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CHARTERED TOWN PLANNERS

West Springfield Solar & BESS
Section 36 Application:

Planning Statement

May 2025

trio

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Contents

1. Introduction

1.1 Background

1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd ('DBP') on behalf of TRIO West Springfield Solar LLP (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 the Rankeilour Estate, Fife. The Proposed Development would have an installed capacity of c.100MW, comprising 35MW battery storage and 49.9MW solar (with a solar build out of 65MWp).

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, made up of National Planning Framework 4 (NPF4) and the Local Development Plan ('LDP') for Fife, 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 TRIO West Springfield Solar LLP is a company owned by Octopus Renewable Infrastructure Trust (ORIT) and managed by BLC Energy Limited.

1.2.2 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.

1.2.3 BLC Energy are based in Perthshire, and are currently developing eleven solar and BESS projects throughout the UK, including five in Scotland. Further information on BLC Energy can be found on the company website at www.blcenergy.com.

1.2.4 In 2023, BLC entered into a development services agreement with Octopus Energy (via Octopus Renewable Infrastructure Trust (ORIT)) on an exclusive basis. TRIO West Springfield Solar LLP was set up as the development company and is wholly owned by ORIT and managed by BLC Energy. BLC Energy are developing the Site on behalf of the Applicant, TRIO West Springfield Solar LLP.

1.2.5 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.

1.2.6 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.

1.2.7 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.

1.3.2 Section 25 of the 1997 Act does not apply to the determination of applications under section 36 of the 1989 Act as confirmed in the case of William Grant & Sons Distillers Ltd v Scottish 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 Site, centred on National Grid Reference (NGR) NO 33114 11547, is located at Rankeilour Estate, approximately 2.7km south west of Cupar, within the Fife Council (FC) administrative area. The Site comprises of twelve distinct agricultural fields enveloped by mature woodland to the north, south and west. The total area of the Site is 101.3ha.

1.4.2 The existing land use is predominantly agricultural (arable) interspersed with woodland blocks. The Rankeilour Burn transects the Site from north to south but is mainly outside the Site boundary.

1.4.3 There are no residential properties on the Site. The closest residences within the land ownership are Rankeilour House (30m centre and west of the Site boundary) and Rankeilour Steadings (Stable Cottage) which are located centre and north of the Site boundary (100m). Other residential properties outwith the landownership but in proximity are Peterhead (c.25m), East Lodge (c.100mm) and at Main Street (c.20m), Springfield. The settlement of Springfield is located approximately 0.4km west of the Site

1.4.4 Core Footpath P166/01 (Springfield to Sweetholm) crosses the Site from east to west, along the south boundary, and north of The Moor.

1.4.5 The Site does not overlap with any statutory nature conservation designations. The closest is Waltonhill and Cradle Den Site of Special Scientific Interest (SSSI) approximately 3.4km to the south east.

1.4.6 The Site and surrounding area contain several prehistoric assets, including a ring ditch within the Site and various burial and domestic remains nearby.

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 (and a build out of 65MWp). The array will comprise PV modules arranged in rows with a maximum height of 2.67m 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 approximately 60,300 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 substations and control building;
- customer station compound;
- communications container; spares containers;
- 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 1m AGL at their minimum point and will be angled up to 20° to the horizontal and arranged in rows. Depending on the finalised angle of elevation, and the number of rows of modules stacked, the maximum panel height will be up to 2.67m 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-3m below ground. The framed mounting system would be pile driven, therefore no foundations would be required.

Inverters, Transformers

1.5.8 Inverters and field transformer units will be installed on Site in order to convert the Direct Current (DC) produced by the solar modules, into an Alternating Current (AC) which is compatible with the local electricity distribution network. String inverters are the preferred option for this Site layout. String inverters are placed on the rear of the mounting frame so as to be less visible. The field transformers (approximately 12) will each be installed in various field locations across Site, to ensure voltage compatibility for export to the local electricity distribution network

1.5.9 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

1.5.10 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.

1.5.11 The BESS compound would be situated in a part of the Site with negligible flood risk.

On-Site Substation, Spares and Communications Building

1.5.12 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.

1.5.13 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 8.1m in length by 2.6m width, with an indicative height of 2.7m.

1.5.14 The customer (private) substation will measure approximately 8.1m in length by 2.6m width, with an indicative height of 2.7m.

1.5.15 One communications container and two spares containers (including one larger additional container) provide space for operational monitoring and maintenance equipment. The communications container will measure approximately 3m in length by 2.4m width, with an indicative height of 2.9m.

Temporary Construction Compound

1.5.16 The Proposed Development will also include a temporary construction compound incorporating a temporary laydown and parking area, of approximately 10,000m² (1ha) and formed of hardcore/aggregate. This will be located near the Site entrance of the proposed BESS area. The compound area will be re-instated and re-seeded following the completion of construction works and removal of all temporary structures.

On Site Cabling

1.5.17 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.

Welfare Container

1.5.18 The Proposed Development will include two welfare containers measuring approximately 6.1m in length by 2.4m width, with an indicative height of 2.9m.

Firewater Tanks

1.5.19 Two fire water tanks will be served by an associated pump house. The water tanks will each be 115,000L in volume (230,000L total) with indicative height of 3m and diameter 7m.

Security fencing and CCTV

1.5.20 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.

1.5.21 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.

1.5.22 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.

Site Access and Tracks

1.5.23 A new access would be constructed onto the C13 Main Street at the northeastern corner of the Proposed Development. The access has been positioned such that it would not interfere with access to the section of Core Path R159 to the east of the C13 Main Street.

1.5.24 The proposed access from the C13 Main Street would be the only access used during the construction of the Proposed Development. A suitable crossing of the Rankeilour Burn (which bisects the Site of the Proposed Development on an approximate north – south route) would be provided during construction allowing vehicles to access all parts of the Proposed Development from internal tracks accessed.

1.5.25 The access from the C13 Main Street would also be the main access when the Proposed Development was operational, though operational access would also be provided from the U105 at the existing access on the U105 to Peterhead Farmhouse. No alterations are proposed to this existing access.

1.5.26 In addition to the operational accesses from the C13 Main Street and U105, two additional emergency-only accesses would be provided. One would be provided from the C13 Main Street, using an existing field access at the southeastern corner of the Proposed

Development's frontage onto the C13 Main Street. The second would be provided from the existing private access to Rankeilour Mains.

1.5.27 Gates would prohibit access to the Proposed Development via these additional emergency-only accesses during non-emergency operation.

1.5.28 A suitable crossing of the Rankeilour Burn would also be provided during operation. This crossing would allow operational vehicles to access all parts of the Proposed Development from the accesses onto the C13 Main Street and the U105 and allow emergency vehicles to access all parts of the Proposed Development.

1.5.29 Each of the solar PV array sections will be accessible via the interconnected internal site access track network, approximately two access/egress points are typical in each field.

1.5.30 Internal access tracks will be established to allow for construction and ongoing access / maintenance to the electrical infrastructure on Site.

1.5.31 The onsite tracks will have a typical 4m running width, wider on bends and at junctions and will be surfaced with local compacted aggregates to match surrounding farm tracks.

1.5.32 The proposed Site access tracks are shown on the Proposed Site Layout Plan EIA Report Figure 2.1.

Public Access

1.5.33 Core Footpath P166/01 (Springfield to Sweetholm) crosses the Site from east to west, along the south boundary, and north of The Moor. An informal path network utilised by locals and dog walkers, routes through the woodlands at The Moor and extends to the north and west of field 8. A 5m buffer has been implemented around the paths and local access will be maintained for the duration of the operation of the Proposed Development. Internal access tracks have been designed so that construction traffic will avoid routing near the paths.

Grid Connection

1.5.34 The proposed point of connection is Cupar substation as per the accepted grid connection offer from Scottish Power Electricity Networks (SPEN). 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

1.5.35 A Landscape Mitigation Plan is submitted as a standalone supporting document of the EIA Report which sets out the arrangement and specification for new planting across the Site.

1.5.36 Existing field boundary vegetation would be augmented and strengthened and new planting would line the field boundaries in order to protect recreational amenity and enhance the biodiversity of the site, connecting with other areas of existing and proposed planting which would surround the proposed solar farm development and contribute to the overall enhancement of visual containment around the site and improvement of biodiversity.

1.5.37 The Landscape Mitigation Plan has been designed alongside the proposed approach to biodiversity enhancement. Full detail of the measures proposed on Site can be found in the standalone Biodiversity Enhancement Report (BER) (supporting the EIA Report). A summary of the measures proposed include:

> The hedgerow to the west of Peterhead Farm will be enhanced through additional native tree planting, reduced maintenance such as, strimming, to create an enhanced commuting corridor for bats potentially roosting within Peterhead Farm to the woodland in the west of the Site.

- Additional native hedgerow and woodland planting will strengthen green networks within the Site and surrounding area and provide paths for species such as bats, red squirrel and pine marten to move within the landscape.
- Planting existing cropland with a grassland seed mix will improve habitat for small mammals and invertebrates compared to existing arable land. These animals are common prey for protected species such as bats and barn owl.
- Field edges will be managed to benefit biodiversity and will include measures including minimising grazing and mowing to allow for a varied sward height.
- A wildflower meadow will be planted in the east of the site to improve floristic diversity in the site and provide enhanced habitat for invertebrates and small mammals, common prey items for protected species such as bats and barn owl, and other common species.

Construction and Environmental Management

1.5.38 The construction period is expected to take place over nine 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. Where necessary due to weather conditions and health and safety requirements, some generally quiet activities may occur outside the specified hours stated. Any construction outwith these hours will be in line with agreed noise limits and advance warning of any works outwith the agreed working hours will be provided to Fife Council and local residents.

1.5.39 It is considered that the construction phase of the Proposed Development will not give rise to a significant number of daily additional vehicle trips, c.97 vehicle trips per day on average.

1.5.40 A Construction Environmental Management Plan (CEMP) will be prepared and agreed with Fife Council prior to the commencement of construction activity. The CEMP will describe how the Applicant will ensure suitable management of various environmental issues during construction of the Proposed Development.

1.5.41 Prior to commencement of construction activities, a pollution prevention strategy, contained within the CEMP, will be agreed with Fife Council to ensure that appropriate measures are put in place to protect watercourses and the surrounding environment.

Operation and Maintenance

1.5.42 Once operational, the solar array will require occasional maintenance to the solar panels and associated infrastructure over its 40-year lifespan. The land around the panels will remain as grass cover (forage crop) seeded with wildflower mix and will be managed for grazing (potentially sheep). Access to the local track and Core Path to the centre and south of the Site will be maintained by the Applicant throughout the operational phase of the Proposed Development.

1.5.43 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.

1.5.44 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

1.5.45 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.

1.5.46 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.

1.5.47 The Applicant is committed to providing a detailed decommissioning and restoration plan, fully costed by an independent advisor, to be agreed with Fife 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 form 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.

1.7.5 The Site was identified as an area which would be appropriate for solar development through initial feasibility work which considered the following key issues:

- cumulative developments (i.e. the proximity of the Site to other solar farm developments and the potential for significant cumulative effects arising between them);
- grid connection (i.e. within 10 km of a substation with sufficient capacity to export the power generated);
- environmental designations (i.e. international and national designations for ecology, landscape and cultural heritage); and
- yield (i.e. sufficient irradiation).

1.7.6 This process determined that the Site would be appropriate for a solar development, with no inter-visible planned or consented solar developments within 2km of the Proposed Development; high grid availability in the area; proximity to a connection point; and with no environmental designations within the Site boundary that would constrain development. Having determined that the site would be suitable for solar farm development, further feasibility work followed including:

- consideration of topography (i.e. the availability of flat and south facing fields which offer a higher level of energy production, due to lower levels of overshading meaning that panels can be placed in closer proximity);
- consideration of land use - the Site is predominantly lower class prime agricultural land (Grade 3.1) with extents of Grade 2, however there is considered to be an abundance of prime agricultural land nearby (Grades 2 and 3.1);
- identification of the closest residential receptors and consideration of potential residential visual amenity impacts;
- determining an indicative layout that could be supported by the Site; and
- positive pre-application discussions with Fife Council and the local community.

Iterative Scheme Design

1.7.7 The design process has been iterative responding to findings for environmental assessments and feedback from consultations.

1.7.8 The initial Proposed Development layout was designed to maximise renewable energy yield and focus on south facing and flat land. It also included a buffer from the residential dwellings to the east of the Site boundary.

1.7.9 There have been three principal iterations in the design of the Proposed Development. The following summarises the design changes that have been made during this iterative process:

- early design iterations excluded areas of the Site to avoid known constraints including Rankeilour Burn and core paths;
- development buffers (i.e. no-build zones) were added in order to minimise potential disturbance to roosting bats and other habitats of ecological value such as plantation forestry, broadleaved woodland and Ground Water Dependent Terrestrial Ecosystems (GWDTE);
- development buffer around properties in Springfield to ensure appropriate stand-off distance from the proposed BESS, particularly with regard to potential noise impacts;
- a 15m development buffer from trees and pylons to prevent overshading of panels;
- development free corridor from Rankeilour House in the north to woodland in the south of the Site to provide a commuting corridor and habitat connectivity for bats; and
- development free corridors in proximity to Core Path P166/01, informal local tracks and Rights of Way along the south boundary and south east fields, and along the north boundary access road to maintain amenity for walkers.

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 2^0C above pre-industrial levels, and to pursue efforts to limit global warming to 1.5^0C.

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

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

United Nations - 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[1] negotiations.

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

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

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*."

[1] 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, a tripling of renewable energy capacity and doubling of energy efficiency improvements by 2030. The list also includes accelerating efforts towards the phase down of unabated coal power, phasing out inefficient fossil fuel subsidies, and other measures that drive the transition away from fossil fuels in energy systems, in a just, orderly and equitable manner, with developed countries continuing to take the lead." (underlining added)

UN Emissions Gap Report (2024)

2.2.16 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 2^0C over the course of this century:

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

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

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

2.2.21 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^{0}C over the course of the century*".

2.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

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

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.

Table 2.1: Carbon Budgets and Progress[2]

Budget	Carbon budget level	Reduction below 1990 levels	Progress on Budgetary Period
1st carbon budget (2008 – 2012)	3,018 $MtCO_2e$	26%	-27%
2nd carbon budget (2013 – 2017)	2,782 $MtCO_2e$	32%	-42%
3rd carbon budget (2018 – 2022)	2,544 $MtCO_2e$	38% by 2020	-50%[3]
4th carbon budget (2023 – 2027)	1,950 $MtCO_2e$	52% by 2025	n/a
5th carbon budget (2028 – 2032)	1,725 $MtCO_2e$	57% by 2030	n/a
6th carbon budget (2033 – 2037)	965 $MtCO_2e$	78% by 2035	n/a
7th carbon budget (2038 – 2042)	535 $MtCO_2e$	87% by 2042	n/a
Net Zero Target	100%	By 2050	

2.3.6 The Sixth Carbon Budget ('CB6') requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK "*decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement*" (CB6, page 13).

2.3.7 Page 23 of CB6 refers to the devolved nations and sets out that UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland. Key points from CB6 include:

> 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

[2] Source: CCC.

[3] 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[4] (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.

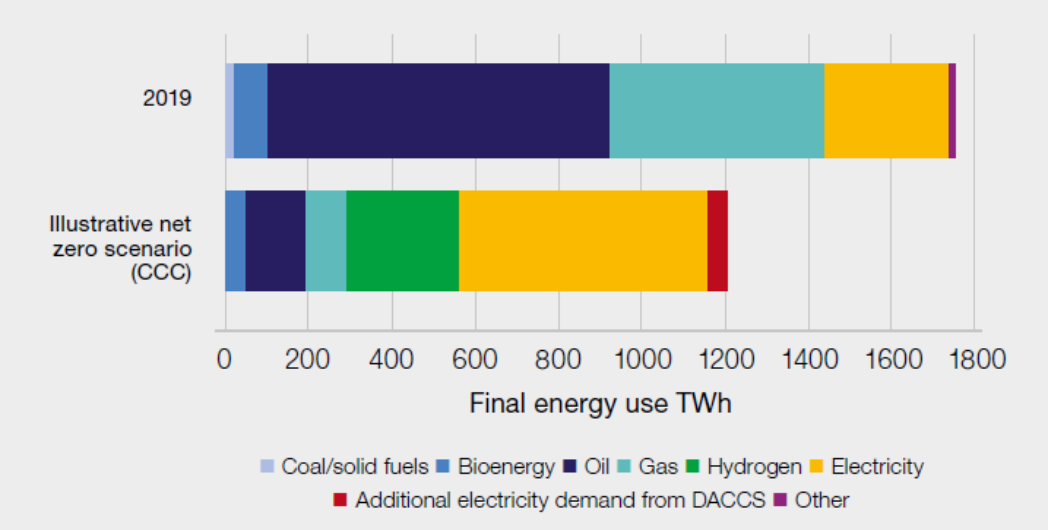
2.3.16 It sets out that "*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050". A key objective is to "accelerate the deployment of clean electricity generation through the 2020s*" (page 38).

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**.

[4] 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.

Figure 2.1: Illustrative UK Final Energy Use in 2050[5]



2.3.19 Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that "onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios" (page 45). (underlining added)

The British Energy Security Strategy (April 2022)

2.3.20 The British Energy Security Strategy was published by the UK Government on 7th 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.

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

2.3.35 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*…."

2.3.36 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)

2.3.37 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.

2.3.38 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)

2.3.39 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*".

2.3.40 It further adds (page 10):

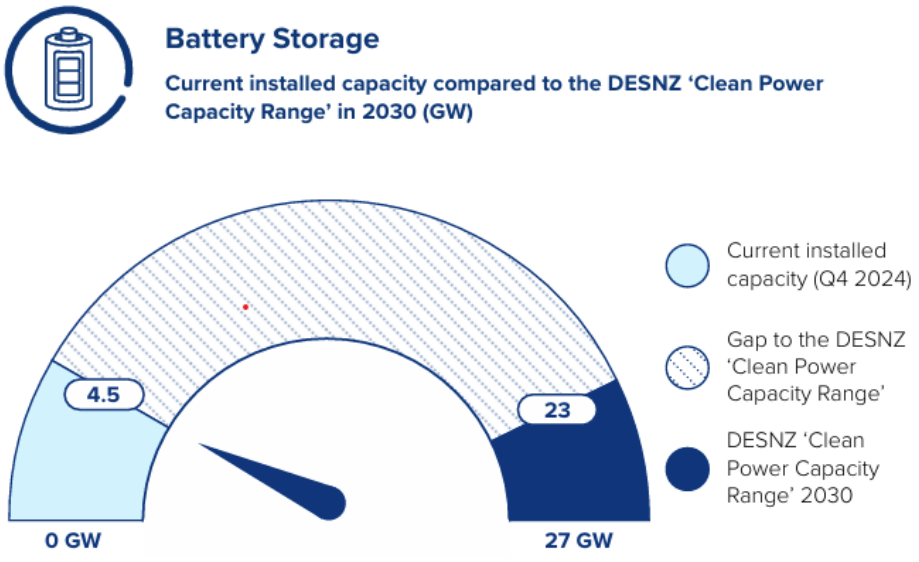
"*clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and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

2.3.41 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*".

2.3.42 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*".

2.3.43 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)



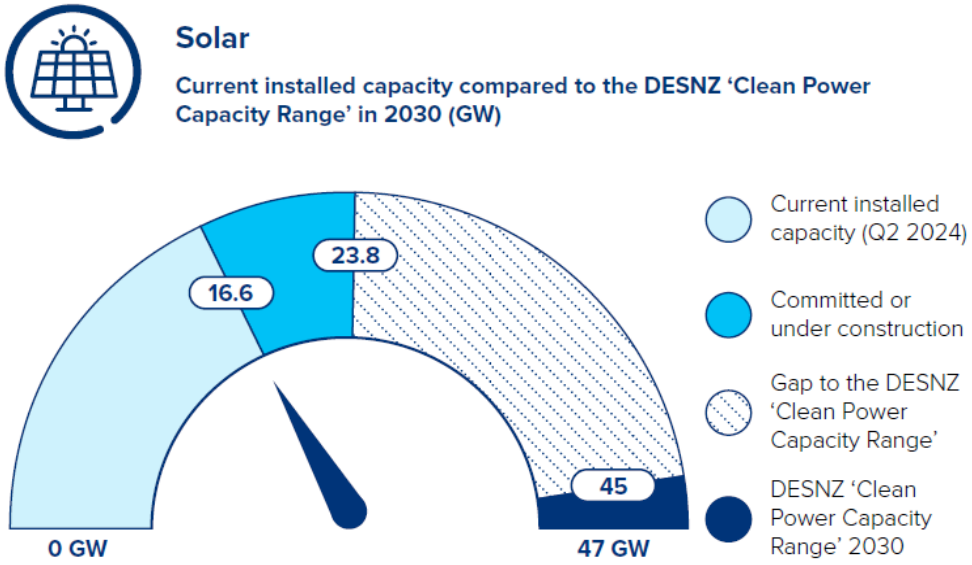
Source: Table 1

2.3.44 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)

2.3.45 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)



Draft National Policy Statement for Renewable Energy Infrastructure (EN-3)

2.3.46 The UK Government published the consultation drafts of the National Policy Statements on the 24 April 2025. Of particular relevance to the Proposed Development is National Policy Statement for Renewable Energy Infrastructure (EN-3). The consultation remains open until 29 May 2025.

2.3.47 The document (together with EN-1), is the primary decision-making policy document for the Secretary of State on nationally significant onshore renewable electricity generating stations in England and Wales. However, it is noted in the introductory section that while the Secretary of State will not examine applications for nationally significant electricity generating stations in Scotland, energy policy is generally a matter reserved to UK Ministers and the NPS may therefore be a relevant consideration in planning decisions in Scotland.

2.3.48 The NPS sets out from the outset at page 5 that *"There is an urgent need for new electricity generating capacity to meet our energy objectives. Electricity generation from renewable sources is an essential element of the transition to Clean Power 2030 Mission, net zero and meeting our statutory targets…"*

2.3.49 It notes that solar is at the heart of the Clean Power 2030 Mission and that *"the government is committed to working with industry to radically increase our existing solar capacity by 2030 to boost growth across the country, create thousands of high-skill, future-proofed jobs and tackle the climate crisis."*

2.3.50 Reference is made to the Clean Power 2030 Action Plan target of a deployment range of between 45-47GW of solar by 2030.

2.3.51 It highlights that *"solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation*". Added to this it notes that *"solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large-scale solar is now viable in some cases to deploy subsidy-free."*

2.3.52 The draft NPS is a up to date policy statement to assist and guide applicants in preparing and submitting proposals for consent applications, as well as detailing out the key issues for the Secretary of State in decision making.

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:

"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

2.4.5 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.

2.4.6 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)

2.4.7 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."

2.4.8 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.

2.4.9 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.

2.4.10 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)

2.4.11 In light of the CCC Report, the Cabinet Secretary made a statement to the Scottish Parliament on 18 April 2024 entitled 'Climate Change Committee Scotland Report – Next Steps: Net Zero Secretary Statement'.

2.4.12 The key points in the statement include:

- The Scottish Government has an "*unwavering commitment to ending our contribution to global emissions by 2045 at the latest, as agreed by Parliament on a cross-party basis*".
- The Cabinet Secretary states that she is "*announcing a new package of climate action measures which we will deliver with partners to support Scotland's transition to Net Zero*" and the Statement goes out to reference these specific measures.
- The Statement states sets out that in terms of the policies for these measures that "*they sit alongside extensive ongoing work that will be built upon through our next Climate Change Plan and Green Industrial Strategy*."
- The Cabinet Secretary states that, "*The Climate Change Committee is clear that the 'UK is already substantially off track for 2030' and achieving future UK carbon budgets 'will require a sustained increase in the pace and breadth of decarbonisation across most major sectors'. Indeed, we do see climate backtracking at UK level*."

2.4.13 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

2.4.14 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.

2.4.15 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 9th 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 progr ess 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 low-carbon 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 13th February 2023.

3.1.2 A Chief Planner's Letter was issued on 8th February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contains advice intended to support consistency in decision-making ahead of new style 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 Fife Council's FIFEplan (adopted September 2017) ('FIFEplan').

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 any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. That will include where a LDP is silent on an issue that is now provided for in NPF4.

3.2.5 In this case, the FIFEplan was adopted in September 2017, a significant period of time prior to NPF4 coming into force. The introductory sections of the plan confirm that FIFEplan was written to accord with Scottish Planning Policy ('SPP'), and to be consistent with the TAYplan Strategic Development Plan ('SDP') ('TAYplan') (the SDP area which is relevant to the Site). The Council has advised that the next LDP will be prepared on a timetable that will see its adoption in May 2028.

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 Low Carbon Supplementary Guidance (2019).

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[6]. 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[7] (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[8].

3.4.3 The Spatial Strategy is aimed at supporting the delivery of:

[6] 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'.

[7] 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.

[8] 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 10th 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 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement*." (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 support 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 across the Scottish economy. The socio-economic effects of the capital investment and employment to the economy would be beneficial.

3.8.8 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 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.

3.8.9 **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. A number of international and national designated sites for ornithological interest are located within 20km of the site. These have been examined below under the *'Biodiversity'* heading and in relation to Policy 3 and 4. In summary no significant adverse effects are predicted on international or national designations.

3.8.10 Local landscape effects have been assessed within the Landscape and Visual Impact Assessment ('LVIA') submitted as part of the EIA Report. 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. Indeed, no significant adverse effects are predicted in relation to local landscape designations.

3.8.11 **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

3.8.12 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.

3.8.13 The LVIA focused on effects on groups of visual receptors, incorporating effects on views from public spaces and streets within settlements (or around the houses in areas with isolated dwellings), and the routes and accessible landscape in the surrounding countryside.

3.8.14 The LVIA concludes that there would be no visibility of the Proposed Development within the village of Springfield itself, with properties most likely to be effected located in the western edge of Springfield village. These properties have been assessed alongside Rose Cottage to the west of the Site boundary and Ballomill Farm to the south east.

3.8.15 A significant effect is predicted for the properties at the western edge of Springfield on completion of the development, however this would reduce to not significant as landscape planting matures. No significant effects are predicted on Rose Cottage as the main aspect of the property is orientated to the south, towards its amenity area, and the Proposed Development would be seen only when accessing/ exiting the property. Ballomill Farm is located to the south of large farm buildings which restricts views towards the site, and with the existing and proposed planting no significant effects are predicted at this property.

3.8.16 The LVIA also considers core paths, recreational routes and local roads which are used by the local community. A significant effect is predicted on completion of the Proposed

Development on a section of the rural shared path in between Ladybank and Springfield along the sites southern edge. This would reduce to not significant as the mitigation planting matures at year 15. No significant effects are predicted for other recreational routes or transport routes assessed.

3.8.17 The objective of the landscape strategy is to help integrate the Proposed Development into its surrounding landscape, minimise potential adverse landscape and visual effects and enhance the existing landscape structure, amenity value and biodiversity.

3.8.18 Key design iterations undertaken to specifically address impacts on communities and individual dwellings include:

- Development buffers around properties in Springfield to ensure appropriate stand-off distance from BESS with particularly regard to potential noise impacts;
- Development free corridors in proximity to Core Path P166/01[9], informal local tracks and Rights of Way along the south boundary and south east fields, and along the north boundary access road to maintain amenity for walkers; and
- Landscape Planting to address most sensitive locations/receptors.

Noise and Shadow Flicker and Glint and Glare

3.8.19 Noise is addressed in a technical assessment appendix to 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.

3.8.20 A baseline noise survey was conducted at three noise monitoring positions ('NMPs') to characterise the noise environments at the five noise sensitive receptors ('NSR') identified.

3.8.21 Unattended long-term measurements were undertaken for a period of approximately six days. Weather observations confirmed calm, dry weather conditions throughout the monitoring period. The long term NMPs were located at the closest points of the site to the NSRs. Observations by the surveyor confirmed that the NMPs were suitably representative of the noise environment at the NSRs.

3.8.22 The noise report notes that the 1/3 octave spectral data at each receptor has been tested for potential tonal components in accordance with the third octave method referenced in BS4142 and is found to be non-tonal.

3.8.23 No unacceptable effects are therefore predicted

3.8.24 Shadow flicker is not a relevant consideration.

3.8.25 Glint and Glare has been assessed and the details are presented as a Technical Appendix to the EIA Report. Of the 30 assessed fixed ground receptors, only one (OP25 known as Ballomill Farm) is predicted to experience potentially significant effects, primarily due to the absence of existing vegetation. However, the assessment notes that these impacts are likely to be overestimated due to conservative modelling assumptions and the current orientation of the residence's windows which do not face towards the field in question. The assessment recommends targeted screening to mitigate the effect. This has been addressed by way of the Landscape Mitigation Plan which indicates that the existing hedgerow will be maintained to minimum 3m in height. Other receptors are expected to experience low-intensity glare with no health or safety implications.

3.8.26 For transport routes, Route 3 (U105) and the nearby trainline may experience intermittent glare during low sun angles in the early morning or evening. These results are also based on conservative assumptions, and real-world impacts are expected to be lower. Planned

[9] https://fifeonline-maps.maps.arcgis.com/apps/webappviewer/index.html?id=f6186ea47efc46cd911a4d5314823900

screening measures, including 3 m high native hedgerows, will reduce glare. Additional vegetation could be incorporated within the Application site boundary if required.

Landscape and Visual Considerations

3.8.27 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

3.8.28 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.

3.8.29 The surrounding wooded environment and the Site's perimeter vegetation indicate inherent scope in the landscape to mitigate the type of development proposed, therefore reducing its susceptibility to change.

3.8.30 The Proposed Development would retain the majority of existing tree and hedgerow field boundaries within and around the Site, with the solar farm development confined to individual field parcels to ensure its integration into the landscape and to provide screening.

3.8.31 The LVIA identifies a number of measures in terms of the approach to design which are considered to minimise the landscape and visual impact of the Proposed Development. These include:

- Minimised ground excavation: the module frames will be anchored to the ground via steel piles, and pile driven into the ground therefore, no foundations would be required.
- Temporary construction compound will be located near the Site entrance of the proposed BESS area, which is well contained from views from the outside. The compound area will be reinstated and reseeded following the completion of construction works and the removal of all temporary structures.
- Areas of new hardstanding would be limited to the substation, communication building and inverter foundations.
- Existing structure vegetation, such as related to Rankeilour Burn, helps to screen and break up the proposed Development in views into and integrate the development into the surrounding landscape;
- Existing vegetation along the site's perimeters has been identified as being important landscape elements in the existing landscape character and will be retained and

enhanced with new and appropriate planting where vegetation is presently sparse. This will avoid direct landscape effects and reduce visibility of the Proposed Development.

- Vegetation removal will be kept to a minimum as far as practicable.
- No Public Rights of Way (PRoWs) will be stopped up or diverted (temporarily or permanently). The Core Path/ Cycle Way, which binds the site's southern perimeter, will remain open to public access throughout the construction, operational and decommissioning phases;
- The BESS, Water Tanks and PCS units will be located in a compound on the north eastern corner of Field No. 8. This is a well-contained location with views from the outside. The BESS units and Water tanks will be a dark green muted colour; and
- CCTV facilities will be located carefully in order to minimise visual / landscape impact.

3.8.32 Existing field boundary vegetation would be augmented and strengthened and new planting would line the field boundaries in order to protect recreational amenity and enhance the biodiversity of the site, connecting with other areas of existing and proposed planting which would surround the proposed solar farm development and contribute to the overall enhancement of visual containment around the site.

3.8.33 The final design is considered to maximise the renewable electricity generation potential at the site while minimising effects on environment.

Designated Landscapes

3.8.34 The Site is not located within any designated landscapes. The nearest landscape designation is the Melville House GDL located approximately 2km to the north west of the Site. However, due to intervening vegetation and woodland any views would be screened from this designation and therefore did not require detailed assessment. Similarly, Ceres and Tarvit Special Landscape Area (SLA) is located to the south east at a distance of approximately 2.4km, due to the distance, and there being no likely effects upon the identifying quality of the SLA, it is not assessed further.

Landscape Character

3.8.35 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.

3.8.36 The Site is located predominantly within the Lowland River Basin LCT. The LCT would retain its wooded nature. Direct perceivable effects on the landscape character would be predominantly contained within the Site and its local context up to approximately 0.5 km. Beyond this distance, effects on landscape character would rapidly decrease to a Negligible scale. It is judged that the intrinsic and prevailing characteristics of the Lowland River Basins LCT would not be discernibly affected through the introduction of the Proposed Development and therefore no significant effects are predicted on the host LCT.

3.8.37 The northeast corner of the Site is located within the Lowland Hills and Valleys LCT is located to the east of the Proposed Development. The new access tracks of the Proposed Development would directly affect the Lowland Hills and Valleys LCT in the immediate vicinity of the settlement of Springfield. The magnitude of change to the landscape character is considered low, due to the screening and backdrop provided by the existing hedgerows and woodland, which are immediately adjacent to the planned access tracks. No significant effects are predicted on the Lowland Hills and Valleys LCT.

Visual Effects

3.8.38 As regard effects on visual receptors, the LVIA considered effects from nearby residential receptors of the settlement of Springfield, Rose Cottage and Ballomill Farm; recreational routes such a core paths; and transport routes and local roads.

3.8.39 Seven viewpoints were identified, and consulted on and agreed with Fife 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.

3.8.40 The assessment has concluded there would be significant effects at residential properties to the west of Springfield village and to users of a section of the rural shared use path between Ladybank and Springfield along the Site's southern boundary. In both cases, these would reduce to negligible as landscape planting matures by year 15.

Cumulative Effects

3.8.41 A solar development approximately 2.8km to the north east of the Proposed Development has been identified and considered in terms of cumulative effects. However, the low-lying nature of both developments and the distance between them will not allow for the developments to be seen in combined visibility. Neither would there be opportunity for a sequential perception of the developments from the A91 due to their separation within the low-lying and slightly rolling, well vegetated terrain. Therefore no cumulative landscape and visual effects are predicted for the Proposed Development.

Public Access

3.8.42 No PRoWs will be stopped up or diverted (temporarily or permanently). The Core Path/ Cycle Way, which binds the site's southern perimeter, will remain open to public access throughout the construction, operational and decommissioning phases.

3.8.43 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

3.8.44 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

3.8.45 The Transport Statement (provided as a Technical Appendix to the EIA Report) considers the impact of the development on roads and transportation. A Construction Traffic Management Plan (CTMP) will be prepared prior to construction and can be secured by condition of consent. Details of the matters contained with the CTMP are set out at Section 3.16 of the Transport Statement.

3.8.46 A new Site access is proposed from the C13 Main Street. This will be the only access point for construction traffic. A suitable crossing of the Rankeilour Burn (which bisects the Site of the Proposed Development on an approximate north – south route) would be provided during construction allowing vehicles to access all parts of the Proposed Development from internal tracks accessed from the proposed access onto the C13 Main Street. This new access has been positioned such that it would not interfere with access to the section of Core Path R159 to the east of the C13 Main Street.

3.8.47 Construction traffic impacts have been assessed and although the percentage of HGVs on accessing the site would increase, the hierarchy of the route is considered sufficient to

accommodate the additional demand. The predicted effects would be temporary and have been overall are considered modest and therefore acceptable.

3.8.48 Operational traffic is expected to be minimal and undertaken by small vehicles with a negligible impact.

Historic Environment

3.8.49 Chapter 7 of the EIA Report considers the environmental effects of the Proposed Development on Cultural Heritage.

3.8.50 The Site is situated within the non-inventoried garden and designed landscape of Rankeilour Estate. The estate itself contains five associated listed buildings, of which three are B-Listed.

3.8.51 There are no Scheduled Monument, Inventoried Gardens and Designed Landscapes, Inventoried Battlefields or Conservations Areas within the Site. There is one Category B Listed Building within the Site, Rankeilour Dovecot.

3.8.52 Within the 1.5km study area there are two Scheduled Monuments, namely SM8316 and SM8317, which comprise the remains of two roundhouses dating to the later prehistoric period. There are a total of 53 listed buildings within the study area, of which three are A Listed, 27 are B Listed and 23 are C Listed. There is one Conservation Area (CA390), namely the Bow of Fife.

3.8.53 There is a potential for unknown archaeological remains within the Site, particularly those prehistoric in date. Any unrecorded remains would be considered likely to comprise prehistoric domestic or funerary remains. Due to their potential to be of a medium cultural heritage significance, their full removal would result in a Moderate significance of effect. Based on professional judgement, this impact would be considered not significant in EIA terms.

3.8.54 Where non-designated heritage assets would be or would have the potential to be impacted by the Proposed Development, further mitigation has been suggested in the form of a geophysical survey of the site to determine the extent and location of any unknown prehistoric remains, as well a programme of targeted archaeological works.

3.8.55 The potential for the Proposed Development to cause significant impacts to the setting of designated cultural heritage assets within 1.5km of the Proposed Development has been considered. The assessment has demonstrated that no such effects would result from the Proposed Development, including in relation to:

> Park House, round house 320m NNW of (SM8316),

> Ramornie Mains, roundhouse 650m ENE of (SM8317),

> Rankeilour Dovecote (LB19135),

> Rankeilour Mains Farmhouse, Steading, Cartshed and Cottage (LB15490), or

> Over Rankeilour House, octagonal enclosure, and garage and gatepiers (LB15486).

3.8.56 In summary, the assessment has not identified anything that would preclude development within the Site or result in any significant effects in relation to cultural heritage.

Hydrology, the Water Environment and Flood Risk

3.8.57 Chapter 5 of the EIA Report considers the effects of the Proposed Development on ecological resources including impacts in relation to ground water which supports Ground Water Dependent Terrestrial Ecosystems (GWDTE) and flood risk is considered in a separate Technical Appendix.

3.8.58 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.

3.8.59 Two potential Ground Water Dependent Terrestrial Ecosystems (GWDTE) habitats were identified within the Site, purple moor-grass and rush pastures (f2b) in the southwest of the site and reedbeds (f2e) in the south of the site near Rankeilour Burn. Both of these are UKBAP Priority Habitats and reedbeds are a Fife LBAP Priority Habitat. No built elements of the Proposed Development are situated on these habitats and construction plant is not expected to need to track across these habitats. No construction is occurring within any potential GWDTE. Construction activities could however lead to ground disturbance, sediment scour and surface water runoff, leading to potential degradation due to pollution.

3.8.60 During operation of the Proposed Development there is the potential to impact potential GWDTE habitats through disruption of groundwater flow due to presence of infrastructure within 250m of potential GWDTE habitats. The fittings for solar PV panels within 250m of these habitats will be secured via steel piles which will be driven 1.5m-3m below ground. These potential GWDTEs are connected to a highly productive aquifer, and therefore there is a potential for groundwater dependence. However, the steel piles are small in size and will be distributed across the 250m buffer of the potential GWDTEs. Although this will be a long-term impact, it is reversible and considered to be medium in magnitude, as the piles are not expected to substantially affect the function of the underlying aquifer. Considering this, the overall effect is considered to be minor adverse and not significant.

3.8.61 Overall, due to the mitigation measures which are proposed no significant effects are predicted on GWDTEs during construction or operation.

3.8.62 Minor parts of the Site are located within areas of predicted fluvial and surface water flooding. A detailed technical assessment (provided in Technical Appendix: Flood Risk Assessment and Drainage Impact Assessment of the EIA Report) of fluvial and surface water 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 largely free of fluvial flooding, with some areas of flood risk in the southern portion of the Site due to breakout flows from the Rankeilour Burn which is to be expected and indicates the natural fluvial floodplain of the watercourse.

3.8.63 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 panel will be located within these areas of the Site. The flooding in this area is generally indicated to be of depths of less than 250mm. Those panels closest to the burn may be subject to flood depths of up to 500mm. Given that the panels are situated on plinths 800mm above ground level, it is not considered that the panels are at significant flood risk.

3.8.64 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.

3.8.65 No private water supplies have been identified within the landownership of the estate and this matter has been scoped out of the EIA.

3.8.66 Potential effects on hydrology, the water environment and flood risk, taking account of mitigation, have been assessed as not significant. No cumulative impacts are anticipated.

Biodiversity

3.8.67 A BEP has been produced for the Site setting out measures to enhance habitats and increase biodiversity within the Site. The measures will result in significant improvement of the habitat within the Site for key species such as breeding and nesting birds, bats and barn owl. Enhancements include planting a species rich mix over land that is currently arable cropland and strengthening green networks and connecting key habitats (e.g., woodlands) through woodland and hedgerow planting. The latter will improve connectivity between woodlands within the Site for species such as bats, red squirrel, pine marten and badger.

3.8.68 Chapter 6 of the EIA Report considers ecology and ornithology. The Proposed Development does not overlap with any nature conservation designations however a number of Special Protection Areas (SPA) Ramsars, and Sites Of Special Scientific Interest (SSSI), lie within 20km of the Proposed Development. The boundaries of several of these overlapped wholly or partly and thus there were five geographical areas with designated sites with ornithology interests:

- Firth of Tay and Eden Estuary (SPA, Ramsar site and SSSI all in this area);
- Firth of Forth (SPA, Ramsar site and SSSI all in this area);
- Outer Firth of forth and St. Andrews Bay (SPA only in this area);
- Cameron Reservoir (SPA, Ramsar site and SSSI all in this area); and
- Loch Leven (SPA, Ramsar site and SSSI all in this area).

3.8.69 As there is potential for likely significant effects ('LSEs') on one or more of these European sites, these have been subject to a Shadow Habitat Regulations Assessment ('sHRA'). This is provided as a standalone supporting document of the EIA Report. Following the screening assessment, LSEs were identified for some qualifying features of eight sites, four SPAs and their corresponding Ramsar sites. The species which were taken forward for Appropriate Assessment following screening were of relevance include pink footed goose; greylag goose; and lapwing.

3.8.70 The result of the shadow HRA conclude that the main impacts of the Proposed Development will be temporary and permanent habitat loss, but there is also a potential for injury and/or mortality during construction. After considering the impact of habitat loss in the context of the amount of functionally-linked habitat available, and the mitigation measures during construction to minimise the risk of injury and/or mortality, it was concluded that there would be no adverse effects on the integrity of any SPA or Ramsar site with respect to the qualifying interests' conservation objectives.

3.8.71 A Local Nature Conservation Site ('LNCS') lies adjacent to the Site to the south, Springfield Moor LNCS and a further one, Annsmuir Golf Course LNCS, 1.26km to the west of the Site. These are designated for important habitats and the Katter for nature conservation interests. Given the buffers proposed and distance from the Site no direct effects are predicted and these were scoped out of detailed assessment.

3.8.72 Several protected or notable species were recorded within 1km of the Site. Protected species considered for detailed assessment due to the potential impacts from the Proposed Development were as follows: bats; badger; otter; red squirrel and pine marten; nesting birds; barn owl; wintering geese; and freshwater fish.

3.8.73 The assessment identified multiple potential impacts to protected species including, injury and/or mortality, temporary or permanent habitat loss and/or fragmentation, degradation of habitats through pollution events and disturbance and/or displacement. Most effects were not significant, but some significant effects were identified for more sensitive species/groups, in the absence of mitigation measures. No significant residual effects are predicted on protected species.

3.8.74 GWDTEs are considered above and therefore it is not repeated here.

3.8.75 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 within Section 4.5 of Chapter 6 of the EIA Report.

3.8.76 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 BEP the Proposed Development is expected to deliver an enhanced level of biodiversity from the baseline conditions. Beneficial effects would be experienced by bats, red squirrel, pine marten, and badger.

Impacts on Trees and Woodlands

3.8.77 No significant effects are predicted on Ancient Woodland Inventory ('AWI') woodlands due to the Proposed Development being set back by at least 15m to avoid any direct impacts during construction or operation. Further detail is set out below under Policy 6.

3.8.78 No tree felling is proposed within the Site.

Balancing the Contribution of a Development and Conclusions on Policy 11

3.8.79 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.

3.8.80 Significant landscape and visual effects are predicted however these have been minimised to a small group of receptors and 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.

3.8.81 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.

3.8.82 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.

3.8.83 In terms of contribution to targets, the Proposed Development would contribute as follows:

> The annual power output of the Proposed Development is estimated at approximately 60,300 MWh/pa, which would provide enough electricity to power approximately 23,000 average Scottish households.

3.8.84 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.

3.9.27 In terms of environmental benefit, there will be a permanent enhancement to the site area through the Applicant's proposed improvements to the natural habitat which are addressed in the submitted BEP. The measures proposed are set out in chapter 1 of this Planning Statement and summarised above under Policy 11 assessment, therefore are not repeated here.

3.9.28 The majority of the Site area is arable fields which are low ecological value. The proposals would result in the site, from a biodiversity perspective, being in a "*demonstrably better state*" than without intervention, consistent with the provisions of Policy 3 due to the measures being proposed as part of the BEP.

3.9.29 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.

3.10 NPF4 Policy 4: Natural Places

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 natural heritage 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. Paragraph c) states that:

"*Development proposals that will affect a National Park, National Scenic Area, Site of*

Special Scientific Interest or a National Nature Reserve will only be supported where:

i) the objectives of designation and the overall integrity of the areas will not be compromised; or

ii) *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*."

3.10.5 There are no national landscape designations affected by the Proposed Development.

3.10.6 The SSSIs which were considered to have potential for significant effects have been assessed alongside those international designations whose boundaries overlap with the SSSI. No significant adverse effects are predicted on SSSI or any qualifying features.

3.10.7 **Paragraph d)** deals with local landscape and nature conservation 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 nature conservation site or local landscape area in the LDP will only be supported where:*

i) Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or

ii) *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) provides that development proposals that affect a site designated as a local landscape area in LDP (namely a SLA) or a LNCS will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:

> this is a new policy provision, reflecting the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or National Scenic Area) must be balanced against the benefits of a proposed development;

> the second limb is independent of the first ("or") and is to be applied where a decision-maker concludes that a proposed development will have significant adverse effects on the integrity of a local designation;

> NPF4, Policy 4, 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 A number of international designations are located c. 10-12km from the Proposed Development. An appropriate assessment has been undertaken as part of the sHRA, and it was concluded that there would be no adverse effects on the integrity of any SPA or Ramsar site with respect to the qualifying interests' conservation objectives.

3.10.13 As explained above in the context of NPF4 Policy 11, the LVIA sets out an assessment of the effects of the Proposed Development and concludes only localised effects on landscape and visual receptors. No local landscape designations are affected by the Proposed Development. Furthermore, no significant effects are predicted on the two LNCS located in proximity to the Proposed Development.

3.10.14 Moreover, in this case the benefits of the Proposed Development would be of national importance.

3.10.15 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, badger, red squirrel and pine marten.

3.10.16 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 Part (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 is for certain types of development. 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.

3.11.4 The policy intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development.

Application of Policy 5

3.11.5 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.

3.11.6 Technical Appendix: Land Capability for Agriculture Assessment of the EIA Report is submitted in support of the application. Assessment of the land capability determines that the Site is categorised as prime agricultural land, predominantly class 3.1 (74.5% of the Site area), with a smaller area of class 2 (24.5% of the Site area) land use. (The remaining 1% is classed as a built up area). As highlighted above, the policy provision within NPF4 makes an allowance for developments which are for the generation of energy from renewable sources, including solar farms.

3.11.7 There is therefore a specific carve out within the policy approach to the protection of prime agricultural land to enable the deployment of renewable energy development such as solar. Indeed, this is a key provision because the solar irradiation levels in Scotland are primarily on the East Coast, such that this is the location which will be viable for commercial solar utility scale development and that has been the case with various proposals emerging through Aberdeenshire, Angus, Perth and Kinross and Fife and indeed through West Lothian. There is therefore a locational need in this part of Scotland.

3.11.8 The Government in preparing this policy approach has clearly been aware of potential impacts on agricultural land and has expressly allowed for renewable energy development on such land. The policy support is expressly clear as set out in NPF4.

3.11.9 The use of the land for the proposed solar array covers approximately 103 hectares of the 351 hectares farm holding i.e. approximately 29% of the total farm holding. The assessment concludes that this would not affect the continued operation of the holding, indeed, the diversification of the use of the land would help to secure the future operation of the remaining holding, with the additional revenue generated from the solar array being available for reinvestment into the farming business.

3.11.10 In addition, the provision of a grassland use within the operational site (excluding the BESS and substation area in the northeast) would provide potential for sheep grazing to be carried out underneath the panels in accordance with the wider landscaping and biodiversity proposals for the site.

3.11.11 The grassland use of the land during the operational period would offer potential benefits to soil health through the increase in soil organic matter, improvement in soil structure and improvement in the biological function of the soil. These benefits would offer improvement to the potential productivity of the land following the decommissioning of the solar array and would align with one of the stated outcomes of Policy 4 which is that *"Soils are healthy and provide essential ecosystem services for nature, people and our economy".*

3.11.12 As part of the design process, and in trying to avoid the most valuable areas of prime land, it should be noted the BESS and substation footprint (approximately 1 hectare) has been located such that it avoids Grade 2 Prime land.

3.11.13 A review of the Carbon and Peatland Mapping indicates that there are no carbon rich soils or peatland within the Site.

3.11.14 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.

3.11.15 The proposals are therefore considered consistent with the requirements of Policy 5.

3.12 NPF4 Policy 6: Forestry, woodland and Trees

3.12.1 The policy intent of Policy 6 is to protect and expand forests, woodland and trees. Part a) states that *"Development proposals that enhance, expand and improve woodland and tree cover will be supported".* Part b) of the policy state4s that *"Development proposals will not be supported where they will result in any loss of ancient woodlands, ancient or veteran trees or adverse impact on their ecological condition"*.

Application of the Policy

3.12.2 Thirty-nine AWI woodlands are present within 2km of the Site, including four plantation woodlands located immediately adjacent to the site. The majority of the AWI woodlands are of plantation origin. No significant effects are predicted on the AWI woodlands identified due to the Proposed Development being set back by at least 15m to avoid any direct impacts during construction or operation.

3.12.3 No tree felling is proposed within the Site.

3.12.4 The Proposed Development can draw support from Policy 6 in that it will enhance and improve woodland and tree cover as part of the biodiversity enhancement measures proposed on site. Woodland and hedgerow planting is proposed which will improve connectivity between woodlands for species such as bats, red squirrel pine marten and badger. The Proposed Development is in accordance with Policy 6 of NPF4.

3.13 NPF4 Policy 7: Historic Assets and Places

3.13.1 Cultural heritage is addressed above in the context of NPF4 Policy 11. 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 and unknown heritage assets during construction, and the residual effect of the Proposed Development has all been considered.

3.13.2 The Proposed Development would not result in significant effects on the heritage assets considered within the cultural heritage impact assessment. The Proposed Development is considered to be in accordance with Policy 7.

3.14 NPF4 Policy 22: Flood Risk and Water Management

3.14.1 A minor portion of the site and the proposed bridge upgrade location, across the Rankeilour Burn, are at risk of flooding from fluvial sources. Some minor areas of surface water ponding are also predicted.

3.14.2 Policy 22 aims to strengthen resilience to flood risk by promoting avoidance as a first principle. However, the policy does make provision for situations where development may be acceptable in flood risk areas. The policy wording states 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

3.14.3 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.

3.14.4 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.

3.14.5 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. Matters of flood risk have been considered within Technical Appendix: Flood Risk Assessment and Drainage Impact Assessment of the EIA Report.

3.14.6 Maximum fluvial flood extent and depth results for the site are shown in Figure 5-3. The results demonstrate that the site is largely free of fluvial flooding, with some areas of flood risk in the southern portion of the site due to breakout flows from the Rankeilour Burn which is to be expected and indicates the natural fluvial floodplain of the watercourse. The flooding to this part of the Site is generally indicated to be of depths of less than 250mm. Those areas closest to the burn may be subject to flood depths of up to 500mm.

3.14.7 Given that the solar panels are situated on plinths 800mm above ground level, it is not considered that the panels are at significant flood risk with a freeboard of 300mm maintained from the design flood elevation.

3.14.8 At present, access/egress via the existing bridge proposed for upgrade is not indicated to be feasible for the design event. However, there are alternative access/egress routes via the existing estate tracks to the west and east of this location. It is therefore considered that the requirement for safe access/egress is satisfied. Furthermore, the nature of the Proposed Development means that no personnel should be onsite during a flood event and the requirement for personnel to be on site at any given time is limited.

3.14.9 Based on the flood-compatible nature of the solar panels and the modelled flood extents, there is not indicated to be any loss in functional floodplain as a result of the development. There is therefore no requirement for compensatory storage to be provided within the site boundary.

3.14.10 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.

3.14.11 The Flood Risk Assessment and Drainage Impact Assessment Report has demonstrated that the development will remain safe and operational during flooding.

3.14.12 The height of the solar panels has been designed to accommodate the effects of climate change.

3.14.13 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.

3.14.14 The surface water drainage strategy will seek to mimic the existing runoff regime and ensure that there is no increase in peak discharge from the impermeable areas on site. This will be achieved through the installation of a series of swales along the southern and western boundaries of the proposed compound, and along the eastern boundary of the proposed panels, downgradient of the hardstanding areas. The flows would ultimately be piped from the swale to the Rankeilour Burn.

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

3.15 Conclusions on NPF4 Appraisal

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

3.15.2 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.

3.15.3 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.

3.15.4 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.

3.15.5 Significant adverse effects have been identified in relation to landscape and visual receptors solely. These effects are predicted to be localised and would be experienced at year 1 on completion of the Proposed Development, reducing to not significant at year 15 once the mitigation planting was established. These limited adverse effects 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.

3.15.6 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:

> FIFEplan - Fife's Local Development Plan (LDP), adopted September 2017.

4.1.2 Relevant, statutory Supplementary Guidance (SG) to support the FIFEplan includes:

> Low Carbon Supplementary Guidance, adopted January 2019; and

> Making Fife's Places Supplementary Guidance, adopted in October 2018.

4.1.3 FIFEplan 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.

4.1.4 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 FIFEplan Policies

4.2.1 FIFEplan spatial strategy acknowledge that Fife will continue to be a leading centre in the field of low carbon developments. It notes that the Plan includes a Low Carbon Fife policy to promote more sustainable generation.

4.2.2 Policy 11: Low Carbon Fife seeks to achieve an outcome whereby *"Fife Council contributes to the Climate Change (Scotland) Act 2009 target of reducing greenhouse gas emissions by at least 80% by 2050. Energy resources are harnessed in appropriate locations and in a manner where the environmental and cumulative impacts are within acceptable limits."*

4.2.3 The targets referred to illustrate the age of FIFEplan and demonstrate that the Plan is out of date and conflicts with the provisions of current legislation.

4.2.4 Policy 11 is the lead policy and is generally supportive of new renewable and low carbon energy development subject to certain criteria being met. It states:

"Development of low carbon energy schemes such as wind turbines, district heating, solar arrays, or energy from waste will be supported provided the proposals do not result in unacceptable significant adverse effects or impacts which cannot be satisfactorily mitigated, giving due regard to relevant environmental, community and cumulative impact considerations."

4.2.5 It goes on to state that proposals for renewable energy development will be based on the principle set out within SPP and list a number of considerations.

4.2.6 Having considered this policy alongside Policy 11 of NPF4, it is considered that there is a conflict between Policy 11 of FIFEplan and Policy 11 of NPF4, 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 the decision maker to afford significant weight to the contribution a given development would make to targets.

4.2.7 Low Carbon Fife SG provides detailed guidance on how the impacts of low carbon energy schemes will be assessed by Fife Council including consideration of a range of environmental and amenity factors alongside consideration of opportunities for energy storage, net economic impact and contribution towards renewable energy and emissions targets.

4.2.8 The SG sets out guidance on the information that requires to be provided to support planning applications for low carbon energy proposals which include confirmation of maximum capacity, visualisations, assessment of impacts on natural and built heritage assets and decommissioning and after care details. For large proposals in sensitive areas Landscape and Visual Impact Assessment (LVIA) is required and detailed natural heritage surveys may be required. For large photovoltaic array proposals, the guidance notes the requirement for a glint and glare assessment, noise impact assessment and assessment of the impact on prime agricultural land.

4.2.9 Specific guidance is provided on 'Assessing the cumulative impact of solar farms' in regard to cumulative impact on prime agricultural land. The steps set out are based on the process set out in the BRE Planning guidance for the development of large-scale ground mounted solar PV systems document. The Land Capability for Agriculture Assessment submitted with the application has followed this approach. Notwithstanding, the approach set out conflicts with NPF4 Policy 5 Soils and the provisions within it to allow development for the generation of energy from renewable sources to be located on prime agricultural land.

4.2.10 The SG provides specific guidance on opportunities within low carbon proposals for energy storage and the overall benefits that they may provide towards meeting national energy objectives. The SG states:

"Scottish Government sets out that if the energy sector is to maximise environmental, economic and social benefits then ***renewable energy generation needs to be linked to energy storage****; in the draft Scottish Energy Strategy (Feb 2017) energy storage was identified as one of the key factors that would underpin the vision of a* ***stable, managed energy transition*** *to a largely decarbonised energy system".*

4.2.11 The text goes on to state *"****Fife Council will therefore support and encourage proposals to include energy storage as part of low carbon energy proposals****, provided they meet with other policy requirements."* In particular the SG notes that energy storage facilities tend to have an industrial appearance and good design and screening should be utilised appropriate to site location.

4.2.12 In terms of the scale of contribution to renewable energy targets and effect on greenhouse emissions, the SG provides that applications should provide information about the maximum capacity of the proposal and the scale of contribution that the proposal makes to overall targets will be assessed. It states, *"The weight given to this consideration will be determined on a case by case basis and will take into account the nature of other elements under consideration".*

4.2.13 It is clear that FIFEplan 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). Indeed, the SG makes specific mention to the scale of contribution to renewable energy generation targets and effect on greenhouse gas emissions.

4.2.14 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.

4.2.15 The Proposed Development is for approximately a 40-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 will remain as grass cover (forage crop) seeded with wildflower mix and will be managed for grazing (potentially sheep).

4.2.16 In addition, biodiversity enhancement measures are proposed which are primarily targeted at delivering enhancements in the form of habitat creation and enhancement for invertebrates and small mammals; providing foraging opportunities for bats, badger and birds; and creating additional commuting corridors for bats and additional nesting and foraging opportunities for farmland birds.

Other relevant FIFEplan Policies

4.2.17 The other policies of relevance in the FIFEplan 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:

Table 4.1 Policy Summaries (Review)

Policy	Topic	Policy Summary	Position against the NPF4
Policy 1	Development Principles	All development must comply with the criteria outlined in FIFEplan Policy 1 Development Principles, which indicates that development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts. Development proposals must comply with one of the criteria in Part A of Policy 1 Development Principles, and comply with all applicable criteria in Parts B and C of the Policy.	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. Renewable energy development of national status is supported across Scotland, with the exception of national parks or national scenic areas. **Policy 1 sets out locational requirements for developments where they are supported by other LDP policies. Minor conflict given NPF4 supports development across all of Scotland.**
Policy 3	Infrastructure and Services	This policy states that Development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner considering matters such as drainage / SUDs and local transport infrastructure.	Policy 11 'Energy', seeks to ensure impacts on impacts on road traffic and on adjacent trunk roads, including during construction; and effects on hydrology, the water environment and flood risk are taken into account.

Policy	Topic	Policy Summary	Position against the NPF4
			No conflicts or contradictions with the NPF4.
Policy 7	Development in the Countryside	The policy states that Development in the countryside will only be supported where it will diversify or add to the a number of listed land-based businesses to bring economic support to the existing business; is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; amongst other uses. The policy also deals with development on prime agricultural land and states development will not be supported except where it is for the generation of energy from a renewable source and there is a commitment to restore the land to its former status within an acceptable timescale.	Policy 4 'Natural places' states developments which by virtue of type, location or scale will have an unacceptable impact on the natural environment including landscape, will not be supported. Policy 11 'Energy' supports development for renewable energy on prime agricultural land in a similar manner to Policy 7 of FIFEplan. No conflicts or contradictions with the NPF4.
Policy 10	Amenity	The policy states that Development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to noise, air quality, traffic, construction impacts and visual impacts.	Policy 11 'Energy' requires proposals to consider matters such as impacts on communities and dwellings in relation to visual effects and noise; road traffic impacts and construction impacts. It states that where significant landscape and visual impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable. **Conflict by virtue of the NPF4 having a lower compliance threshold for renewable energy developments that would result in localised significant landscape and visual impacts.**
Policy 12	Flooding and the Water Environment	Policy 12 seeks to ensure Flood risk and surface drainage is managed to avoid or reduce the potential for surface water flooding. The functional floodplain is safeguarded. The quality of the water environment is improved.	Policy 11 'Energy' requires that development proposals consider the effects on hydrology, the water environment and flood risk. Policy 22 'Flood risk and water management' supports development for essential infrastructure

Policy	Topic	Policy Summary	Position against the NPF4
			including renewable energy generation where there is a locational need for it. No conflicts or contradictions with the NPF4.
Policy 13	Natural Environment	Policy 13 provides that development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites (international, national and local), woodlands, biodiversity, protected and priority habitats and species, landscape character and views, core paths etc. Where adverse impacts are unavoidable proposals will only be supported where these impacts can be satisfactorily mitigated.	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. Additionally, it 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 14	Built and Historic Environment	The Council will support development that protects or enhances buildings or other built heritage of special architectural or historic interest. Proposals will not be supported where it is considered they will harm or damage heritage assets listed.	Policy 7 'Historic assets and places' seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy	Topic	Policy Summary	Position against the NPF4
		For all historic buildings and archaeological sites, whether statutorily protected or not, support will only be given if, allowing for any possible mitigating works, there is no adverse impact on the special architectural or historic interest of the building or character or appearance of the conservation area.	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. ***There is some conflict between Policy 14 of the LDP and NPF4 Policy 7 and Policy 11 given the different policy tests in the NPF.*** **NPF4 allows for development to be supported where exceptional circumstances have been demonstrated to justify development (in the case of SM policy 7)) or where significant weight should be placed on the contribution of the Proposed Development (policy 11)**

Making Fife's Places Supplementary Guidance

4.2.18 Making Fife's Places Supplementary Guidance Document (2018) applies with regard to the design and visual impact of the proposal and sets out the expectation for developments with regard to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design.

4.2.19 The document also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places - distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and easy to move around and beyond. The document also provides information on site assessment which must be submitted for natural heritage and biodiversity.

4.2.20 All of these matters have been considered and the results presented in the form of the EIA Report and associated studies.

4.2.21 Making Fife's Places is more relevant to traditional forms of development such as new housing or commercial buildings and as such as limited relevance to the Proposed Development.

4.3 Planning Guidance

4.3.1 The following non-statutory planning policy guidance and advice have been published by Fife Council and have been considered in response to the Proposed Development:

> Policy for Development and Noise (2021);

- Design Guidance on Flooding and Surface Water Drainage (SUDS) Requirements;
- National Developments;
- Trees and Development.

4.3.2 The matters set out within these documents have been assessed and considered alongside the relevant Development Plan policies.

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 FIFEplan.

4.4.2 It is considered that the effects arising from the Proposed Development would not be unacceptable in terms of Policy 11 or indeed other relevant policies within the Plan. Moreover, through considering the other relevant policies, it is considered that the Proposed Development accords with the FIFEplan when it is read as whole.

4.4.3 The policy provisions of FIFEplan 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.

Biodiversity

- Significant biodiversity enhancements are proposed, as set out in the Biodiversity Enhancement Report 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, such as this one, to tackling climate change.

5.3.2 NPF4 is an up-to-date statement of Scottish Government policy, directly applicable to the 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 long-term interest of our country*"[10]. 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, low-carbon 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***"[11] (original emphasis) in line with the NPF4.

[10] NPF4, page 2.
[11] 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[12] "*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 site selection process has resulted in finding a suitable site which is strategically located for grid connection and one which benefits from existing natural existing screening resulting in minimal visuals effects. Furthermore, 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 180m from the Site boundary and would decrease as a result of mitigation planting in the long-term, reducing to not significant at year 15.

5.3.11 NPF4 requires that the decision-makers 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.

5.3.12 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).

5.3.13 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

[12] NPF4, page 103.

should be given to this contribution when weighing the need for the development and its limited identified effects within the planning balance.

5.3.14 The effects of the Proposed Development, including how relevant effects listed in NPF4 Policy 11 (Energy) Paragraph e) have been addressed, is 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.

5.3.15 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.

5.3.16 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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