

# Cossons Solar & BESS Section 36 Application:

### **Planning Statement**

May 2025



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## 1. Introduction

#### 1.1 Background

- 1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd ('DBP') on behalf of TRIO POWER Limited (hereafter referred to as 'the Applicant') to install and operate a Solar Photovoltaic ('PV') array and Battery Energy Storage System ('BESS') with associated infrastructure, access and landscaping, (hereafter referred to as 'the Proposed Development') on land at Cossans, near Forfar, within the Angus Council administrative area.
- 1.1.2 As the Proposed Development has a generating capacity in excess of 50 megawatts ('MW'), consent is required from Scottish Ministers under Section 36 of the Electricity Act 1989 ('the 1989 Act'). In addition, a request is being made by the Applicant that planning permission is deemed to be granted under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, as amended ('the 1997 Act').
- 1.1.3 The application for consent is accompanied by an Environmental Impact Assessment Report ('EIA Report') which presents the findings of an EIA undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations'). The EIA Report presents information on the identification and assessment of the likely significant environmental effects of the Proposed Development
- 1.1.4 This Planning Statement makes various cross references to information contained in the supporting documents submitted in support of the application, including the EIA Report, and presents an assessment of the Proposed Development against relevant policy with due regard given to the provisions of the statutory Development Plan, now made up of National Planning Framework 4 (NPF4) and the Local Development Plan ('LDP') for Angus, and other relevant material considerations.
- 1.1.5 This Planning Statement considers the potential benefits and the effects which may arise and concludes as to the overall acceptability of the Proposed Development in relation to the planning policy framework and relevant material considerations.

#### 1.2 The Applicant

- 1.2.1 BLC Energy was set up in 2022 to develop solar and BESS projects in the UK. The three partners have over 60 years' experience in developing renewable energy projects and have so far secured planning consent for three solar projects in Scotland.
- 1.2.2 BLC are currently developing eleven solar and BESS projects throughout the UK including five in Scotland.
- 1.2.3 In 2023, BLC entered into a development services agreement with Octopus Energy (via Octopus Renewable Infrastructure Trust (ORIT)). TRIO POWER Limited was set up as the development company and is wholly owned by ORIT and managed by BLC Energy. BLC are developing the Site on behalf of the Applicant, TRIO POWER Ltd.
- 1.2.4 ORIT is an Impact Fund with a core objective to accelerate the transition to net zero through its investments, building and operating a diversified portfolio of Renewable Energy Assets. ORIT is managed by Octopus Energy Generation.
- 1.2.5 Octopus Energy Generation are one of Europe's largest investors in renewables, operating around £4 billion of green energy generation across seven countries. Octopus Energy Generation operate solar and wind projects across the UK.
- 1.2.6 Further information on Octopus Energy Generation and Octopus Renewable Infrastructure Trust can be found on its company website at https://www.octopusenergygeneration.com/ and https://www.octopusrenewablesinfrastructure.com/.

#### 1.3 Statutory Framework

- 1.3.1 An application under section 36 of the 1989 Act for consent for the construction of an electricity generating station whose capacity exceeds 50 MW is significantly different from an application for planning permission for a similar station whose capacity is less than 50 MW.
- 1.3.2Section 25 of the 1997 Act does not apply to the determination of applications under section<br/>36 of the 1989 Act as confirmed in the case of William Grant & Sons Distillers Ltd v Scottish<br/>Ministers [2012] CSOH 98 (paragraphs 17 and 18).
- 1.3.3 In addition, there are potentially certain environmental duties in relation to Preservation of Amenity and Fisheries Provisions in Schedule 9, paragraph 3 of the 1989 Act that are likely to apply.
- 1.3.4 The Applicant does not hold a generation licence in respect of this Site and therefore the statutory duties set out in paragraph 3 of Schedule 9 to the 1989 Act do not apply to the Applicant when formulating proposals for consent under section 36 of the 1989 Act. The Applicant has however, through the EIA process, had full regard to the matters set out in paragraph 3(1)(a) and (b) of Schedule 9.
- 1.3.5 The EIA Report identifies how various factors were taken into account in the formulation of the application. In addition, each EIA Chapter includes assessment of the likely significant effects and also, where appropriate, the identification of appropriate mitigation. This includes both embedded mitigation which is integral to the design and also active specific measures which have been identified.
- 1.3.6 The Scottish Ministers are obliged to consider whether they have sufficient information to enable them to carry out their duties under sub-paragraph 3(1)(a) of Schedule 9 to the 1989 Act. The duty on the Ministers is to have regard to the matters specified in Schedule 9 (3) (a) which are "the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest". Schedule 9 is not a development management test.
- 1.3.7 In considering the overall statutory and regulatory framework within which the Proposed Development is required to be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations. It is important to note, however, that section 25 of the 1997 Act is not engaged as there is no 'primacy' of the Development Plan in respect of an application made under the 1989 Act.

#### 1.4 Site Location and Description

- 1.4.1 The Proposed Development is located approximately 1.6 km west of Forfar, 3.5 km southeast of Kirriemuir and 2.6 km northeast of Glamis within the Angus Council administrative area. The Site largely comprises two land parcels on either side of a minor road, surrounded by agricultural fields and woodland. The total area of the Site is approximately 87 hectares ('ha') (refer to Figure 1.1 of the EIA Report).
- 1.4.2 The existing land use is mainly agricultural, with small sections of woodland. The Site is bordered by trees to the west, while the other boundaries are more open. A buried gas pipeline traverses the eastern portion of the Site, running from north to south, which has been appropriately accounted for in the overall design and layout of the Proposed Development.
- 1.4.3 The Site includes vehicular access from the unclassified road at Nether Drumgley. The access road runs through the north of the eastern part of the Site before crossing the Ballindarg Burn to provide access to the western part of the Site. The burn is approximately 3m in width, <0.5 m in depth and has a silty substrate and muddy, vegetated banks.



- 1.4.4 The Site is generally flat approximately 55m AOD in the east, rising to approximately 65m AOD in the west.
- 1.4.5 There are few sensitive receptors in close proximity to the Proposed Development, with 23 potential residential receptors identified within a 1 km radius. The closest residences are at Haughs of Cossans House and Cottage which are located adjacent to the south of the Site and are owned by the Site landowner. The residential properties at Nether Drumgley are just outside the eastern extent of the Site.
- 1.4.6 The Site area is free from landscape or nature conservation designations.
- 1.4.7 There are a number of national and international ecological designations within 5 km of the Site. These include Dean Water, which is a tributary/channel of the River Tay Special Area of Conservation ('SAC'), located 180m South of the Site boundary; Forest Muir Site of Special Scientific Interest ('SSSI') located 4.4 km north of the Site; Loch of Kinnordy Special Protection Area ('SPA') located 5.3 km north of the Site and Loch of Lintrathen SPA and RAMSAR located 11.8 km northwest of the Site.
- 1.4.8 There are numerous heritage assets within 5 km of the Site, most notably St Orlands Stone (Scheduled Monument) located 200m north of the site; Haughs of Cossans, Grade C Listed Building located along the southern boundary of the Site and Glamis Castle, Inventory Garden and Designed Landscape ('GDL'), located immediately to the west of the Site.

#### 1.5 The Proposed Development

- 1.5.1 The Proposed Development will comprise a ground-mounted solar photovoltaic ('PV') array and associated infrastructure with an export capacity of 49.9 MW with a solar build out of 65 megawatt peak (MWp). The array will comprise PV modules arranged in rows with a maximum height of 2.87m above ground level ('AG'L).
- 1.5.2 The Proposed Development also includes a BESS with a capacity of 35 MW. The BESS will store excess energy generated by the solar PV array during periods of low demand or high generation and release it during periods of high demand or low generation.
- 1.5.3 The annual power output of the Proposed Development is estimated at 62,465 Mega-Watt hours per annum ('MWh/pa'), which would provide enough electricity to power approximately 23,000 average Scottish households.
- 1.5.4 The infrastructure associated with the Proposed Development will include:
  - > PV module mounting frames;
  - > battery units housed in containers;
  - > inverters;
  - > transformers;
  - > high voltage ('HV') switchgear and control equipment;
  - > cabling and interconnectors;
  - on-site substation and control building;
  - customer station compound;
  - > spares container;
  - > site access and tracks;
  - > security fencing and Closed Circuit Television (CCTV); and
  - > temporary construction compound.



1.5.5 The Proposed Development's key components are described in more detail as follows.

#### Solar PV Module and Mounting Frames

- 1.5.6 The solar PV modules will stand approximately 1.2m AGL at their minimum point and will be angled up to 20° to the horizontal and arranged in rows. The maximum panel height will be up to 2.87m AGL.
- 1.5.7 Each PV module will be fixed and mounted upon a prefabricated alloy metal frame. The frames will be anchored to the ground via steel piles that will be driven to approximately 1.5m into the ground. The framed mounting system would be pile driven, therefore no foundations would be required.

#### Inverters, Transformers

1.5.8 The Proposed Development will include string inverters, typically mounted to the underside of the PV modules (approximately 24 modules per string) to convert the Direct Current ('DC') produced by the PV modules, into an Alternating Current ('AC') for export. Transformer stations (approximately 4) will be installed in various locations across Site, to ensure voltage compatibility for export to the local electricity distribution network

#### **BESS Containers**

- 1.5.9 There will be approximately 24 BESS containers measuring approximately 8.3m in length by 3.1m width, with indicative height of 2.6m (including the platform height). Six associated Power Conversion System ('PCS') units will be located adjacent to the BESS containers, to allow the batteries to switch between inverter and charger modes. They measure approximately 9.2m in length by 5.4m width with an indicative height of 2.3m. The BESS and PCS units will be located in a compound within the eastern land parcel.
- 1.5.10 Transformers and BESS units are situated in areas of the Proposed Development that are not at risk of flooding (EIA Report Chapter 7: Hydrology and Flood Risk).

#### Security fencing and CCTV

- 1.5.11 Fencing will be constructed around the Proposed Development for health and safety and security reasons. The fencing will stand up to 2.4m AGL and is proposed to comprise of security palisade fencing.
- 1.5.12 The entrance of the site will comprise of a 5m wide double leaf access gate. This will stand up to 2.4m AGL and is proposed to comprise rectangular hollow section frame and palisade gates.
- 1.5.13 CCTV will be deployed as a security measure. The CCTV will be mounted on galvanised steel posts each measuring approximately 4.5m in height. The CCTV cameras will be located just inside the proposed security fencing with the exact locations to be confirmed prior to construction. They will be installed at discreet locations and will be oriented away from external landowners and dwellings.

#### **On-Site Substation, Spares and Communications Building**

- 1.5.14 The Proposed Development will include a distribution network operator ('DNO') substation compound, customer (private) substation compound, a communications and spares container, and an additional standalone spares container.
- 1.5.15 The DNO substation will consist of electrical infrastructure required to facilitate the export of electricity from the Proposed Development to the distribution network. The building will measure approximately 3.6m in length by 2.5m width, with an indicative height of 2.6m.



- 1.5.16 The customer (private) substation will measure approximately 8.1m in length by 2.6m width, with an indicative height of 2.7m.
- 1.5.17 The communications and spares container provides space for operational monitoring and maintenance equipment. This building will measure approximately 6.1m in length by 2.4m width, with an indicative height of 2.9m.
- 1.5.18 The additional standalone spares container will measure approximately 12.2m in length by 2.4m width, with an indicative height of 2.9m.
- 1.5.19 The onsite substation and control building compound will be located in the eastern land parcel.

#### **Temporary Construction Compound**

- 1.5.20 A temporary construction compound will be required during the construction period. This will be located near the Site entrance, south of the proposed BESS area in the eastern land parcel. The total laydown area is anticipated to be approximately 3,000 m<sup>2</sup> (0.3 ha) and the main construction compound will incorporate a temporary laydown and vehicle parking area.
- 1.5.21 On completion of construction works, it is proposed that all temporary structures be removed, and the compound area be restored.

#### On Site Cabling

1.5.22 Low voltage electrical cabling is required to connect the PV modules to the inverter. AC cabling from the inverters will connect to the transformers and the on-site substation via underground trenches.

#### Site Access and Tracks

- 1.5.23 The Site is bounded to the north by a private road which provides access to the Haughs of Cossans in the west and connects to Drumgley Road, at Nether Drumgley, in the east. The Site benefits from various field accesses with the private road which is a lightly trafficked single track road with passing places mainly serving agricultural holdings.
- 1.5.24 The private road connects to Drumgley Road via a simple priority junction which has been designed to accommodate large agricultural vehicles. Drumgley Road is also a single track road with passing places and provides the shortest route to the strategic road network, namely, to the south via the A94 and onwards to the Forfar Junction of the A90(T).
- 1.5.25 The Drumgley Road / A94 junction is of a good standard which can accommodate large vehicles. The A94 is a high standard single carriageway which is only circa 400m from the A90(T). The proximity of the trunk road is ideal from a traffic impact perspective given it is a strategic route designed to accommodate larger vehicle types.
- 1.5.26 Each of the land parcels in the Site will have two access points from the local road, one for each of the PV array sections.
- 1.5.27 The BESS area will be accessible via two separate access points at the north-eastern and north-western points of the compound.
- 1.5.28 Internal access tracks will be established to allow for construction and ongoing access/maintenance to the electrical infrastructure on site. The onsite tracks will have a typical 4 m running width, wider on bends and at junctions and will be surfaced with local compacted aggregates to match surrounding farm tracks.
- 1.5.29 The proposed Site access tracks are shown on the Proposed Site Layout Plan EIA Report Figure 2.3.

#### Grid Connection

1.5.30 The proposed point of connection is Lunanhead substation as per the accepted grid connection offer from Scottish and Southern Electricity Networks ('SSEN'). The grid connection is not part of the Section 36 application and will be applied for separately at a later date.

#### Landscape and Biodiversity Mitigation and Enhancement

- 1.5.31 An indicative landscaping scheme is shown on Indicative Landscape Plans A and B (Figures 5.5a and 5.5b respectively of the EIA Report) which sets out the arrangement and specification for new planting across the Site.
- 1.5.32 The proposed planting is multifunctional; providing mitigation to visual effects via screening views; limiting effects on landscape character by strengthening existing features and providing new, characteristic features to link them together; and providing ecological enhancements in line with current policy requirements.
- 1.5.33 An Outline Biodiversity Enhancement and Management Plan ('OBEMP') has been submitted as part of the EIA Report at Technical Appendix 6.5. The focus of the OBEMP will be on creating priority meadow habitat, wetland features and connect existing blocks of woodland providing habitat corridors and enhanced resources for protected and priority species in replacement of the current arable/ cereal/non-cereal habitat which is the predominant across the Site.

#### 1.5.34 Proposed landscaping features include the following:

- > 111 new native standard trees;
- > 6,100 linear metres of new native hedgerow;
- > 31,200 square metres of new native woodland;
- > 771,850 square metres of new meadow grassland, and;
- > 30,000 square metres of new wet meadow grassland.
- 1.5.35 In addition to the above mitigation, the Proposed Development includes an offsite wildlife area to the south of the Site, which is shown on Figure 5.5a. This area would provide further habitat creation and ecological enhancement. Although this provision is outwith the application Site it is on land within the control of the Applicant.

#### **Construction Period**

1.5.36 The construction period is expected to take place over eight to twelve months and is anticipated to commence in 2028 due to grid availability. Normal construction hours will be between 07.00 and 19.00 Monday to Friday and 09.00 and 13.00 on Saturdays. Any construction out with these hours will be in line with agreed noise limits and with advance warning of any works provided to Angus Council and local residents.

#### **Operation and Maintenance**

- 1.5.37 Once operational, the solar array will require occasional maintenance to the solar panels and associated infrastructure over its 42-year lifespan. Once construction is complete the fields hosting the panel arrays would be managed as species rich grassland and wildflower meadow with the potential for agricultural use (grazing) to be retained as part of the management regime.
- 1.5.38 Once operational, the solar array will require scheduled and unscheduled maintenance of the solar modules and associated infrastructure. The scheduled maintenance is expected to consist of a monthly routine Site inspection.



1.5.39 Once the BESS is operational, it will require minimal maintenance. Maintenance is expected to consist mostly of routine Site inspections by technicians, as well as unscheduled visits when required.

#### Decommissioning

- 1.5.40 The Applicant is committed to decommissioning and restoring the Site to its previous agricultural use at the end of the project lifespan. In the event the decision was made that the Site could be repowered, then a new consenting process would be required.
- 1.5.41 Decommissioning is a relatively straightforward process and similar to the construction process, with the majority of structures and equipment able to be disassembled and removed in a straightforward manner (with inverters etc. being containerised and simply able to be detached from the piles they are placed on and the solar arrays disassembled and piles pulled up). The limited physical infrastructure that is required on the ground area (around 5%) for a solar farm allows for quick and easy restoration of land back to its existing agricultural land use.
- 1.5.42 The Applicant is committed to providing a detailed decommissioning and restoration plan, fully costed by an independent advisor, to be agreed with Angus Council prior to commencement of construction, this could be achieved through an appropriately worded planning condition.

#### 1.6 The Role of BESS

- 1.6.1 BESS are designed to support local distribution and national transmission electricity networks with the balancing of supply and demand. BESS also provide additional services to district and national network operators to help manage electrical grid stability.
- 1.6.2 The UK's energy network is undergoing a significant transition, comprising a reduced reliance on fossil fuel power plants as they reach the end of their operational lifecycles, and an increasing preference for and reliance upon renewable energy sources. National and international legislation and policies are in place to encourage this transition, including the Climate Change (Scotland) Act 2009 and which has set an ambitious target to reduce Scotland's emissions of all greenhouse gases ('GHG') to net zero by 2045.
- 1.6.3 BESS play a vital role in ensuring the full potential capacity of existing and future renewable energy generation is exploited and the successful transition to a net-zero future. BESS import large amounts of renewable energy from surrounding renewable generators (e.g. wind or solar farms) when supply is typically at its highest and in excess of demand, storing it, and then exporting it back to the grid when demand is high, but supply is low (e.g. still, cloudy days).
- 1.6.4 The Electricity System Operator ('ESO') currently pays renewable generators to turn off supply in Scotland to prevent an overload of the system and simultaneously instructs fast response generators (normally gas power plants) in areas of high consumption to switch on to increase supply. This results in both increased costs to consumers and undermines efforts to transition to a net-zero energy system.
- 1.6.5 BESS are recognised as an essential technology to realise the benefits of renewable generation. BESS such as the Proposed Development, offer a sustainable alternative to carbon-intensive energy sources to supply and maintain the grid, which reduces the energy network's reliance on fossil fuels and ultimately contributes to achieving the UK and Scottish Governments' GHG emissions reduction targets. The Proposed Development also contributes to energy security and reduced energy costs for consumers.

#### 1.7 Design Approach

- 1.7.1 Chapter 2 Site Section and Design Iteration of the EIA Report describes the Site identification and Design Iteration process which has been undertaken by the Applicant prior to arriving at the final design.
- 1.7.2 The Applicant adopted the following principles during the design iteration process where possible to ensure the final design of the Proposed Development was the most suitable for the Site:
  - > avoid designated and protected sites;
  - > sensitively site to avoid or minimise setting effects on heritage assets;
  - avoid or minimise impacts on sensitive identified ecological habitats and species;
  - > minimise impacts in respect of noise and the visual amenity of residential properties;
  - > minimise traffic and transport impacts;
  - consider topography in terms of suitability for siting panels;
  - > avoid areas of high-risk flooding; and
  - > maximise the potential renewable electricity generation.
- 1.7.3 The design of any solar development is driven by the key objective of positioning panels so that they capture the maximum energy possible within a suitable area, further informed by environmental and technical constraints. BESS now also forms a part of many solar developments to store excess energy for use when solar generation is low.
- 1.7.4 All constraints relevant to the Site and Proposed Development have been considered and are identified and discussed in the EIA Report. Identification of constraints does not necessarily result in the exclusion of that area from the potential development envelope; rather it means that careful thought and attention was paid to the constraint and the design altered appropriately. The key constraints considered during the design process included:
  - Landscape and visual constraints, also taking account of potential mitigation and enhancement opportunities for example through landscape planting;
  - Location of residential receptors;
  - Location of existing infrastructure;
  - > Presence of cultural heritage features; and
  - Presence of protected habitats.
- 1.7.5 The design process has been iterative responding to findings for environmental assessments and feedback from consultations. There have been three principal iterations in the design of the Proposed Development. Key changes made during this process include:
  - Reduction in the number of PV modules to address constraints identified by technical specialists, while also accommodating necessary site infrastructure;
  - Following more detailed flood risk assessment, areas prone to flooding were considered resulting in the exclusion of PV modules from sections of Field 2 that experience higher risk of flooding. A Sustainable Drainage System ('SuDS') was incorporated near the BESS to manage water drainage. The PV module clearance height was increased to 1.5m AGL to mitigate flood risk
  - > BESS was relocated from Field 4 to Field 3, enhancing screening behind existing trees and increasing the distance from residential properties. The new placement maintained a



minimum distance of 300 m from any property and placed it entirely outside any flood risk area. Following further public consultation and feedback the BESS was moved off the ridgeline allowing for improved screening and a reduction in visual impact.

> Ecology buffers were introduced, including buffers from ancient woodlands to the west of the Site, core paths, trees, bat habitats, and otter habitats.

#### 1.8 Scope & Structure of Planning Statement

- 1.8.1 The planning policy framework changed significantly in early 2023, with the adoption of NPF4.
- 1.8.2 This Planning Statement addresses relevant energy and planning policy documents and provides an assessment of the Proposed Development against relevant policy provisions and the new make-up of the statutory Development Plan. The appraisal also highlights policy differences where there are incompatibilities between new national planning policies and those of the Local Development Plan ('LDP').
- 1.8.3 This Planning 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 as relevant to solar PV and associated support for renewable energy as a whole;
  - Chapter 3 appraises the Proposed Development against the most up to date element of the Development Plan, namely the relevant provisions of NPF4;
  - Chapter 4 appraises the Proposed Development against the relevant provisions of the LDP and related guidance; and
  - > **Chapter 5** presents a summary of the benefits of the Proposed Development, 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 from which the Proposed Development can draw a high level of support.
- 2.1.2 The Proposed Development must therefore 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. These taken together provide very strong support for renewable energy, which includes the use of PV panels in principle, as explained below.
- 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 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 with 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 (2015)

- 2.2.1 In December 2015, 196 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2°C above pre-industrial levels, and to pursue efforts to limit global warming to 1.5°C.
- 2.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links to the Climate Change Committee's (CCC) advice to both the UK and Scottish Governments on 'net zero' targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK). This is referred to below.
- 2.2.3 The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.



#### **United Nations - International Panel on Climate Change**

- 2.2.4 The Intergovernmental Panel on Climate Change (IPCC) is the United Nations Body for assessing the science related to climate change.
- 2.2.5 The IPCC prepares comprehensive assessment reports about the state of scientific, technical and socio-economic knowledge on climate change, its impacts and future risks and options for reducing the rate at which climate change is taking place. IPCC reports are commissioned by the worlds' Governments and are an agreed basis for COP<sup>1</sup> negotiations.
- 2.2.6 The IPCC's Special Report on Warming of 1.5°C, published in 2018, was a key piece of evidence for the CCC's recommendation to the UK Government for a 2050 net zero greenhouse gas emission target. The IPCC's reports since 2018 have provided an up-to-date estimate of how close global temperatures are to 1.5°C of warming above pre-industrial levels and the remaining volume of global cumulative carbon dioxide that could be emitted to be consistent with keeping global warming below any particular threshold (such as the 1.5°C and 2°C levels referred to in the Paris Agreement).
- 2.2.7 The IPCC's 6th Assessment Report was published in March 2023. The Summary for Policymakers Report (page 10) states that it is likely that warming will exceed 1.5°C during the 21<sup>st</sup> Century and make it harder to limit warming 2°C. It states (page 12):
- 2.2.8 "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)".
- 2.2.9 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**

- 2.2.10 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*".
- 2.2.11 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."
- 2.2.12 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].
- 2.2.13 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

2.2.14 The United Nations Climate Change Conference (COP28) closed on 13 December 2023. The UN press release of the same date states that the agreement reached "Signals the 'beginning of the end' of the fossil fuel era by laying the ground for swift, just and equitable transition, underpinned by deep emissions cuts and scaled up finance."

<sup>&</sup>lt;sup>1</sup> United Nations Framework Convention on Climate Change, Conference of the Parties (COP).

#### 2.2.15 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, <u>a tripling of</u> <u>renewable energy capacity and doubling of energy efficiency improvements by 2030</u>. 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)

- 2.2.16 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.
- 2.2.17 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.
- 2.2.18 The Report states that in order to avoid the present trajectory of temperature increase far beyond 2°C over the course of this century:

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

- 2.2.19 The Report adds "*It remains technically possible to get on a 1.5*°C pathway, with solar, wind and forests holding real promise for sweeping and fast emissions cuts".
- 2.2.20 The Report also states (page 1) that there must be "*unprecedented cuts to greenhouse gas emissions by 2030 to keep 1.5*°C *alive*".
- 2.2.21 In order to put the challenge of emissions reduction in context, the key messages document (page 2), sets out that if only current NDCs are implemented and no further ambition is shown in the new pledges to come, "the best we could expect to achieve is catastrophic global warming of up to 2.6°C over the course of the century".

#### 2.3 UK Climate Change & Energy Legislation & Policy

#### The Climate Emergency

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

#### The Climate Change Act 2008 & Carbon Budgets

2.3.2 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target



to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.

- 2.3.3 The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.
- 2.3.4 The CCC has produced seven four yearly carbon budgets, covering 2008 2042. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 2.1** below. Essentially, they are five yearly caps on emissions.
- 2.3.5 These legally binding 'carbon budgets' act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament.

Budget	Carbon budget level	Reduction below 1990 levels	Progress on Budgetary Period
1 <sup>st</sup> carbon budget (2008 – 2012)	3,018 MtCO <sub>2</sub> e	26%	-27%
2 <sup>nd</sup> carbon budget (2013 – 2017)	2,782 MtCO2e	32%	-42%
3 <sup>rd</sup> carbon budget (2018 – 2022)	2,544 MtCO <sub>2</sub> e	38% by 2020	-50% <sup>3</sup>
4 <sup>th</sup> carbon budget (2023 – 2027)	1,950 MtCO <sub>2</sub> e	52% by 2025	n/a
5 <sup>th</sup> carbon budget (2028 – 2032)	1,725 MtCO2e	57% by 2030	n/a
6 <sup>th</sup> carbon budget (2033 – 2037)	965 MtCO <sub>2</sub> e	78% by 2035	n/a
7 <sup>th</sup> carbon budget (2038 – 2042)	535 MtCO <sub>2</sub> e	87% by 2042	n/a
Net Zero Target	100%	By 2050	

#### Table 2.1: Carbon Budgets and Progress<sup>2</sup>

- 2.3.6 The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK "decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement" (CB6, page 13).
- 2.3.7 Page 23 of CB6 refers to the devolved nations and sets out that UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland. Key points from CB6 include:
  - > UK climate targets cannot be met without strong policy action in Scotland.
  - The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and doubling or even trebling by 2050
  - > CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
- 2.3.8 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world's most ambitious climate change target into law (by the Carbon Budget

<sup>2</sup> Source: CCC.

<sup>3</sup> Confirmed by CCC in 'Final Statement for the Third Carbon Budget' May 2024. By the end of the period in 2022, UK net GHG emissions were 50% lower than the base year emissions.



Order 2021<sup>4</sup> (The Order)) 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.

- 2.3.9 The Seventh Carbon Budget ('CB7') was published by the CCC in February 2025. The CCC's recommended level for CB7, namely a limit on the UK's GHG emissions over the five-year period 2038 to 2042 is 535 including emissions from international aviation and shipping.
- 2.3.10 Page 12 of the CB7 states:

"By the middle of the Seventh Carbon Budget on our pathway, emissions in the UK will be only a quarter of the level they are today, and 80% lower than levels in 1990 (90% lower excluding emissions from international aviation and shipping.) Achieving this will require a significant reduction in emissions across sectors including surface transport, buildings, industry and agriculture."

- 2.3.11 It sets out (page 12) that achieving CB7 will mean that UK based renewable energy provides the bulk of generation and this will replace oil and gas across most of the economy. It adds that *"this requires twice as much electricity as today by 2040"*.
- 2.3.12 In relation to solar, CB7 states "solar capacity increases to 82 GW by 2040, compared to 16 GW in 2023. Recent annual installation rates will need to almost quadruple this decade, reaching similar levels to the historical peak seen in 2015. The cost of solar has fallen significantly in recent years, and is expected to fall further in our pathway..."
- 2.3.13 In relation to solar build out rates, CB7 (page 209) states that "an average deployment rate of 3.4 GW per year is needed. This requires build rates to grow to around the historical peak (4.1 GW in 2015) this decade."
- 2.3.14 It adds that to deploy the 2050 levels of solar in the balanced pathway, this would *"conservatively require around 1% of UK land"*.

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

- 2.3.15 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.
- 2.3.16 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).
- 2.3.17 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).
- 2.3.18 This anticipated growth of renewable electricity is illustrated in the graph below **Figure 2.1**.

<sup>&</sup>lt;sup>4</sup> The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.







2.3.19 Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that "onshore wind and <u>solar</u> 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). (underlining added)

#### The British Energy Security Strategy (April 2022)

2.3.20 The British Energy Security Strategy was published by the UK Government on 7<sup>th</sup> 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."

2.3.21 In terms of solar development, the Strategy states:

"With the sun providing enough daily energy to power the world 10,000 times over, solar power is a globally abundant resource. There is currently 14GW of solar capacity in the UK split between large scale projects to smaller scale rooftop solar. The cost of solar has fallen by around 85% over the past decade and can be installed in just one day on a domestic roof. We expect a five-fold increase in deployment by 2035." (underlining added)

2.3.22 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.

<sup>5</sup> Source: Energy White Paper page 9 (2020).

#### The UK Battery Strategy (2023)

- 2.3.23 The UK Government published the UK Battery Strategy on 26 November 2023. The Strategy brings together Government activity to achieve a globally competitive battery supply chain by 2030 that supports economic prosperity and the Net Zero transition in the UK.
- 2.3.24 In summary, the Government's vision is for the UK to continue to grow a thriving battery innovation system and to become a world leader in sustainable design, manufacture and use.
- 2.3.25 The Strategy was developed with the UK Battery Strategy Task Force, drawing upon a call for evidence and engagement with business and stakeholders. The Strategy is based around the 'design, build, sustain' approach and through the strategy sets the key objectives that the UK will:
  - > Design and develop batteries for the future;
  - > Strengthen the resilience of UK manufacturing supply chains; and
  - > Enable the development of a sustainable battery industry.
- 2.3.26 In the foreword to the document, the Minister of State for Industry and Economic Security at the Department of Business and Trade states that (page 3):

"Batteries will play an essential role in our energy transition and our ability to successfully achieve Net Zero by 2050."

2.3.27 Batteries are seen as key to the Net Zero transition as they enable more flexible use of energy such as maximising use of intermittent low carbon generation.

#### **Climate Change Committee Report to UK Parliament (2024)**

2.3.28 The 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."

2.3.29 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."

- 2.3.30 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 solar installations must increase by five times.

- 2.3.31 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).
- 2.3.32 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."

2.3.33 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."

2.3.34 Reference is made to electricity supply (page 56). With regard to solar it states that:

"Achieving the Government's ambition of 70 GW by 2035 will require more than 4 GW to be installed each year on average. This is more than five times the average amount added over the past three years".

- 2.3.35 Chapter 2 of the CCC Report addresses the risks to the UK in achieving its emissions reduction targets.
- 2.3.36 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...."*
- 2.3.37 With regard to the 2030 NDC and Sixth Carbon Budget (for the period 2033 to 2037) the CCC Report states that credible plans cover only around a third of emissions reductions needed to meet the UK's 2030 NDC and a quarter of those needed to meet the Sixth Carbon Budget. It adds "that 2030 NDC is now only six years away. While our assessment of the policies and plans to deliver it has improved slightly, there remains significant risks to achieving these goals."

#### Labour Government & Commitment to Renewables (2024)

- 2.3.38 The recent UK Government change at Westminster and a Labour administration for the UK is of relevance in terms of the new UK Government policy approach to Net Zero. The Labour Party Manifesto states that it has "*a national mission for clean power by 2030*" and it explicitly states that this is achievable "and should be prioritised". The Manifesto sees the clean energy transition as a huge opportunity to generate growth and also to tackle the cost-of-living crisis. This objective is set out as Labour's "second mission" for the UK.
- 2.3.39 It is clear that the new administration is seeking to accelerate the pace of renewable development to achieve Net Zero. Energy policy is reserved to Westminster and although the Scottish Government has progressed its own energy policy in parallel with its full devolved



authority over the planning system in Scotland, UK Government policy is an important material consideration.

#### UK Government: Clean Power 2030 Action Plan (2024)

- 2.3.40 A key new material consideration is the Clean Power 2030 Action Plan, issued by the Department for Energy Security and Net Zero DESNZ in December 2024. It sets out (page 9) that Britain needs to install *"clean sources of power at a pace never previously achieved"*.
- 2.3.41 It further adds (page 10):

"clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and limit our contribution to the damaging effects of climate change. Clean power by 2030 is a sprint towards these essential goals".

- 2.3.42 The document adds that "Meeting the clean power 2030 goal is key to accelerating to net zero, not only in eliminating emissions that currently come from electricity generation, but also via the application of clean power in the buildings, transport and industry sectors... The shift to a clean power system by 2030 forms the backbone of the transition to net zero, as we move to an economy much more reliant on electricity".
- 2.3.43 Page 74 of the Action Plan states that "Meeting the renewable capacity set out in the DESNZ 'clean power capacity range' is achievable but will require deployment at a sharply accelerated scale and pace".
- 2.3.44 In terms of BESS, **Figure 2.2** below shows the current gap between current installed capacity compared to the DESNZ requirement to 2030.

Figure 2.2 Battery Storage: Current installed capacity compared to the DESNZ 'Clean Power Capacity Range' in 2030 (GW)



Source: Table 1

2.3.45 Currently there is 4.5 GW of battery storage in Great Britian, and based on NESO and DESNZ BESS growth scenarios for 2030 it is expected that 23-27 GW of battery storage will be needed by 2030 to support clean power – a very significant level of increase. It is stated that *"Among the specific actions required for batteries, improving the time it takes for mature grid-scale batteries to obtain grid connections and planning decisions are the most significant actions in order to deliver the huge increase in grid-scale battery capacity". (pg.96)* 



2.3.46 In relation to solar development, the Action Plan sets out an ambition of having a range of 45-47 GW of solar capacity by 2030. Current UK installed solar capacity is only 16.6 GW. Figure
 2.3 below shows the current gap between current solar installed capacity compared to the DESNZ requirement to 2030.

### Figure 2.3 Solar: Current installed capacity compared to the DESNZ 'Clean Power Capacity Range' in 2030 (GW)



#### 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 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".
- 2.4.3 The SES sets out what is termed the "opportunity" for solar stating that it can make an increasing contribution to Scotland's energy needs.
- 2.4.4 The SES sets out the Government's clear position on solar namely:
- 2.4.5 "Solar will play an important role in a low carbon energy system, helping meet Scotland's renewable generation ambitions. Combining storage with wind and solar assets presents a valuable solution for the energy system as a whole, offering the potential for demand to be managed locally." (Page48)

#### The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

2.4.6 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. It is clear that to have any hope of achieving the Net Zero target, significant expansion of renewable generation capacity is required.



2.4.7 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.

### CCC Report to Scottish Parliament – Progress in reducing emissions in Scotland (March 2024)

2.4.8 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."

- 2.4.9 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.
- 2.4.10 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.
- 2.4.11 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."

#### Statement to the Scottish Parliament (18 April 2024)

- 2.4.12 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'.
- 2.4.13 The key points in the statement include:
  - > The Scottish Government has an "unwavering commitment to ending our contribution to global emissions by 2045 at the latest, as agreed by Parliament on a cross-party basis".
  - The Cabinet Secretary states that she is "announcing a new package of climate action measures which we will deliver with partners to support Scotland's transition to Net Zero" and the Statement goes out to reference these specific measures.
  - > The Statement states sets out that in terms of the policies for these measures that "they sit alongside extensive ongoing work that will be built upon through our next Climate Change Plan and Green Industrial Strategy."
  - > The Cabinet Secretary states that, "The Climate Change Committee is clear that the 'UK is already substantially off track for 2030' and achieving future UK carbon budgets 'will require a sustained increase in the pace and breadth of decarbonisation across most major sectors'. Indeed, we do see climate backtracking at UK level."
- 2.4.14 The Scottish Government has reiterated its commitment to achieving net zero by 2045. The approach to dealing with the position set out by the CCC in relation to the 2030 target being unachievable, has been to move to a multi-year carbon budget approach to measuring emissions reduction (instead of annual targets) which has now brought the Scottish Parliament in line with the Welsh and UK approaches.



#### The Climate Change (Emission Reduction Targets) (Scotland) Act 2024

- 2.4.15 On 5 September 2024 the Scottish Government introduced the Climate Change (Emission Reduction Targets) (Scotland) Bill to the Scottish Parliament. The Bill was passed on 5 November 2024 and became an Act on 22 November 2024. The Act repeals the annual and interim emissions reduction target framework that was established under the 2009 Act and establishes a carbon budget approach to target setting, with budgets to be set through secondary legislation using the latest advice from the CCC once available to replace the concept of statutory annual and interim targets. The Act also makes provision for a new Climate Change Plan to be published that reflects the carbon budgets.
- 2.4.16 As explained, the Act followed advice from the CCC that Scotland's interim emissions reduction target for 2030 could not be achieved. The Act does not change the existing statutory target of Net Zero emissions by 2045.

#### 2.5 The Draft Energy Strategy and Just Transition Plan

- 2.5.1 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 on the draft ran up to 9<sup>th</sup> May 2023. As a draft document it can only be afforded limited weight.
- 2.5.2 The draft document is however consistent with the policy set out in NPF4 which recognises the 2020s as a crucial decade for the large-scale delivery of renewable energy projects supporting urgent transition to net zero.
- 2.5.3 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 build 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."

- 2.5.4 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 (emphasis added).
  - > 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 (emphasis added).
  - > A just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.



2.5.5 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".

2.5.6 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......

An additional 20 GW of renewable generation will more than double our existing renewable generation capacity by 2030......"

- 2.5.7 As part of the strategy to transition to a net zero energy system it is recognised that "in addition to building our renewable capacity, we also now need to focus significant efforts on decarbonising energy for heat, transport and industry, on reforming markets to ensure security and affordability, an on maximising the benefits from the transition to net zero for our economy and our communities. The opportunities that creates are immense".
- 2.5.8 As regard the potential for solar the draft strategy states:

"Solar has an important role to play in decarbonising our energy system, particularly when combined by other renewables. Our aim is to maximise the contribution solar can make to a just, inclusive transition to net zero... Solar is a long established, commercially viable renewable technology that has been at the forefront of decarbonisation efforts. It has seen great success in Scotland and we wish to provide clarity as to the important role it will play in meeting net zero...." (page 70)

- 2.5.9 The statement goes further, adding "We see a strong role for solar thermals, as well as domestic and commercial solar PV .....We are considering the evidence for setting a solar deployment ambition...". A finalised solar vision is expected later in 2023, with a clear commitment to enabling greater solar development to assist in the drive to net zero.
- 2.5.10 The Draft Strategy reiterates the support for solar PV as set out in NPF4 (page 130).

#### 2.6 The Green Industrial Strategy

2.6.1 The Scottish Government published a Green Industrial Strategy ('GIS') in September 2024. The Executive Summary sets out the mission of the GIS, namely:

"This Green Industrial Strategy's mission is to ensure that Scotland realises the maximum possible economic benefit from the opportunities created by the global transition to Net Zero".

2.6.2 The GIS sets out five opportunity areas for Scotland where identified strengths are most likely to lead to growth and the potential to grow Scotland's exports. The sectors relate to Scotland's potential in relation to renewable energy and creating a competitive centre for clean energy intensive industries of the future.



- 2.6.3 Page 6 sets out that GIS forms a key part of the Government's broader National Strategy for Economic Transformation. It states that "It also links explicitly to our Just Transition Plans which describe how the transition to Net Zero in the most emitting sectors will be achieved in a way that delivers economic, social and community benefits, including fair work, environmental preservation and reduced poverty and inequality."
- 2.6.4 Page 13 states clearly that the single goal of the GIS is to help Scotland realise economic growth opportunities from the global transition to Net Zero.
- 2.6.5 It is clear therefore that to progress the Government's objectives with regard to renewable energy that there needs to be clear support for new investment and growth in solar and battery development. Realising the economic and social opportunities will only be achieved through the development and consenting of additional developments. Such deployment will not only be critical towards achieving the Net Zero target, given the important contribution that solar generation will make in that regard but will also help deliver the Government's clear green infrastructure mission.

#### 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 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 change from annual Scottish emission reduction targets has served to show that we are not on track to attain Net Zero and it strengthens the case for rapidly approving schemes that can contribute to this goal. The overall target of Net Zero remains unchanged.
- 2.7.5 Decisions through the planning system must be responsive to this changed position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance.
- 2.7.6 The need case overall is founded upon the contribution that the proposed development can make to three important policy aims namely:
  - Net zero and the importance of deploying zero carbon generation assets at scale as set out in the related statement of need for national development within NPF4;
  - > Security of supply (geographically and also by way of technologically diverse supplies).
- 2.7.7 In short, greater capacities of low carbon generation can be integrated into the GB grid system by deploying technologies such as Solar PV.
- 2.7.8 Solar PV is referenced in all of the key UK and Scottish Government energy policy documents referenced above.
- 2.7.9 In addition, the document 'Scotland's Fair Share Solar's role in achieving net zero in Scotland' is informative on the attributes of the technology and shows that a target of 4-6GW of solar PV for Scotland for 2030 would be achievable, with around 3.5GW of deployment coming from ground mounted solar farms.
- 2.7.10 This document was the subject of a motion in the Scottish Parliament on December 2021 by Fergus Ewing MSP as follows, and which is considered to provide a helpful summary of the positive role solar PV can take:



"That the Parliament welcomes Solar Energy Scotland's policy agenda, Scotland's fair share: Solar's role in achieving net zero in Scotland, published in the run-up to COP26, which sets out the potential for solar energy to play a much greater role in Scotland's lowcarbon energy mix; understands that Scotland has levels of solar irradiation that can be effectively captured and that, compared to other nearby countries on the same latitude, such as Denmark, Scotland is behind in equivalent levels of solar technology deployment; considers that a number of policy matters within the control of the Scottish Government, including permitted development rights and business rates, could help the sector grow significantly; recognises what it sees as the ability of solar energy systems to work as a good companion to wind to make more effective, efficient use of the electricity grid and storage network; considers that, due to reported projections for solar to be the UK's cheapest form of energy this decade, and to have the unique capability to be deployed at all scales, solar is vital to supporting an affordable energy mix, and a just transition".

- 2.7.11 Given significant capacities of renewable generation to be deployed in Scotland, solar PV will play an essential part in delivering Net Zero for Scotland and the wider UK. The Proposed Development is therefore an essential near-term element of infrastructure in assisting to meet Government objectives for decarbonisation and achieving Net Zero, which will address the Climate Emergency.
- 2.7.12 The proposal will generate renewable energy by way of solar PV. The proposal is therefore in accordance with UK and Scottish Government energy policy on the need for increased renewable energy generation, to ensure that such technologies support the transition to a fully low carbon grid system.
- 2.7.13 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 capacity, energy security and flexibility.
- 2.7.14 The Draft Energy Strategy forms part of the new policy approach alongside the new approved NPF4. These documents confirm the Scottish Government's policy objectives and related targets, reaffirming the crucial role that solar PV can play in response to the climate crisis which is at the heart of all these policies.
- 2.7.15 It must follow that the need case is to be afforded substantial weight in the planning balance. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be.

# 3. Appraisal Against NPF4

#### 3.1 Introduction

- 3.1.1 NPF4 was approved by resolution of the Scottish Parliament on 11 January 2023 and came into force on 13<sup>th</sup> February 2023.
- 3.1.2 A Chief Planner's Letter was issued on 8<sup>th</sup> February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contains advice intended to support consistency in decision-making ahead of new style LDPs being in place.

#### 3.2 Development Management

- 3.2.1 NPF4 forms part of the statutory Development Plan and while the Development Plan does not have primacy in a Section 36 decision, it forms an important consideration in the determination of an application.
- 3.2.2 Section 13 of the Planning (Scotland) 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).
- 3.2.3 The publication of NPF4 also has the effect that all Strategic Development Plans ceased to have effect. Therefore, the statutory Development Plan covering the application site consists of NPF4 and the Angus Council LDP (adopted September 2016) ('ALDP').
- 3.2.4 The publication of NPF4 has coincided with the implementation of certain parts of the Planning (Scotland) Act 2019 ('the 2019 Act'). A key provision is that in the event of <u>any</u> 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 a LDP is silent on an issue that is now provided for in NPF4.
- 3.2.5 In this case, the ALDP was adopted in September 2016, a significant period of time prior to NPF4 coming into force. The introductory sections of the plan confirm that the ALDP 2016 was written to accord with the National Planning Framework 3 and Scottish Planning Policy ('SPP'), and to be consistent with the TAYplan Strategic Development Plan ('TAYplan'). The Council has advised that the next LDP will be prepared on a timetable that will see its adoption in Q2 2030.
- 3.2.6 Section 13 of the 2019 Act amends Section 24 of the Town and Country Planning (Scotland) Act 1997 ('the 1997 Act') to provide 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."

- 3.2.7 The Chief Planner's Letter of February 2023 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.
- 3.2.8 A number of statutory supplementary guidance documents are relevant to the proposal, including Renewable and Low Carbon Energy Development (2017).



3.2.9 Statutory Supplementary Guidance does not make, replace, or amend LDP policy, but should be read in conjunction with the LDP and relevant policies. It is a material consideration in the determination of applications and appeals, and forms part of the LDP.

#### 3.3 How NPF4 is to be used

3.3.1 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."

3.3.2 Annex A states that NPF4 is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It adds:

"It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals<sup>6</sup>. NPF4 includes a long-term spatial strategy to 2045."

- 3.3.3 NPF4 contains a spatial strategy and Scottish Government development management policies to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan<sup>7</sup> (IIP).
- 3.3.4 NPF4 therefore for the first time, introduces centralised development management policies which are to be applied Scotland wide. It also provides guidance to Planning Authorities with regard to the content and preparation of LDPs.
- 3.3.5 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and discrimination and also, of particular relevance to the Proposed Development "*meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity*".

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

3.4.1 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."

- 3.4.2 The principles are stated as playing a key role in delivering the United Nation's Sustainable Development Goals and the Scottish Government's National Performance Framework<sup>8</sup>.
- 3.4.3 The Spatial Strategy is aimed at supporting the delivery of:

<sup>&</sup>lt;sup>6</sup> The 17 UN Sustainable Development Goals are set out at page 95 of NPF4 and include *inter alia* 'affordable and clean energy' and 'climate action'.

<sup>&</sup>lt;sup>7</sup> The Scottish Government's five-year Infrastructure Investment Plan (2021-22 to 2025-26) was published in February 2021. It set out a vision for Scotland's future infrastructure in order to support and enable an inclusive net zero emissions economy.

<sup>&</sup>lt;sup>8</sup> The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.



- '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".
- 3.4.4 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."

- 3.4.5 The new Energy Strategy and Just Transition Plan for Scotland (as referenced in NPF4) was published as a consultative draft on 10<sup>th</sup> January 2023 (see above).
- 3.4.6 The National Spatial Strategy in relation to 'sustainable places' is described (page 7) as follows:

"Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.

Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.

Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation."

- 3.4.7 Six National Developments (NDs) support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.
- 3.4.8 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".

3.4.9 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."

3.4.10 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.

#### 3.5 National Developments

#### Overview

3.5.1 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".

#### 3.5.2 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".

3.5.3 Annex B of NPF4 sets out the various NDs and related Statements of Need. It explains that NDs are significant developments of national importance that will help to deliver the Spatial Strategy. It states (page 99) that:

"The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes".

### National Development 3 "Strategic Renewable Electricity Generation and Transmission Infrastructure"

3.5.4 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."

3.5.5 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."

3.5.6 Reference is made to the designation and classes of development which would qualify as ND3, and it states in this regard:

"A development contributing to 'Strategic Renewable Electricity Generation and Transmission' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:

(a) on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity; (emphasis added)



(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and

(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."

- 3.5.7 As such the proposed development is a National Development and therefore the principle of development is supported. The proposal will further the delivery of the national Spatial Strategy, contributing substantive renewable energy and supporting the grid.
- 3.5.8 The Strategy requires a *"large and rapid increase"* in electricity generation from renewables and the National Spatial Strategy makes it clear (NPF4, page 6) that *"we must make significant progress"* by 2030.
- 3.5.9 The Proposed Development would deliver renewable generation and would make a meaningful contribution to targets within this key timescale and that is a very important consideration.

#### 3.6 National Planning Policy

- 3.6.1 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.
- 3.6.2 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".

- 3.6.3 In terms of "sustainable places" policies most relevant to the Proposed Development include the following:
  - > Policy 1: Tackling the Climate and Nature Crises;
  - > Policy 3: Biodiversity;
  - > Policy 4: Natural Places;
  - > Policy 5: Soils;
  - > Policy 6: Forestry, Woodland and Trees;
  - > Policy 7: Historic Assets and Places; and
  - > Policy 11: Energy.
- 3.6.4 In terms of "liveable places" the policy of most relevance to the Proposed Development is:
  - > Policy 22: Flood Risk and Water Management.
- 3.6.5 These policies are addressed below.
- 3.6.6 The Chief Planner's Letter of 8th February 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 <u>must be read and applied as a whole</u>. 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." (underlining added)

3.6.7 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".

#### 3.7 NPF4 Policy 1: Tackling the Climate and Nature Crises

- 3.7.1 The intent of Policy 1 is *"to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis"*.
- 3.7.2 Policy 1 directs decision makers that "when considering all development proposals significant weight will be given to the global climate and nature crises."
- 3.7.3 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 help attain its outcome of Net Zero.
- 3.7.4 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."

- 3.7.5 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.
- 3.7.6 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

- 3.7.7 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 contribution to decarbonisation and grid support to enable net zero 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.
- 3.7.8 The Proposed Development could make a meaningful contribution to targets within this key timescale and that is a very important consideration.
- 3.7.9 The Scottish Ministers made clear their support provided for BESS within NPF4 within their decision on the Auchtentiber BESS proposal published in September 2024 at paragraph 47 of their decision letter which states:

"Grid scale battery energy storage provides a means to store the electricity generated from the wind, solar etc at times when electricity generation outstrips demand or when the capacity



of a constrained electricity grid is insufficient to supply the generated electricity to consumers. On this basis battery energy storage makes an indirect but significant contribution to renewable energy generation targets and greenhouse gas emissions reduction targets."

- 3.7.10 A further important point is the need to recognise that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a valuable and nationally important contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "net zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.
- 3.7.11 As explained below with reference to NPF4 Policy 3, biodiversity enhancement is integral to the proposals. Solar development is particularly capable in providing a range of positive opportunities for biodiversity enhancement throughout the lifetime of the proposals, leaving the land and environment in a better overall position than prior to development.

#### 3.8 NPF4 Policy 11: Energy

3.8.1 For the consideration of solar and BESS development, 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."

- 3.8.2 Policy Outcomes are identified as: *"expansion of renewable, low carbon and zero emission technologies".*
- 3.8.3 Policy 11 is as follows:

*"a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:* 

*i.* wind farms including repowering, extending, expanding and extending the life of existing wind farms;

*ii. enabling works, such as grid transmission and distribution infrastructure;* 

iii. energy storage, such as battery storage and pumped storage hydro;

iv. small scale renewable energy generation technology;

v. solar arrays;

vi. proposals associated with negative emissions technologies and carbon capture; and

vii. proposals including co-location of these technologies.

*b)* Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.

c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.



*e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:* 

*i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;* 

*ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;* 

*iii. public access, including impact on long distance walking and cycling routes and scenic routes;* 

iv. impacts on aviation and defence interests including seismological recording;

*v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;* 

vi. impacts on road traffic and on adjacent trunk roads, including during construction;

vii. impacts on historic environment;

viii. effects on hydrology, the water environment and flood risk;

ix. biodiversity including impacts on birds;

x. impacts on trees, woods and forests;

*xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;* 

xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and

xiii. cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity".

- 3.8.4 The intent and desired outcome of the policy is expressly clear the expansion of renewable energy, through encouragement, promotion and facilitation which the Proposed Development, would help further.
- 3.8.5 The wording of Policy 11 Paragraph (a) (iii) and (v) makes it clear that the policy supports battery storage and solar array proposals.

#### The application of Policy 11

3.8.6 **Paragraph c) of Policy 11** requires socio-economic benefits to be maximised, rather than just taken into account.



- 3.8.7 The Proposed Development would support jobs during construction and during operation across the Scottish economy. The socio-economic effects of the capital investment and employment to the economy would be beneficial.
- 3.8.8 It is estimated that the Proposed Development would generate the following benefits during the construction phase:
  - > A capital investment of £26.5 m; and
  - > A peak of approximately 150-200 construction employees over the estimated 6-12 month construction period.
- 3.8.9 The main contractor may be Scotland-based, but it is assumed that whoever is appointed as the main contractor, that a proportion of the work will be carried out by sub-contractors and labour resident in the north east of Scotland. If consented and constructed, the Proposed Development will offer opportunities for local businesses such as accommodation providers, hire companies, fencing contractors, tradesmen etc.
- 3.8.10 **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. The Proposed Development has no direct impact on international or national designations. There are international and national designations within 5km of the site however. These have been examined below under Policy 3, in summary no significant adverse effects are predicted on international or national designations.
- 3.8.11 Local landscape effects have been assessed within the Landscape and Visual Impact Assessment ('LVIA') submitted as part of the EIA Report. Therefore, the matter of the impacts of the Proposed Development in relation to such designations is examined further below with specific regard to the provisions of Policy 4. There are no landscape effects arising such that they outweigh the balance of benefits to climate change that the Proposed Development will deliver.
- 3.8.12 **Paragraph e) of Policy 11** states that project and 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 - Residential Visual Amenity

- 3.8.13 As set out in Chapter 5 of the EIA Report, a Landscape and Visual Impact Assessment has been carried out and careful consideration has been given to the visual effects of the Proposed Development from residential properties, core paths, and roads within close proximity in the rural area of the Proposed Development. An iterative design approach has been undertaken and mitigation planting is proposed in order to protect visual amenity and further enhance the overall visual appearance of the proposals. Overall, the effects are considered to be local in nature.
- 3.8.14 The LVIA notes that effects would not reach the Residential Visual Amenity ('RVA') Threshold described in LI Technical Guidance Note 02/19. One residential property (Haugh of Cossans) is within the site boundary as such is likely to experience close range views to the Proposed Development. The design of the Proposed Development and mitigation scheme has been considered in response to potential impacts on views from this property.
- 3.8.15 Significant adverse effects are predicted at Haughs of Cossans during construction, and operational year 1 and 10. The property is orientated to the south with some heavily filtered views toward the Sidlaw Hills through mature garden trees, which is the primary outlook. The property is located to the south of the central proposed solar array. This property is financially involved in the Proposed Development as owned by the landowner of the Site.

- 3.8.16 A number of receptor groups have been identified as part of the assessment, which are representative of the local community and groupings of individual dwellings. Significant effects have been identified at a number of residential properties including Sparrowmuir, Nether Drumgley, Upper Drumgley, West and Easter Ingliston. These would reduce to not significant on operational year 1 for Upper Drumgley and West and Easter Ingliston.
- 3.8.17 No significant effects are predicted at the remaining receptors groups considered including Cossans; Lochmill to North Leckaway; Forfar; Douglastown; Jericho to Upper Hayson; and local road users and residents to the north of site as a result of the Proposed Development.
- 3.8.18 The proposed planting has been designed to mitigate visual effects via screening views; limiting effects on landscape character by strengthening existing features and providing new, characteristic features to link them together.
- 3.8.19 Key design iterations undertaken to specifically address impacts on communities and individual dwellings include:
  - > Buffer distances from core paths;
  - > Relocation of the BESS infrastructure to move it further away from residential properties;
  - > Landscape Planting to address most sensitive locations/receptors; and
  - Further changes to BESS location to move off a ridge line to help with screening and to further reduce the visual impact on residential properties.

#### Noise and Glint and Glare

- 3.8.20 Noise is addressed in Chapter 9 of the EIA Report. Noise has been assessed against the criteria outline in BS4142 whereby a rating of up to 5 dB above the representative background level is considered indicative of a low impact.
- 3.8.21 A baseline noise survey was conducted at four noise monitoring positions ('NMPs') to characterise the noise environments at the noise sensitive receptors ('NSR'). The survey determined that the baseline noise environment is generally quiet, with limited influence from anthropogenic noise sources.
- 3.8.22 Operational noise has been predicted and the worst-case operational noise level at NSRs is below the representative background daytime levels and therefore noise impacts are not significant, and no additional mitigation is required.
- 3.8.23 Operational noise from the Proposed Development is less than 5 dB above the representative night-time background level and therefore noise impacts are not significant, and no additional mitigation is required
- 3.8.24 Glint and Glare has been assessed with no significant effects arising (refer to Chapter 11 of the EIA Report).

#### Landscape and Visual Considerations

3.8.25 Before examining the landscape and visual effects of the Proposed Development, Part e(ii) of Policy 11 makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy. 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.

#### Overview of Design Considerations and site selection

- 3.8.26 The site-specific design principles which were applied as part of the iterative design process were as follows:
  - avoid designated and protected sites;



- > sensitively site to avoid or minimise setting effects on heritage assets;
- > avoid or minimise impacts on sensitive identified ecological habitats and species;
- > minimise impacts in respect of noise and the visual amenity of residential properties;
- > minimise traffic and transport impacts;
- consider topography in terms of suitability for siting panels;
- > avoid areas of high-risk flooding; and
- > maximise the potential renewable electricity generation.
- 3.8.27 The final design is considered to maximise the renewable electricity generation potential at the site while minimising effects on environment.

#### Landscape Character

- 3.8.28 A landscape and visual appraisal has been undertaken and determines that as a result of the Proposed Development notable effects on landscape character would be localised and confined to the site itself, and its immediate surrounds.
- 3.8.29 Direct effects on the Broad Valley Lowlands Landscape Character Type ('LCT'), which is the host LCT, would be localised and limited to the site and its immediate surrounds.
- 3.8.30 The Proposed Development would result in a short-term, adverse effects of Moderate significance on landscape character, particularly as a result in the change of land use from agriculture to solar energy generation. Effects would be most discernible in areas where the pattern of the landscape is most evident at close range and from where and a continuity of agricultural land is visible. Effects would reduce in the long term, with a Moderate/Minor adverse impact on landscape character, which would be Not Significant.
- 3.8.31 Indirect effects on characteristics of the adjacent LCT 382: Lowland Hill Ranges and LCT 386 Low Moorland Hills would arise from the Proposed Development introducing a new, manmade element into the adjacent lowland landscape. These effects would be subtle in influence, and limited to small areas of northern facing slopes, of which there are few, resulting in long term Minor/Negligible adverse impacts which would be Not Significant.

#### Designated Landscapes

3.8.32 There are no nationally or locally designated landscapes within the study area. There are three locally designated landscapes between 5km – 8.5km from the site. However, due to intervening distance, a lack of predicted visibility and the unlikelihood that effects more than negligible would extend beyond the study area, these locally designated landscapes were not considered further.

#### Visual Effects

- 3.8.33 As regard effects on visual receptors, the LVIA considered effects from nearby residential properties and receptor groups including settlements, local road users and key routes. Six viewpoints were identified, and consulted upon with Angus Council, as part of the design process. Following desk-top analysis and site survey work, 7 viewpoint locations were selected to represent the main landscape and visual receptors found in the study area.
- 3.8.34 Notable visual effects would arise mainly from areas directly adjacent to the site and up to 150m from the site boundary, including properties to the south at Haugh of Cossans and east at Sparrowmuir and Nether Drumgley. The outlook from these properties is largely open, with the Proposed Development appearing within or adjacent to key views, the predicted change in views from these receptors would be Moderate in magnitude and would be Significant.



- 3.8.35 Effects on further nearby residential properties and properties within 600 m groups would be no greater than Moderate/Minor and Not Significant at Year 10 due to the screening effects of existing planting along with the proposed mitigation planting, the set back of the array from the main views from properties and properties oriented facing away from the site.
- 3.8.36 The Proposed Development would have less influence over views from road users. Clear views experienced from adjacent roads to the south would result in long term, Minor/Negligible adverse impacts which would be Not Significant. Users of roads to the north and east would also experience at most Minor/Negligible adverse impacts in the long term, with localised vegetation screening and filtering views to the Proposed Development from closer routes, and intervening distance limiting impacts from more distant, open sections of road.
- 3.8.37 Views from Core Path 272 would be subject to Major/Moderate impacts in the long term which would be Significant, with the Proposed Development and mitigation planting screening key outlooks from sections of the path, and some residual views over the Proposed Development. Core paths to the east, south and inner northeast of the study area would be subject to impacts no more than Moderate/Minor impacts which would be Not Significant, with notable screening from localised vegetation and topography, while impacts form more distant, elevated routes would be limited by intervening distance.

#### Cumulative Effects

3.8.38 There are no significant cumulative landscape and visual effects. Cumulative effects are predicted to be limited due to screening effects from topography and vegetation and the lack of intervisibility between those receptors affected by the Proposed Development, in combination with the consented Suttieside Solar Farm, and the Craignathro Solar Farm.

#### Public Access

- 3.8.39 The private road to the Site is designated as a core path, known as the Drumgley to Glamis Station route linking the U364 in the east with the A928 in the west. There is generally very limited pedestrian or cycle activity directly adjacent to the Site given the rural nature of the surroundings.
- 3.8.40 However, the Applicant will ensure that the core path is accessible during construction. Walkers and other users could utilise the core path while construction traffic was either temporarily halted (by personnel positioned at the ends of the core path) or controlled so that there would be no need for temporary closures, or they could put in place a barriered and segregated walkway or any other form of alternate provision. This system would be in place during working hours and supervised by a Banksman or another site operative. This will be put in place via the Construction Traffic Management Plan (CTMP) and agreed with Angus council.
- 3.8.41 The site is in agricultural use, upon development public access to the site will be restricted, however this will not impact upon continued informal access around the site boundaries and in the wider rural area.

#### Aviation, Defence Interests and Telecommunications

3.8.42 The Proposed Development is not anticipated to have any adverse effects on telecommunications infrastructure or aviation. A glint and glare assessment has been undertaken and no aviation receptors fell within the study area, therefore aviation was scoped out of the glint and glare assessment.

#### Impacts on Road Traffic and Trunk Roads

3.8.43 Chapter 10 of the EIA Report considers the impact of the development on roads and transportation. A Framework Construction Traffic Management Plan (CTMP) has also been



provided in Technical Appendix 10.2 of the EIA Report. Construction traffic impacts have been assessed and although the percentage of HGVs on the proposed haulage route would increase, the hierarchy of the route is considered sufficient to accommodate the additional demand and the overall background traffic flows. The predicted effects would be temporary and have been assessed as negligible and not significant.

- 3.8.44 Traffic management procedures are proposed which would ensure the safe operation of the approach route during construction.
- 3.8.45 Operational traffic is expected to be minimal and undertaken by small vehicles with a negligible impact.

#### Historic Environment

- 3.8.46 Cultural heritage is addressed below in the context of NPF4 Policy 7. The assessment has considered the presence of cultural heritage assets which may be affected by the Proposed Development. The potential effects on the identified assets, mitigation measures for protecting known heritage assets during construction, and the residual effect of the Proposed Development has all been considered.
- 3.8.47 The Proposed Development would not significantly impact important views of Glamis Castle GDL and would not affect the integrity of the setting of any Scheduled Monuments. The Proposed Development is considered to be in accordance with Policy 7.

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

- 3.8.48 Chapter 7 of the EIA Report considers the effects of the Proposed Development on hydrology and flood risk. In the main, mitigation has been embedded into the design process through appropriate siting of infrastructure, buffering of sensitive receptors and adherence to good construction practice. A Construction Environmental Management Plan ('CEMP') will mitigate effects on local hydrology/hydrogeology, water environment and ground conditions. The CEMP will prevent adverse impact downstream of the Site during the construction phase to people, property and the environment.
- 3.8.49 There is one designated site of relevance to hydrology and flood risk within 1km of the Site. The River Tay SAC (associated with the Dean Water) runs through the wider study area. The Proposed Development is within the Dean Water catchment and therefore, is in hydraulic connectivity with the River Tay SAC. The designated site has been assessed as part of the hydrology (surface water) receptor and no significant effects are predicted on the designated site or wider surface water hydrology.
- 3.8.50 Changes to groundwater have also been assessed and transmission of runoff to the underlying bedrock aquifer is likely to be partially inhibited by the presence of clay and silt. Furthermore construction activities are largely limited to stockpiling and creation of temporary hardstanding areas. The potential for interaction with groundwater is low given that no deep foundations or excavations are required. No significant effects are predicted on the hydrogeology of the site and surrounding area.
- 3.8.51 Appropriate welfare facilities shall be provided on Site, and details will be outlined within the CEMP regarding the disposal of collected wastewater to ensure this does not discharge to the water environment untreated. With consideration of embedded mitigation there are no predicted significant effects as a result of foul drainage.
- 3.8.52 Part of the site is located within an area of low to high flood risk from fluvial sources from the Dean Water, Ballindarg Burn and Kerbet Water. A detailed technical assessment (**Technical Appendix 7.1** Flood Risk and Drainage Assessment Report of the EIA Report) of fluvial flooding at the site has been undertaken to accurately assess the potential flood risk to the site. The hydraulic flood model results show that the site is at risk of flooding during the 200-year event and the 200-year plus 53% climate change event. The flood extents do not reach the eastern or western segments of the site.



- 3.8.53 The proposed site design has been developed to ensure all ground based equipment (battery storage and invertor stations) are located outside all modelled flood extents. Solar panels are to be raised 1.2 metres above ground levels and only located in areas of flood depths of 0.9 metres or less. This approach ensures all panels will be elevated at least 300 millimetres above design flood levels. This shall ensure a freeboard of 300mm is maintained from the design flood elevation to the base on the panels.
- 3.8.54 The Proposed Development has the potential to increase flood risk to offsite receptors if infrastructure results in the displacement of floodwaters. Mitigation measures have been included within the design process such as provision for a Flood Mitigation Design and Drainage Strategy for the operational development. By implementing the proposed flood mitigation design, the Proposed Development shall be suitably protected against flooding whilst ensuring no increase in flood risk to offsite receptors.
- 3.8.55 Provision of a permanent surface water drainage strategy shall provide appropriate attenuation and runoff control measures for operational runoff prior to discharge to the water environment. The strategy is in accordance with sustainable drainage principles and allows the site to remain free of flooding during design storm events, whilst ensuring no increase of flood risk to offsite receptors and ensures no deterioration of the water environment.
- 3.8.56 The residual effects post mitigation are assessed as negligible adverse and not significant.
- 3.8.57 Potential effects on hydrology, hydrogeology and flood risk receptors, taking account of mitigation, have been assessed as negligible to minor adverse significance and therefore not significant in EIA terms. No cumulative impacts are anticipated.

#### **Biodiversity**

- 3.8.58 An outline Biodiversity Enhancement Plan (OBEMP) has been produced for the site setting out measures to enhance habitats and increase biodiversity within the site and also at a location immediately to the south of the site in the form of off-Site enhancements. Species Protection Plans will also be prepared and incorporated into the CEMP.
- 3.8.59 Chapter 6 of the EIA Report considers ecology and ornithology. The Proposed Development does not overlap with any nature conservation designations however SPA and Ramsars, in addition to a SAC lie within the Zone of Influence ('Zol') of the Proposed Development and thus have been subject to a Shadow Habitat Regulations Assessment ('HRA'). A single Local Nature Conservation Site ('LNCS') lies adjacent to the Site to the west.
- 3.8.60 The Site habitats are predominantly arable and of limited value, with the exception of the Ballindarg Burn that passes through the Site, and lines of mature trees that run adjacent to the access track.
- 3.8.61 Habitats of higher conservation value are located adjacent to the Site including an area of Ancient Woodland Inventory ('AWI') listed woodland directly west. The Site supports habitat for roosting bats in mature trees and foraging and commuting habitat along the Site boundaries and watercourse. Otter, beaver and badger are confirmed present within the Study Area, and red squirrel are presumed to be present in the woodland to the west.
- 3.8.62 Breeding birds are confirmed to hold territories within the Site during the breeding season including wader species, and red and amber list species. Wintering birds are presumed to use the Site for loafing and foraging based on the suitability of the habitat. Fish species including salmonoids and lamprey are considered likely present within the Ballindarg Burn, and common amphibian species and reptiles likely use the Site field boundary habitats. Great crested newt are likely absent.
- 3.8.63 A number of important ecological and ornithological features were scoped out of the assessment where they have been assessed as not being vulnerable to effects from the Proposed Development with the standard and embedded mitigation in place. Full details are set out at Table 6.14 of Chapter 6 of the EIA Report.



- 3.8.64 Features subject to detailed assessment included Loch of Kinnordy SPA and RAMSAR: greylag goose and pink footed goose; Loch of Lintrathen SPA and RAMSAR: graylag goose and whooper swan; and breeding waders: curlew lapwing and oystercatcher.
- 3.8.65 With embedded and design mitigation in place no significant adverse effects on ecology or ornithology arise as a result of the Proposed Development. Through the delivery of the OBEMP as well as the mitigation proposed the Proposed Development is expected to deliver an enhanced level of biodiversity from the baseline conditions, which represents a moderate beneficial and significant effect under the EIA Regulations. Beneficial effects would be experienced by bats, badger, and breeding birds.

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

- 3.8.66 Part e(ii) of Policy 11 makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy. 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.
- 3.8.67 Significant landscape and visual effects are predicted however these are considered to be localised in nature and appropriate mitigation has been incorporated as part of the landscape strategy for the site. The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.
- 3.8.68 The second last paragraph of Paragraph e) of Policy 11 is expressly clear that in considering any identified impacts of developments, that significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets. In particular, the Policy recognises that landscape and visual impacts are to be expected but provided they are localised and / or appropriate design mitigation has been applied, they are likely to be considered acceptable.
- 3.8.69 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.
- 3.8.70 In terms of contribution to targets, the proposal would contribute as follows:
  - The annual power output of the Proposed Development is estimated at 62,465 MWh/pa, which would provide enough electricity to power approximately 23,000 average Scottish households.
- 3.8.71 The scale of the energy output and emissions savings are of material importance and contribute to the national targets for net zero by 2045.

#### 3.9 NPF4 Policy 3: Biodiversity

- 3.9.1 Policy 3 has an intent to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Outcomes of the policy are that biodiversity is enhanced and better connected, including through strengthened nature networks and nature-based solutions.
- 3.9.2 In summary, there are no unacceptable effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 **Policies 3 and 4** respectively address.
- 3.9.3 **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.
- 3.9.4 Paragraph b) states that:



- 3.9.5 "Development proposals for national or major development or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria."
- 3.9.6 The policy goes on to reference the need for an understanding of the existing characteristics of a site and states that an assessment of potential negative effects should be undertaken which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements.
- 3.9.7 Paragraph b) iv) of the policy sets out a requirement that "significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate."
- 3.9.8 Paragraph d) adds that "any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration".

#### **Current Guidance Position**

3.9.9 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)

- 3.9.10 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.
- 3.9.11 **NatureScot Guidance** was issued in Summer 2023 in support of NPF4 Policy 3 c). This states that the selection and design of enhancement measures will be a matter of judgment based on the circumstances of the individual case but should take into account a number of considerations. These considerations include:
  - > The location of the development site and the opportunities for enhancing biodiversity;
  - > The character and scale of development;
  - > The requirements and cost of maintenance and future management of the measures proposed;
  - > The distinctiveness and scale of the biodiversity damaged or lost; and
  - > The time required to deliver biodiversity benefits and any risks or uncertainty in achieving this.

- 3.9.12 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."
- 3.9.13 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".

- 3.9.14 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:
- 3.9.15 "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."
- 3.9.16 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.
- 3.9.17 Notwithstanding the fact that the guidance is informal at this stage, these core principles have nonetheless been applied as appropriate to the Proposed Development.
- 3.9.18 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".
- 3.9.19 Section 4.12 of the draft guidance states:

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

3.9.20 Section 4.14 of the draft guidance states that it will be for a planning authority to determine whether the relevant policy criteria have been met, taking into account the circumstances of the particular proposal. It 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."

- 3.9.21 The draft 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).
- 3.9.22 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."

- 3.9.23 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).
- 3.9.24 The 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.
- 3.9.25 The commission's final outputs are expected to 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; and
  - > a user guide supporting the metric (together with any supporting information).

#### The Application of Policy 3

3.9.26 As set out above under Policy 11, the EIA Report has considered ecological and ornithological interests. The Proposed Development has been developed based on an understanding of the characteristics of the site and its local and wider context and indeed the biodiversity enhancements proposed have been designed to reflect that environment.



3.10.1	The policy has an intent to protect, restore and enhance natural assets making best use of		
3.10	NPF4 Policy 4: Natural Places		
3.9.33	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 renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "net zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009. The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.		
3.9.32	e proposals would result in the site, from a biodiversity perspective, being in a <i>emonstrably better state</i> " than without intervention, consistent with the provisions of Policy		
3.9.31	ng-term habitat management and maintenance will be fully detailed within the subsequent etailed Biodiversity Enhancement Plan ('BEP'), which can be secured by condition of ensent.		
3.9.30	the proposed measures will restore and enhance features on site which otherwise would not delivered without the benefit of the Proposed Development. The site is currently arable/ real/non-cereal habitat with no biodiversity enhancement measures or land improvement oportunities identified if the site remains undeveloped.		
3.9.29	Species-rich grassland creation along with tree and scrub planting, will improve habitat for flora, and a range of fauna, including bats, otter, badger, bird assemblage, red squirrel, beaver, amphibians, reptiles and invertebrates. Additionally, wet meadow habitat will provide foraging and breeding sites for wading birds, bats and small mammals, and enhance nearby aquatic habitats. These factors will improve the ecological and functional diversity of the habitats on and surrounding the Site.		
	> Installation of bird boxes, and log piles.		
	<ul> <li>Wetland features of biodiversity value incorporated into Sustainable Urban Drainage Systems (SuDS);</li> </ul>		
	> Native woodland and scrub planting, riparian planting and woodland edge enhancement;		
	<ul> <li>Creation of species-rich hedgerows and tree planting;</li> </ul>		
	> Wetland scrapes and wet meadow creation both on and off-Site;		
	<ul> <li>Species-rich meadow creation on and off-Site;</li> </ul>		
3.9.28	The focus is to create priority meadow habitat, wetland features and connect existing blocks of woodland providing habitat corridors and enhanced resources for protected and priority species in replacement of the current arable/ cereal/non-cereal habitat which is predominant across the Site. The following objectives are proposed:		
	<ul> <li>Installation of wildlife friendly features to support locally important species.</li> </ul>		
	<ul> <li>Improving habitat connectivity on Site and to off-Site habitats; and</li> </ul>		
	<ul> <li>Recommendations in relation to habitat enhancement and creation to increase biodiversity on Site and in the local area;</li> </ul>		
5.9.27	In terms of environmental benefit, there will also be a permanent enhancement to the site area through the Applicant's proposed improvements to the natural habitat which are addressed in the submitted OBEMP. The measures are to include:		

3.10.1 The policy has an intent to protect, restore and enhance natural assets making best use of nature-based solutions. Policy outcomes are stated as being natural places are protected and restored, and natural assets are managed in a sustainable way that maintains and grows their essential benefits and services



- 3.10.2 **Policy 4 Paragraph a)** of the policy states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported.
- 3.10.3 **Paragraph b)** refers to development proposals which are likely to have a significant effect on a European designated site and sets out in such circumstances the requirement for appropriate assessment.
- 3.10.4 **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 National Scenic Area (NSA) should be addressed.
- 3.10.5 Paragraph 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."

- 3.10.6 There are no national landscape designations affected by the Proposed Development.
- 3.10.7 **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".

- 3.10.8 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*".
- 3.10.9 The policy set out in the second limb of NPF4 Policy 4, Paragraph d) which provides that development proposals that affect a site designated as a local landscape area in LDP (namely a SLA) 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 decisionmaker concludes that a proposed development will have significant adverse effects on the integrity of a local designation;
  - NPF4, Policy 4, Paragraph 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*").
- 3.10.10 **Paragraph e)** addresses the precautionary principle.
- 3.10.11 **Paragraph f)** sets out that *"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. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application".

#### Application of Policy 4

- 3.10.12 As explained above in the context of NPF4 Policy 11, the LVIA also sets out an assessment of the effects of the Proposed Development and concludes only localised effects on landscape and visual receptors. No landscape designations are affected by the Proposed Development.
- 3.10.13 Moreover, in this case the benefits would be of national importance.
- 3.10.14 Protected species have been considered and no significant adverse effects are predicted. Moreover, beneficial effects are predicted from a number of protected species including bats and badger.
- 3.10.15 The Proposed Development is considered to be in accordance with Policy 4.

#### 3.11 NPF4 Policy 5: Soils

- 3.11.1 In terms of soils, **Policy 5** states at part (a) that development proposals will only be supported if they are designed and constructed by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and in a manner the protects soil from damage.
- 3.11.2 (b) provides that development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use will only be supported where it meets certain listed criteria. Criteria (iv) provides support for *'the generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration'*.
- 3.11.3 Part (c) of the policy 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.

#### Application of Policy 5

- 3.11.4 The nature of the Proposed Development means construction activities are largely limited to stockpiling and creation of temporary hardstanding areas/compounds therefore no deep foundations or excavations are required as part of the development proposals meaning minimal disruption of soils.
- 3.11.5 Assessment of the land capability determines that the site is categorised as Class 3.2 agricultural land used. As such is not classed as prime agricultural land.
- 3.11.6 A review of the Carbon and Peatland Mapping indicates that there is some Class 4 peatland (defined as 'Area unlikely to be associated with peatland habitats or wet or acidic type. Area unlikely to include carbon rich soils) across the north and centre of the site. Therefore, the Proposed Development is not considered to result in an impact on peatland or carbon rich soil.
- 3.11.7 The Proposed Development will not lead to the permanent loss of soil resources but has the potential to create some short-term impacts from construction, these can be managed via the CEMP. Overall, the introduction of the Proposed Development is considered to lead to environmental enhancement of carbon sequestration, low intensive farming and wildlife biodiversity.
- 3.11.8 The proposals are therefore considered consistent with the requirements of Policy 5.



#### 3.12 NPF4 Policy 7: Historic Assets and Places

- 3.12.1 The intent of Policy 7 is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.
- 3.12.2 Paragraph h) deals with scheduled monuments and notes that development proposals affecting scheduled monuments will only be supported where:

"i. direct impacts on the scheduled monument are avoided;

*ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or* 

*iii.* exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised."

3.12.3 The policy also deals with listed buildings, conservations areas, Gardens And Designed Landscapes and Historic Battlefields.

#### **Application of Policy 7**

- 3.12.4 Chapter 8 of the EIA Report considers the environmental effects of the Proposed Development on Cultural Heritage.
- 3.12.5 Archaeological evidence indicates that the vicinity of the Site was focus of early medieval activity as exemplified by the Pictish St Orland's Stone (Asset 2) located c. 200m to the north of the Site. Medieval activity in the Study Area is reflected by agricultural features as well as the predecessor of Glamis Castle (Asset 18) c. 1.5km to the southeast of the Site and Cossans Castle (Asset 159) c. 240m to the northwest of the Site. Cartographic evidence shows the Site within agricultural land associated with Haughs of Cossans farmstead (Asset 148) since at least the early 19th century.
- 3.12.6 Ten known non-designated heritage assets were identified within the Site.
- 3.12.7 A potential moderate level of effect during construction on cropmarks west of Haugh of Cossans (Asset 210) and the site of the Sodha Cottages (Asset 190) has been identified. A potential minor level of effect upon the pond (Asset 185), the possible pits or ponds (Assets 186-189), the clay pit north of Glamis Tile and Brick Works (Asset 207) and a former woodland (asset 210) have been identified.
- 3.12.8 No direct effects upon designated or non-designated assets are anticipated during the operational phase.
- 3.12.9 The assessment has indicated there is a low to medium potential for prehistoric remains to survive on the Site, a low potential for Roman and Modern remains to survive on the Site, a medium to high potential for Early Medieval remains to survive on the Site and a high potential for post-medieval remains to survive on the Site. A programme of archaeological work will be required in advance of the construction of the Proposed Development to determine the presence, character, extent and significance of any currently unknown archaeological features or artefacts that may be disturbed by groundbreaking works and to mitigate any impact upon them either through avoidance or, if preservation in situ is not warranted, through preservation by record.
- 3.12.10 The assessment within Chapter 8 has established that the Proposed Development would have a moderate level of effect upon the setting of the St Orland's Stone Scheduled Monument (Asset 2) and Haughs of Cossans Farmhouse Category C Listed Building (Asset 148), resulting in a significant adverse effect on the setting of these assets.
- 3.12.11 However, in relation to St Orland's Stone, the ability to appreciate the significance of the stone as an example of Pictish artistry and an insight into the religion, culture and lifestyle of the early medieval people of Scotland would be retained in the fabric of the Scheduled



Monument. The overall aspect of the stone would remain open, and it would be possible to understand its placement overlooking a wide area. Therefore, the ability of the asset's setting to contribute to the understanding, appreciation and experience of the cultural significance of the asset would be adequately retained and as such the integrity of its setting would not be significantly adversely impacted.

- 3.12.12 In relation to Haughs of Cossans Farmhouse, evidence suggests that while the Listed Building derives most of its importance from its architectural and historic significance as an incomplete example of a post medieval farmstead, its agricultural setting also makes a contribution to its importance as overall it has not been subject to many changes. The change from agricultural use to solar energy generation would reduce the overall proportion of agricultural land in the vicinity of the farm and within its historic landholding, and as such its setting would be changed. This change would diminish the agricultural character of the setting of the farmhouse. However, the surrounding buildings, the historic plan of the farm complex and its associated relationship with surrounding farmland has changed over time as demand for land resources has also changed. The identified adverse effect on Haughs of Cossans Farmhouse would not equate or extend to an adverse effect on the character and special architectural and historic interest of the Listed Building.
- 3.12.13 In summary, it is considered that the ability of the asset's setting to contribute to the understanding, appreciation and experience of the asset and its significance would be adequately retained in each case and there would not be an adverse impact upon the integrity of the setting of St Orland's stone or on the character and special architectural and historic interest of the Haughs of Cossans Farmhouse.
- 3.12.14 Minor levels of effect are predicted for Glamis Castle GDL (Asset 16), which are not significant. This is due to the limited visibility of the proposed development from the agricultural field on the eastern edge of the GDL as well as from the clearing between the woodland along Haughs Strip and Berrymoss. These views have no intervisibility with the castle and the designed gardens due to the intervening policy woodlands. Therefore, there is no identifiable physical or visual relationship between the site and Glamis Castle and its associated designed gardens. The visibility of the proposed development from this limited area of the GDL would not impact on the ability to appreciate the 18th century Glamis Castle GDL. The change to the wider rural setting would result in a barely distinguishable adverse change to the setting of the GDL beyond those elements that contribute directly to its cultural significance.
- 3.12.15 In relation to other designated heritage assets within the 3km study area, the assessment concludes that there would be no significant adverse effect as follows: a Negligible level of effect on nine designated assets (Assets 3, 6, 9, 11, 48, 66, 120 and 148-156), a Neutral effect upon seven designated assets (Assets 5, 13, 21, 46, 108, 122 and 157) and no effect upon the remaining designated assets.
- 3.12.16 The cumulative effects of the Proposed Development, in combination with other cumulative developments are considered not to be significant in EIA terms.
- 3.12.17 The Applicant has committed to the placement of information boards along the public footpath that runs adjacent to the Site. These would display archaeological and historic information relating to the land within the Site and wider area, including the buildings at Sodha, the site of Glamis Tile Works and St Orland's Stone as well as interpretation and dissemination about any archaeological remains which may be found during archaeological investigation.

#### 3.13 NPF4 Policy 22: Flood Risk and Water Management

3.13.1 Part of the site is located within an area of high flood risk. Policy 22 aims to strengthen resilience to flood risk by promoting avoidance as a first principle. However, the policy does make provision for situation where development main be acceptable in flood risk areas. The policy working requires as follows:



"a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

*i.* essential infrastructure where the location is required for operational reasons;

ii. water compatible uses;...

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

c) Development proposals will:

i. not increase the risk of surface water flooding to others, or itself be at risk.

*ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing bluegreen infrastructure. All proposals should presume no surface water connection to the combined sewer;* 

iii. seek to minimise the area of impermeable surface ... "

#### **Application of Policy 22**

- 3.13.2 Essential infrastructure is defined in NPF4 as all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission electricity grid networks and primary sub stations. The Proposed Development would therefore fall into the category of essential infrastructure as referred under part (a) i) of Policy 22.
- 3.13.3 Policy 22 makes provision for essential infrastructure to be located within a flood risk area. The location of the proposed development has been arrived at following an extensive site search and suitability exercise, considering matters such as development plan policy, landscape character, flood risk, distance from dwellings, feasibility of grid connection and associated capacity and cumulative impacts with other solar developments.
- 3.13.4 The Applicant has demonstrated an understanding of the flood risk at the site as required by policy 22 and these have been addressed through the application submission documentation.
- 3.13.5 Matters of flood risk have been considered above in relation to Policy 11 and full details are set out within Chapter 7: Hydrology and Flood Risk and associated Technical Appendices. As noted, all ground based development is to be located in areas not at risk of flooding, outside the predicted flood extents. The solar panels have been appropriately designed to prevent risk of flooding, whereby these will be raised by 1.2m above ground ensuring a freeboard of 300mm is maintained from the design flood elevation.
- 3.13.6 There would be no reduction in floodplain capacity as all ground based equipment shall be located in areas outside the predicted flood extents. All solar panels are to be raised 1.2m above respective ground levels to ensure no material loss of flood storage as a result of the development for any storm event. Negligible losses of flood storage would be associated with the mounting poles for the panels but the total area of these is considered to be insignificant.
- 3.13.7 There would be no increased risk of flooding for others, or a need for future flood protection schemes as a result of the Proposed Development.



- 3.13.8 The Flood Risk and Drainage Assessment Report has demonstrated that the development will remain safe and operational during flooding, and an Outline Flood Action Plan is proposed to reduce the impact of a flood event and ensure operations teams are prepared to respond in an emergency.
- 3.13.9 The height of the solar panels has been designed to accommodate the effects of climate change.
- 3.13.10 The Flood Risk and Drainage Assessment Report has assessed the potential increase in surface water runoff attributed to the proposed development and proposes a surface water management strategy to manage this. The strategy is in accordance with sustainable drainage principles and allows the site to remain free of flooding during design storm events, whilst ensuring no increase of flood risk to offsite receptors. The management of surface water drainage from the development will aim to mimic existing runoff patterns while providing betterment in terms of runoff attenuation and soil erosion.
- 3.13.11 The Proposed Development is considered to be in accordance with Policy 22.

#### 3.14 Conclusions on NPF4 Appraisal

- 3.14.1 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.
- 3.14.2 A key point within Policy 11 (Energy) is that any identified impacts have to be weighed against a development's specific contribution to meeting targets which attracts significant weight.
- 3.14.3 Significant weight is *also* afforded in relation to Policy 1 (Tackling the climate and nature crises). This policy direction fundamentally alters the planning balance compared to the position that was set out in in NPF3 and SPP.
- 3.14.4 The term "tackling" the respective crises in Policy 1 is also important this means that decision makers should ensure an urgent and positive response to these issues and take positive action.
- 3.14.5 Significant adverse effects have been predicted in relation to landscape and visual receptors and in relation to two heritage assets (St Orlands Stone SM and Haugh of Cossans C Listed Building.
  - In relation to the landscape and visual receptors, these effects are predicted to be localised and must be balanced with the important contribution the Proposed Development can make in meeting Scottish Government and UK emission reduction targets and in tackling the climate crisis.
  - In relation to the heritage assets affected, the identified adverse effect on Haughs of Cossans Farmhouse would not equate or extend to an adverse effect on the character and special architectural and historic interest of the Listed Building and as such the Proposed Development is not considered contrary to Policy 7(c) of NPF 4. The ability of the St Orland's Stone setting to contribute to the understanding, appreciation and experience of the asset would be retained and as such the integrity of its setting would not be significantly adversely impacted. The proposal is therefore considered to be in accordance with Policy 7(d) of NPF4.
- 3.14.6 Overall, the Proposed Development, as a National Development is considered to be one that would make a valuable contribution to the NPF4 Spatial Strategy and would help deliver a 'sustainable place'. Overall, it is considered that Proposed Development would accord with relevant policies of NPF4, and with NPF4 when read as a whole.

# 4. Appraisal against the Local Development Plan

#### 4.1 Introduction

- 4.1.1 The other element of the statutory Development Plan covering the site comprises:
  - > The Angus Local Development Plan ('ALDP') (2016).
- 4.1.2 Relevant, statutory Supplementary Guidance (SG) to support the ALDP includes:
  - > SG 'Renewables and Low Carbon Energy Development', Adopted June 2017; and
  - > SG 'Design and Placemaking' adopted in October 2018.
- 4.1.3 Also relevant to the assessment is the non-statutory Technical Guidance Strategic Landscape Capacity Assessment for Solar Energy in Angus.
- 4.1.4 The ALDP was prepared and adopted prior to NPF4 coming into force and as such reflects the provisions of NPF3 and Scottish Planning Policy, both now superseded. Where conflicts or contradictions exists between the LDP and NPF4, or where LDP is silent, the provisions of NPF4 prevail.
- 4.1.5 Relevant policies from the LDP are referenced below in Table 4.1. This Chapter does not present a detailed assessment of the Proposed Development as that has been covered in Chapter 3 against the policy provisions of NPF4. An assessment of key policy and consideration of areas of conflict or contradictions with NPF4 is provided.

#### 4.2 ALDP Policies

- 4.2.1 ALDP acknowledges the opportunities which exist across Angus to generate energy from renewable sources contributing to a reduction in the output of greenhouse gases, sustainable economic growth and a largely decarbonised society which will have long term environmental benefits and help maintain residents' quality of life.
- 4.2.2 Policy PV9 'Renewable and Low Carbon Energy Development' is the lead policy and is generally supportive of new renewable and low carbon energy development subject to certain criteria being met.
- 4.2.3 Having considered this policy alongside Policy 11 of NPF4, it is considered that there is 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 <u>significant weight</u> to the contribution a given development would make to targets.
- 4.2.4 SG 'Renewables and Low Carbon Energy Development' sits alongside LDP Policy PV9. It's main focus is on development for onshore wind including a spatial framework to guide the location of onshore wind proposals. It also provides detailed criteria to assist the preparation and assessment of proposals for other renewable energy development.
- 4.2.5 Part 5 deals specifically with solar developments and sets out planning considerations in determining the suitability of a site for solar development. The SG acknowledges that solar farms may be located on good quality agricultural land and where possible grazing options should be considered. Furthermore, it identifies that solar farms can contribute to biodiversity and maintenance of land fertility through environmental management programmes.



- 4.2.6 A non-statutory Strategic Landscape Capacity Assessment for Solar Energy has been referred to within the SG which provides a technical assessment of the landscape capacity to accommodate solar farms. This is considered further at section 4.3 below.
- 4.2.7 It is clear therefore that the LDP and SG have been prepared under the old national planning (SPP) policy regime, and that there are some conflicts with NPF4 policy provisions. However overall, the key considerations and information requirements to support applications are generally consistent with the assessment criteria provided within NPF4 Policy 11 (Energy).
- 4.2.8 The proposal has been demonstrated in Chapter 3, in the assessment against NPF4 Policy 11 (Energy) and other policies as being environmentally acceptable. Furthermore, NPF4 Policy 11 is one of explicit support and only restricts development in relation to National Parks and National Scenic Areas.
- 4.2.9 The Proposed Development is for approximately a 42-year period and upon decommissioning the site can be restored in full to agricultural use. Once construction is complete the fields hosting the panel arrays would be managed as part of the biodiversity enhancement measures with the potential for agricultural use (grazing) to be retained as part of the management regime.
- 4.2.10 In addition, biodiversity enhancement measures are proposed which are primarily targeted at those measures that will support a diverse faunal community. The focus of the OBEMP will be on creating priority meadow habitat, wetland features and connect existing blocks of woodland providing habitat corridors and enhanced resources for protected and priority species with the result that new and existing habitats will be supported and invigorated and biodiversity gains will be achieved to the benefit of the local and wider area addressing the Nature Crisis.

#### Other relevant ALDP Policies

4.2.11 The other policies of relevance in the ALDP are summarised below in **Table 4.1** together with comments as to whether there are considered to be any conflicts or contradictions with the equivalent topic policy provisions of NPF4:

Policy	Торіс	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.

#### **Table 4.1 Policy Summaries (Review)**



Policy	Торіс	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	Торіс	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.
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	Торіс	Policy Summary	Position against the NPF4
		important views, and landmarks. New developments which have an adverse effect on landscape will only be accepted, where:	unacceptable impact on the natural environment, will not be supported.
		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	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.
		There are adopted mitigation measures and/or reinstatement are proposed where appropriate.	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 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.
		Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where: proposed development will not adversely affect the integrity of the site or the reasons for which it was designated; any significant adverse effects on the site or its	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.
		setting are significantly outweighed by social, environmental and/or economic benefits; and appropriate measures are provided to mitigate any identified adverse impacts.	Policy PV 8 is largely aligned with Policy 7 of NPF4, however there is conflict with NPF4 Policy 11 given the different policy tests in the NPF.
Policy PV12	Managing Flood Risk	The Council will seek to reduce potential risk from flooding and	Policy 11 'Energy' states that project design and



Policy	Торіс	Policy Summary	Position against the NPF4
		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 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.	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 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. There is some conflict between Policy PV12 'Managing Flood Risk' and Policy 22 'Flood Risk' and Policy 22 'Flood Risk and Water Management'. NPF4 makes provision for instances where development proposals in a flood risk area will be supported, this includes essential infrastructure where the location is required for operational reasons.
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.

#### 4.3 Planning Guidance

- 4.3.1 The following non-statutory planning advice, technical guidance and development briefs documents have also been published by Angus Council 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).
- 4.3.2 Looking more closely at the Strategic Landscape Capacity Assessment for Solar Energy, the site is located in an area (Tay 10 Broad Valley Lowland) identified overall by the assessment as having medium capacity for solar development. Furthermore, the Strathmore sub area, (west of Forfar), is deemed to have an increased capacity due to its rectilinear arable field pattern.
- 4.3.3 The assessment undertaken in Chapter 5 of the EIA Report concludes that direct effects on the Broad Valley Lowlands (host LCT) would be localised and limited to the site and its immediate surrounds. Effects would be most discernible in areas where the pattern of the landscape is most evident at close range and from where a continuity of agricultural land is visible. Effects would reduce in the long term, with a moderate/minor adverse impact on landscape character, which would be Not Significant.

#### 4.4 Conclusions on the LDP

- 4.4.1 The relevant development management considerations have been addressed above (Chapter 3) in the context of NPF4 Policy 11 and other relevant policies and are not repeated with reference to the policies of the ALDP.
- 4.4.2 It is considered that the effects arising from the Proposed Development would not be unacceptable in terms of Policy PV9 or indeed other relevant policies within the ALDP. Moreover, through considering the other relevant policies, it is considered that the Proposed Development accords with the ALDP when it is read as whole.
- 4.4.3 The policy provisions of the ALDP are based on those of NPF3 and the 2014 SPP. This means, as per the amendments made to the 1997 Act, that given the incompatibilities identified above, the provisions of NPF4 must prevail.

## 5. Conclusions

#### 5.1 The Electricity Act 1989

- 5.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals for consent under section 36 of the 1989 Act.
- 5.1.2 The information that is contained within the individual topic assessments submitted with the Application therefore enables Scottish Ministers to be satisfied that the obligations under Schedule 9 are met and that suitable mitigation has been identified. It is also considered that the detailed work undertaken in the formulation of these assessments has confirmed and provides confidence that the Proposed Development would be undertaken in an environmentally acceptable manner.

#### 5.2 The Benefits of the Proposed Development

5.2.1 This section summarises the benefits that would arise from the Proposed Development.

#### System Resilience, Greater Capacity for renewables & Emissions Savings

- With an overall installed capacity in the region of 50 MW solar PV, the Proposed Development would make a valuable and important contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government targets.
- The UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government net zero by the earlier date of 2045 are major challenges.
- The earlier that steps towards decarbonisation are introduced, the greater their contribution to limiting climate change. The Proposed Development's delivery of renewable capacity in the near term will have a disproportionately higher benefit than the same capacity delivered later – particularly given the solar and BESS capacity proposed at this Site.
- In Scotland in particular, there is strong support for renewable generation, which is inherently intermittent. The Proposed Development would therefore smooth over peaks and troughs in electricity supply, providing supply in periods when wind is less reliable (solar and wind are largely complimentary to one another in seasonal peaks and troughs balancing out low wind periods in summer, against low solar irradiance in winter).

#### Security of Supply

- The British Energy Security Strategy has been referenced. It provides an increase to the requirements for both the scale and the urgency of delivery of new low carbon generation capacity, by refocussing the requirement for low-carbon power for reasons of national security of supply and affordability, as well as for decarbonisation.
- > With this context, the attractiveness of solar PV will deliver significant benefits to consumers through decarbonisation, security of supply and affordability.
- > BESS play a vital role in ensuring the full potential capacity of existing and future renewable energy generation is exploited and the successful transition to a net-zero future. The Proposed Development will make a contribution of 35 MW of storage capacity.
- > BESS supports electricity operators to balance supply and demand helping with security of supply and system resilience.



The development, if consented, would provide a valuable contribution to security of supply for the Scotland and for the wider GB grid system. Consenting the development, would contribute to an adequate and dependable Scottish and GB generation mix, through enabling the generation of more low carbon power from indigenous and renewable resources, and would enable the development to make a significant contribution to Scottish and wider UK energy security and decarbonisation needs.

#### **Economic & Community Socio-Economic Benefits**

The Proposed Development would support jobs during construction and during operation across the Scottish economy. Overall, the socio-economic effects of the capital investment, employment to the economy would be beneficial (short term during construction, long term during operation).

#### **Biodiversity**

> Significant biodiversity enhancements are proposed, as set out in the Outline Biodiversity Enhancement and Management Plan and as described in Chapter 3 above.

#### 5.3 The Planning Balance

- 5.3.1 In NPF4 there is a clear recognition that climate change must become a primary guiding principle for all plans and decisions. Significant weight is to be given to the Climate Emergency and the contribution of individual developments to tackling climate change.
- 5.3.2 NPF4 is an up-to-date statement of Scottish Government policy, directly applicable to determination of this Section 36 application and should be afforded very considerable weight in decision-making.
- 5.3.3 NPF4 is unambiguous as regards the policy imperative to combat climate change: the crucial role of greater deployment of renewable energy is expressly recognised through the national Statement of Need. 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 longterm interest of our country"<sup>9</sup>. The policy position, and the priority afforded to combatting the Climate Emergency, is different to that which was set out in NPF3 and SPP;
  - > NPF4 Policy 1 (Tackling the climate and nature crises) directs decision-makers to give significant weight to the global Climate Emergency in all decisions. This is a radical departure from the usual approach to policy and weight and clearly denotes a step 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 Policy 11 (Energy) strongly supports proposals for all forms of renewable, lowcarbon and zero emissions technologies.
- 5.3.4 It is important to fully recognise both the scale and urgency of the challenge set out in these documents and the required response from decision-makers. NPF4 is clear that significant progress must be made by 2030.
- 5.3.5 This is also embedded in the Scottish Government's consultative draft Energy Strategy and Just Transition Plan, together with the commitment to "*place the climate and nature at the centre of our planning system*"<sup>10</sup> (original emphasis) in line with the NPF4.

<sup>&</sup>lt;sup>9</sup> NPF4, page 2.

<sup>&</sup>lt;sup>10</sup> Energy Strategy and Just Transition Plan, page 55



- 5.3.6 By any measure, the identified need for delivery of this additional capacity is a massive challenge requiring an urgent and positive response. As noted above, unless projects are in the planning system now, there is a high likelihood is that they cannot contribute to this ambition before 2030.
- 5.3.7 This change in policy is also seen in the designation of individual renewable development 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<sup>11</sup> "A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets."
- 5.3.8 The recognition of National Development relates to the attainment of Government renewable generation and emission reduction targets. Moreover, it relates to the importance of developing electricity supplies which are not dependent on volatile international markets and are located within the UK's national boundaries. The urgency for an electricity system which is self-reliant and not reliant on fossil fuels is now enormous, in order to protect consumers from high and volatile energy prices. The 'window' until the key date of 2030 for Scottish Government targets is also getting narrower.
- 5.3.9 The Applicant has gone to considerable lengths to ensure a satisfactory layout, design and composition for the proposed Solar PV and BESS. In short, appropriate design mitigation has been applied.
- 5.3.10 In landscape and visual terms, it is considered that there is scope for the development within the host landscape. There are a number of factors that have influenced this finding, as referred to in the LVIA and which can be summarised as follows:
  - > The site is not subject to any landscape planning designation.
  - > There are no predicted significant effects on landscape character effects are specific to the site or very localised in nature.
  - Significant visual effects predicted are local in nature, experienced up to 150m from the site boundary and would decrease as a result of mitigation planting in the long-term, albeit would remain at a significant level of effect.
- 5.3.11 On this basis, it is concluded in the LVIA that some locally significant effects arise, the overall effects of the Proposed Development are acceptable.
- 5.3.12 In relation to heritage assets, it is considered that the significant effects identified on two heritage assets have been minimised insofar as possible and are considered to be acceptable for the following reasons:
  - The identified adverse effect on the Haughs of Cossans Farmhouse would not equate or extend to an adverse effect on the character and special architectural and historic interest of the C Listed Building.
  - The ability of the St Orland's Stone SM setting to contribute to the understanding, appreciation and experience of the asset would be retained and as such the integrity of its setting would be protected.
- 5.3.13 NPF4 requires that the decision-maker must also identify and weigh the adverse effects of a proposed development. The way that decision makers can recognise the strengthening policy imperative and the increased weight that should be given to the benefits of the Proposed Development is by giving stronger weight in the planning balance to the seriousness and importance of energy policy related considerations and the contribution of the proposed development in meeting green energy targets.

<sup>11</sup> NPF4, page 103.



- 5.3.14 It is considered that this approach is very clearly reflected and articulated in NPF4 (subject to Scottish Government policy now expressly stating that significant weight will be given to the global climate and nature crises and a proposed development's contribution towards meeting targets).
- 5.3.15 In this case, the Proposed Development will help to deliver the national Spatial Strategy set out in NPF4. The Proposed Development would make a valuable and near-term contribution to help Scotland and the UK attain Net Zero, security of supply and related socio-economic objectives. Specifically, the Proposed Development would contribute to the reduction of emissions to meet 2045 targets and beyond. It is submitted that very substantial weight should be given to this contribution when weighing the need for the development and its limited identified effects within the planning balance.
- 5.3.16 The effects of the Proposed Development, including how relevant effects listed in NPF Policy 11 (Energy) Paragraph e) have been addressed, as detailed in the supporting information to the application. In terms of Policy 11, in considering the identified impacts of the Proposed Development significant weight must be placed on its important contribution to renewable energy generation and greenhouse gas emissions reduction targets.
- 5.3.17 Through NPF4 the Scottish Government has put the climate crisis at the forefront of national planning policy going forward. It is clear that much more renewable energy developments will be required to replace the use of fossil fuels and meet the national targets for emissions reduction. Increased amounts of solar PV connected to the grid will be key to enabling consistent renewable energy generation, which will help Scotland and the UK meet respective climate change and emission reduction targets. The capacity of the proposed BESS element of the Proposed Development can also serve to balance the energy demands, peaks and troughs in the market, ensuring a security of supply and resilience in the electricity market. The targets set are binding rather than just being ambitions, and therefore this is a factor that must be reflected in development management decisions.
- 5.3.18 The Proposed Development is a key component in the wider renewables diversity mix and in meeting the Net Zero commitments as it is designed to support the flexible operation of the National Grid.

#### 5.4 Overall Conclusion

- 5.4.1 The policy set out in NPF4 requires a rebalancing of the consenting of renewable generation proposals in response to the challenges of tackling the climate and nature crises. Having regard to the weight to be ascribed to the important benefits of the Proposed Development it is considered that the benefits that would result clearly outweigh its adverse effects.
- 5.4.2 The policy set out in NPF4, and the policy in the draft Energy Strategy provide strong and increased support for the grant of consent.
- 5.4.3 The conclusion is that the Proposed Development would be consistent with all relevant national planning and energy policies including the Development Plan. While there is no statutory duty on the Applicant under Part 3 of Schedule 9 of the 1989 Act, the Applicant has through the EIA process, had full regard to the matters set out therein.



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