DAVID BELL PLANNING
CHARTERED TOWN PLANNERS

Emmock
400 kV Substation

Planning Statement

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Scottish & Southern Electricity Networks

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Contents

1. Introduction and Overview

1.1 Introduction

1.1.1 Scottish Hydro Electric Transmission plc ("the Applicant"), operating and known as Scottish and Southern Electricity Networks Transmission ("SSEN Transmission")[1], operate and develop the high voltage electricity transmission system in the north of Scotland and remote islands. This Planning Statement is submitted in support of a full major (national) planning application under the Town and Country Planning (Scotland) Act 1997 (as amended) to construct and operate a new 400 kV substation known as Emmock Substation, hereafter referred to as “the Proposed Development”, on land at Balkemback Farm, approximately 330 m northwest of the existing Tealing Substation, and approximately 2.8 km north of Dundee, in Angus. The area proposed for the construction and operation of the Proposed Development is here on referred to as “the Site”.

1.1.2 In July 2022, National Grid, the Electricity System Operator (ESO), published the Pathway to 2030 Holistic Network Design (HND), setting out the blueprint for the onshore and offshore electricity transmission network infrastructure required to enable the forecasted growth in renewable electricity across Great Britain, including the UK and Scottish Government’s 2030 offshore wind targets of 50 GW and 11 GW respectively.

1.1.3 The extensive studies completed to inform the ESO’s Pathway to 2030 HND confirmed the requirement to increase the power transfer capacity of the onshore corridor from Kintore to Tealing. This requires a new 400 kV connection between these locations to enable the significant power transfer capability needed to take power from onshore and large scale offshore renewable generation which is proposed to connect at onshore locations on the East Coast of Scotland and transport it to areas of demand.

1.1.4 To achieve this, SSEN Transmission is proposing a new 400 kV overhead transmission line (OHL) between Kintore and Tealing. This new connection also requires two new 400 kV substations to be constructed near Tealing in Angus and in Fetteresso Forest in Aberdeenshire to enable future connections and export routes to areas of demand. In addition, two of the existing 275kV OHLs from the existing substation at Tealing, and Alyth and Westfield substations require to be upgraded to 400kV and connected to the new 400kV substation near Tealing. Additional short 275kV connections between the new 400kV and existing Tealing substation are also required. Planning applications under the Town and Country Planning (Scotland) Act 1997 are being submitted in respect of both substation applications, while consent is being sought for the new and upgraded OHL developments via applications under the Electricity Act 1989.

1.1.5 Extensive studies[2] have led to the selection of a site at Balkemback Farm, Kirkton of Tealing, for the new 400 kV Emmock substation. A Proposal of Application Notice in respect of this application was submitted to Angus Council on 31 January 2024, following which the Applicant undertook pre-application consultation, publicity of consultation events, and took on feedback received from members of the public and key stakeholders. This has been documented and summarised in the submitted Pre-application Consultation Report.

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

[1] In this Planning Statement, the Applicant and SSEN Transmission are used interchangeably unless the context requires otherwise.
[2] Reported in Chapter 4 of the EIA Report

1.1.7 An Environmental Impact Assessment (EIA) has been undertaken for the Proposed Development in accordance with the Town and Country Planning (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. The scope of the EIA report has been determined with reference to the EIA scoping opinion of Angus Council, adopted on 7 October 2024[3]. This followed a request for a scoping opinion under Regulation 17 of the EIA Regulations, submitted in July 2024.

1.2 Site Location and Setting

1.2.1 The Site comprises arable land at Balkemback Farm – several fields with associated boundaries of hedging and fencing – located south of the Sidlaw Hills in Angus, an area of open agricultural lowlands with scattered properties and existing infrastructure. The settlement of Tealing is located approximately 1.6 km to the east of Site and the settlement of Bridgefoot is located approximately 1.8 km to the southwest of the Site. Dundee is located approximately 2.8 km to the south of the Site.

1.2.2 The Site is bounded to the south by existing field boundaries and to the southwest by the Fithie Burn which is heavily modified. To the west the Site is demarcated by traditional agricultural boundary treatments. At the northern periphery the Site boundary terminates mid-field with the aim to return much of the field to agricultural use post-construction. To the eastern extent, a culverted watercourse runs near the periphery of the agricultural land, separating the fields from Emmock Road (U322).

1.2.3 The wider setting is similar in character to the Site, comprising agricultural land with small pockets of residential properties to the north and east of the Site, of which eight properties are located within 200 m from the northern edge of the Site boundary.

1.2.4 Tealing Substation is located approximately 230 m to the southeast of the Site, along with two existing 275 kV OHLs connecting Tealing Substation with Alyth and Westfield (Glenrothes) Substations. The Seagreen Wind Energy Ltd (SWEL) substation is immediately adjacent east of the Tealing Substation. An overhead line passes through the southern part of the Site in an east to west orientation. Two on-site, landowner-owned, low-output wind-turbines, which will be decommissioned prior to construction, are located within the western part of the Site.

1.3 The Proposed Development

1.3.1 The Proposed Development comprises the construction and operation of a 22 bay, 400/275 kV Air Insulated Switchgear (AIS) substation located on a level platform and the formation of associated earthworks, access, drainage, landscaping, and security, including the creation of temporary construction compounds.

1.3.2 Site development would principally involve cut and fill earthworks to create a level platform of approximate dimensions 675 m x 285 m along an east-west orientation in the centre of the Site, to accommodate the electrical infrastructure and provide space in the event future equipment is needed. To the west, north and east of the platform, earth bunds would be formed to screen the electrical infrastructure, with further bunds and SuDS[4] to the south of the platform. A new access would be formed between Emmock Road (U322) and the platform. A temporary combined compound and laydown area approximately 188 m x 140 m would be formed to the east of the platform This area would be returned to agricultural use following construction.

1.3.3 The key design elements of the Proposed Development are described below:

[3] Angus Council ref. 24/00431/EIASCO
[4] Sustainable Urban Drainage Systems

- Cut and fill operations to create a development platform to accommodate the electrical infrastructure;
- Creation of a new permanent access road east of the Site from Emmock Road;
- Construction of a structure over an unnamed culverted watercourse that drains to the Fithie Burn to the south;
- Widening of the access track at Emmock Road to allow for passage of heavy goods vehicles;
- The erection and commissioning of electrical equipment;
- Erection of a single storey control building approximately 6m in height;
- Perimeter fence, potentially up to 4 m height, including a razor wire top section;
- Landscaping, including screening bunds and new planting to deliver landscape and visual mitigation, and biodiversity net gain (BNG) measures (both on and off site);
- Permanent earthworks and site drainage provisions, including Sustainable Drainage Scheme (SuDS) basins, swales, and a network of interceptors draining into Fithie Burn;
- Internal accesses and vehicle parking spaces with electric charging stations within the substation platform area;
- Temporary site compound lay down area and material storage areas; and
- Temporary site offices and welfare facilities for on-site construction workers.

1.3.4 A more detailed description of the Proposed Development is contained in Chapter 3 of the EIA Report.

Control building

1.3.5 As Proposed Development comprises an AIS substation, formed using switchgear which relies on open air components, fewer components of the substation are housed within buildings compared with a GIS[5] substation. One building is required – the Control Building – which would comprise a steel portal frame with metal cladding and roof, with a footprint no greater than 50 m x 25 m with an elevation no higher than 7 m.

Enabling Works

1.3.6 The enabling works will include (but not be limited to) the removal of two landowner low output wind turbines from the Site, and establishment of a temporary construction compound including welfare facilities and laydown areas. It is possible that improvements would be required to the U322. The requirement and specifications would be defined in a Construction Traffic Management Plan which would be submitted by the Principal Contractor as part of discharge of planning conditions.

Construction Programme

1.3.7 It is anticipated that construction of the Proposed Development would take place over a three-year programme, following the granting of planning permission and discharge of all pre-commencement planning conditions. Construction is expected to begin in April 2026, although detailed programming of the works would be the responsibility of the Principal Contractor in agreement with SSEN Transmission.

[5] Gas Insulated Switchgear

1.3.8 Construction hours, including construction deliveries, are proposed to be as follows, unless otherwise agreed with Angus Council:

Monday to Sunday – 07:00 to 19:00

1.3.9 The Principal Contractor may, following prior agreement with Angus Council, undertake construction works outside of these hours when there is a programme critical operation that cannot be postponed until the next working day, or where it is more appropriate to undertake the works outside these hours.

1.3.10 There may also be occasions where, for example to deal with emergencies, there is the need to undertake construction work outside of these hours without the prior agreement of Angus Council. The Contractor will endeavour to keep these measures to a minimum and for no longer than is strictly necessary.

1.4 The Statutory Framework

The Electricity Act 1989

1.4.1 As the Transmission License holder in the North of Scotland, the Applicant has a duty under Section 9(2) of the Electricity Act 1989 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.

1.4.2 Section 9(2) also requires the Applicant to ensure that the transmission system is developed and maintained in an economic, co-ordinated and efficient manner in the interests of existing and future electricity consumers.

1.4.3 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 Electricity Act. In terms of its statutory duties and licence obligations, the Applicant must therefore balance technical, cost (economic) and environmental factors.

The Town & Country Planning (Scotland) Act 1997

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

1.4.5 Section 25 of the 1997 Act states that:

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

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

> Is the development as proposed consistent with the Development Plan policies?

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

1.4.7 In answering these questions consideration is given to whether:

> The proposal is in the national interest;

> There is an identifiable need for the proposed development;

- The proposal contributes positively to national or local policy priorities; and
- The environmental effects of the proposed development would be acceptable when considered against the development plan policy framework and material considerations.

1.5 Key Facts

1.5.1 Key facts relevant to this application are:

- The Proposed Development is identified as a National Development (ND) under the provisions of National Planning Framework 4 (NPF4). As mentioned in NPF4 Annex B – National Developments Statement of Need, point 3: Strategic Renewable Electricity Generation and Transmission Infrastructure:
- *c: new and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations";*
- 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.' As noted, 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:

  "*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 will deliver 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; and
- The Proposed Development will be delivered in such a way that it is environmentally acceptable and will include a co-ordinated scheme of environmental mitigation to ensure the long-term protection of the local and wider environment and to deliver development which is sustainable.

1.6 Structure of Planning Statement

1.6.1 This Statement 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 relevant provisions of NPF4;
- **Chapter 5** appraises the Proposed Development against the relevant provisions of the Angus Local Development Plan; 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 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 2^0C above pre-industrial levels and to pursue efforts to limit global warming to 1.5^0C.

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

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

United Nations - Intergovernmental Panel on Climate Change

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

2.2.5 The IPCC prepares comprehensive assessment reports about the state of scientific, technical, and socio-economic knowledge on Climate Change, its impacts and future risks and options for reducing the rate at which Climate Change is taking place. IPCC reports are commissioned by the worlds' Governments and are an agreed basis for COP[6] negotiations.

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

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

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

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

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."

[6] 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 2^0C over the course of this century:

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

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

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

2.2.20 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^{0}C over the course of the century*".

2.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

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

2.3.2 In September 2019, Angus Council declared a Climate Emergency and later prepared their Transition to Net Zero Action Plan 2022 to 2030 (2022). This plan aims to ensure they meet the interim emission reduction target of 75% by 2030, enroute to achieving net zero by 2045.

The Climate Change Act 2008 & Carbon Budgets

2.3.3 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.

2.3.4 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.

2.3.5 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.

2.3.6 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[7]

Budget	Carbon budget level	Reduction below 1990 levels	Progress on Budgetary Period
1st carbon budget (2008 – 2012)	3,018 $MtCO_2e$	26%	-27%
2nd carbon budget (2013 – 2017)	2,782 $MtCO_2e$	32%	-42%
3rd carbon budget (2018 – 2022)	2,544 $MtCO_2e$	38% by 2020	48.7%[8]
4th carbon budget (2023 – 2027)	1,950 $MtCO_2e$	52% by 2025	n/a
5th carbon budget (2028 – 2032)	1,725 $MtCO_2e$	57% by 2030	n/a
6th carbon budget (2033 – 2037)	965 $MtCO_2e$	78% by 2035	n/a
7th carbon budget (2038 – 2042)	To be set in 2025	-	n/a
Net Zero Target	100%	By 2050	

2.3.7 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).

2.3.8 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.

[7] Source: CCC.

[8] This figure is a provisional estimate and will not be confirmed by HM Government until later in 2024.

- CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
- The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.

2.3.9 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)[9]) 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)

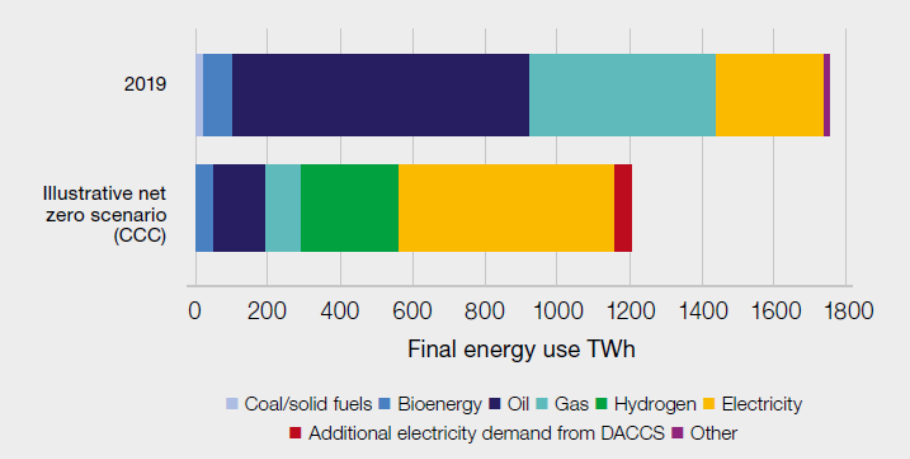
2.3.10 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020, represents a sea change in UK policy, and highlights the importance of renewable electricity.

2.3.11 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).

2.3.12 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).

2.3.13 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[10]



2.3.14 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).

[9] 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.

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

The British Energy Security Strategy (April 2022)

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

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

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

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies."

2.3.16 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)

2.3.17 The CCC issued a report and related Statement[11] 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."

2.3.18 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."

2.3.19 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.*

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

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

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

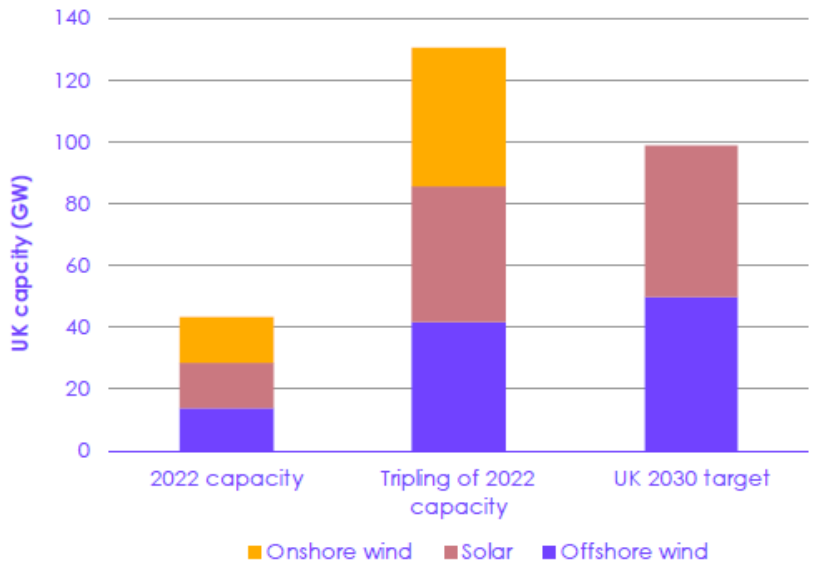
> Delivering rapid deployment of renewables. The report states that solar and onshore wind is progressing too slowly due to barriers around planning and consenting and access to network connections, despite being the cheapest form of generation.

> 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).

2.3.21 **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[12]



2.3.22 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.*"

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

2.3.23 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)

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

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

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."

2.3.25 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."

2.3.26 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.

2.3.27 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).

2.3.28 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*."

2.3.29 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."

2.3.30 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*."

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

2.3.32 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*…."

2.3.33 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

2.3.34 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 regarding the 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.

2.3.35 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 in order 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.

2.3.36 The Department for Energy Security and Net Zero issued a Statement on 8th July 2024 which included a reference to double 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 preceded the important events and publications referred to above but nevertheless 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

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. The targets for 2018,2019, 20021 and 2022 were not met.

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

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

2031	*76.5*		*-*	***2045***	***100% Net Zero***

2.5.1 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.

2.5.2 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)

2.5.3 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."

2.5.4 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.

2.5.5 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.

2.5.6 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*."

2.5.7 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.*"

2.5.8 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)

2.5.9 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'. The status of this as a statement suggests that at this time the points carry limited weight, however regardless of any changes to the interim 2030 target that my be introduced as an outcome, there is no suggestion that the overall 2045 target will change.

2.5.10 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 set 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*."

2.5.11 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*."

2.5.12 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.

2.5.13 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 multi-year carbon budget approach to measuring emissions reduction (instead of annual targets) 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' enroute 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; and
- 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 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 It states that National Grid has identified the requirement for over £21 billion of investment in GB electricity transmission infrastructure to meet 2030 targets and that over half of this investment will involve Scottish transmission owners SPEN and SSEN (the Applicant).

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

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

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

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

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

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

2.7 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 to Interim targets only serve to show we are not on track and strengthen the case for rapidly approving developments that can contribute to targets, or in the case of electricity infrastructure, will enable them. 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. By way of illustration this was demonstrated most recently in the decision by Scottish Ministers on 21 August 2024 to approve the Applicant's Creag Dhubh to Dalmally 275 kV Overhead Line Connection, 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".

2.7.7 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.

2.7.8 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.

2.7.9 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

> The Proposed Development will deliver new grid infrastructure, which will enable the operation at 400 kV of the upgraded Alyth to Tealing and Tealing to Westfield OHLs, and enable the new proposed Kintore to Tealing 400 kV OHL;

> The Proposed Development will result in enhanced transmission and connection capacity, supporting new onshore and offshore connections;

> SSEN Transmission has a licence obligation to invest new assets to maintain and deliver network capacity. 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, as the Proposed Development will help enable an increase in renewable energy projects for which access to the electricity transmission network to be connected and allows transmission across the grid, at increased capacity via the upgraded OHLs; and

> The Proposed Development will provide additional capacity on the transmission network for new renewable generation (which is defined as "essential infrastructure" in NPF4[13]). This is consistent with the core aims of NPF4 National Development 3, page 103, which states *"Additional electricity generation from renewables and electricity capacity of scale is fundamental to achieving a Net Zero economy"*.

Security of Supply

> The British Energy Security Strategy emphasises the urgency of delivering new low carbon generation capacity at scale for reasons of national security of supply and affordability, as well as for decarbonisation;

> Within 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; and

> The Proposed Development, if consented, would provide a valuable contribution to security of supply for Angus, Scotland and Great Britain.

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 with measures 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…";* and

[13] NPF4 Annex F, page 148.

- 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.

Economic Benefits

- The Applicant has obtained an independent Socio-Economic Assessment, in which it is estimated, under the 'core' scenario, that the construction of the Proposed Development could generate £5.3 million direct Gross Value Added (GVA) and 48 years of employment in the combined study area of Angus and Dundee City, and £71.7 million direct GVA and 635 years of employment across Scotland.

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; and
- The Applicant proposes to deliver a Biodiversity Net Gain of 10% using a combination of habitats within the site and offsite at locations to be confirmed.

4. Appraisal against NPF4

4.1 Introduction

4.1.1 NPF4 was approved by resolution of the Scottish Parliament on 11th January 2023, and it was formally adopted by the Scottish Ministers at 9am on 13th February 2023.

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

4.1.3 In relation to the Proposed Development, we have undertaken an assessment of ALDP policies against NPF4 and presented our findings in Section 5 of this Planning statement.

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 Site consists of NPF4 and the ALDP. The latter provides area specific proposals and policies only and as such the plan is considered the key LDP for determining the current submission.

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

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*[14]*. NPF4 includes a long-term spatial strategy to 2045*."

[14] 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'.

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[15] (IIP).

4.3.4 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[16].

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 10th January 2023 (see below).

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.

[15] 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.

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

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, the third 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 National Developments and related Statements of Need. It explains that National Developments 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 (ND3) "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 (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 is recognised (NPF4, page 6) that "*we must make significant progress*" by 2030.

4.5.8 The Proposed Development could make a meaningful contribution to targets within this key timescale and that is a very important consideration.

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

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

4.6.6 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 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 8th February 2023 refers to Policy 1. It states:

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

4.7.5 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 (set out in Chapter 3 above) also need to be recognised in the context of NPF4 Policy 11 (Energy), which requires the contribution that a development would make to targets to be taken into account.

4.7.8 A further important point is that the greatest threat to biodiversity is climate change. An essential benefit of the Proposed Development is the contribution it makes to facilitating the earliest possible decarbonisation of the energy system and the achievement of "Net Zero" no later than 2045, in the case of Scottish Government targets. The earlier Net Zero 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[17] 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".*

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;

[17] 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.

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.

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** references socio-economic benefits being maximised, rather than simply being taken into account.

4.8.7 It is relevant to note guidance issued via the Chief Planner's letter of 20th 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".*

4.8.8 With regard to maximising socio-economic benefits, the Applicant has adopted a 'Sustainable Procurement Code' and related 'Supplier Guidance', which are applied to development projects that the Applicant progresses. Their principal purpose is to sets out various obligations on suppliers and contractors covering climate action, affordable clean energy, environmental obligations, and "decent work and economic growth" (page 10). A key objective is to ensure that economic value is shared. Amongst the various specific obligations 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 Regarding 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 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 both of the Codes 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 a Socio-Economic Assessment (BiGGAR Economics), which states that the Proposed Development, under the more conservative 'core' scenario, could deliver a total of £5.3 million GVA and 48 years of employment across Angus and Dundee City, and £71.7 million GVA and 635 years of employment across Scotland. 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 £20.5 million GVA and 202 years of employment across Angus and Dundee City; and £106.4 million GVA and 1,033 years of employment across Scotland. These figures represent a clear contribution to the economic growth of the region and the nation.

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 The Proposed Development will be a noticeable feature from these five locations due to its proximity and extent. However, because of its low-lying position and partial screening by earth bunding and woodland planting, the visual impact will not be overwhelming or oppressive. Therefore, the Residential Visual Amenity Assessment (Appendix 7.2 of EIA Report) concludes that the Proposed Development will not negatively affect the living conditions or residential amenity of the residents, either alone or in combination with other factors.

Noise and Shadow Flicker

4.8.19 Chapter 13 of the EIA Report provides an assessment of noise and vibration impacts of the Proposed Development, at Noise Sensitive Receptors (NSRs) across a Study Area extending 1500 m from the Site.

4.8.20 The majority of the Study Area is semi-rural in nature, predominantly consisting of agricultural land, but with a small number of residential properties located in all directions surrounding the development. The nearest groups of residential NSRs are to the north and east of the Site (Balnuith Farm and Cottages, and Seventeen Acres). Other NSR clusters are located to the north of the Site (Balkemback Cottages and Dunian).

4.8.21 The assessment concludes that there would be no significant impacts on NSRs during construction of the Proposed Development, subject to appropriate mitigation being in place and in following best practice guidance (BS5228-1). The Applicant expects that a Construction Noise Management Plan will be required to be agreed with Angus Council, and secured via planning condition.

4.8.22 The assessment of operational noise has considered the typical noise level specifications of electrical infrastructure contained in the Applicant's current procurement policies. In combination with embedded mitigation measures afforded by the landscape design, there are expected to be no significant residual impacts.

4.8.23 The assessment also discusses an approach to selecting compliance-based conditions on noise levels measured from NSRs that would give local residents and Angus Council comfort that operational noise levels are suitable.

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

Landscape and Visual Considerations

4.8.25 Before examining the landscape and visual effects of the Proposed Development, Part e(ii) of Policy 11 makes it clear and recognises that 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.

Landscape Character

4.8.26 An assessment of Landscape and Visual Impact is presented in Chapter 7 of the EIA Report. Effects on landscape character will be Moderate (Significant) for Landscape Character Type (LCT) 387: Dipslope Farmland, LCT 382: Lowland Hill Ranges, Minor Road network to the north and east of the Site and two Core Paths (Kirkton of Tealing to Balnuith and Kirkton of Auchterhouse to Balluderon). Once operational, effects would arise from the introduction of above ground infrastructure elements in the landscape including the electrical infrastructure, a control building, access road, security fencing, and occasional emergency lighting. Landscape mitigation in the form of earth bunds and screening planting around the Proposed Development has been embedded into the design.

4.8.27 The residual effects once mitigation measures have been implemented during the operational phase of the Proposed Development are set out within EIA Report Chapter 7 from Tables 7.28 to 7.46. The assessment tables have considered the operational effects at year 0, when mitigation planting is considered to provide no screening, and at Year 10, once mitigation planting has matured to heights of approximately 7-10 m. When planting has matured there is potential for Minor (not significant) adverse effects on landscape character and visual receptors within the study area.

Designated Landscapes

4.8.28 There are no nationally, regionally or locally designated landscapes or Wild Land Areas within the study area. Angus Council's proposed Sidlaw Hills Local Landscape Area (LLA) is located approximately 1.3 km northwest of the Site.

Visual Effects

4.8.29 The visual assessment has considered the impact on views with reference to nine viewpoints located in the broad vicinity of the Site, selected to be representative of views in the area. It has also considered impacts on views from Kirkton of Tealing, Tealing and Inveraldie. The assessment has determined that significant effects are predicted only from two viewpoints, from the north and east of the Site respectively and from minor roads surrounding the Site. Effects on views are largely mitigated through the Landscape Design which forms part of the Proposed Development.

4.8.30 The design of the Proposed Development aims to reduce the visual impact by introducing blocks of native woodland around the substation compounds, which would be planted on bunds to increase their screening potential. Given the relatively flat elevation of the Site and

its immediate surrounds, the earthworks and woodland would help reduce visibility towards the Site.

4.8.31 The effects are therefore very limited and localised and applicable for construction only.

Cumulative Effects

4.8.32 The EIA Report has considered the potential for cumulative (in-combination) effects arising from the Proposed Development taken together with other projects proposed in the vicinity. Three categories of project potentially giving rise to cumulative effect have been identified, the proposed Kintore-Tealing 400kV overhead line (OHL) together with the tie-in projects referenced at paragraph 1.1.4; the two reinforcement projects also referenced at paragraph 1.1.4; and three third party projects for which proposal of application, EIA screening or EIA scoping requests have been issued, Fithie Energy Park, Balbuith BESS, and Myreton BESS.

4.8.33 The Proposed Development, when considered in combination with the potential Kintore to Tealing 400kV OHL and tie-in to the Proposed Development of the Alyth to Tealing OHL, is predicted to give rise of significant cumulative effects on the Site landscape, the two landscape character types making up the study area and on some views from surrounding locations during the construction and operation of the Proposed Development. No cumulative landscape effects are predicted with the Westfield to Tealing tie in, either during construction or operation; significant visual effects are predicted only from those views at Balnuith and the U322 immediately east of the Site. No significant cumulative effects are predicted with the reinforcement projects.

4.8.34 A localised significant cumulative landscape effect is predicted from the Proposed Development in combination with Fithie Energy Park once operational; significant visual effects would arise only if construction occurred concurrently. No cumulative visual effects are predicted during construction. Once commissioned, significant cumulative visual effects are predicted only from views immediately east and immediately west of the Proposed Development. When considered in combination with Balnuith BESS, significant visual effects are predicted during construction and once commissioned from locations to the south and south east. Significant landscape effects are predicted but would be localised and mitigated, and therefore in line with Policy 11, which provides that significant effects are to be expected and where localised and/or subject to appropriate mitigation, they should be generally acceptable. The assessment is similar for Myreton BESS when under construction but significant visual effects are not predicted due the distance between the proposals and the much smaller size of the BESS. The significant cumulative effects predicted are considered acceptable against the policy as a whole.

Public Access

4.8.35 The Proposed Development will not give rise to any negative effects over and above existing in this regard. No construction or operational effects are considered impact upon the use of, or access to undesignated paths or tourist traffic routes.

Aviation, Defence Interests and Telecommunications

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

Impacts on Road Traffic and Trunk Roads

4.8.37 An assessment of the effects of construction traffic has been undertaken and is reported within Chapter 12 of the EIA Report. Prior to mitigation, temporary moderate adverse (significant) environmental effects are forecast for the Emmock Road Users and Moatmill Road Users.

4.8.38 No construction traffic will be permitted to access the Site via Tealing. In addition, the section of Emmock Road running south to Dundee and Old Glamis Road would not be used by any Heavy Goods Vehicle (HGV) traffic. Furthermore, Temporary Traffic Regulation Order

(TTRO) would provide a 40 miles per hour (MPH) speed limit at the A90 / Moatmill Road Junction.

4.8.39 As described within EIA Report Chapter 12, Table 12.14, after the mitigation measures are implemented, effects are predicted to be Minor Adverse (not significant).

4.8.40 A Transport Assessment (Appendix 12.1 of the EIA Report) which includes consideration of construction Traffic has been prepared and submitted along with this application. The control of construction traffic can be secured via an appropriately worded condition to any future consent.

Historic Environment

4.8.41 An assessment of the potential effects on cultural heritage assets has been undertaken and is reported in Chapter 8 of the EIA Report. There are no designated heritage assets (world heritage sites, scheduled monuments, listed buildings, inventory gardens and designed landscapes, inventory historic battlefields, or conservation areas) within the Study Area as shown in Figure 8.1 Cultural Heritage: Inner Study area. However, six non-designated heritage assets have been identified within the Study area; two within the Site (Figure 8.1) and four adjacent to the principal construction haul route shown in Figure 12.1: Construction Access Inbound and Figure 12.2: Construction Access.

4.8.42 The Applicant has developed and implemented various environmental management plans, including General Environmental Management Plans (GEMPs) and Species Protection Plans (SPPs). The Applicant has also created a Consents and Environment Specification, which outlines environmental management principles that Contractors must follow. This includes preparing and implementing a Construction Environmental Management Plan (CEMP) and other specific plans for ecological, ornithological, noise, and transport management.

4.8.43 Construction mitigation measures listed within the EIA Report Chapter 8 are –

> Construction works will proceed in accordance with the measures outlined in the CEMP;

> Construction machinery will operate only within defined working areas and access corridors, limiting ground disturbance; and

> Should they be encountered, previously unidentified archaeological remains will be subject to a programme of archaeological works to be developed in consultation with Aberdeenshire Council Archaeology Service (ACAS) and detailed in a Written Scheme of Investigation (WSI), and will be a requirement of the contract between the Applicant and the Principal Contractor. It is envisaged that the requirement for a WSI will be secured through a suitably worded planning condition.

4.8.44 Additionally, the contractors must also incorporate additional measures from the Environmental Impact Assessment (EIA) to mitigate significant residual effects. The control of these can be secured via an appropriately worded condition to the issue of an approval.

4.8.45 Construction works would proceed in accordance with the CEMP, with existing cultural heritage remains retained where possible and fenced off where necessary. Construction machinery would operate only within defined working areas. Should previously unidentified archaeological remains be encountered, they would be subject to a programme of archaeological works to be developed in consultation with ACAS and detailed in a Written Scheme of Investigation (WSI).

Hydrology, the Water Environment and Flood Risk

4.8.46 Chapter 11 of the EIA Report presents the appraisal of potential effects on Hydrology and Hydrogeology resulting from the Proposed Development. Prior to additional mitigation, the effects during construction of the Proposed Development on hydrology and hydrogeology

were assessed to be minor. With site-specific additional mitigation, the residual construction effects were assessed to be negligible.

4.8.47 The detailed CEMP will be developed and agreed with Angus Council and SEPA as a pre-commencement condition. The contractors will also be required to prepare a Site Water Management and Pollution Prevention Plan, which will be prepared and agreed in advance of construction. This will contain a suite of water management and pollution prevention measures and will include the specific Applied Mitigation mentioned in Chapter 11.

Biodiversity

Ecology and Ornithology

4.8.48 Chapters 9 and 10 of the EIA Report present the assessments of the potential effects on ecology and ornithology resulting from the Proposed Development.

4.8.49 The appraisal has not identified any significant environmental effects as a result of the Proposed Development on sensitive ecological receptors. Where likely significant effects are identified, mitigation measures are proposed to alleviate their significance as far as is possible.

4.8.50 Although a number of protected species have been scoped out of detailed assessment because they are not considered to be significant in EIA terms, the need to ensure compliance with nature conservation legislation still applies. The legislative protections afforded to these will be included in the CEMP which is assumed to be secured through an appropriately worded planning condition and adopted Species Protection Plans (SPPs) published by SSEN, adherence to which is a contractual requirement of the Principal Contractor.

4.8.51 The Applicant will submit GEMPs and SPPs for approval by Angus Council in consultation with NatureScot as necessary prior to the commencement of construction. It is proposed that this is handled by a suitably worded condition with any planning consent. The GEMPs would detail specific requirements for enhancement measures e.g. heathland creation, woodland enhancement and creation, etc.

4.8.52 Embedded mitigation measures in relation to sensitive ecological features include:

> Landform of the screening bunds around the substation platform has been varied to provide opportunities for different ecological niches as part of the habitat creation proposals that will help to deliver enhancement through Biodiversity Net Gain (BNG). Habitats will include areas of native deciduous tree planting, areas of scrub, grassland, and wet grassland habitats as shown on Figure 3.2: Landscape Zonal Plan.

> The substation drainage design follows sustainable drainage systems (SuDS) and the drainage swale has been designed to allow for wet grassland habitats to be created which offer the potential for local biodiversity enhancement in the longer term.

> Where possible, retention of trees (particularly those with bat roost potential) and riparian habitat along the Fithie Burn that provide commuting and foraging, and potential bat roost opportunities for a range of protected species.

4.8.53 The requirement for an Advisory Environmental Clerk of Works (ECoW) is provided for under the Applicant's Consents and Environmental Specification. The ECoW will be present during construction to provide onsite support and advice, and will monitor compliance with the CEMP, GEMPs, SPPs, the environmental requirements that the Applicant places upon the Principal Contractor, and relevant legislation. The definition and scope of the role of ECoW has been provided within EIA Report Chapter 3: Description of the Proposed Development.

4.8.54 A BNG Report setting out the baseline biodiversity value and the level of biodiversity gain required to achieve the Applicant's policy commitments, is provided as an Appendix to the EIA Report.

Balancing the Contribution of a Development and Conclusions on Policy 11

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

4.8.56 The assessment acknowledges that there are significant adverse landscape effects associated with the Proposed Development. However, these effects are localised and, when balanced against the substantial benefits arising from the Proposed Development, they are considered acceptable in accordance NPF4 Policy 11's environmental and technical topic criteria.

4.8.57 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.

4.8.58 The *"contributions"* are inextricably related to the scale of a proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.

4.8.59 In terms of contribution to targets, the Proposed Development's contributions have been detailed in the Socio-Economic Assessment prepared by BiGGAR Economics on behalf of the Applicant. This report builds a strategic economic case for the Proposed Development, supporting Scotland and the UK's ambitious energy goals. It also provides a socio-economic baseline, assesses economic opportunities, and evaluates tourism effects related to the Proposed Development.

4.8.60 The scale of the energy output and emissions savings linked to substation upgrade and other works included within the Proposed Development is an enabling factor directly related to renewable transmission capacity and security of supply are valuable and should be afforded significant weight.

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** (the latter in terms of designations – see below) 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 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. Accordingly, the current position in relation to guidance summarised below, should not be regarded as settled or standard practice at this stage.

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 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 In addition, in September 2023 the Scottish Government issued a consultation on **'Scotland's Strategic Framework for Biodiversity - Tackling the Nature Emergency'**. This document states that Scotland's 'Biodiversity Strategic Framework' consists of three parts, namely:

- The Scottish Biodiversity Strategy – which sets out a vision to halt and reduce biodiversity loss;
- The first 5-Yearly Delivery Plan – which contains the actions to deliver the vision; and
- The proposed Natural Environment Bill - which is to provide a framework for establishing statutory nature targets to drive delivery and the transformational change that the Government consider is required.

4.9.8 The scope of the consultation covers the final draft of the Scottish Biodiversity Strategy, the first 5-year Delivery Plan and also policy frameworks for Nature Networks "*protecting at least 30% of our lands and seas by 2030 (30 by 30)*" (page 7).

4.9.9 The second part of the consultation relates to the necessary legislation required, specifically with regard to statutory targets for nature restoration.

4.9.10 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*."

4.9.11 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.

4.9.12 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*".

4.9.13 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".

4.9.14 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*."

4.9.15 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.

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

4.9.17 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"*.

4.9.18 Section 4.12 of the guidance states:

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

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

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

4.9.20 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).

4.9.21 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*."

4.9.22 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).

4.9.23 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

4.9.24 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.

4.9.25 Key issues arising include a flexible approach to the use of a Biodiversity Net Gain (BNG) metric in relation to all development proposals of any scale until such time as the Scottish Government defines its own Scottish metric so support biodiversity net gain calculations. In the interim period, whist this metric is being developed and is released, The Highland Council (THC) 'recommend the English DEFRA metric, but do not require use of a metric'. The use of a 'distance multiplier' relative to the location of biodiversity from the development is also on hold until such time as the Scottish metric is agreed and released.

4.9.26 The BPG set out a desire for all development to deliver 10% biodiversity enhancement as a minimum. This ratio has been arrived at via benchmarking with England. However, as noted, until such time as Scottish metric has been delivered the guidance allows applications (Major and National Development) to demonstrate significant biodiversity enhancement in alternative ways. Such proposals should clearly and robustly set out how policy will be met in this

regard. Where 10%, or significant enhancement cannot be met on site alternative measures should be proposed.

4.9.27 Finally, the BPG also puts in place provisions for a mechanism to be developed for a financial payment to be made to THC in exchange for the Council taking responsibility for securing the delivery of biodiversity or enhancement. This option whilst being retained in the guidance will remain 'unavailable' until such time as a detailed and robust methodology to identify costs and delivery payments is prepared and agreed. Meantime the delivery of compensation and enhancement on land within the control of the developer but out with the development areas, and use of third party offset provider / broker to delivery off-site is provided as options for developers.

The application of Policy 3

4.9.28 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 within the Site, as well as offsite enhancements.

4.9.29 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.

4.9.30 The Applicant has submitted as an appendix to the EIA Report a BNG Report, which sets out the approach to delivering on SSEN Transmission's BNG commitments for the Proposed Development, underpinned by the SSEN Transmission Biodiversity Project Toolkit Excel Sheet and SSEN Transmission Assessment Methodology & Associated Guidance. Utilising these, the Report includes a calculation of baseline Biodiversity Units (BU) across different habitat types[18] and the BU that can be replaced through enhancements on the site. It concludes that the Biodiversity Area Units delivered within the Site amount to 151.94 BUs, meaning that the project currently achieves a net loss of -2% for Area habitats. Linear watercourse habitats are retained but the calculation is neutral.

4.9.31 The habitat creation / enhancements within the Site have been designed to be achieved within a reasonable timeframe, with reasonable certainty and represent embedded mitigation within the Proposed Development that improve outcomes in numerous other ways. However, the BUs required to achieve 110% BNG are not anticipated to be delivered entirely within the Site. The remaining BU in order to achieve SSEN Transmission's net gain policy will need to be secured offsite in order to ensure the level of enhancement that the Applicant is committed to and their proposals to achieve this will continue to be developed post-submission of the planning application.

4.9.32 Given the lack of significant adverse effects of the Proposed Development, and the scale of the habitat enhancements proposed, the Proposed Development will demonstrably deliver significant positive effects and strengthen nature networks and the connections between them so they are in a demonstrably better state than without intervention, consistent with the provisions of Policy 3.

4.9.33 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

[18] Area, Linear (Watercourses), and Linear (Hedgerows)

(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; and
- 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 the Proposed Development can result in significant effects on landscape character and visual receptors

within the study area. However, with design mitigation measures the Proposed Development can be integrated into the context of the surrounding landscape and that the Site has the capacity to accommodate the scale and type of development proposed.

4.10.8 There are potential effects predicted on LCT) 387: Dipslope Farmland and LCT 382: Lowland Hill Ranges. However, the landscape design includes nine earth bunds ranging in height from 1.5 m to 10 m, located to the north, south, east and west of the Proposed Substation. The principles of this landscape design are to help screen the Proposed Substation at both year 0 (bare earth bunds) and year 10 (earth bunds planted with woodland which would have started to mature). The landscape design would also help to compensate the loss of any landscape features, including agricultural fields and hedgerows with gaps within the Site. The landscape design has been designed to help better integrate the Proposed Substation into the landscape.

4.10.9 Therefore, as mentioned in the application of Policy 11, the assessment acknowledges that there are significant adverse landscape effects associated with the Proposed Development. However, these effects are localised and, when balanced against the substantial benefits arising from the Proposed Development, 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 11 of the EIA Report assesses the potential impacts of the Proposed Development on Hydrology and Hydrogeology and concludes that with mitigation no significant residual effects arise. There is no evidence of peat or carbon rich souls (CRS) within the Site. It is classed as Mineral Soils (Class 0), based on the NatureScot Carbon and Peatland (2016) map. Effects on Geology, Soils and Peat were scoped out of the EIA, see Scoping Report (Appendix 6.1).

4.11.3 As explained above with regard to NPF4 Policy 11, the Applicant has proposed an appropriate design, mitigation and restoration approach to protect resources and therefore, 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 There are no woodlands within the Site listed on the Ancient Woodland Inventory (AWI). However, four areas within 2 km of the Site are listed as category 2b, indicating they are long-established plantations. None of these woodlands are of semi-natural origin and thus not considered Ancient Woodland. The nearest AWI listed area is about 100 meters southwest of the Site, but it is now arable farmland. Another area, Wynton Wood, is about 0.6 km southwest of the Site, with only a small portion still wooded; the rest is also arable farmland with a few scattered trees. A detailed CEMP will be produced ahead of the commencement of works and will be supported by SSEN Transmission's SPPs which set out the approach towards protecting forestry, woodland and trees during construction.

4.12.5 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 **Policy 7** deals with Historic Assets and Places

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 Chapter 8 of the EIA Report contains an assessment of the Proposed Development on archaeology and cultural heritage interests within Inner and Outer study areas.[19]

4.13.4 There are no designated heritage assets (world heritage sites, scheduled monuments, listed buildings, inventory gardens and designed landscapes, inventory historic battlefields, or conservation areas) within the Study Area as shown in Figure 8.1 Cultural Heritage: Inner Study area. However, six non-designated heritage assets have been identified within the Study area; two within the Site[20] (Figure 8.1) and four adjacent to the principal construction haul route shown in Figure 12.1: Construction Access Inbound and Figure 12.2: Construction Access.

4.13.5 The assessment has determined that no significant residual adverse effects will remain following implementation of the Proposed Development, by virtue of embedded mitigation in the form of landscape bunds and planting. Landscaping and planting mitigation measures have been adopted to both provide close-proximity screening in all directions, and to integrate the Proposed Development into the wider agricultural landscape, including when viewed from longer distances. Several earthwork bunds are proposed to the north, east, south, and west of the substation platform, with proposed native woodland planting concentrated to the east, south, and west. Compensatory tree, hedgerow, and shrub planting is proposed more generally along the field boundaries of the Proposed Development, providing further screening and landscape integration.

4.13.6 During construction, direct effects on heritage assets are most likely to arise from ground disturbing activities that occur during construction works, which may damage and possibly destroy cultural heritage remains. Direct impacts can also occur as result of above ground disturbance: for example, as a result of landscaping, vehicle movement over cultural heritage features, or from the storage of construction materials above them. Applied mitigation through adoption of the CEMP, along with the Applicant's suite of General Environmental Management Plans (GEMPs), will ensure that construction related effects on cultural heritage assets are minimised.

4.13.7 The assessment adds that further mitigation against archaeological impacts could be secured through a planning condition requiring WSI[21] prior to commencement of development in order to cover the possibility that archaeological remains (including possible human remains) may be present, given the moderate to high archaeological potential of the Site. Construction related impacts on buried remains that had been assessed as having Major significance could be reduced to Minor through application of a planning condition in this regard.

4.13.8 The assessment also considers construction and operational cumulative impacts from SSEN Transmission projects in the local area and other developments, in both all cases concluding that impacts are not predicted to be significant.

[19] The Inner Study Area comprises the Site. The extent of the Outer Study Area is land within 3km of the Site.

[20] These comprise a historical record of stone coffins found at Balkemback Farm during the late 18th century, and fragmented drystone dykes forming field boundaries in the northern part of the Site.

[21] Working Scheme of Investigation

4.13.9 The Proposed Development is therefore considered to comply with the provisions of Policy 7.

4.14 NPF4 Policy 14: Design, Quality and Place

Policy 14 & Principles

4.14.1 Policy 14 aims to encourage, promote and facilitate development proposals that are well-designed and which help create successful, quality places, spaces and environments which *"consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities".* Development proposals should follow a design that is mindful of the local context and characteristics.

Key parts of the policy include the following:

> Paragraph a) states that *"Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale"*.

> Paragraph b) states that proposals *"will be supported"* where they are consistent with the following 6 qualities of successful places:

- "Healthy;
- Pleasant;
- Connected;
- Distinctive;
- Sustainable; and
- Adaptable."

> Paragraph c) states that *"Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported"*.

4.14.2 According to this policy, it is important that a development supports the efficient use of resources that ensures climate resilience and integrating *"nature positive, biodiversity solutions."*

The application of Policy 14

4.14.3 The design principles of the Proposed Development are predominantly driven by the technical requirements of a high voltage substation. The site selection process is intended to select a location which balances technical, environmental and economic criteria, and the subsequent iterative design process is intended to reduce environmental impacts on sensitive receptors, and integrate as far as possible within its local context. On this basis, the Proposed Development is considered to constitute a high-quality design that is mindful of the local context and characteristics. Further discussion of the design approach and key elements of the design are contained within in the Design and Access Statement, submitted with the Planning Application.

4.15 NPF4 Policy 22: Flood Risk and Water Management

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

4.15.2 As set out above, effects on hydrology, the water environment and flood risk are an assessment criterion within NPF4 Policy 11 (Energy). Chapter 11 of the EIA Report

addresses hydrology matters in detail including flood risk and sustainable drainage and concludes that the Proposed Development would not result in any significant effects on Flood Risk or Drainage.

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

4.16 Conclusions on NPF4 Appraisal: Sustainable Place

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

4.16.2 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.

4.16.3 Significant weight is also afforded in relation to Policy 1 (Tackling the climate and nature crises). 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.

4.16.4 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.

4.16.5 Eighteen National Developments are identified to support the strategy, and they are to be a "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.

4.16.6 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).

4.16.7 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.

4.16.8 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)

4.16.9 The importance of applying NPF4 and its aims and objective holistically and as a whole is demonstrated within the recent Creag Dhubh to Dalmally 275 kV Section 37 decision which recognised that conflict with some areas of policy can arise (in that case Policy 6 (Ancient Woodland loss) and Policy 14 to lesser degree due to localised amenity harm). However 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".

4.16.10 There are Moderate (Significant) adverse effects (and temporary) expected due to the construction of the Proposed Development. However, as mentioned above in the application of Policy 11, residual effects once mitigation measures have been implemented would be Minor (not Significant). No significant effects are anticipated during the operational phase (permanent) of the Proposed Development.

4.16.11 In a development management context, this is to be achieved by the application of NPF4 policies which are to be read as a whole. Therefore, 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 Proposed Development is considered to be the right one in the right location and one which will contribute to Scotland being a Sustainable Place.

5. Appraisal against the Local Development Plan

5.1 Introduction

5.1.1 The relevant statutory Local Development Plan (LDP) is the Angus Local Development Plan (ALDP). The ALDP was adopted in September 2016 and sets out the Council's view on development within the area over a 10-year period (from 2016-2026).

5.1.2 Table 5.1 presents summaries of relevant ALDP policies and assesses them against the position taken NPF4. We note that the majority of policies are in clear alignment.

5.1.3 The Scottish Government has made a clear direction regarding issues of conflict in policy positions between LDPs and NPF4. In response to the adoption of NPF4, Section 13 of the Planning (Scotland) Act 2019 amends Section 24 of the 1997 Act so that: "*In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail*".

5.1.4 On the subject of conflicts between NPF4 and LDPs, the Chief Planner letter dated 8 February 2023 also stated:

"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. […] in the event of any incompatibility between a provision of NPF and a 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."

5.2 Relevant LDP Policies

5.2.1 The policies of relevance 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: Policy Summaries

Policy	Topic	Policy Summary	Position against the 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 the NPF4 have been identified.

Policy	Topic	Policy Summary	Position against the NPF4
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 the 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 the NPF4
Policy PV1	Green Networks and Green Infrastructure	Angus Council will seek to protect, enhance and extend the wildlife, recreational, amenity, landscape, access 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 3 'Biodiversity', seeks to reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 4 'Natural Places', aims to protect, restore and enhance natural assets making best use of nature-based solutions. No conflicts or contradictions with the 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 the NPF4.

Policy	Topic	Policy Summary	Position against the 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 the 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 site, steps must be taken to establish its presence. No conflicts or contradictions with the NPF4.
Policy PV6	Development in the Landscape	The Council seeks to protect and enhance the quality of the landscape, its diversity and distinctive local characteristics,	Policy 4 'Natural Places' states developments which by virtue of type, location or scale will have an

Policy	Topic	Policy Summary	Position against the NPF4
		important views, and landmarks. New developments will be accepted, where: The selected site is capable of accommodating the proposed development; The siting and design integrate with local landscape; Potential impacts with any other relevant proposals are considered to be acceptable; and There are adopted mitigation measures and/or reinstatement are proposed where appropriate.	unacceptable impact on the natural environment, will not be supported. 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. ***Conflict by virtue of the NPF4 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.***
Policy PV7	Woodland, Trees and Hedges	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.	Policy 6 'Forestry, Woodland and Trees' seeks to ensure that developments enhance, expand and improve woodland and tree cover. No conflicts or contradictions with the NPF4.
Policy PV9	Renewable and Low Carbon Energy Development	Proposals for renewable and low carbon energy will be accepted if: The location, sitting and appearance have been designed/chosen to minimise impact on amenity, landscape, and environment; and Access for construction and maintained does not compromise road safety; and The design of the site provides links to the national grid and/or other users of renewable energy and heat generated on site; and There is no unacceptable adverse impact on landscape, character, viewpoints, sites designated for natural heritage, any populations of protected species, or amenities	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.

Policy	Topic	Policy Summary	Position against the NPF4
		of the communities or individual dwellings, or noise. Also, new renewable and low carbon energy developments should not have unacceptable impact on groundwater, surface water resources, and carbon rich soils.	***There is therefore a partial conflict between Policy PV9 and Policy 11, whereby the NPF4 sets a lower compliance threshold for renewable energy developments and grid transmission infrastructure that would result in localised landscape and visual impacts. Policy 11 also directs that decision maker to afford significant weight to the contribution a given development would make to targets.***
Policy PV8	Built and Cultural Heritage	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.	Policy 7 'Historic assets and places' seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. 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. ***Policy PV8 therefore conflicts with NPF4 Policy 7 given the different policy tests in the NPF.***
Policy PV12	Managing Flood Risk	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. Where appropriate, development proposals will be assessed within	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. 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

Policy	Topic	Policy Summary	Position against the NPF4
		the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans, and will be considered within the context of SEPA flood maps to assess and mitigate surface water flood potential. 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.	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. No conflicts or contradictions with the NPF4.
Policy PV20	Soils and Geodiversity	Development proposals on prime agricultural land will be supported if they: Support the delivery of the development strategy and policies in the ALDP; and Constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements. Furthermore, all development proposals will be incorporate measures to manage, protect and reinstate valuable soils, groundwater, and soil biodiversity during construction.	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. No conflicts or contradictions with the NPF4.

5.3 Planning Guidance

5.3.1 Regarding the relevance of supplementary guidance to an LDP, the Chief Planner letter (8 February 2023) states:

"Supplementary guidance associated with LDPs which was in force before 12 February (the date on which section 13 of the 2019 Act comes into force) will continue to be in force and be part of the development plan (1997 Act; paragraph 2 of schedule 1)."

5.3.2 The following statutory Supplementary Guidance documents have been published by Angus Council and are relevant to the Proposed Development:

> Renewable and Low Carbon Energy Development (2017); and

> Design Quality and Placemaking Supplementary Guidance (2018).

5.3.3 Furthermore, the following non-statutory planning advice, technical guidance and development briefs documents have also been published by ALDP and are deemed relevant to the Proposed Development:

> Listed Buildings and Conservation Areas (undated);

> Biodiversity: A Developer's Guide (2018);

- The Siting and Landscaping of Built Environment in the Countryside (undated);
- The specification of landscape proposals for development sites (undated); and
- Strategic Landscape Capacity Assessment for Solar Energy in Angus (undated).

5.4 Emerging Local Development Plans

5.4.1 At the time of writing, the next Angus Local Development Plan (ALDP2) remains in its Evidence Reporting stage and Angus Council's latest Development Plan Scheme (December 2023) illustrates how ALDP2 is not anticipated to be adopted until late 2029. As such, it is understood that no policies nor documents have been prepared yet which would be material in the assessment or determination of this planning application.

5.5 Conclusions on the LDP

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

5.5.2 It is considered that the effects arising from the Proposed Development would not be unacceptable in terms of the relevant policies within the ALDP.

5.5.3 The policy provisions of the ALDP pre-date the adoption of NPF4 and, as explained, there are a select few incompatibilities between the ALDP and the policies of NPF4. This means, as per the amendments made to the 1997 Act, the provisions of NPF4 (which is the most recent part of the Development Plan) must prevail.

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

6. Conclusions

6.1 The Climate Crisis & Renewable Energy Policy Framework

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

6.2 The Planning Balance

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

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

6.2.3 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*"[22]. The policy position, and the priority afforded to combatting the Climate Emergency, is different to that which was set out in NPF3 and SPP;

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

> NPF4 is clear that 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.

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

6.2.5 Scottish Ministers have reinforced the position set within Policy within their recent decision on Creag Dhubh to Dalmally 275 kV OHL project. Whilst that decision concerned an OHL rather than a substation, the common principle is clear, with the Scottish Ministers stating (at paragraph 87) 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…"*

6.2.6 Further paragraph 88 of the same decision states "*Scotland's energy policies and planning policies are all material considerations when weighing up the proposed Development. NPF4*

[22] NPF4, page 2.

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."

6.2.7 Effects on landscape character will be Moderate (Significant) but localised for Landscape Character Type (LCT) 387: Dipslope Farmland, LCT 382: Lowland Hill Ranges, Minor Road network to the north and east of the Site and two Core Paths (Kirkton of Tealing to Balnuith and Kirkton of Auchterhouse to Balluderon). However, the residual effects once mitigation measures have been implemented during the operational phase of the Proposed Development would be Minor (not significant) adverse effects.

6.2.8 Therefore, the Proposed Development does not give rise to any policy conflicts with Angus Council LDP. The Proposed Development has been designed with embedded mitigation to ensure a satisfactory relationship with the receiving environment and to protect residents and communities from undue impact. Where potential significant effects arise, appropriate mitigation measures are proposed such that no significant residual effects arise.

6.2.9 The Proposed Development is considered to be in accordance overall with policy and delivers essential nationally important 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

David Bell Planning Ltd
26 Alva Street
Edinburgh
EH2 4PY

dbplanning.co.uk