

CONTENTS

7.	PLANNING AND ENERGY POLICY CONTEXT	7-1
7.1	Introduction	7-1
7.2	The Statutory Framework	7-1
7.3	Renewable Energy Policy: Summary	7-1
7.4	National Planning Policy	7-2
7.5	National Planning Advice	7-4
7.6	Local Planning Policy	7-5
7.7	Local Supplementary Guidance	7-6
7.8	Conclusions	7-7

7. PLANNING AND ENERGY POLICY CONTEXT

7.1 Introduction

- 7.1.1 This chapter describes the legislative and policy background relevant to the Proposed Development. It refers to national energy and planning policy at a national and local level. It provides an objective summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIA Report in order to ensure that it provides the appropriate information for the consideration of the application made under the Town and Country Planning (Scotland) Act 1997 (as amended) (“the 1997 Act”).
- 7.1.2 This chapter does not include an assessment of the accordancy of the Proposed Development against planning policy: a separate Planning Statement has been prepared to support the application and should be referred to for a detailed planning policy appraisal.

7.2 The Statutory Framework

- 7.2.1 The Applicant has submitted an application for planning permission in principle under the 1997 Act for consent to construct and operate a new strategic transmission hub.
- 7.2.2 The Proposed Development is a National Development under Section 3A of the 1997 Act and is of a type that would fall within National Development 3 – Strategic Renewable Electricity Generation and Transmission Infrastructure, in National Planning Framework 4 (NPF4)³⁰.

7.3 Renewable Energy Policy: Summary

- 7.3.1 In recent years the UK and Scottish Government policies have focussed increasingly on concerns about climate change. Each tier of Government has developed targets, policies and actions to achieve targets to deal with the climate crisis and generate more renewable energy and electricity.
- 7.3.2 The UK Government retains responsibility for the overall direction of energy policy, although some elements are devolved to the Scottish Government. The UK Government has published a series of legislative and policy documents setting out how targets can be achieved. Renewable energy generation in Scotland, is identified as an important component to achieve these various goals. These include:
- The Climate Change Act (2008)³¹;
 - The UK Energy White Paper (December 2020)³²;
 - The UK Net Zero Strategy (October 2021)³³;
 - The British Energy Security Strategy (April 2022)³⁴; and
 - Powering Up Britain: Energy Security Plan (2023)³⁵.
- 7.3.3 The Scottish Government has published a number of policy documents and its own targets. The most relevant policy, legislative documents and more recent statements published by the Scottish Government include:
- The Scottish Energy Strategy (2017)³⁶;

³⁰ The Scottish Government, (2023). National Planning Framework 4. [Online] Available at: <https://www.gov.scot/publications/national-planning-framework-4/>.

³¹ Climate Change Act, (2008). [Online] Available at: <https://www.legislation.gov.uk/ukpga/2008/27/contents>.

³² HM Government, (December 2020). Energy White Paper: Powering our Net Zero Future. [Online] Available at: https://assets.publishing.service.gov.uk/media/5f9dc61e2d3bf7f3a3bdc8cbf/201216_BEIS_EWP_Command_Paper_Accessible.pdf.

³³ HM Government, (October 2021). Net Zero Strategy: Build Back Greener. [Online] Available at: <https://assets.publishing.service.gov.uk/media/6194dfa4d3bf7f0555071b1b/net-zero-strategy-beis.pdf>.

³⁴ HM Government, (2022). Policy paper – British energy security strategy. [Online] Available at: <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>.

³⁵ HM Government, (April 2023). Policy paper – Powering Up Britain: Energy Security Plan. [Online] Available at: <https://www.gov.uk/government/publications/powering-up-britain/powering-up-britain-energy-security-plan>.

³⁶ Scottish Government, (December 2017). Scottish Energy Strategy: The future of energy in Scotland. [Online] Available at: <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2017/12/scottish-energy-strategy-future-energy-scotland-9781788515276/documents/00529523-pdf/00529523-pdf/govscot%3Adocument/00529523.pdf>.

- The Onshore Wind Policy Statement (2022)³⁷; and
- The Draft Energy Strategy and Just Transition Plan (2023)³⁸.

- 7.3.4 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 requires that the Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100 % lower than the baseline (the target is known as the “net-zero emissions target”). The target year is 2045 and the Act also sets out challenging interim targets.
- 7.3.5 *“The Scottish Ministers must ensure that the net Scottish emissions account for the year:*
- a) 2020 is at least 56% lower than the baseline,*
 - b) 2030 is at least 75% lower than the baseline, and*
 - c) 2040 is at least 90% lower than the baseline.”*
- 7.3.6 In April 2024 and in response to concerns raised by the Climate Change Commission in their Progress in Reducing Emissions in Scotland - 2023 Report to Parliament (March 2024)³⁹, the Scottish Government announced that the interim 2030 target of a 75% reduction on the baseline 1990 levels would not be achievable.
- 7.3.7 New legislation is set to be introduced with regard to the ongoing management and monitoring of carbon emissions to 2045, but at present the net zero 2045 target remains in place. In a statement to the Scottish Parliament in April 2024, Energy Secretary Mairi McAllan confirmed that the government must act to chart a course to 2045 at a pace and scale which was *“feasible, fair and just”*.
- 7.3.8 The Proposed Development relates to the reinforcement of the grid transmission network which would enable the increase in generation of electricity from renewable energy sources and comes as a direct response to national planning and energy policy objectives.
- 7.3.9 The Proposed Development would therefore enable a growing contribution to the attainment of emissions reduction, renewable energy and electricity targets at both the Scottish and UK levels. Detailed reference to the renewable energy policy context and the Needs Case is provided in the Planning Statement (see also Volume 2, Chapter 2: Proposed Development Need of this EIA Report).

7.4 National Planning Policy

National Planning Framework 4

- 7.4.1 NPF4 was adopted by the Scottish Government in February 2023 and is a long-term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights national and regional spatial priorities.
- 7.4.2 In contrast to previous National Planning Frameworks, NPF4 places national policy at the heart of planning decision making as it is part of the statutory Development Plan along with Local Development Plans. Following the adoption of NPF4 in February 2023, NPF3, Scottish Planning Policy and all Strategic Development Plans ceased to have any relevance to planning decision making in Scotland. NPF4 combines the National Planning Framework, and National Planning Policy in the same document for the first time.
- 7.4.3 NPF4 identifies a number of National Developments which are significant developments of national importance that will help to deliver the spatial strategy. Statements of need are set out in NPF4 that describe the development to be

³⁷ Scottish Government, (December 2022). Onshore Wind Policy Statement 2022. [Online] Available at:

<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/12/onshore-wind-policy-statement-2022/documents/onshore-wind-policy-statement-2022/onshore-wind-policy-statement-2022/govscot%3Adocument/onshore-wind-policy-statement-2022.pdf>.

³⁸ Scottish Government, (January 2023). Draft Energy Strategy and Just Transition Plan – delivering a fair and secure zero carbon energy system for Scotland. [Online] Available at: <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/01/draft-energy-strategy-transition-plan/documents/draft-energy-strategy-transition-plan/draft-energy-strategy-transition-plan/govscot%3Adocument/draft-energy-strategy-transition-plan.pdf>.

³⁹ Climate Change Commission, (March 2024). Progress in Reducing Emissions in Scotland - 2023 Report to Parliament. [Online] Available at: <https://www.theccc.org.uk/wp-content/uploads/2024/03/Progress-in-reducing-emissions-in-Scotland-2023-Report-to-Parliament.pdf>.

considered as a national development for consent handling purposes. Amongst the national developments identified is National Development 3: Strategic Renewable Electricity Generation and Transmission Infrastructure which includes:

- New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and
- New and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations.

7.4.4 As stated above, NPF4 contains National Planning Policies and these policy positions are to be taken into account in land use planning decision making. The NPF4 policies that are of the most relevance to the Proposed Development are:

- Policy 1 – Tackling the Climate and Nature Crises. The intent is to *“encourage, promote and facilitate development that addresses the global climate emergency and nature crisis”*;
- Policy 2 – Climate Mitigation and Adaptation. Development proposals will be sited and designed *“to minimise lifecycle greenhouse gas emissions as far as possible”* and *“adapt to current and future risks from climate change”*;
- Policy 3 – Biodiversity. Development proposals need to contribute to the enhancement of biodiversity and integrate nature-based solutions. Proposals requiring an EIA will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity;
- Policy 4 – Natural Places. Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported. Development Proposals that are likely to have a significant effect on an existing or proposed European Site and are not directly connected with or necessary to their conservation management, are required to be subject to an appropriate assessment of the implications to conservation objectives. Development proposals will only be supported where they will not compromise the designation status/overall integrity of a National Park, National Scenic Area, Site of Special Scientific Interest (SSSI), Natural Nature Reserve, local conservation site or local landscape area. Development 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. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence;
- Policy 5 – Soils. Development will only be supported if designed and constructed in accordance with mitigation hierarchy, and in a manner that protects soil from damage. Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use (as identified by the LDP), peatland, carbon-rich soils, and priority peatland habitat, will only be supported where it is for essential infrastructure and there is a specific locational need and no other suitable site. Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site-specific assessment will be required;
- Policy 6 – Forestry, Woodland and Trees. The policy states *“Development proposals that enhance, expand and improve woodland and tree cover will be supported”*. Development proposals will not be supported where they will result in any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition, native woodlands, hedgerows, individual trees of high diversity value, or identified for protection. Fragmenting or severing woodland habitat without appropriate mitigation will also not be supported. 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. Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design;
- Policy 7 – Historic Assets and Places. The policy states *“Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place”*. 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. Development affecting Scheduled Monuments will only be supported where direct and significant adverse impacts on the integrity of the setting are avoided, or exceptional circumstances have been demonstrated

to justify the impact. 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. Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported. 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 impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment;

- Policy 11 – Energy. The intent is to “*To encourage, promote and facilitate all forms of renewable energy development onshore and offshore*”;
- Policy 12 – Zero Waste. The policy states “*Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy*”;
- Policy 14 – Design, quality and place. The policy states “*Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale*”. Development proposals will be supported where they are consistent with the six qualities of successful places and 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;
- Policy 20 – Blue and green Infrastructure. The policy states “*Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported*”;
- Policy 22 – Flood Risk and Water Management. Development at risk of flooding or in a flood risk area will only be supported if they are for essential infrastructure. Developments will not increase the risk of surface water flooding, manage rain and surface water through SUDS, and seek to minimise the area of impermeable surface. Development proposals will be supported if they can be connected to the public water mains. Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported; and
- Policy 29 – Rural Development. The policy states “*Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location*”. Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal can lead to local employment, and is suitable in terms of location, access, siting, design and environmental impact.

7.5 National Planning Advice

- 7.5.1 Planning Advice Notes (PANs) and Specific Advice Sheets set out detailed advice from the Scottish Government in relation to a number of planning issues. Planning Circulars contain Scottish Government policy on the implementation of legislation or procedures. Relevant PANs, Specific Advice Sheets and Planning Circulars to the Proposed Development are summarised in Table 7-1 below.

Table 7-1 Relevant Planning Advice Notes (PANs) and Circulars

Title	Summary of Content
PAN 1/2013 Environmental Impact Assessment (revision 1.0)	Provides information on the role local authorities and consultees play as part of the EIA process, and how the EIA can inform development management.

Title	Summary of Content
Planning Circular 1/2017: Environmental Impact Assessment regulations	Provides guidance on projects which are subject to the EIA Regulations.
PAN 60 (2000) Planning for Natural Heritage	Advises developers on the importance of discussing their proposals with the planning authority and NatureScot and use of the EIA process to identify the environmental effects of development proposals and seek to prevent, reduce and offset any adverse effects in ecology and biodiversity.
PAN 61 (2001) Sustainable Urban Drainage Systems	Good practice drainage guidance.
PAN 68 (2003) Design Statements	This PAN covers the importance of design statements, and provides flexible guidance on their preparation, structure, and content. The PAN also outlines the principles underpinning the production of design statements, as expected by the Scottish Government.
PAN 75 (2005) Planning for Transport	The objective of PAN 75 is to integrate development plans and transport strategies to optimise opportunities for sustainable development and create successful transport outcomes.
PAN 1/2011 Planning and Noise	This PAN provides advice on the role of the planning system in helping to prevent and/ or mitigate any potential adverse effects of noise. It promotes the principles of good acoustic design and promotes a sensitive approach to the location of new development.
PAN 2/2011 Planning and Archaeology	The PAN is intended to inform local authorities and other organisations of how to process any archaeological scope of works within the planning process.
PAN 51 Planning, Environmental Protection and Regulation (Revised 2006)	Details the role of the planning system in relation to the environmental protection regimes.

7.6 Local Planning Policy

- 7.6.1 Local Development Plans (referred to as the LDP hereafter) cover all planning authority areas and provide detailed and site-specific planning policy for an area. The current development plan for the Aberdeenshire administrative area is the Aberdeenshire Local Development Plan, January 2023.
- 7.6.2 The LDP lays out detailed policies which are used as a basis for determining planning applications on a local scale. As indicated above, NPF4 now forms a part of the Development Plan and has replaced a number of predecessor planning policy documents at various levels. This includes Strategic Development Plans.
- 7.6.3 Although a relatively recently adopted LDP, the Aberdeenshire LDP 2023 predates the adoption of NPF4 and has been formulated to interpret and implement the policy positions stated in the now superseded Aberdeen City and Shire Strategic Development Plan and, as such, some policy positions stated may be inconsistent with those contained in NPF4.
- 7.6.4 The 1997 Act makes it clear that where policy positions differ in this circumstance NPF4 policy positions will take priority.
- The Aberdeenshire Local Development Plan, Relevant Policies*
- 7.6.5 There are several policies that may be relevant in consideration of this proposal. These include:
- Policy C2 Renewable Energy – will support renewable energy developments, including solar, wind, biomass (energy from biological material derived from living, or recently living organisms) and hydroelectricity projects, as well as energy storage projects, which are in appropriate sites and of the appropriate design.
 - Policy PR2 – seeks to protect and not allow alternative development on sites that may reasonably be needed to support the national developments in NPF4. This includes “*High-voltage electricity transmission infrastructure,*

including cabling, substations, and converter stations [which are] are expected to include sites associated with the electricity substation south of Peterhead". Although it should be noted that the Site does not lie within the Reserved Land identified within the LDP.

- R2 Development Proposals Elsewhere in the Countryside – permits development at appropriate locations in the countryside where there is a national requirement, and no suitable alternative site is available. Prefers brownfield redevelopment over greenfield development;
- P2 Open Space and Access in New Development – all new developments must be accompanied by adequate public open space appropriate to the standards shown in the Aberdeenshire Parks and Open Spaces Strategy and should facilitate public access as appropriate. However, due to health and safety risks, public access would not be granted to the Proposed Development;
- P4 Hazardous and Potentially Polluting Developments and Contaminated Land – in determining planning applications for development within the consultation zones for hazardous installations (including oil and gas pipelines), the council will consult with, and take full account of advice from the Health and Safety Executive (HSE), the Competent Authority (in the case of Control of Major Accident Hazardous sites) and the facility's owners and operators, and will seek to ensure that any risk to public safety is not increased;
- E1 Natural Heritage – generally protective towards sites designated for nature conservation interests at European, National, and local levels. Will not permit development where integrity of a protected site will be compromised;
- E2 Landscape – states a presumption against development that causes unacceptable effects through its scale, location or design on key characteristics, natural landscape elements, features or the composition or quality of the landscape character as defined in the Landscape Character Assessments produced by NatureScot whether impacts are alone or cumulatively with other recent developments;
- E3 Forestry and Woodland – Generally protective towards woodland and the protection and enhancement of trees and woodlands in the planning and construction of built development;
- HE1 Protected Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings) – resistant to development that would have an adverse impact on the character, integrity or setting of listed buildings, or scheduled monuments, or other archaeological sites;
- PR1 Protecting Important Resources – presumes against developments that have a negative effect on important environmental resources associated with air quality, the water environment, important mineral deposits, prime agricultural land, peat and other carbon rich soils, open space, and important trees and woodland. Development which impacts on these features will only be permitted when benefits outweigh negative effects, and no reasonable alternatives are available;
- C4 Flooding – requires Flood Risk Assessments to be undertaken in appropriate circumstances, and climate change to be taken into account. Presumes against development that increases flood risk vulnerability although does permit essential infrastructure in vulnerable locations if required to be located there for operational reasons where no alternatives are available; and
- RD1 Providing Suitable Services – outlines developer responsibilities in relation to location and design of development that takes advantage of services that will support it. Covers transport, water/wastewater management and supply.

7.7 Local Supplementary Guidance

7.7.1 Aberdeenshire Council has various supplementary guidance documents in force⁴⁰. Those which have been taken into account in the preparation of the EIA Report include the following:

- PA2023-01 – Aberdeenshire Forestry and Woodland Strategy;
- PA2023-03 – Landscape Sensitivity Assessment: Onshore Wind Energy Development in Aberdeenshire;
 - PA2023-03 – Appendix 1 – Sensitivity Assessment Tables;

⁴⁰ Aberdeenshire Council: Planning advice: Meeting LDP Requirements. [Online] Available at <https://www.aberdeenshire.gov.uk/planning/plans-and-policies/planning-advice/> [Accessed: August 2024].

- PA2023-04 – Energetica (previous reference 5/2012);
- PA2023-07a – Coastal Landscape Character Types;
- PA2023-07b – Woodlands and Valley Landscape Character Types;
- PA2023-07c – Upland Landscape Character Types;
- PA2023-07d – Farmed and Lowland Landscape Character Types;
- PA2023-08 – Landscaping Design (previous reference 13/2015);
- PA2023-09 – Masterplanning (previous reference 7/2012);
- PA2023-10 – Securing Positive Effects for Biodiversity;
- PA2023-11 – Development in the Countryside Policies R1 and R2 including Organic Growth of Settlements;
- PA2023-12 – Outdoor Access and Development (previous reference 10/2015);
- PA2023-13 – Pipelines and Hazardous Development Consultation Zones (previous reference 1/2017);
- PA2023-15 – SP=EED (Successful Planning = Effective Engagement and Delivery - previous reference 1/2018);
- PA2023-16 – Buffer Strips (previous reference 9/2015);
- PA2023-17 – Baseline Ecological Survey (previous reference 6/2015);
- PA2023-20 – Trees and Development (previous reference 11/2015); and
- PA2023-22 – Providing Drainage for New Developments where Public Sewers are not available (previous reference 1/2008).

7.8 Conclusions

- 7.8.1 This chapter has set out the legislative background, a summary of the national energy policy framework, and the national and local planning policies and guidance relevant to the consideration of the Proposed Development. It provides an objective summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIA Report in order to ensure that it provides the appropriate information for the consideration of the planning application under the 1997 Act by the Planning Authority.
- 7.8.2 As noted, the policy appraisal for the Proposed Development is contained in a separate Planning Statement.