

# Alyth to Tealing Overhead Line 400kV Upgrade:

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## Planning Statement

November 2024

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# 1. Introduction and Overview

## 1.1 Introduction

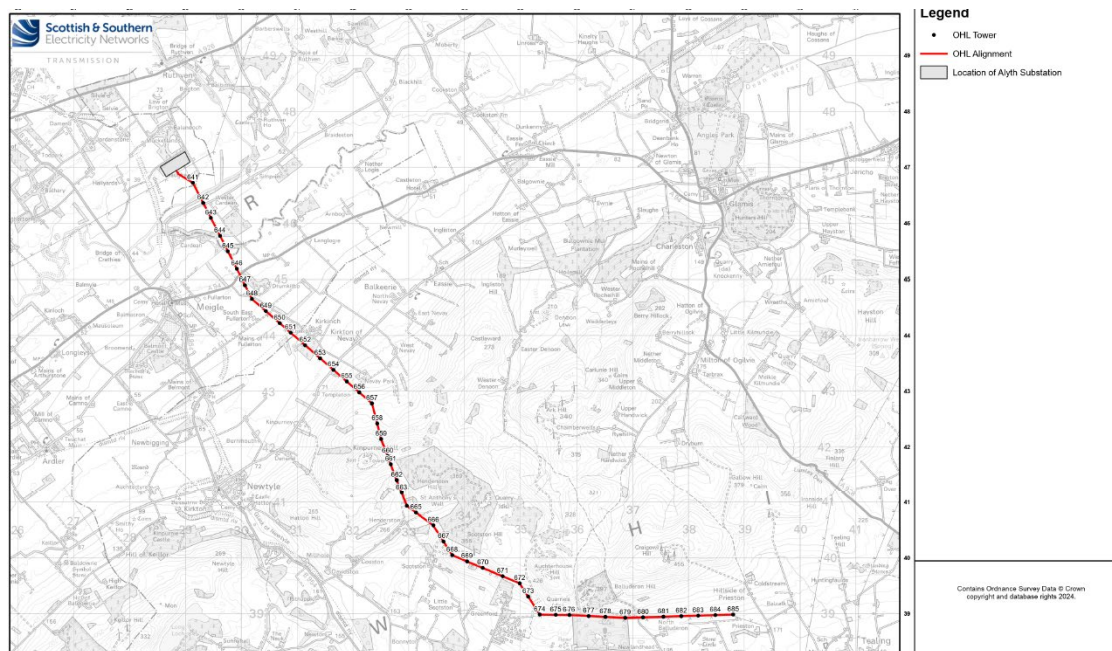
- 1.1.1 Scottish Hydro Electric Transmission plc ("the Applicant") who, operating and known as Scottish and Southern Electricity Networks Transmission ("SSEN Transmission") has submitted an application under section 37 of the Electricity Act 1989 ("the 1989 Act") along with a request that Ministers issue a direction that planning permission is deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997 for consent to upgrade approximately 14 kilometres (km) of an existing 275 kilovolts (kV) overhead line (OHL), connecting substations at Alyth and Tealing, to enable operation at 400kV.
- 1.1.2 The main components of the 'Proposed Development' comprise the replacement of conductors, insulators, and fittings on the existing steel lattice towers. Where required, tower condition works including steelwork and tower leg foundation work to strengthen existing steel lattice towers will also be undertaken.
- 1.1.3 Subject to further engineering and design checks, some modifications to the existing towers may be required, such as the inverting of cross arms to improve clearances, and changes to the insulator set configurations.
- 1.1.4 The Applicant is also seeking deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) for:
- > Replacement of conductors, insulators on the existing steel lattice towers;
  - > Where required, tower condition works including steelwork and tower leg foundation work to strengthen the existing steel lattice towers;
  - > The sag of new proposed phase conductor will be matched with sag of existing Optical Ground Wire (OPGW); and
  - > Subject to further engineering and design checks, some modifications to the existing towers may be required, such as the inverting of cross arms to improve clearance, and changes to the insulator to set configurations.
- 1.1.5 Other associated works for which separate consent will be sought include the new Tealing (Emmock) 400kV substation and associated OHL tie-ins.
- 1.1.6 In addition, by way of background, Alyth Substation is currently completed and energised. A Section 37 consent was granted in March 2020 for a new OHL configuration to connect the substation into the network for 2023. When the OHL is ready for energisation some additional works will be required within the substation, including the removal of the transformers, to enable operation at 400kV.
- 1.1.7 This Planning Statement considers the case for approval in land use planning policy terms at the national (National Planning Framework 4 (NPF4)) and local (Perth and Kinross Council (PKC) and Angus Council) level, with reference to the statutory Development Plan and national planning and energy policy, all of which support the delivery of electricity infrastructure that will assist in the delivery of the Government's legally binding 'Net Zero' commitments and which will ensure security of supply to customers.
- 1.1.8 An Environmental Impact Assessment (EIA) has been undertaken for the Proposed Development in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the 'EIA Regulations') to assess the likely significant effects of the Proposed Development. The findings of the EIA are referred to, including the measures which would be taken to prevent, reduce and, where possible, offset predicted likely significant adverse effects.



## 1.2 Site Location and Description

- 1.2.1 As noted, the upgrade will involve approximately 14km of an existing 275kV OHL, connecting substations at Alyth and Tealing. The route largely crosses rural, agricultural land within both the Perth & Kinross (PKC) and Angus Council areas. The route is shown in **Figure 1.1** below.

**Figure 1.1: Route of the Proposed Development**



## 1.3 Background to the Proposed Development

- 1.3.1 The Applicant is the electricity transmission licence holder across the North and East of Scotland and has a duty under Section 9 of the 1989 Act to:
- > Develop and maintain an efficient, coordinated and economical system of electricity transmission and;
  - > To facilitate competition in the generation and supply of electricity.
- 1.3.2 The Proposed Development is therefore required to fulfil the statutory and licence obligations on the Applicant as the transmission licence holder. These obligations related to developing the transmission network to provide adequate transmission capacity and to provide connections to customers who wish to connect to and use the transmission system to participate in the national wholesale electricity market.
- 1.3.3 The upgrade / reconductoring of the existing Alyth to Tealing OHL has been identified as part of the National Grid Electricity System Operator's (ESO) Holistic Network Design (HND). The project will upgrade the line from its existing operational voltage of 275kV to enable operation at 400kV to facilitate the transition to Net Zero in line with the UK and Scottish Government targets of achieving Net Zero by 2050 and 2045 respectively.
- 1.3.4 The Proposed Development represents a long-term approach in relation to planning for future transmission infrastructure requirements, particularly having regard to the targets fixed by the Scottish and UK Governments to achieve Net Zero. Furthermore, as a result of an increase in renewable energy projects for which access to the electricity transmission network is being formally requested, there is a requirement to increase the capacity of the existing OHL.

## **1.4 The Proposed Development**

- 1.4.1 A full description of the Proposed Development is provided in Chapter 3 of the EIA Report. In summary the Proposed Development consists of the upgrade of approximately 14km of an existing 16km 275kV OHL between Alyth Substation and Tower 685 north west of Tealing Substation to enable operation at 400kV. Between Tower 685 and Tealing substation the existing OHL would eventually be dismantled. A new OHL tie-in between Tower 685 and the new Emmock substation would complete the OHL at this end and is subject to a separate section 37 application.
- 1.4.2 The main components of the Proposed Development are as follows:
- > replacement of conductors, insulators and fittings on the existing steel lattice towers to enable upgrade to 400kV;
  - > where required, tower condition works including steelwork and tower leg foundation work to strengthen the existing steel lattice towers;
  - > the sag of new proposed phase conductor will be matched with sag of existing Optical Ground Wire (OPGW); and
  - > subject to further engineering and design checks, some modifications to the existing towers may be required, such as the inverting of cross arms to improve clearances, and changes to the insulator set configurations.
- 1.4.3 The new conductors are heavier than the existing conductors therefore some of the tower steelwork and foundations will need to be strengthened. The refurbishments and upgrades to the steelwork and foundations will take place ahead of replacing the conductors.
- 1.4.4 Reconductoring is generally undertaken in sections of between 5 to 15 towers in length, with each section taking approximately one to two weeks to complete depending on the number of towers within the section.
- 1.4.5 The following elements or works would be required as part of the Proposed Development, or to facilitate its construction and operation, for which deemed consent will be sought under the Town and Country Planning (Scotland) Act 1997, as amended, through the Section 37 consenting process:
- > vegetation clearance;
  - > access track construction and track upgrades;
  - > temporary site compounds;
  - > laydown areas;
  - > crane pads;
  - > Equipotential Zones (EPZs) and temporary measures to protect road; rail and water crossings;
- 1.4.6 The Section 37 application seeks consent for the upgrade and operation of the OHL, specifying a series of access route centre lines with a prescribed horizontal Limit of Deviation (LOD) to allow flexibility in the final siting of accesses to reflect localised land, engineering and environmental constraints.
- 1.4.7 The Proposed Development includes a number of elements which, for construction, will need some flexibility in final siting to reflect localised land, engineering and environmental constraints. To allow for this flexibility, the Proposed Development includes Limit of Deviations (LODs). The horizontal LODs are illustrated on Figure 3.1: Overview of the Proposed Development (Volume 3) and are as follows:

- > Access tracks:
  - 'Upgrade to existing road/track' (including 'bespoke tracks'): 20m LOD either side of track;
  - 'New temporary stone road': 100m LOD either side of track;
  - 'Trackway panels': 100m LOD either side of track.
- > EPZs: 25m LOD ; and
- > Tower foundations (existing): 20m LOD.

- 1.4.8 Existing tower access routes utilised by the Applicant's operation and maintenance teams would be used whenever possible. Many individual tower sites would be accessible from public roads and farm tracks and in such circumstances normal site vehicles such as 4x4 would be utilised.
- 1.4.9 Where there are no public roads or farm tracks, should ground conditions permit, it may be possible in dry weather for the vehicle types indicated above to gain access to certain sites without causing ground surface damage. If damage is likely, it may be necessary to undertake access upgrades to allow the use of the above vehicles, or to use specialist low ground bearing pressure vehicles.
- 1.4.10 Temporary access upgrades and protection can be undertaken in a number of ways. The preferred method for each site would be selected by the Principal Contractor. The range of construction access options likely to be considered include:
- > installation of temporary metal or plastic roadway panels;
  - > installation of temporary stone roads on a geo-textile fabric base;
  - > upgrading of existing accesses (for light use only); or
  - > use of specialised low ground bearing pressure vehicles.
- 1.4.11 The scope of the proposed Section 37 application is limited to the upgrade and operation of the OHL. The Proposed Development would not have a fixed operational life; however, it is assumed that the Proposed Development would be operational for 50 years or more. Once the design life of the OHL has been reached, a decision would be taken on whether to decommission and remove the transmission infrastructure or potentially to replace or upgrade it.
- 1.4.12 It is anticipated that the OHL upgrade works would potentially commence in 2026 and potentially continue to 2029 prior to energisation in 2030.
- 1.4.13 A Construction Environmental Management Plan (CEMP) will be prepared and implemented by the Principal Contractor for the works following the Principal Contractor's appointment. It is anticipated that this requirement would be controlled via an appropriately worded condition to any consent.
- 1.4.14 The CEMP also references the Applicant's General Environmental Management Plans (GEMPs) and Species Protection Plans (SPPs). The implementation of the CEMP will be managed on-site by a suitably qualified and experienced Environmental Clerk of Works (ECoW), with support from other environmental professionals as required.

## **1.5 The Statutory Framework**

### **The Electricity Act 1989**

- 1.5.1 As the Transmission License holder in the North and East of Scotland, the Applicant has a duty under section 9(2) of the Electricity Act 1989 Act to facilitate competition in the

generation and supply of electricity. The Applicant is obliged to offer non-discriminatory terms for connection to the transmission system both for new generation and for new sources of electricity demand.

- 1.5.2 Section 9(2) also requires the Applicant to ensure that the transmission system is developed and maintained in an economic, coordinated and efficient manner in the interests of existing and future electricity consumers.
- 1.5.3 Separately it is also the Applicant's duty to consider the possible environmental impacts of new electric lines and to do what can 'reasonably be done' to mitigate adverse impacts, in line with section 38 of, and Schedule 9 to, the 1989 Act. In terms of its statutory duties and licence obligations, the Applicant must therefore balance technical, cost (economic) and environmental factors.
- 1.5.4 The application is made to the Scottish Ministers under section 37 of the 1989 Act together with a request that Ministers issue a direction confirming that the development benefits from deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 1.5.5 The Scottish Ministers are obliged to consider whether the Applicant has provided sufficient information to enable them to address its duties under sub-paragraph 3(1) of Schedule 9 of the 1989 Act. The duty on the Ministers is to have regard to the matters specified in Schedule 9, it is not a development management test.
- 1.5.6 Applications made under Section 37 of The 1989 Act need to have regard to the provisions of Schedule 9 which relates to the preservation of amenity and fisheries.
- 1.5.7 Schedule 9, Sub-paragraph 3(2) of the 1989 Act, requires a licence holder and the Scottish Ministers to have regard to:
- “(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of the sub-paragraph.”*
- 1.5.8 The matters referred to in Schedule 9 sub-paragraph 3 (1) (a) and (b) of the 1989 Act apply to the Applicant as a licence holder. The matters set out in Sub paragraph 3(1)(a) to which regard must be had are:
- “... the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; “*
- 1.5.9 Sub Paragraph 3 (1) (b) requires relevant parties to:
- “.....do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects”*
- 1.5.10 At sub-paragraph 3(3), the Applicant is [required to...] *“avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.”*
- 1.5.11 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations.

### The Town & Country Planning (Scotland) Act 1997

- 1.5.12 Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended<sup>1</sup>) (the “1997 Act”) provides that:
- “On granting a consent under section 36 or 37 of the Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Scottish Ministers may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to any conditions (if any) as may be specified in the direction”.*
- 1.5.13 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”.*
- 1.5.14 Section 57(2) of the 1997 Act makes no reference to the provisions of section 25 which requires regard to be had to the provisions of the Development Plan. The Courts have confirmed that section 57(3) does not apply section 25 to a decision to make a direction to grant deemed planning permission pursuant to section 57(2)<sup>2</sup>.
- 1.5.15 The Scottish Ministers will determine the application having regard to the statutory duties in Schedules 8 and 9 of the 1989 Act, and to material considerations. The statutory Development Plan and national policy are nevertheless both important material considerations in the determination of applications under section 37 of the 1989 Act.
- 1.5.16 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:
- > What are the relevant energy and national planning policy considerations relevant to the Proposed Development?
  - > What Development Plan policies are relevant to the proposal which provide a local policy framework for the consideration of environmental effects arising from the development?

## 1.6 Key Facts

- 1.6.1 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 (b) as *“new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kV or more”*.
  - > ND3 supports renewable electricity generation, repowering, and expansion of the electricity grid. The Socio-economic assessments as part of a wider ‘needs case’ form an integral part of the justification for development of Scotland’s ‘Strategic Renewable Electricity Generation and Transmission Infrastructure.’ This infrastructure is designated as a National Development and 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:

<sup>1</sup>As amended by the Planning etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019.

<sup>2</sup> William Grant & Sons Distillers Limited, Court of Session [2012] CSOH 98.



*“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 facilitate capturing renewable energy potential in Highland as well as delivering wider social and economic benefits.”
- > The Proposed Development is for a critical reinforcement of the transmission network.
- > 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.

## 1.7 Structure of the Planning Statement

1.7.1 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.

1.7.2 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 Local Development Plans 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.
- 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, reinforcing grid and increasing capacity, and in turn improving security of supply 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°C above pre-industrial levels and to pursue efforts to limit global warming to 1.5°C.
- 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<sup>3</sup> 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 21<sup>st</sup> 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)".*

### United Nations Statement, July 2023

- 2.2.9 The UN issued a statement on 27 July 2023 with regard to increasing global temperatures. The UN Secretary General Antonio Guterres stated that it was *"virtually certain that July 2023 will be the warmest on record"*.
- 2.2.10 The Secretary General stated *"Climate change is here. It is terrifying. And it is just the beginning. The era of global warming has ended, and the era of global boiling has arrived."*
- 2.2.11 The statement refers to climate conditions in the month of July 2023 as being remarkable and unprecedented, and that there is virtual certainty that the month of July as a whole will become the warmest July on record and the warmest month on record. In addition, the statement sets out that ocean temperatures are at their highest ever level recorded for this time of year [July].
- 2.2.12 The statement also refers to the Net Zero goal and the Secretary General stated *"The need for new national emissions targets from G20 members and urged all countries to push to reach Net Zero emissions by mid-century."*

### COP 28, Dubai 2023

- 2.2.13 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."*

<sup>3</sup> United Nations Framework Convention on Climate Change, Conference of the Parties (COP).

2.2.14 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)**

2.2.15 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.

2.2.16 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.

2.2.17 The Report states that in order to avoid the present trajectory of temperature increase far beyond 2°C 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°C will be gone within a few years and the 2°C target will be in danger”.*

2.2.18 The Report adds *“It remains technically possible to get on a 1.5°C pathway, with solar, wind and forests holding real promise for sweeping and fast emissions cuts”.*

2.2.19 The Report also states (page 1) that there must be *“unprecedented cuts to greenhouse gas emissions by 2030 to keep 1.5°C alive”.*

2.2.20 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°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<sup>4</sup>**

Budget	Carbon budget level	Reduction below 1990 levels	Progress on Budgetary Period
1 <sup>st</sup> carbon budget (2008 – 2012)	3,018 MtCO <sub>2</sub> e	26%	-27%
2 <sup>nd</sup> carbon budget (2013 – 2017)	2,782 MtCO <sub>2</sub> e	32%	-42%
3 <sup>rd</sup> carbon budget (2018 – 2022)	2,544 MtCO <sub>2</sub> e	38% by 2020	48.7% <sup>5</sup>
4 <sup>th</sup> carbon budget (2023 – 2027)	1,950 MtCO <sub>2</sub> e	52% by 2025	n/a
5 <sup>th</sup> carbon budget (2028 – 2032)	1,725 MtCO <sub>2</sub> e	57% by 2030	n/a
6 <sup>th</sup> carbon budget (2033 – 2037)	965 MtCO <sub>2</sub> e	78% by 2035	n/a
7 <sup>th</sup> 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

<sup>4</sup> Source: CCC.

<sup>5</sup> This figure is a provisional estimate and will not be confirmed by HM Government until later in 2024.

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)<sup>6</sup>) 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.

**The UK Energy White Paper (December 2020)**

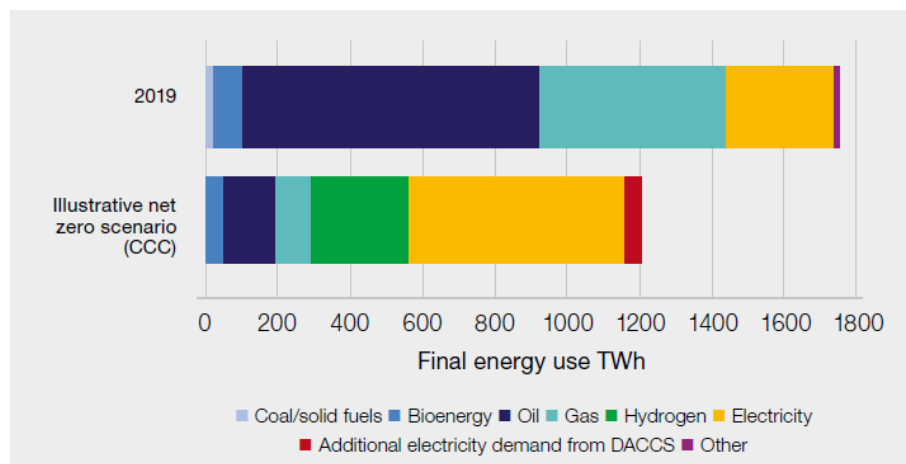
2.3.9 The Energy White Paper ‘Powering our Net Zero Future’ was published on 14 December 2020, represents a sea change in UK policy, and highlights the importance of renewable electricity.

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<sup>7</sup>**



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*:

<sup>6</sup> 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.

<sup>7</sup> Source: Energy White Paper page 9 (2020).

*“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.”*

- 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<sup>8</sup> 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 its ambitious 2030 and 2035 targets on the path to Net Zero.”*

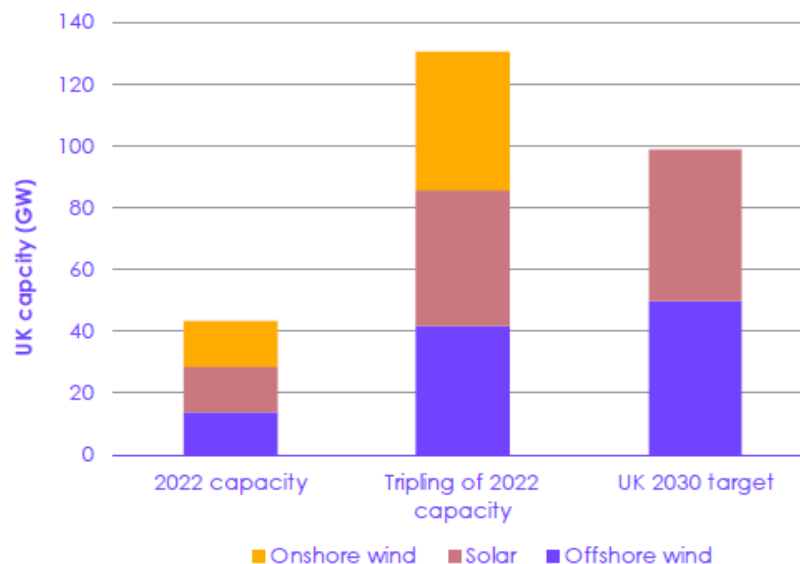
- 2.3.19 Section 1.2.2 of the Outcomes Report specifically addresses 'next steps for the UK'. Reference is made to opportunities for climate leadership and in terms of energy there is a clear statement (page 21) which refers to a number of actions that will be important for ensuring domestic action is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

<sup>8</sup> CCC Statement 'COP28 outcomes must lead to acceleration of action in the UK' (30 January 2024).

- > 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.
- > 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<sup>9</sup>**



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

*"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:

<sup>9</sup> Source: CCC, COP28: Key Outcomes and next steps for the UK, page 24, (January 2024).



*“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.*

*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. Most notably, the Scottish Government has a statutory target to achieve “Net Zero” by 2045, with interim targets of 75% by 2030 and 90% by 2040, further supported by annual targets. 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.

## 2.5 Scottish Emission Reduction Targets

### Current Progress against Emission Reduction Targets

2.5.1 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.

2.5.2 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	
<b>2020</b>	<b>56</b>	<b>48.5</b>	<b>58.7</b>	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	-	<b>2040</b>	<b>90 (Interim)</b>	
2027	69.3	67.0	-	2041	92	
2028	71.2	69.7	-	2042	94	
2029	73.1	72.3	-	2043	96	
<b>2030</b>	<b>75</b>	<b>75</b>	<b>Interim Target</b>	2044	98	
2031	76.5		-	<b>2045</b>	<b>100% Net Zero</b>	

- 2.5.3 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.
- 2.5.4 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)**

- 2.5.5 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.”*

- 2.5.6 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.
- 2.5.7 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.
- 2.5.8 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.”*
- 2.5.9 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.”*
- 2.5.10 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)**

- 2.5.11 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 the status of this statement bears limited weight but regardless of any change to the interim 2030 target that may be introduced it is important to note that there is no suggestion that the overall 2045 target will change.
- 2.5.12 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.*”

2.5.13 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.*”

2.5.14 The last reference in the Statement (as set out above) is key, namely that the Scottish Government intends to work with Parliament to amend existing legislation. This is anticipated to be a change from the current 75% emissions reductions target by 2030 to a lower figure and possibly to a system of carbon budgets, consistent with the approach taken at a UK level.

2.5.15 A further key point in the Statement is that the Scottish Government has reiterated its commitment to achieving Net Zero by 2045. It would seem therefore that 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. There is as yet, no clarity on what the new target will be, however it will remain a ‘stepping stone’ en route to achieving the Net Zero legally binding target by 2045.

## 2.6 The Draft Energy Strategy and Just Transition Plan

2.6.1 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.

2.6.2 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....*

*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.”*

- 2.6.3 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.
- 2.6.4 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”.*
- 2.6.5 A fundamental part of the draft 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.....”*
- 2.6.6 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.”*
- 2.6.7 The draft Strategy adds that: *“the Scottish Government is working closely with network companies to support timely delivery of this infrastructure”.*
- 2.6.8 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”.*
- 2.6.9 Chapter 5 of the draft 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”.*
- 2.6.10 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”.

2.6.11 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”.

2.6.12 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.

## 2.7 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 Any amendments that may be made to Scottish statute to reflect the CCC’s advice (in relation to the 2030 emissions reduction target not being credible) does not dilute the Applicant’s position that the Proposed Development can make a valuable contribution to 2045 targets and would deliver important benefits. Whilst emission reduction targets may be adjusted at the interim stage (2030) in terms of attaining Net Zero, all this means is that there is a change to the trajectory, but the overall target of Net Zero remains unchanged. Indeed, as set out in the Cabinet Secretary’s Statement referenced above, the Government retains its “unwavering” commitment to attaining that legally binding target for Net Zero.

2.7.6 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.

2.7.7 By way of illustration this was demonstrated most recently in the decision by Scottish Ministers on 21st August 2024 to approve the Creag Dhubh to Dalmally 275 kV Overhead Line Connection (ECU Reference: ECU00002199), in Argyll & Bute, where it is stated in the Ministers’ Decision Letter at paragraph 78 that

***“The Proposed Development will provide the resilience necessary to maintain secure and reliable supplies of energy to homes and business as our energy transition takes place. It will support the connection of significant amount of renewable energy generation to the national electricity system, making an important contribution to reducing our reliance on fossil fuels. Scottish Ministers conclude that the proposed Development is supported by the Energy Strategy. The Draft Scottish Energy Strategy and Just Transition Plan 2023 signals that strong support from the Scottish Government for upgrade transmission infrastructure remains”.*** (emphasis added)

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 summarise the benefits that would arise from the Proposed Development:

#### Renewable Energy Transmission

- > As explained, the Proposed Development is required to fulfil the statutory and licence obligations on the Applicant as the transmission licence holder. These obligations related to developing the transmission network to provide adequate transmission capacity and to provide connections to customers who wish to connect to and use the transmission system to participate in the national wholesale electricity market.
- > The upgrade / reconductoring of the existing Alyth to Tealing OHL has been identified as part of the National Grid Electricity System Operator's (ESO) Holistic Network Design (HND). The project will upgrade the line from its existing operational voltage of 275kV to enable operation at 400kV to facilitate the transition to Net Zero in line with the UK and Scottish Government targets of achieving Net Zero by 2050 and 2045 respectively.
- > The Proposed Development represents a long-term approach in relation to planning for future transmission infrastructure requirements, particularly having regard to the targets fixed by the Scottish and UK Governments to achieve Net Zero. Furthermore, as a result of an increase in renewable energy projects for which access to the electricity transmission network is being formally requested, there is a requirement to increase the capacity of the existing OHL.
- > The proposed development would enable the delivery of renewable generation which is defined as "essential infrastructure" in NPF4<sup>10</sup>.
- > The Proposed Development is consistent with the core aims of NPF4 National Development 3 which seeks to deliver additional generation from renewables and delivery enhanced transmission capacity to achieve a Net Zero economy and support network resilience in rural areas.

#### 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.
- > With this context, the delivery of grid infrastructure improvements to deliver significant benefits to consumers through decarbonisation, security of supply and enhanced capacity to transmit renewable energy is clear.
- > The Proposed Development, if consented, would provide a valuable contribution to security of supply for Scotland and for the wider Great Britain (GB) area.

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

- > The Applicant has in place Sustainable Procurement Codes and Supplier Guidance to oblige 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 and

<sup>10</sup> NPF4 Annex F, page 148.

sets out which measures are to be put in place to maximise opportunities for local people and businesses close to the site and in the wider region.

- > A further obligation is that suppliers and contractors are expected to “*have in place education and employability programmes which promote the development of employee skills as well as local employment...*”
- > The Applicant’s guidance as a basic commitment in this regard requires ‘decent work and economic growth’ alongside addressing environmental obligations, with a key objective to ensure the economic value is shared with particular focus on local supply chains.

#### **Biodiversity Enhancement**

- > The greatest threat to biodiversity is climate change, and delivering an enhanced grid transmission network with enhanced capacity for renewable energy is a critical step to meet Net Zero.
- > The Proposed Development is consistent with the Applicant’s commitment in all projects to deliver 10% net biodiversity gain.

## 4. Appraisal against NPF4

### 4.1 Introduction

4.1.1 NPF4 was approved by resolution of the Scottish Parliament on 11<sup>th</sup> January 2023 and came into force at 9am on 13<sup>th</sup> February 2023.

4.1.2 A Chief Planner's Letter was issued on 8<sup>th</sup> 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 being in place.

4.1.3 The Letter confirms with regard to the Development Plan that from 13<sup>th</sup> February, NPF3 and Scottish Planning Policy (SPP) no longer represent Scottish Ministers' planning policy and should not form the basis for or be a consideration to be taken into account when determining planning applications.

### 4.2 Development Management

4.2.1 Section 13 of the Planning (Scotland) Act 2019 Act (the "2019 Act") amends Section 24 of the 1997 Act regarding the meaning of the statutory Development Plan, such that for the purposes of the 1997 Act, the Development Plan for an area is taken as consisting of the provisions of:

- > The National Planning Framework; and
- > Any Local Development Plan (LDP).

4.2.2 Therefore, the statutory Development Plan covering the route of the Proposed Development consists of NPF4 and:

- > The PKC LDP (2019); and
- > The Angus LDP (2016).

4.2.3 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.

4.2.4 In terms of emerging LDPs prepared prior to the adoption and publication of NPF4, the Chief Planner's Letter of 8<sup>th</sup> February states that it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the Examination process.

4.2.5 The Chief Planner's Letter also states with regard to Supplementary Guidance associated with LDPs which were in force before 12<sup>th</sup> 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.

### 4.3 How NPF4 is to be used

4.3.1 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."*

4.3.2 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<sup>11</sup>. NPF4 includes a long-term spatial strategy to 2045."

- 4.3.3 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<sup>12</sup> (IIP).
- 4.3.4 NPF4 therefore for the first time, introduces centralised development management policies which are to be applied Scotland wide. It also provides guidance to Planning Authorities with regard to the content and preparation of LDPs.
- 4.3.5 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*".

## 4.4 The National Spatial Strategy – Delivery of Sustainable Places

- 4.4.1 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."*
- 4.4.2 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<sup>13</sup>.
- 4.4.3 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".
- 4.4.4 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."*
- 4.4.5 The new Energy Strategy and Just Transition Plan for Scotland (as referenced in NPF4) was published as a consultative draft on 10<sup>th</sup> January 2023 (see below).

<sup>11</sup> 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'.

<sup>12</sup> 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.

<sup>13</sup> The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.



- 4.4.6 The National Spatial Strategy in relation to 'sustainable places' is described (page 7) as follows:
- "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."*
- 4.4.7 Six National Developments (NDs) support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.
- 4.4.8 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".*
- 4.4.9 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."*
- 4.4.10 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.

## 4.5 National Developments

### Overview

- 4.5.1 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".*
- 4.5.2 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".*
- 4.5.3 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”**

4.5.4 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."*

4.5.5 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."*

4.5.6 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. That is, paragraph (b) *"new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kV or more"*.

4.5.7 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 being recognised (NPF4, page 6) that *"we must make significant progress"* by 2030.

## **4.6 National Planning Policy**

4.6.1 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.

4.6.2 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"*.

4.6.3 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 6: Forestry, Woodland and Trees;
- > Policy 7: Historic Assets and Places;
- > Policy 11: Energy; and
- > Policy 22: Flood Risk and Water Management.

4.6.4 These policies are addressed below.

4.6.5 The Chief Planner's Letter of 8<sup>th</sup> 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."*

4.6.6 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".*

## 4.7 NPF4 Policy 1: Tackling the Climate and Nature Crisis

### Policy 1 & Principles

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

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

4.7.3 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 which provides an essential grid upgrade between two substations 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.

4.7.4 The Chief Planner's Letter of 8<sup>th</sup> 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."*

4.7.5 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.

- 4.7.6 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**

- 4.7.7 Given the nature of the Proposed Development it would make a valuable contribution in relation to targets. 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 associated with the transmission of renewable energy and the provision of that connection to grid, which is the purpose of the Proposed Development also needs 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.

- 4.7.8 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 enabling a connection to 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.

- 4.7.9 The Reporter's comments on this particular policy in the Sanquhar II Wind Farm Inquiry Report<sup>14</sup> 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."*

- 4.7.10 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development.

## **4.8 NPF4 Policy 11: Energy**

### **Policy 11 & Principles**

- 4.8.1 For the consideration of energy transmission proposals, 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."*

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

<sup>14</sup> 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.

4.8.3 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”.*

4.8.4 The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, through encouragement, promotion and facilitation, all of which the Proposed Development will help to deliver in providing the essential grid connection for a consented Wind Farm.

4.8.5 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**

4.8.6 **Paragraph c) of Policy 11** requires socio-economic benefits to be maximised, rather than just taken into account. It is relevant to note in regard to community benefit, guidance issued via the Chief Planners letter of 20<sup>th</sup> September 2024 which provides clarity on the application of Policy 11(c) and the role of community benefits alongside policy considerations on maximising economic impact. The Chief Planner states explicitly that *“We are, however, clear that these are voluntary agreements that sit independent of our planning and consenting systems, and NPF4 Policy 11 (c) does not alter this”.*

4.8.7 With regard to maximising socio-economic benefits, the Applicant has adopted a ‘Sustainable Procurement Code’ and a related ‘Sustainable Procurement Code – Supplier Guidance’ (“the Code”) and these are relevant to take into account. The Sustainable Procurement Code is applied to development projects that the Applicant progresses, and its principal purpose is to ensure that the Applicant’s key values are supported, managed and where possible improved.

4.8.8 The Code sets out various obligations on suppliers and contractors covering climate action and in relation to providing affordable clean energy. The Code also addresses environmental obligations and sets out a clear commitment to “decent work and economic growth” (page 10). A key objective is to ensure that economic value is shared. Amongst the various specific obligations on the Applicant and suppliers is reference to local supply chains. In that regard, page 10 sets out that:

*“SSE has committed to being a global leader for a just energy transition to Net Zero, with a guarantee of fair work and commitment to paying fair tax and sharing economic value”.*

4.8.9 Furthermore, within the obligations on suppliers and contractors are provisions that require the formation of *“constructive local relationships so that communities have the opportunity to directly benefit from significant capital investments... and to have measures in place to maximise opportunities for local people and businesses close to SSE sites and the wider region”.*

4.8.10 A further obligation is that suppliers and contractors are expected to *“have in place education and employability programmes which promote the development of employee skills as well as local employment, including graduate programmes and apprenticeships”.*

- 4.8.11 As regards Local Supply Chains “SSE is committed to ensuring that real economic and social benefits flow to local businesses as a result of its investment in new energy infrastructure. It aims to promote sustainable domestic employment, increased local content and more competitive domestic supply chains. It does this through engagement with its suppliers as well as government regulators and trade unions”.
- 4.8.12 The related Supplier Guidance document (“the Guidance”) sets out with specific regard to local supply chains that suppliers and contractors are:
- > Required to have measures in place to maximise opportunities for local people, supply chains and economies surrounding SSE sites. There may be a requirement to provide evidence of site-specific plans to SSE;
  - > Encouraged to work closely with SSE to promote and support the development of competitive domestic and local supply chains;
  - > Required to provide details of spend with local suppliers and subcontractors, when requested by SSE (“local” is defined as either, within a 50-mile radius of the site or the Local Authority area, unless otherwise defined);
  - > Required to provide reporting of attributed spend with Small Medium Enterprises (SMEs).
- 4.8.13 Specific reference to the Code and Guidance and these obligations would be set out in any invitation to tender for construction works for the Proposed Development. Therefore, there is clear evidence that beyond the capital spend for the project and the direct, indirect and induced employment and economic benefits that would result, that the Applicant has policies and measures in place that seek to maximise the opportunity for socio-economic benefits as a result of the project.
- 4.8.14 It should also be noted that appointed contractors are required to inform the Applicant of the supply chain engaged.
- 4.8.15 The application is supported by an Economic Impact Assessment which states that the Proposed Development could deliver a total of £13.8 million GVA and 142 years of employment across Scotland, and £1.1 million GVA and support for 11 years of employment across Angus and Perth and Kinross. Under SSEN Transmission’s community wealth building strategy, the scale of the economic impacts could be maximised, under the ambition scenario, through several initiatives to increase the contracts awarded to regional and Scottish economies. This would increase the proportion of economic benefits and could generate £2.5 million GVA and 25 years of employment across Angus, and Perth and Kinross. These figures represent a clear contribution to the region’s economic growth.
- 4.8.16 **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.
- 4.8.17 **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**
- 4.8.18 At operation the upgraded OHL would appear visually the same as the existing OHL and as such would not result in any discernible visual change.
- Noise and Shadow Flicker**
- 4.8.19 The consideration of shadow flicker is not relevant for OHL proposals.

4.8.20 Chapter 13 of the EIA provides a noise and vibration impact assessment. There is the potential for construction noise and vibration impacts depending on the proximity of receptors from static, quasi static and mobile plant items. However standard planning conditions and the use of the CEMP, the Construction Noise Management Plan (CNMP) and other specific mitigation measures which are referenced within Chapter 13 can ensure that no unacceptable amenity impacts arise.

4.8.21 With regard to noise and vibration, there are no significant adverse impacts arising post mitigation as a result of the Proposed Development.

#### **Landscape and Visual Considerations**

4.8.22 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.

4.8.23 The majority of potential impacts on landscape character and visual amenity would relate to construction operations. Construction compounds, access tracks, scaffolds and construction activities would introduce new features and increased movement into parts of the landscape and views. However, these elements would be temporary in nature and potential impacts limited and highly localised. It is anticipated that construction compounds would be carefully sited to help minimise potential effects, particularly in relation to residential properties. All areas disturbed by construction would be reinstated and as such there would be very little or no discernible change upon completion of the works.

4.8.24 At operation the upgraded OHL would appear visually the same as the existing OHL and as such would not result in any discernible change. There is a potential requirement for removal of trees to create a wider wayleave corridor along the OHL Route with the potential to result in longer term or permanent change. However, it is anticipated that any tree loss would be limited and very localised and as such would have little or no influence on the character of the landscape or nature of views.

4.8.25 Overall, although there is potential for localised landscape and visual effects during construction, the limited and temporary nature and short duration of these elements are unlikely to result in any significant effects on landscape designations, Landscape Character Types and visual receptors. At operation, following completion of construction and reinstatement, there will be little or no discernible change and therefore no significant effects are anticipated on any of the identified receptors.

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4.8.26 Land use impacts associated with the Proposed Development are anticipated to be temporary, of low magnitude and localised, and would typically be a temporary disturbance to access or use of land or severance of land parcels

#### **Aviation, Defence Interests and Telecommunications**

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

#### **Impacts on Road Traffic and Trunk Roads**

4.8.28 Chapter 11 of the EIA Report considers the effects of the Proposed Development in terms of transport and access.

4.8.29 The Proposed Development has been assessed relative to the potential effects on traffic and roads. Prior to mitigation there is predicted to be a moderate effect on Couston and

Bonnyton Road in the short term, during construction, due to the high magnitude of change (increase in traffic) arising as a result of the very low baseline traffic on these roads. Likewise, a moderate effect on the same roads is predicted to non-motorised user amenity for the same period.

- 4.8.30 Mitigation measures to address these impacts have been carefully considered and focus on access to and from public roads. The Applicant will submit a Construction Traffic Management Plan (CTMP) to control and minimise effects of vehicle movements to and from the Proposed Development. The CTMP includes assessment of all access points to public roads and demonstrates that all layouts are suitable for HGV traffic. Temporary traffic management will operate at each access point to control the movement of Proposed Development traffic. The CTMP will control routing, construction traffic hours, measures to protect public roads and monitoring amongst its key considerations.
- 4.8.31 No residual significant effects arise post mitigation and there are no significant cumulative effects arising post mitigation.

### **Forestry**

- 4.8.32 Chapter 9 of the EIA Report considers potential impacts resulting from the construction and operation phases of the Proposed Development on forestry. Forestry in this context considers commercial and non-commercial woodland.
- 4.8.33 There is no national guidance relating to receptor sensitivity or impact magnitude for forestry. Sensitivity descriptors and impact thresholds have been developed for these proposals and combined in a sensitivity matrix.
- 4.8.34 Sites at Crow Wood, Kirkinch Wood Scotston Hill and Balkello Wood will require tree removal for an expanded wayleave. In each case the effect is negligible or minor and no significant impact is identified.
- 4.8.35 Extended areas of tree felling have not been identified, but limited management felling and potential restocking with mixed broadleaves of limited stature to create a graduated edge to the wayleave would represent a positive ambition for long term tree stability and would secure landscape and ecological benefits.
- 4.8.36 Access to the wayleave using upgraded forestry tracks may require vegetation management which falls within standard forestry management that develops an asset that will assist woodland management and timber transport. The benefit is likely to be negligible or minor, and not present a significant impact.
- 4.8.37 Mitigation is not proposed for the non-significant minor forestry. Mitigation is considered within Chapter 7, Ecology of the EIA Report. Environmental safeguards for retained trees and associated ecosystems is provided in a CEMP and is compliant with the UK Forestry Standard.

### **Historic Environment**

- 4.8.38 Permanent setting changes during operation to designated and non-designated heritage assets was scoped out of the EIA as the Proposed Development will not alter the towers, and therefore will not result in any change to setting. Notwithstanding that an EIA has been undertaken to consider any impacts to the value of any asset, either physically or through changes to setting. This is reported in Chapter 10 of the EIA Report.
- 4.8.39 Most previously recorded assets will be avoided by works associated with reconductoring, as such mitigation in most areas is limited to archaeological monitoring (where ground is being stripped to facilitate the installation of trackway panels) to record elements of previously recorded features that might extend into work areas, or previously recorded assets. Any works within Cardean Roman Camp scheduled monument (SM4337) will require Scheduled Monument Consent. Intrusive works are expected to be limited however any stripping will

require works to be agreed pre-construction via an application to Historic Environment Scotland for scheduled monument consent, which will be supported by a Written Scheme of Investigation (WSI).

4.8.40 No significant effects are predicted as a result of the Proposed Development.

### **Hydrology, the Water Environment and Flood Risk**

4.8.41 Chapter 12 of the EIA Report identifies and assesses the potential impacts and effects of the Proposed Development on hydrology, hydrogeology and soils (primarily peat) during construction and operation. Geology has been scoped out due to the absence of viable geology receptors and due to the shallow nature of the proposed ground disturbance works associated with reconductoring.

4.8.42 A series of embedded standard and additional mitigation measures are proposed to address potential effects and ensure that the environmental receptors are safeguarded through the development process.

4.8.43 Subject to standard and embedded mitigation and adoption of best practice construction techniques and a site-specific CEMP, no significant adverse effects on geology (including soils and peat) and the water environment have been identified. The CEMP includes provision for drainage management plans, to be agreed with statutory consultees and which would be used to safeguard water resources.

### **Biodiversity**

#### *Ecology*

4.8.44 Chapter 7 of the EIA Report presents the assessments of the potential effects on terrestrial ecology (non-ornithological) from the Proposed Development. Four designated sites are location with the Zone of Influence (Zoi) of the Proposed Development. Of those, there are two European sites (Special Areas of Conservation SACs) (River Tay SAC and Firth of Tay and Eden Estuary SAC), one Ramsar site designated for habitats and one other statutory designation (Site of Special Scientific Interest (SSSI)).

4.8.45 The impact assessment on statutory and non- statutory ecological sites and receptors determines that there are no significant effects on any important ecological features during the construction phase of the Proposed Development. No effect on any important ecological features from the operational phase are predicted as there will be no change from baseline conditions given the Proposed Development is for reconductoring of existing infrastructure.

#### *Ornithology*

4.8.46 Chapter 8 of the EIA Report considers the potential effects of the Proposed Development on ornithological features and provides details of committed mitigation measures identified to minimise or compensate for adverse effects on ornithological features. A Statement to Inform Habitats Regulations Appraisal (EIA Report Appendix 7.4, Volume 4) has also been submitted as part of the section 37 application. It describes the assessment conducted to test for adverse effects from the Proposed Development on the qualifying features of European sites, which comprise SACs and Special Protection Areas (SPA), the latter of which are designed for conservation of bird species.

4.8.47 A range of embedded mitigation measures have been adopted as good practice measures within the design of the Proposed Development. A CEMP will be prepared and submitted for approval in consultation with SEPA and NatureScot as appropriate.

4.8.48 A detailed assessment of the potential impacts and effects of the Proposed Development on European Sites is provided within Appendix 7.4 as noted above. It was concluded that there would be no likely significant effects on the qualifying features of European sites. In EIA terms it is concluded that there will be negligible effect in this regard.



- 4.8.49 Field surveys identified lapwing and snipe within a 500m survey buffer, at nearest, 100m from the Site east of the Balkello woodland. No significant effects are predicted on these species.
- 4.8.50 Black Grouse were not definitely recorded during baselines surveys completed in 2024 however in the area around Scotston Hill, suitable habitat for the species exist and anecdotal evidence was found regarding a potential lek. The Proposed Development may result in a temporary minor loss of suitable habitat for Black Grouse but evidence suggests that the species more often lek further north, outside of the Site. Assuming construction works commence at least one hour after sunrise in April and May, the ability of the birds to use the suitable lekking habitat within Scotston Farm still exists. If they were disturbed from that potential lek, there is ample suitable habitat north of Scotston Hill for foraging and lekking.
- 4.8.51 It is considered therefore that there are no significant effects on Black Grouse from construction or operation of the Proposed Development.
- 4.8.52 There are no significant cumulative effects ornithology predicted as a result of the Proposed Development.

### **Balancing the Contribution of a Development and Conclusions on Policy 11**

- 4.8.53 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. 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.
- 4.8.54 The Proposed Development is considered to be acceptable on balance in relation to all of Policy 11's environmental and technical topic criteria.
- 4.8.55 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.
- 4.8.56 The "contributions" are inextricably related to the increase in renewable capacity which the OHL is required to provide transmission for and policy recognises that any identified impacts must be assessed in the context of these contributions.
- 4.8.57 In terms of contribution to targets, the proposal's contributions have been set out in Chapter 3 above. The importance of delivering grid infrastructure is a critical consideration and one which is provided strong support within NPF4 policy and National Development status.

## **4.9 NPF4 Policy 3: Biodiversity**

### **Policy 3 & Principles**

- 4.9.1 In summary, there are no unacceptable effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 **Policies 3 and 4** (respectively address.
- 4.9.2 **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.

### **Current Guidance Position**

- 4.9.3 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*".

- 4.9.4 The **letter from the Chief Planner issued on 8<sup>th</sup> February 2023** refers to the application of new policy where specific supporting guidance / parameters for assessment are not yet available to aid assessments. The letter states:
- “recognising that currently there is not a single accepted methodology for calculating and / or measuring biodiversity ‘enhancement’ – we have commissioned research to explore options for development a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise for opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case”.* (underlining added)
- 4.9.5 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance.
- 4.9.6 **NatureScot Guidance** was issued in Summer 2023 in support of NPF4 Policy 3 c). This states that the selection and design of enhancement measures will be a matter of judgment based on the circumstances of the individual case but should take into account a number of considerations. These considerations include:
- > The location of the development site and the opportunities for enhancing biodiversity;
  - > The character and scale of development;
  - > The requirements and cost of maintenance and future management of the measures proposed;
  - > The distinctiveness and scale of the biodiversity damaged or lost; and
  - > The time required to deliver biodiversity benefits and any risks or uncertainty in achieving this.
- 4.9.7 The Scottish Government also 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.’”*
- 4.9.8 The draft guidance makes reference to Scotland’s Biodiversity Strategy, which it states sets targets for halting biodiversity loss by 2030 and restoring and regenerating biodiversity by 2045.
- 4.9.9 Section 1.9 of the guidance states that NPF4 Policy 3 (Biodiversity) *“in particular plays a critical role in ensuring that development will secure positive effects for biodiversity”*.
- 4.9.10 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”*.
- 4.9.11 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.”*

- 4.9.12 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.
- 4.9.13 These core principles have been applied as appropriate to the Proposed Development.
- 4.9.14 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 that 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); and
  - > It is stated that NatureScot is to shortly commence work to develop an adapted biodiversity metric suitable for use in supporting delivery of NPF4 Policy 3 b). The draft guidance states that further information will be provided on this work “in due course”.
- 4.9.15 Section 4.12 of the draft 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”.*
- 4.9.16 Section 4.14 of the draft 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.”*
- 4.9.17 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).
- 4.9.18 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.”*

- 4.9.19 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).
- 4.9.20 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
- 4.9.21 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**

- 4.9.22 Notwithstanding the lack of policy guidance at National level 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.
- 4.9.23 Biodiversity Net Gain (BNG) is a process which leaves nature in a better state than it started. Although it is an internationally recognised process and tool within the development industry, it is not a term that is widely used or implemented in Scotland and a small handful of businesses are making voluntary commitments to incorporating BNG into their projects, including SSEN Transmission. SSEN Transmission has developed a BNG toolkit based upon the accepted Department for Environment, Food and Rural Affairs (DEFRA) metric which aims to quantify biodiversity based upon the value of habitats for nature. It is an efficient and effective method for demonstrating whether development projects have been able to maintain or increase the biodiversity value of a development site after construction works.
- 4.9.24 BNG will be provided at locations remote from the Alyth to Tealing OHL project areas and several offsite projects have been identified with discussions ongoing with potential partners. The sites are located within Perth and Kinross, Angus and Fife Council areas to ensure an appropriate geographical spread of BNG across the s37 consents and affected Councils. The approach to achieving BNG is set out within the BNG Assessment Reports submitted in support of each s37 application.
- 4.9.25 Given the lack of significant adverse effects of the Proposed Development, and 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.

- 4.9.26 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 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.

## 4.10 NPF4 Policy 4: Natural Places

### Policy 4 & Principles

- 4.10.1 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.
- 4.10.2 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.”*
- 4.10.3 There are no national landscape interests that would be affected by the Proposed Development.
- 4.10.4 **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”.*
- 4.10.5 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”.
- 4.10.6 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

- 4.10.7 As explained above in the context of NPF4 Policy 11 (Energy), the EIA Report contains an assessment of the effects of the Proposed Development and concludes that there would be no discernible landscape and visual effects arising from the Proposed Development. The existing OHL is well integrated into the context of the surrounding landscape and the Proposed Development would not affect local landscape character and visual amenity. There are no predicted effects on Local Landscape Areas or any other national or local designations.
- 4.10.8 The Proposed Development would however result in benefits of national importance with no significant national or local landscape effects. The Proposed Development is considered to be in accordance with Policy 4.

### 4.11 NPF4 Policy 5: Soils

#### Policy 5 & Principles

- 4.11.1 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 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

- 4.11.2 Chapter 12 of the EIA Report assesses the potential impacts of the Proposed Development on geology, hydrogeology and peat and concludes that with mitigation no significant residual effects arise.
- 4.11.3 Subject to adoption of best practice construction techniques and a site-specific CEMP no significant adverse effects are identified.
- 4.11.4 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.
- 4.11.5 The Proposed Development is considered to be in accordance with Policy 5.

### 4.12 NPF4 Policy 6: Forestry, Woodland and Trees

#### Policy 6 & Principles

- 4.12.1 The policy intent is to protect and expand forests, woodland and trees. It states that development proposals that enhance, expand and improve woodland and tree cover will be supported.
- 4.12.2 **Policy 6 Paragraph b)** states that “*development proposals will not be supported where they will result in:*
- i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;*
  - ii. Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;*
  - iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;*

*Iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.”*

4.12.3 **Policy 6 Paragraph c)** states that:

*“Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered”.*

#### **The application of Policy 6**

4.12.4 Limited tree removals in specific locations (Kirkinch Wood, Scotston Hill woodland and Balkello Wood) are required for an expanded wayleave with no significant impact on forestry or woodland identified. Extended areas of tree felling have not been identified. Limited management felling and restocking with mixed broadleaves of limited stature to create a graduated edge to the wayleave results in positive ambition for long term tree stability and enhanced landscape and biodiversity benefits.

4.12.5 Mitigation for removal can be provided in-situ with shrub planting at the woodland edge. Further mitigation proposals are considered within Chapter 7, Ecology of the EIA Report. No fragmentation or severing of woodland habitats result as a consequence of the Proposed Development.

4.12.6 There will be no conflict with any restocking direction or forestry management objectives in the area. Proposed upgrades to forestry tracks will assist woodland management and timber transport and result in a negligible or minor benefit.

4.12.7 The Proposed Development is therefore considered to be in accordance with Policy 6.

### **4.13 NPF4 Policy 7: Historic Assets and Places**

#### **Policy 7 & Principles**

4.13.1 Finally, 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).

4.13.2 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

- 4.13.3 As noted, whilst permanent setting changes during operation to designated and non-designated heritage assets were scoped out, an EIA assessment has been undertaken and no significant effects are anticipated. Pre construction, a Written Scheme of Investigation will be prepared for approval by the relevant local authority and measures will be put in place to safeguard any potential effects on known or unknown assets during construction as appropriate. The Proposed Development is considered to accord with the provisions of Policy 7 so far as they are relevant to the nature of the development as proposed.

### 4.14 Conclusions on NPF4 Appraisal: Sustainable Place

- 4.14.1 The Proposed Development is considered to be acceptable in relation to all of Policy 11’s environmental and technical topic criteria.
- 4.14.2 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.
- 4.14.3 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.
- 4.14.4 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.
- 4.14.5 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.
- 4.14.6 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.
- 4.14.7 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).
- 4.14.8 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.
- 4.14.9 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)
- 4.14.10 The importance of applying NPF4 and its aims and objectives as a whole is demonstrated within the recent Creag Dhuhb to Dalmally 275 kV Section 37 decision which recognises that conflict with some areas of policy can arise - in that case Policy 6 (Ancient Woodland loss)

and to a lesser degree due to localised amenity harm. In applying NPF4 as a whole, there was recognition of the wider benefits and accordance with policy. The Ministers' stated:

*"However, it would satisfy the requirements of all other development plan policies and would benefit from being a national development in NPF4 and from the support that is given within NPF4 to developments that contribute to renewable energy generation and greenhouse gas emissions reduction. Therefore, the Scottish Ministers conclude that the Development is, overall, in accordance with and supported by NPF4".*

4.14.11

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 Plans

### 5.1 Introduction & Approach

5.1.1 The other elements of the statutory Development Plan covering the site comprise:

- > The PKC LDP (2019); and
- > The Angus LDP (2016).

### 5.2 The Perth and Kinross Council LDP

5.2.1 The policies of relevance in the PKC LDP 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: PKC LDP Policy Summaries**

LDP Policy	Policy Summary	Comment re NPF4
Policy 1 Place Making	<p>The policy is split into various parts and part 1A is of some relevance. It states that development must contribute positively to the quality of the surrounding built and natural environment and that all development should be planned and designed with reference to climate change, mitigation and adaptation.</p> <p>The policy requires design and siting of development to respect character and amenity of place. Other aspects of the policy relate to more conventional built development and would not be relevant.</p>	<p>The provisions of this general policy insofar as relevant are contained within the scope of NPF4 Policy 11 (Energy).</p> <p>No conflicts or contradictions with NPF4.</p>
Policy 15 Public Access	<p>The policy states that proposals that would have an adverse impact upon the integrity of any core path or right of way will not be permitted. The policy also requires proposals that would affect public access rights, to ensure that such effects are adequately addressed and where necessary, suitable alternative provisions should be made.</p>	<p>NPF4 Policy 11 deals with impacts in relation to public access.</p> <p>No conflicts or contradictions with NPF4.</p>
Policy 26 Scheduled Monuments & Archaeology	<p>Policy 26A deals with Scheduled Monuments and states that there is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.</p> <p>Policy 26B deals with Archaeology and states that the Council will seek to protect areas or sites of known archaeological interest and their settings. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ.</p>	<p>NPF4 Policy 7 (Historic assets and places) deals with impacts in relation to cultural heritage.</p> <p>No conflicts or contradictions with NPF4.</p>



LDP Policy	Policy Summary	Comment re NPF4
Policy 27  Listed Buildings	Policy 27A deals with listed buildings and states that there is a presumption in favour of retention of listed buildings. It adds that the layout, design, materials, scale and siting and use of any development which will affect a listed building, or its setting should be appropriate to the building's character, appearance and setting.	NPF4 Policy 7 deals with cultural heritage.  No conflicts or contradictions with NPF4.
Policy 29  Gardens & Designed Landscapes	The policy states that the Council will seek to manage change in order to protect and enhance the integrity of those sites that are included on the current Inventory of Gardens and Designed Landscapes.	NPF4 Policy 7 deals with nationally important Gardens and Designed Landscapes.  No conflicts or contradictions with NPF4.
Policy 31  Other Historic Environment Assets	The policy states that there is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, historical woodlands and routes, which do not have statutory protection. It states that these resources are, however, an important part of Scotland's heritage and the Council will seek to protect and preserve significant resources as far as possible.	NPF4 Policy 7 deals with impacts in relation to cultural heritage.  No conflicts or contradictions with NPF4.
Policy 33  Renewable & Low Carbon Energy	<p>Policy 33a states that proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported, subject to a number of factors. These include the individual or cumulative effects of a development in relation to:</p> <ul style="list-style-type: none"> <li>&gt; Biodiversity and natural heritage;</li> <li>&gt; Woodland and forestry;</li> <li>&gt; Landscape character, local landscape areas, wild land areas and national scenic areas;</li> <li>&gt; Visual amenity;</li> <li>&gt; The historic environment and cultural heritage;</li> <li>&gt; Hydrology, the water environment and flood risk;</li> <li>&gt; Air quality, including any effects on greenhouse gas emissions and impacts from construction;</li> <li>&gt; Aviation, defence and seismological recording;</li> <li>&gt; Telecommunications and broadcasting infrastructure;</li> <li>&gt; Residential amenity of the surrounding area (including noise and shadow flicker); and</li> <li>&gt; Hazardous installations (including pipelines).</li> </ul> <p>The policy also requires consideration of:</p>	<p>NPF4 Policy 11 deals with Energy developments.</p> <p><b><i>Whilst Policy 33 of the LDP requires the contribution of a development to targets to be taken into account, NPF4 Policy 11 expressly requires significant weight to be given to such a contribution.</i></b></p>

LDP Policy	Policy Summary	Comment re NPF4
	<ul style="list-style-type: none"> <li>&gt; The contribution of the development towards meeting carbon reduction and renewable energy generation targets;</li> <li>&gt; The net economic impact of a proposal;</li> <li>&gt; The transport implications arising;</li> <li>&gt; Construction and service tracks and borrow pits, including effects on soils such as carbon rich soils, deep peat and priority peatland habitats or prime agricultural land;</li> <li>&gt; The effects on public access;</li> <li>&gt; Decommissioning, including any conditions/bonds considered necessary for site restoration;</li> <li>&gt; Opportunities for energy storage.</li> </ul>	
<p>Policy 38 Environment and Conservation</p>	<p>Policy 38A deals with international nature conservation sites, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).</p> <p>Policy 38B deals with national designations including National Parks, National Scenic Areas, Sites of Special Scientific Interest and National Nature Reserves. The policy tests in relation to international and national designations in the policy are the same as those as set out in national planning policy, namely NPF4.</p> <p>Policy 38c deals with local designations. It states that development which would affect a local designation will not normally be permitted except where the Council is satisfied that the objectives of designation and the overall integrity of the designated area would not be compromised; or any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.</p>	<p>NPF4 Policies 3 (Biodiversity) and 4 (Natural places) deal with natural heritage matters.</p> <p>No conflicts or contradictions with NPF4.</p>
<p>Policy 39 Landscape</p>	<p>The policy states that development and land use change, including the creation of new hill tracks, should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes, which requires reference to the Tayside Landscape Character Assessment.</p> <p>The policy states that proposals will be supported where they do not conflict with the aim of maintaining and enhancing landscape qualities.</p> <p>Proposals need to demonstrate with reference to an appropriate landscape capacity study that either in the case of individual developments or when</p>	<p>NPF4 Policies 11 and 4 deals with landscape matters.</p> <p><b><i>There is a conflict with NPF4 policy provisions.</i></b></p> <p><b><i>NPF4 Policy 4 sets out specific policy tests for dealing with impacts in relation to Local Landscape designations and these differ significantly from</i></b></p>

LDP Policy	Policy Summary	Comment re NPF4
	<p>cumulatively considered alongside other existing or proposed developments, that they satisfy certain criteria. These include the following:</p> <ul style="list-style-type: none"> <li>&gt; They do not erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character areas, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of landscape experience.</li> <li>&gt; They safeguard views, viewpoints and landmarks from development that would detract from their visual integrity, identity or scenic quality.</li> <li>&gt; They safeguard the tranquil qualities of the area's landscapes.</li> <li>&gt; They safeguard the relative wildness of the area's landscapes, in particular, wild land areas.</li> <li>&gt; They provide high quality standards and landscape design, including landscape enhancement and mitigation schemes when there is an associated impact on a landscape's qualities.</li> <li>&gt; They incorporate measures for protecting and enhancing the ecological, geological, historic, cultural and visual immunity elements of the landscape; and</li> <li>&gt; They conserve the experience of the night sky in the less developed areas of Perth and Kinross through design solutions with low light impact.</li> </ul> <p>The policy also references local landscape areas (LLAs) and states that development should only be permitted where it will not have a significant adverse impact on their special character or qualities, or where these impacts are clearly outweighed by social and economic benefits that are of local significance to Perth and Kinross.</p>	<p><b><i>the provisions within Policy 39.</i></b></p> <p><b><i>Furthermore, NPF4 Policy 11 contains landscape as one of a number of considerations and it also contains a specific balancing mechanism in relation to consideration of impacts and the contribution of a development to targets.</i></b></p> <p>Policy 39 conflicts with NPF4.</p>
<p>Policy 40 Forestry, Woodland and Trees</p>	<p>The policy sets out that the Council will follow the principles of the Scottish Government policy on control of woodland removal and developers are expected to fully accord with its requirements. It adds that in accordance with that document, there will be a presumption in favour of protecting woodland resources, except where the works proposed involve the temporary removal of tree cover in a plantation, which is associated with clear felling and restocking. It adds that in exceptional cases where the loss of individual trees or woodland cover is unavoidable, the Council will require mitigation measures to be provided.</p>	<p>NPF4 Policy 6 deals with forestry, woodland and trees.</p> <p>No conflicts or contradictions with NPF4.</p>

LDP Policy	Policy Summary	Comment re NPF4
<p>Policy 41 Biodiversity</p>	<p>The policy states that the Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area. It adds that proposals that have a detrimental impact on the ability to achieve the guidelines and actions in the Tayside Local Biodiversity Action Plan will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p>	<p>NPF4 Policies 3 and 4 deal with biodiversity.</p> <p>No conflicts or contradictions with NPF4.</p>
<p>Policy 51 Soils</p>	<p>The policy states that the Council will seek to protect soils from damage, such as erosion or compaction. It adds developments located on areas of good quality agricultural soils will only be supported in certain circumstances. The policy adds that the Council is also committed to ensuring that development avoids disturbance to, and the loss of, carbon rich soils, including peatland, which are of value as carbon stores.</p> <p>The policy also allows for exceptions in relation to development that would disturb carbon rich soils, and in such circumstances, development is to be informed by appropriate peat surveys and management plans and any disturbance or excavation should be minimised. An assessment is also required of likely effects of development on carbon dioxide emissions and suitable mitigation measures are to be identified.</p>	<p>NPF4 Policy 5 deals with soils.</p> <p>No conflicts or contradictions with NPF4.</p>
<p>Policy 52 New Development and Flooding</p>	<p>The policy states that there is a general presumption against proposals for built development or land raising on a functional flood plain and the policy sets out requirements for developers to address flood risk associated with new development.</p>	<p>NPF4 Policy 22 deals with flood risk and water management.</p> <p>No conflicts or contradictions with NPF4.</p>
<p>Policy 53 Water, Environment and Drainage</p>	<p>The policy deals with the water environment, foul drainage, surface water drainage and natural watercourses.</p>	<p>NPF4 Policy 22 deals with flood risk and water management</p> <p>No conflicts or contradictions with NPF4.</p>
<p>Policy 56 Noise Pollution</p>	<p>The policy states that there will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly, against the locating of noise sensitive uses near to sources of noise generation.</p> <p>The policy adds that a Noise Impact Assessment will be required for proposals where it is anticipated that a noise problem is likely to occur.</p>	<p>NPF4 Policy 11 contains noise as one of a number of considerations.</p> <p>No conflicts or contradictions with NPF4.</p>

LDP Policy	Policy Summary	Comment re NPF4
Policy 60  Transport Standards and Accessibility Requirements	The policy deals with development proposals, in particular those that involve significant travel generation and it sets out requirements in relation to transport standards, including parking and the need, in some cases, for the preparation of a Transport Assessment.	NPF4 Policy 13 deals with sustainable transport.  No conflicts or contradictions with NPF4

## 5.3 The Angus LDP

5.3.1 The policies of relevance in the ALDP are summarised below in **Table 5.2** with brief comment added with regard to how the policies relate to the policies of NPF4, where relevant:

**Table 5.2: Angus LDP Policy Summaries**

Policy	Topic	Policy Summary	Position against NPF4
Policy DS1	Development Boundaries and Priorities	This policy states that the Council will support proposals where public interests and social, economic, environmental, or operational considerations confirm the need for development that is proposed. Furthermore, supported proposals should be of an appropriate scale and nature with regards to their specific location and should be in accordance with all other relevant policies of the ALDP.	Policy 1 'Tackling the climate and nature crises', encourages, promotes and facilitates development that addresses the global climate emergency and nature crises.  Policy 11 'Energy' is a policy of encouragement and facilitation for all forms of renewable energy development, including transmission infrastructure, subject to assessment against various criteria.  No conflicts or contradictions with NPF4 have been identified in relation this ALDP policy.
Policy DS3	Design Quality and Placemaking	This policy states that development proposals should deliver a high design standard and contribute positively to the character and sense of place in the area in which they are to be located. Developments should also make a good use of existing resources and sites and should develop a design to minimise environmental impacts and maximise the use of local climate and landform.	Policy 14 'Design, quality and place' of the NPF4, seeks to encourage, promote and facilitate well designed developments that are consistent with the six qualities of successful places, as well as improving the quality of an area, and are not detrimental to the amenity of the surrounding area.  No conflicts or contradictions with NPF4.
Policy DS4	Amenity	This policy states that proposed developments should have full regard to opportunities for maintaining and improving environmental quality. The Council will consider the impacts of developments on air quality, noise and vibration levels, levels of light pollution and others similar environmental considerations.	Policy 11 'Energy', seeks to ensure impacts on communities and individual dwellings are taken into account, including residential amenity, visual amenity, noise and shadow flicker.  No conflicts or contradictions with NPF4
Policy PV1	Green Networks and Green Infrastructure	Angus Council will seek to protect, enhance and extend the wildlife, recreational, amenity, landscape, access	Policy 3 'Biodiversity', seeks to reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.



Policy	Topic	Policy Summary	Position against NPF4
		and flood management value of the Green Network. Development proposals that are likely to erode green networks and green infrastructure will not be permitted unless appropriate mitigation or replacement can be secured. In some cases, a developer contribution towards enhancement of the wider Green Network may be appropriate.	Policy 4 'Natural Places', aims to protect, restore and enhance natural assets making best use of nature-based solutions.  No conflicts or contradictions with NPF4.
Policy PV3	Access and Informal Recreation	This policy states that new development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. If existing accesses cannot be retained, the Council requires that alternative provisions are offered. Provisions for public access should also be incorporated into all new development proposals.	No conflicts or contradictions with NPF4.
Policy PV4	Sites Designated for Natural Heritage and Biodiversity Value	The Council will seek to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.	Policy 3 'Biodiversity' aims to protect and reverse biodiversity loss, as well as seeking positive effects from development and strengthening nature networks.  Policy 4 'Natural Places' states that development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where the development will not have significant adverse effects on integrity of the area, or the qualities for which it has been identified, or the effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.  No conflicts or contradictions with NPF4.
Policy PV5	Protected Species	The Council will seek to protect and enhance all wildlife and their habitats, important roost or nesting places. Development proposals which are likely to affect protected species (including European, nationally, or locally protected species) will be assessed to ensure compatibility with the appropriate regulatory regime depending on the level of protection.	Policy 3 'Biodiversity' aims to protect and reverse biodiversity loss, as well as delivering positive effects from development and strengthening nature networks.  Policy 4 'Natural Places' states that proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. Additionally, if a protected species is present on a

Policy	Topic	Policy Summary	Position against NPF4
			<p>site, steps must be taken to establish its presence.</p> <p>No conflicts or contradictions with NPF4.</p>
Policy PV6	Development in the Landscape	<p>The Council seeks to protect and enhance the quality of the landscape, its diversity and distinctive local characteristics, important views, and landmarks. New developments will be accepted, where:</p> <ul style="list-style-type: none"> <li>&gt; The selected site is capable of accommodating the proposed development;</li> <li>&gt; The siting and design integrate with local landscape;</li> <li>&gt; Potential impacts with any other relevant proposals are considered to be acceptable; and</li> <li>&gt; There are adopted mitigation measures and/or reinstatement are proposed where appropriate.</li> </ul>	<p>Policy 4 'Natural Places' states developments which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Part d) of the policy allows for development that affects a local landscape area (even if there are significant adverse effects on the integrity of the area) if the benefits that arise are at least of local importance.</p> <p>Policy 11 'Energy' states that where significant landscape and visual impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable.</p> <p><b><i>Conflict by virtue of the NPF4 Policy 11 having a lower compliance threshold for renewable energy developments that would result in localised significant landscape and visual impacts. In addition, NPF4 Policy 4 has a specific test in relation to local landscape designations.</i></b></p>
Policy PV7	Woodland, Trees and Hedges	<p>The Council follows the Scottish Government Control of Woodland Removal Policy and seeks to protect ancient semi-natural woodland, enhance woodland of high nature conservation value, and ensure the establishment of new woodlands in advance of major developments.</p>	<p>Policy 6 'Forestry, Woodland and Trees' seeks to ensure that developments enhance, expand and improve woodland and tree cover.</p> <p>No conflicts or contradictions with NPF4.</p>
Policy PV9	Renewable and Low Carbon Energy Development	<p>Proposals for renewable and low carbon energy will be accepted if:</p> <ul style="list-style-type: none"> <li>&gt; The location, siting and appearance have been designed/chosen to minimise impact on amenity, landscape, and environment; and</li> <li>&gt; Access for construction and maintained does not compromise road safety; and</li> <li>&gt; The design of the site provides links to the national grid and/or other users of renewable</li> </ul>	<p>Policy 11 'Energy' states renewable energy developments (including grid transmission infrastructure) will generally be considered to be acceptable where any significant landscape and visual impacts are localised, and where appropriate design mitigation has been incorporated. Furthermore, Policy 11 also places significant weight on the contribution of the proposal to renewable energy generation targets, which also encompasses associated grid transmission infrastructure.</p> <p><b><i>There is therefore conflict between Policy PV9 and Policy 11, whereby the NPF4 Policy 11 sets a lower compliance threshold for</i></b></p>

Policy	Topic	Policy Summary	Position against NPF4
		<p>energy and heat generated on site; and</p> <p>&gt; There is no unacceptable adverse impact on landscape, character, viewpoints, sites designated for natural heritage, any populations of protected species, or amenities of the communities or individual dwellings, or noise.</p> <p>Also, new renewable and low carbon energy developments should not have unacceptable impact on groundwater, surface water resources, and carbon rich soils.</p>	<p><b>renewable energy developments and grid transmission infrastructure that would result in localised landscape and visual impacts. Policy 11 also directs the decision make to afford significant weight to the contribution a given development would make to targets.</b></p>
Policy PV8	Built and Cultural Heritage	<p>The Council will seek protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.</p> <p>The policy states that development affecting national assets (such as Scheduled Monuments and Listed Buildings) will only be supported where the development “<i>will not adversely affect the integrity of the site or the reasons for which it was designated</i>” and where “<i>any significant adverse effects</i>” are outweighed by benefits.</p>	<p>Policy 7 ‘Historic assets and places’ seeks to protect and enhance historic environment assets and places. It states that proposals affecting Scheduled Monuments will only be supported where “<i>significant adverse impacts on the setting of a Scheduled Monument are avoided</i>” or there are “<i>exceptional circumstances</i>” demonstrated to justify the impact.</p> <p>Policy 11 ‘Energy’ states that project design and mitigation should demonstrate how impacts on the historic environment will be addressed. However, it goes on to state that when considering these impacts, significant weight is to be placed on the contribution of the proposal to renewable energy generation targets.</p> <p><b>Policy PV8 therefore conflicts with NPF4 Policy 7 given the different policy tests in the NPF.</b></p>
Policy PV12	Managing Flood Risk	<p>The Council will seek to reduce potential risk from flooding and there will be a general presumption against built development proposals on the functional floodplain which would involve land raising resulting in the loss of the functional flood plain or which would materially increase the probability of flooding to existing or planned development.</p> <p>Where appropriate, development proposals will be assessed within the context of the Shoreline Management Plan, Strategic Flood Risk</p>	<p>Policy 11 ‘Energy’ states that project design and mitigation will demonstrate how impacts on the effects on hydrology, the water environment and flood risk will be addressed.</p> <p>Policy 22 ‘Flood Risk and Water Management’ aims to strengthen avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Development proposals at risk of flooding or in a flood risk area will only be supported if they are for essential infrastructure where the location is required for operational reasons.</p>

Policy	Topic	Policy Summary	Position against NPF4
		<p>Assessments and Flood Management Plans, and will be considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.</p> <p>Surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas.</p>	No conflicts or contradictions with NPF4.
Policy PV20	Soils and Geodiversity	<p>Development proposals on prime agricultural land will be supported if they:</p> <ul style="list-style-type: none"> <li>&gt; Support the delivery of the development strategy and policies in the ALDP; and</li> <li>&gt; Constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.</li> </ul> <p>Furthermore, all development proposals will be incorporate measures to manage, protect and reinstate valuable soils, groundwater, and soil biodiversity during construction.</p>	<p>Policy 5 'Soils' seeks to protect carbon-rich soils, restore peatland and minimise disturbance to soils from development. The policy also states that if a proposal is on prime agriculture land, the development will only be supported if essential infrastructure and where it is for the generation of energy from renewable sources.</p> <p>No conflicts or contradictions with NPF4.</p>

## 5.4 Dundee LDP

5.4.1 The Site is not located within the administrative boundary of Dundee City Council, however roads within the Dundee City boundary will be utilised by construction traffic generated for the project. An assessment therein against the Dundee LDP (DLDP) is provided in Appendix 11.1 of the EIA Report which forms part of the overall Transport Assessment. A CTMP will be in operation and no significant adverse effects are predicted after mitigation as proposed either in isolation or cumulatively, as a result of the Proposed Development. This is consistent with Policy 54 of the DLDP which requires that no development should have a detrimental effect on the capacity or safe functioning of the existing road or rail networks.

## 5.5 Conclusions on the LDPs

5.5.1 The environmental and topic considerations within the LDP policies for both the PKC area and Angus are encompassed within the broad remit of NPF4 Policy 11 Part e). Similarly, the topic provisions of other LDP policies generally fall within the wide-ranging topic remit of NPF4 Policy 11. Each of the relevant development management considerations have been addressed above (Chapter 4) in the context of NPF4 Policy 11 and other relevant NPF4 policies and are not repeated. The renewable energy policy provisions of the LDPs and the draft Supplementary Guidance are based on those of the former SPP.

5.5.2 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.

- 5.5.3            Insofar as there are other relevant policies within the LDPs, 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 Electricity Act 1989

- 6.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals for consent under section 37 of the 1989 Act.
- 6.1.2 The information that is contained within the individual topic sections of the EIA Report therefore enables Scottish Ministers to be satisfied that the obligations under Schedule 9 are met and that suitable mitigation has been identified. It is also considered that the detailed work undertaken in the formulation of the EIA overall has confirmed and provides confidence that the Proposed Development would be undertaken in an environmentally acceptable manner.

### 6.2 The Climate Crisis & Renewable Energy Policy Framework

- 6.2.1 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.
- 6.2.2 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.
- 6.2.3 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.

### 6.3 The Planning Balance

- 6.3.1 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.
- 6.3.2 NPF4 came into force on 13<sup>th</sup> 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.
- 6.3.3 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*”<sup>15</sup>. 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

<sup>15</sup> NPF4, page 2.

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 grid transmission 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.

- 6.3.4 This change in policy is also seen in the designation of transmission infrastructure applications as National Developments. National Developments are significant developments of national importance and essential infrastructure that will help to deliver the spatial strategy, as the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains.
- 6.3.5 Scottish Ministers have reinforced the position set within policy within their recent decision on the Creag Dhubh to Dalmally 275kV OHL project stating (paragraph 87) of their Decision Letter that:
- “Scotland faces a real challenge in building an electricity grid which will allow Scotland to harvest and export its vast resources of clean energy. **The Scottish Ministers recognise that to achieve the dual aims of maintaining a resilient electricity network for businesses and consumers and enabling renewable ambitions to be realised, the need for grid reinforcement is greater than ever...**”* (emphasis added)
- 6.3.6 Furthermore, paragraph 88 of the Decision Letter states:
- “Scotland’s energy policies and planning policies are all material considerations when weighing up the proposed Development. **NPF4 makes it clear that low carbon energy deployment, maintaining security of electricity supply, and electricity system resilience remain a priority of the Scottish Government.** These are matters which should be afforded significant weight in favour of the Proposed Development”.* (emphasis added)
- 6.3.7 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.
- 6.3.8 The Proposed Development is considered to be in accordance with policy and delivers essential infrastructure improvements whilst ensuring biodiversity enhancement and local socio-economic benefits where possible, in order to contribute to Net Zero and in doing so addresses both the global climate and nature crisis.

# Contact

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**David Bell Planning Ltd**  
26 Alva Street  
Edinburgh  
EH2 4PY

**[dbplanning.co.uk](https://dbplanning.co.uk)**

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