING

SG adopts an evidence-informed approach to policy development - when our work is informed by science, it ensures that commitments and targets are robust and achievable, based on the science and technology available now and in the future.

- Reduces uncertainty and increases clarity
- Provides new perspectives and understanding about the policy challenge
- Increases accountability to stakeholders and the public
- Reduces risk
- Gives assurance around value for money

A clear evidence trail that has informed policy backs up our commitment to openness and transparency. It can also help to avoid the need to change policies significantly in light of new developments.

OUTCOME-BASED POLICY MAKING

- Scottish Government adopt an outcome-based approach to policy making. Policy outcomes must be directly tied to our overall National Outcomes and National Performance Framework
- Good policy comes from an outcome-based approach. You set the overall outcome – in the case of Eskdalemuir this would be “to maximise renewable deployment” – and allow the evidence gathered and democratic consultation to shape the policy.

The Scottish Government does not posit a hypothesis, and then seek the evidence to support that hypothesis. This does **not** guarantee the best outcome, and has a significant risk of confirmation bias.

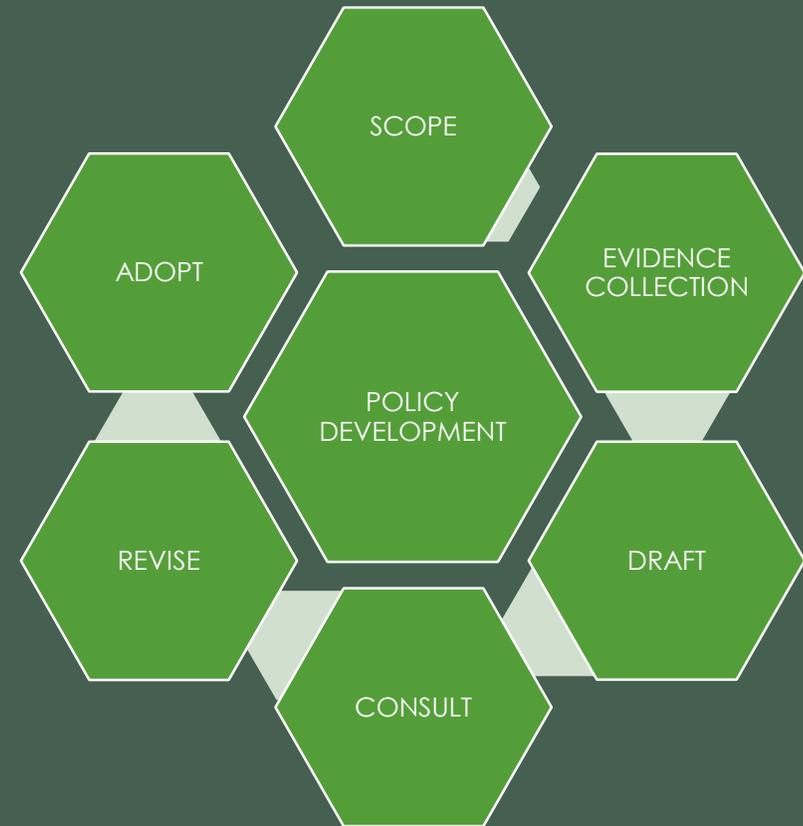
SG AND RISK MANAGEMENT

Scottish Government Policy Officials take a reasoned approach to risk management. Policies which are developed and implemented must be reasonable and lawful. **There is no benefit to producing policy which is ultimately challengeable through the court system.** Our principles are to:

- align with outcomes – being responsive to change to achieve objectives
- engage stakeholders – recognising capabilities to help or hinder outcomes
- provide clear direction – understanding roles and responsibilities
- inform decision-making – linking with business planning and monitoring
- enable continuous improvement – using lessons learned to avoid waste
- achieve measureable value – using resources effectively, improving governance

THE POLICY CYCLE

Good policy making is a cycle, not a process. The Scottish Government adopts the principles of continuous improvement and review, hence our planned refresh of Scottish Energy Strategy and our Onshore Wind Policy Statement over 2021/2022.



TIMEFRAMES FOR POLICY MAKING

Illustrative Timescale for the Onshore Wind Policy Statement Refresh. Project begins January 2021, expected adoption of policy in March 2022.

