DAVID BELL PLANNING
CHARTERED TOWN PLANNERS

Kirknewton Solar and BESS
Planning Application

Planning Statement

December 2025

trio

dbplanning.co.uk

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 Power Limited (hereafter referred to as 'the Applicant') to install and operate a Solar Photovoltaic ('PV') array and Battery Energy Storage System ('BESS') with associated infrastructure, access and landscaping, (hereafter referred to as 'the Proposed Development') on land near Leydon Road, Kirknewton, West Lothian. The Proposed Development would have an export capacity of up to 40 megawatts ('MW') solar PV and an energy storage export capacity of 9 MW.

1.1.2 As the Proposed Development has a generating capacity of less than 50 MW, planning permission is required from West Lothian Council under Section 25 of Town and Country Planning (Scotland) Act 1997, as amended ('the 1997 Act').

1.1.3 Section 25 of the 1997 Act requires that planning decisions are taken in accordance with the statutory Development Plan unless material considerations indicate otherwise. Therefore, the **key questions** for the Proposed Development are:

> Is the development as proposed in accordance with the relevant policies of the adopted Development Plan? and

> Are there material considerations that determine a decision should be made contrary to the Development Plan? Or, do material matters further support the position that the Proposed Development should be approved?

1.1.4 In answering these questions, consideration is given to whether:

> There is an identifiable need for the proposed development; and

> The environmental effects of the proposed development would be acceptable when considered against the Development Plan policy framework and material considerations.

1.1.5 Under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the Proposed Development falls under Schedule 4 'Electricity Generation' and exceeds the threshold of 20 MW and is therefore categorised as 'Major Development'. The application has therefore been subject to Pre-Application Consultation (PAC). A Proposal of Application Notice (PAN) was submitted on 29th May 2025 and public consultation events were held at Kirknewton Village Hall on 12th June 2025 and 25th September 2025. Two online presentations were also held on the 17th June 2025 and 29th September 2025. A series of other focused meetings and presentations to Kirknewton Community Council have also been undertaken. A PAC Report is submitted as part of the application as statutorily required, which summarises the consultation process and outcomes thereof.

1.1.6 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 Town and Country Planning (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 relating to ecology and landscape and visual matters only as scoped with West Lothian Council in October 2025. Other environmental considerations are assessed by way of individual topic reports and presented as technical appendices to the EIA Report.

1.1.7 This Planning Statement makes various cross references to the information contained in the EIA Report and supporting documents submitted with the application, 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 West Lothian, and other relevant material considerations.

1.1.8 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 Power Ltd, 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 Power Limited 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 Power Ltd.

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 Site Location and Description

1.3.1 The Proposed Development is located approximately 1.5 km south of the village of Kirknewton within West Lothian Council administrative area. The Site comprises two land parcels, bisected by Leyden Road running north – west to south-east, with a total site area of 76 hectares (ha). The Site is in agricultural (arable) use and is designated as mainly Agricultural Land Capability (ALC) Class 4.2 (non-prime agricultural land) with some Class 3.2 (i.e. not prime agricultural land). The immediate wider context includes agricultural buildings, tree plantations, a small pond and overhead pylons which transect the western land parcels.

1.3.2 Surveys have identified that an area of woodland, identified as ancient woodland by NatureScot within the Site, is in fact Long Established of Plantation Origin (LEPO), 1850. An area of Ancient Woodland Inventory (AWI) designation at Overton Woods is located immediately north of the Site.

1.3.3 Site access will be taken from Leyden Road and the A70 to the south. No Abnormal Indivisible Load Vehicles (AILV) will be needed to construct the Proposed Development.

1.3.4 The Site is gently sloping varying from 230 m Above Ordnance Datum (AOD) in the south to the low of 200 m AOD along the northern boundary.

1.3.5 There are a small number of residential properties in the vicinity of the Site. Those closest comprise Newlands (to the south-east), Leyden Old House (to the west) and two small groups of cottages in and adjacent to the wooded area to the north and western land parcel.

1.3.6 The Site is not located within or adjacent to a designated landscape and there are no National Scenic Areas (NSAs) or National Parks (NPs) within 5 km of the Site. There are six non-statutory Local Landscape Areas within 5 km of the Site. No core paths cross the Site with the closest core path being 1.2 km north. A series of other designated cultural heritage and nature conservation sites are located within a 5 km Study Area. One undesignated heritage asset is located within the Site – Newlands Farmstead – it is derelict and in a poor state of preservation. There are 68 areas of woodland on the AWI within 5 km of the Site.

1.3.7 The Site is currently used for agricultural purposes with the fields in the west and south-east utilised for arable farming and the fields in the north-east used as rough grazing for sheep. The land has been classified as non-prime agricultural land. The Proposed Development would be operational for 40 years with grazing for sheep continuing on Site as appropriate throughout the period. The extent of permanent infrastructure measures approximately 0.42 ha. On decommissioning the land will be restored to original use – it is likely that soils will be returned in better conditions following landscape and ecological enhancements proposed, and natural regeneration arising from non-cropping.

1.4 Site Selection

1.4.1 The Site was identified as an area appropriate for solar through initial feasibility work which considered a range of key factors including residential amenity, topography, cumulative impact, environmental designations, visual impact, flood risk, traffic / access, land use and availability of land. Importantly the location was driven by grid connection capacity and offer.

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 up to 40 MW. The array will comprise PV modules arranged in rows with a maximum height of 2.7m above ground level ('AGL').

1.5.2 The Proposed Development also includes a BESS with an export capacity of 9 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 43 Gigaa-Watt hours per annum ('GWh/pa'), which would provide enough electricity to power approximately 12,500 average Scottish households.

1.5.4 The infrastructure associated with the Proposed Development will include:

- PV module mounting frames;
- battery units housed in containers;
- substation;
- inverter cabins to convert direct current (DC) electricity into usable alternating current (AC) power;
- transformers;
- underground cabling;
- internal access tracks;
- temporary construction compound;

- spares container;
- CCTV cameras mounted on posts;
- perimeter fencing;
- site drainage; and
- biodiversity and landscape enhancements.

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

Solar PV Module and Mounting Frames

1.5.6 The solar PV modules will stand approximately 1 m 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 2.7 m 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 to 2 m below ground.

Inverters, Transformers

1.5.8 The Proposed Development will include string inverters, typically mounted to the underside of the PV modules (approximately 28 modules per string) to convert the Direct Current (DC) produced by the PV modules, into Alternating Current (AC) for export. One auxiliary transformer will be located in the BESS compound to connect with the other auxiliary infrastructure. This will measure a maximum width and length of 3 m, with a height of 2 m.

1.5.9 Transformer stations (approximately 5) will be installed in various locations across the Site, to ensure voltage compatibility for export to the local electricity distribution network. These will measure a maximum of 2.4 (w) x 6.1 m (l) x 2.9 m (h).

BESS Containers

1.5.10 The BESS compound will consist of approximately 48 battery components measuring approximately 1.3 m x 1.3 m. There will be 8 rows x 6 rack containers, measuring a maximum of 8.4 m (length) x 3.1 m (width) x 2.6 m (height).

1.5.11 Four associated Power Conversion Systems (PCS) units will be located adjacent to the BESS containers, to allow the batteries to switch between inverter and charger modes. They measure approximately 9.2 m (length) x 5.3 m (width) x 2.3 m (height). The BESS and PCS units will be located in a compound within the eastern land parcel.

Substations and Spares Containers

1.5.12 The Proposed Development will include a distribution network operator ('DNO') substation compound, two customer (private) substation compounds, and two dedicated spares containers (one for BESS components and one for solar components).

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

1.5.14 The customer (private) substations (one for the PV array and one for the BESS) will each measure a maximum of 8.1 m in length by 2.6 m width, with an indicative height of 2.7 m.

1.5.15 The solar PV spares container will provide space to store replacement modules, string inverters, connectors, combiner boxes and monitoring equipment. It will measure a maximum of 12.2 m (l) x 2.4 m (w) x 2.9 m (h).

1.5.16 The BESS spares container will provide space for storage of critical components such as batter modules, PCS parts, cooling fans, BMS units, fire suppression gear, HVAC filters and communication modules and will measure a maximum of 6.1 m (l) x 2.4 m (w) x 2.9 m (h).

Temporary Construction Compound

1.5.17 A temporary construction compound will be located near the Site entrance, north of the proposed BESS area. The total compound is anticipated to be approximately 3.600 m^2 (0.36 ha) and the construction compound will incorporate a laydown area, welfare facilities, storage containers, on-site office and vehicle parking area.

1.5.18 On completion of construction works, all temporary structures will be removed and the compound area restored.

On Site Cabling

1.5.19 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

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

Firewater Tanks

1.5.21 A water supply is required on site to support the BESS compound. Water will be used primarily for firefighting and safety purposes and stored in dedicated tanks within the BESS area. It also provides for routine welfare facilities. The water provision forms part of the Sites fire strategy and ensures that suitable resources are available in the unlikely event of a thermal incident within the battery units. The water tanks will each be 115,000L in volume with an indicative height of 3 m and diameter 7 m.

Security fencing and CCTV

1.5.22 Security fencing will be constructed around Site perimeter. The fencing will stand up to 2.4m AGL and is proposed to comprise of security palisade fencing, painted an appropriate shade of green.

1.5.23 Entrance to the eastern and western parts of the Site will be from Leyden Road via 5 m wide double lead access gates. These will be of a similar design to the security fencing, up to 2.4 m high, of galvanised steel construction and painted the same colour as the fencing.

1.5.24 Closed Circuit Television (CCTV) will be deployed as a security measure. The CCTV cameras will be mounted on galvanised steel posts each measuring approximately 4.5 m 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

1.5.25 Each of the land parcels will have an access from Leyden Road.

1.5.26 The BESS are within the eastern land parcel will have two points of access in line with relevant fire safety design guidance.

1.5.27 Internal access tracks within the solar PV areas will allow for ongoing access for maintenance vehicles. The tracks will have a typical 4 m running width, wider on bends and junctions and will be surfaced with local compacted aggregates.

Grid Connection

1.5.28 The proposed point of connection is the upgraded Currie substation located approximately 8 km to the east of the Site. Connection will be via underground cabling. The date of connection is currently anticipated to be 2030. The cable route will be subject to a separate consenting process.

Landscape and Biodiversity Enhancement

1.5.29 An Outline Biodiversity Enhancement Management Plan (OBEMP) is submitted as a technical appendix of the EIA Report which sets out the arrangement and specification for new planting across the Site.

1.5.30 A Landscape Enhancement and 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 OBEMP (supporting the EIA Report).

1.5.31 The vision of the OBEMP is to crate and enhance areas of existing grassland, woodland, scrub and hedgerows within the Site to provide enhanced foraging and commuting resources for protected and priority species. The combined habitat creation and enhancement proposed will improve habitat and flora and a range of fauna including bats, bid assemblage, reptiles and amphibians, otter and badger. Detailed monitoring and management prescriptions will be included within the final BEMP.

1.5.32 Key measures proposed include:

> Enhancement of grassland:
  - Grassland Creation/Enhancement through Interior grassland creation; Perimeter / verge grassland creation; and Interior grassland enhancement.

> Reducing grazing pressure / management:
  - Conservation grazing;
  - Manual / mechanical management.

> Creation and enhancement of mixed native woodland, scrub and hedgerows:
  - Native tree planting;
  - Native species-rich hedgerow planting / enhancement;
  - Native scrub planting / enhancement.

> Enhancement of aquatic habitats
  - Biodiversity enhancement of SUDS ponds / Riparian area;

> Provision and maintenance of wildlife boxes / refugia;
  - Provision and maintenance of small bird boxes;
  - Provision and maintenance of raptor boxes;
  - Provision and maintenance of bat boxes;
  - Provision and maintenance of reptile / amphibian refugia.

Construction and Environmental Management

1.5.33 The construction period is expected to take place over eight to twelve months.

1.5.34 A detailed construction programme will be provided as part of a Construction Environmental Management Plan (CEMP) prior to commencement of development.

1.5.35 Normal construction hours are likely to be between 07.00 and 18.00 Monday to Friday and 08.00 and 13.00 on Saturdays. These times seek to minimise disturbance to local residents. Due to necessity arising from weather conditions or health and safety requirements, some generally quiet activities may occur outside of these hours.

1.5.36 The Contractor responsible for undertaking construction shall adhere to the CEMP. The Applicant expects that the CEMP will be produced in line with an appropriately worded condition and will set out the appropriate measures required to reduce and control the potential environmental impacts associated with the construction period.

BESS Emergency Response Plan

1.5.37 The Applicant will comply with the National Fire Chiefs Council (NFCC) guidance. An appropriate Risk Management Plan and Emergency Response Plan will be provided and agreed with the Council and the Scottish Fire and Rescue Service prior to commissioning. Monitoring equipment including fire detection and fire prevention systems will be installed within the containerised batter units, and the Site access has been designed to ensure fire appliances can safely access and egress the Site.

Operation and Maintenance

1.5.38 Once operational, the solar array will require occasional maintenance to the solar panels and associated infrastructure over its 40-year lifespan. Once the solar PV array and BESS are fully operational, they will require minimal maintenance. Maintenance is expected to consist mostly of monthly routine site inspections, as well as some unscheduled visits when required. Routing cleaning is occasional as rainwater will generally suffice.

Decommissioning

1.5.39 The Applicant is committed to decommissioning and restoring the Site to its previous agricultural use at the end of the projects predicted 40-year lifespan. In the event the decision was made that the Site could be repowered, then a new consenting process would be required.

1.5.40 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.

1.5.41 The Applicant is committed to providing a detailed decommissioning and restoration plan, fully costed by an independent advisor, to be agreed with the 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 The design of any solar development is driven by the key objective of positioning panels so that they capture the maximum energy possible whilst respecting site constraints. The array development is designed and aligned per operational function for solar exposure but with full cognisance to ensuring minimal disturbance by internal access tracks and ensuring appropriate sympathy to amenity and environmental constraints. The iterative design process allows for appropriate set-back from sensitive heritage, residential and ecological features.

1.7.2 The site location is characterised by agricultural use and shelterbelt and field boundary tree planting in the western parcel of the Site is to be provided in order to lessen direct impact of views of array infrastructure from receptors to the west. Such boundary treatment would be suitable within the wider landscape framework of field and woodland patterns across the immediate and wider area. Optimising the existing field pattern for the array and promoting an appropriate scale and pattern of development thereof seeks to reflect the scale and character of the receiving landscape.

1.7.3 Within the eastern parcel, the BESS compound has been located in the south-west corner allowing for backdropping against existing woodland. Additional tree planting along the northern boundary is proposed to further assist visual screening of the substation and DNO switchroom – those being the tallest elements of the Proposed Development.

1.7.4 The Applicant adopted a number of principles during the design process including:

- Locating the BESS away from neighbouring residential receptors as far as practicable (at least 500m);
- Locating the Solar PV models away from neighbouring residential receptors as far as practicable (100m)
- Maintaining hedgerows and trees;
- Utilising existing vegetation and terrain to maximise screening;
- Optimising biodiversity enhancement measures;
- Respecting a buffer zone from the overhead line that transects the western land parcel

- Respecting a buffer zone from Scottish Water pipelines which transect the Site;
- Respecting buffer zones to watercourses, ecological and heritage assets;
- Retention of walking track between the two fields in the eastern land parcel.

1.7.5 Consideration of constraints and utilising opportunities for enhancement arising from surveys and assessments throughout the design process results in an iterative design process. There have been four principal iterations which are summarised more fully in Chapter 3 of the EIA Report. The key changes arose as a result of community consultation and evolution of known constraints on site leading to an overall reduction in scale and number of panels and increased buffering to receptors and protected assets. In addition, the requirement for a SUDS pond and increased screening and planting further altered the layout over time with further increases in buffers to the BESS to ensure residential amenity was protected also progressed.

1.7.6 More specific measures undertaken included enhancing the line of field boundary trees along the northern site edge between Overton Wood and the woodland belt at Leyden Road with infill tree planting helping to provide longevity to these landscape features and create additional visual buffering between the development and receptors to the north.

1.7.7 The solar array reflects an increased setback from properties at Newlands. Additional woodland buffer planting is proposed to the south-eastern corner of this parcel to allow considered visual screening of the array structures from adjacent residential properties.

1.7.8 The site-specific design principles which were applied as part of the iterative design process to achieve landscape objectives are:

- Buildings, structures and palisade fencing to be finished in recessive colour (RAL 6003, Olive Green, or similar as approved) to assist with blending into the natural landscape;
- Design around wetland / flood zones to prevent disturbance of natural drainage systems;
- Retention of informal local path routes;
- Set back from neighbouring properties and provide suitable visual screening, while infilling gaps in existing woodland to increase visual screening and improve nature connectivity.

1.7.9 In addition, reducing intensive agricultural grazing regimes within the Site and allowing for a grassland management strategy that favours a species rich grazing meadow establishment between rows off the array, biodiversity can be enhanced and betterment of the Site and wider landscape over the lifetime of the array can be achieved.

1.7.10 The LVIA identifies a number of measures in terms of the approach to design which are considered to enhance and amplify the beneficial effects or potential benefits of the project. These include:

- Suitable species rich grassland within the array and BESS to boost species diversity and benefit the wider area.
- Reduced intensive grazing and a suitable maintenance / management regime to increase the extent and diversity of grasses and herbs in the sward, primarily through a low input conservation grazing regime.

1.8 Direction Under Section 58 of the Town and Country Planning Act 1997 (as Amended)

1.8.1 The Applicant is seeking a direction to be made by West Lothian Council under Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) to extend the period of consent to five years. This is to align with the grid connection offer and allow for any alterations or changes in the programme related to delivery of the Proposed Development.

1.9 Scope & Structure of Planning Statement

1.9.1 The planning policy framework changed significantly in early 2023, with the adoption of NPF4.

1.9.2 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').

1.9.3 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*."

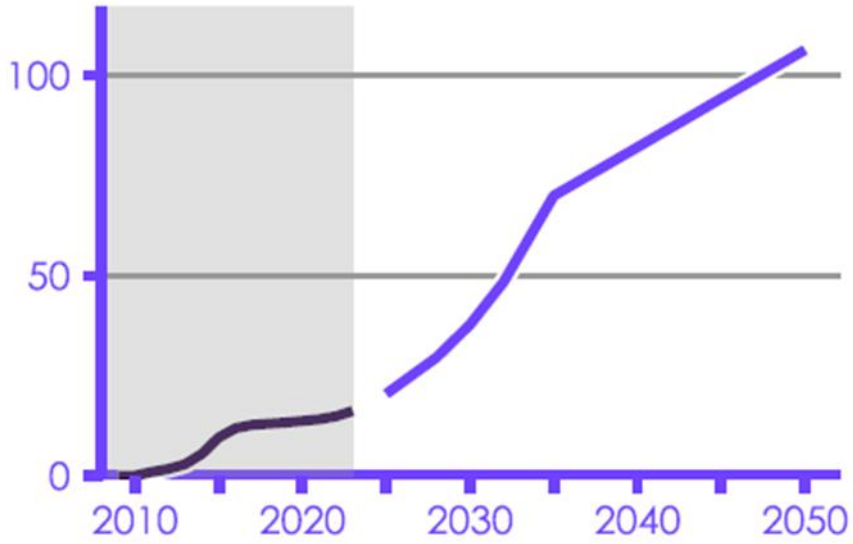
2.3.11 It sets out (page 12) that achieving CB7 will mean that UK based renewable energy provides the bulk of generation and this will replace oil and gas across most of the economy. It adds that "*this requires twice as much electricity as today by 2040*".

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". **Figure 2.1** shows this as almost 100 GW[5].

Figure 2.1: Solar PV Operational Capacity (GW) in CCC 'Balanced Pathway'



[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.

[5] Seventh Carbon Budget (2025) page 109.

The UK Energy White Paper (December 2020)

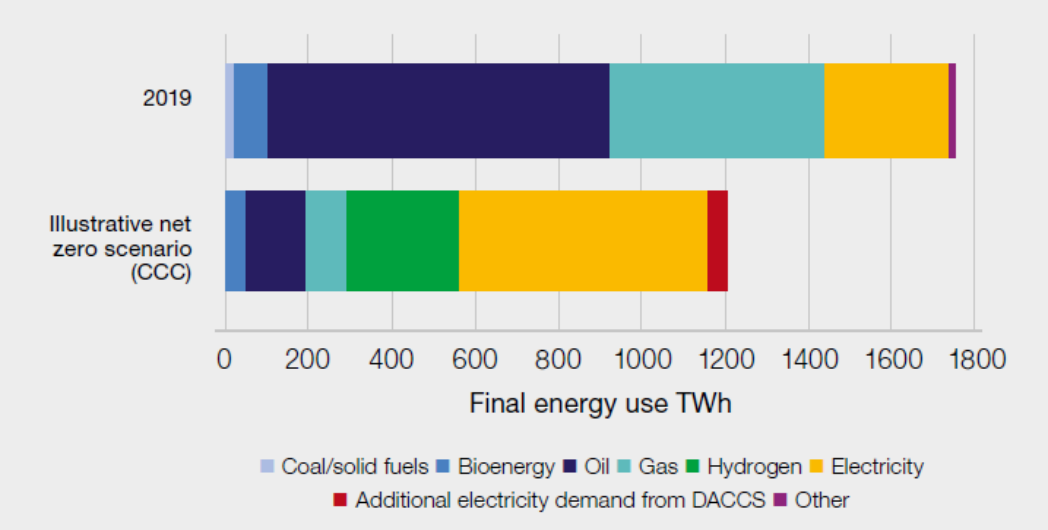
2.3.15 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020 represents a sea change in UK policy and highlights the importance of renewable electricity.

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**.

Figure 2.1: Illustrative UK Final Energy Use in 2050[6]



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

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

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.

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 UK Government change at Westminster in 2024 resulting in a Labour administration for the UK is of relevance in terms of the new UK Government policy approach to Net Zero. It is

clear that the Labour administration is seeking to accelerate the pace of renewable development to achieve Net Zero.

2.3.38 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):

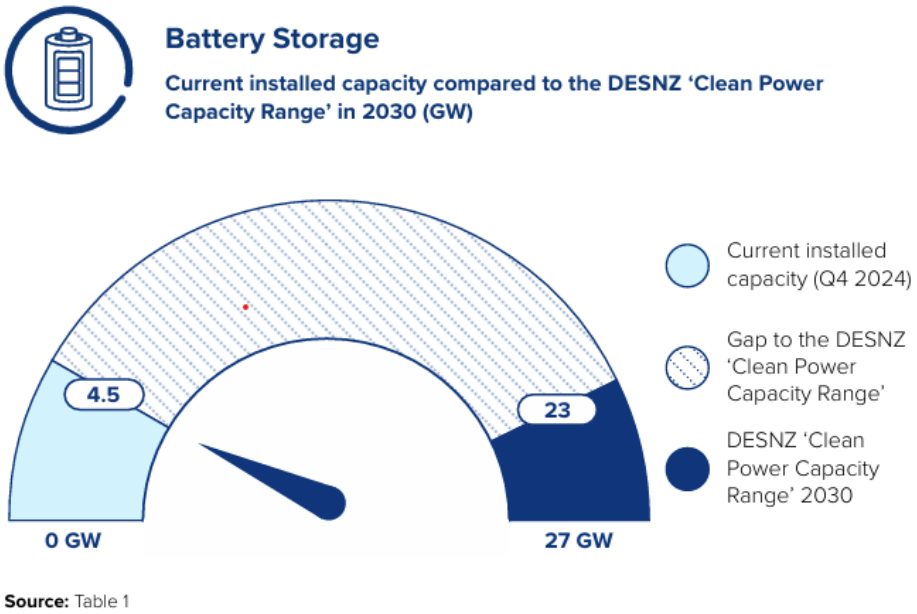
"*clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and 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)



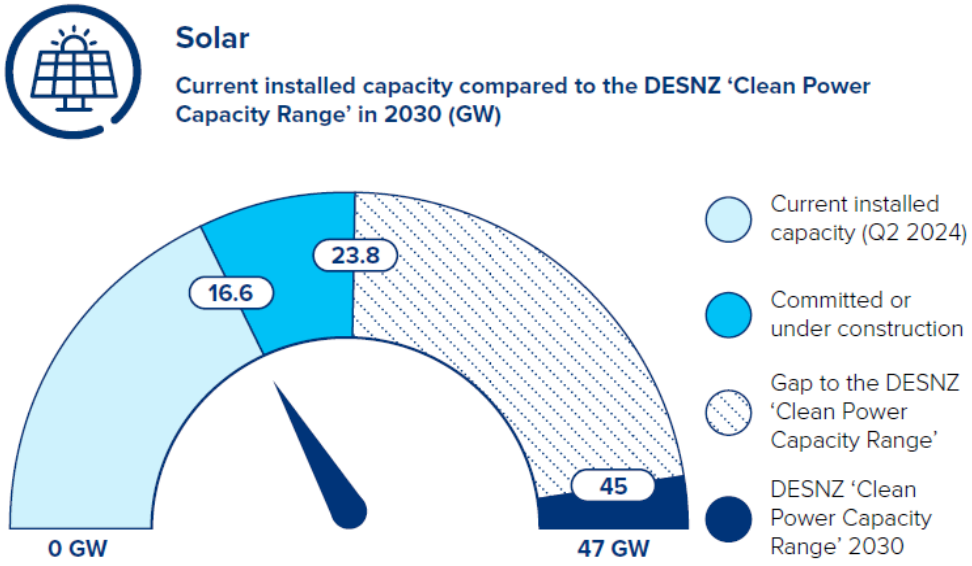
Source: Table 1

2.3.44 Currently there is 4.5 GW of battery storage in Great Britain 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)



The UK Solar Roadmap (June 2025)

2.3.46 DESNZ published the Solar Roadmap 'United Kingdom powered by Solar' in June 2025 (APP 4.5). The Ministerial Foreword by the Secretary of State for Energy, Security and Net Zero states:

"Solar is at the heart of our mission to make the United Kingdom a clean energy superpower. It is one of the cheapest and quickest to build power sources we have. And every solar panel we install helps us to take back control of our energy supply – protecting families, businesses, and the public finances from the rollercoaster of fossil fuel markets controlled by petrol states and dictators. That is why in our first weeks in office I reconvened the Solar Taskforce to raise our ambitions for solar."

2.3.47 In addition, the Head of Clean Power 2030 states in the Foreword:

"Solar generation is the best example of a clean technology that can bring substantial bill savings and energy system benefits at multiple scales, from household rooftops to efficient, well-sited installations on the scale of whole power stations. The Clean Power Action Plan seeks 45-47GW of installed solar capacity by 2030, a once in a generation increase. This will only be possible with a mission-focus, industry and Government working in partnership to grow solar at pace, and fundamental reforms to the queue of projects waiting to connect to the grid. This Solar Roadmap, developed through the Solar Taskforce, puts us on the right path.

The Solar Roadmap makes clear the opportunities for the UK solar industry, providing jobs and opportunities throughout the country if we can capture the solar opportunity at all scales.

With our solar objectives now aligned through this roadmap, the momentum behind clean power continues to grow."

2.3.48 The Executive Summary explains that the UK Solar Roadmap presents a comprehensive strategy and a clear plan of action to achieve a significant increase in solar deployment needed to support the delivery of clean power by 2030. It adds (page 6):

- The Clean Power Action Plan calls for the rapid acceleration of solar deployment from over 18 GW at present to 45-47 GW by 2030 and with scope to exceed 47 GW;
- The Roadmap outlines practical actions for industry and Government to overcome the challenges to delivering this ambition within the next five years and is aimed at boosting the UK's energy security and to ramp up solar deployment.

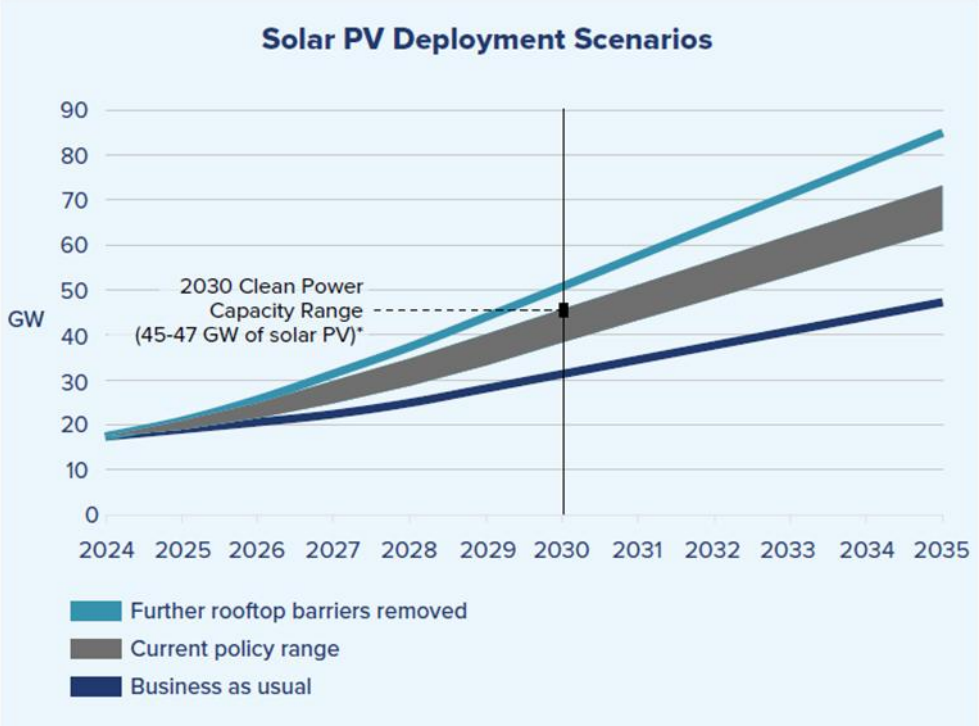
2.3.49 The Roadmap makes reference to the role of devolved Governments and references the Scottish Government's Solar Vision for Scotland as set out in the draft Energy Strategy and Just Transition Plan (January 2023). It states (page 12) that "The Scottish Solar Vision sets actions to reduce barriers and facilitate greater deployment of solar in Scotland."

2.3.50 Part 1 of the Roadmap references the role of solar in making Britain a clean energy superpower. It explains that ramping up deployment is *"crucial for creating new, good quality jobs and promoting stable and consistent economic growth."* (page 15).

2.3.51 It explains that speed of deployment is a huge benefit of solar with construction of a large solar project typically taking less than a year and it makes installing solar *"one of the fastest ways the UK can reduce its dependence on volatile fossil fuel markets."*

2.3.52 Part 1 of the document sets out deployment scenarios and these are set out as plausible and which have been developed to highlight the potential solar deployment relative to the specific 45-47 GW ambition that is set out in the Clean Power Action Plan.

Figure 2.4 below shows the illustrative solar deployment scenarios from 2024 to 2035 for Great Britain in terms of gigawatt capacity.



2.3.53 The current policy range scenario seeks to achieve by 2030 deployment consistent with the Clean Power Action Plan (namely 45-47 GW) and up to 75 GW by 2035.

2.3.54 At page 19, the Roadmap acknowledges that there will be questions about the effect of land use change and in relation to agricultural land, makes reference to the applicable policies of the devolved administrations within the UK. It states (page 20) that solar sites typically cause minimal disturbance to the ground and that the remainder of the land on which they are installed can be used for plant growth as well as nature conservation enhancement during the lifetime of a solar development. It adds that solar and farming in combination, can provide financial opportunities and benefits for land through diversification. It adds that there can be continued livestock grazing.

2.3.55 A key point is that it states that the Government's position is *"We do not believe that increased solar deployment poses a threat to food security."* (page 21) This is a very important material consideration. As highlighted in the Roadmap, *"The biggest risk to food security and the natural environment is the climate and nature crisis."*

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 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.

2.4.9 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*."

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

2.4.10 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.

2.4.11 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 progress the Government's objectives with regard to renewable energy that there needs to be clear support for new investment and growth in solar and battery development. Realising the economic and social opportunities will only be achieved through the development and consenting of additional developments. Such deployment will not only be critical towards achieving the Net Zero target, given the important contribution that solar generation will make in that regard but will also help deliver the Government's clear green infrastructure mission.

2.7 CCC Report, Scotland's Carbon Budgets, Advice for the Scottish Government (May 2025)

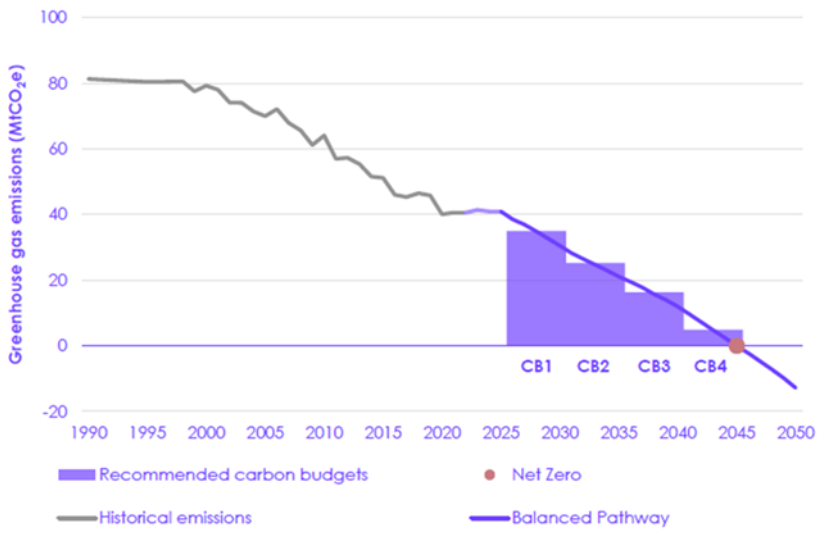
2.7.1 The CCC Report, Scotland's Carbon Budgets sets out the CCC's advice on the level of Scotland's four proposed carbon budgets, covering the period 2026 to 2045. It recommends that the Scottish Government sets its carbon budgets, at annual average levels of emissions that are:

- 57% lower than 1990 levels for the First Carbon Budget (2026 to 2030);
- 69% lower than 1990 levels for the Second Carbon Budget (2031 to 2035);
- 80% lower than 1990 levels for the Third Carbon Budget (2036 to 2040); and
- 94% lower than 1990 levels for the Fourth Carbon Budget (2041 to 2045).

2.7.2 The report sets out that the CCC's advice *"shows that the proposed carbon budgets are deliverable and Scotland can achieve its 2045 Net Zero target."* (page 8)

2.7.3 The recommended carbon budgets are illustrated in Figure 3.5 below.

Figure 2.5: CCC Recommended Carbon Budgets for Scotland



2.7.4 It states that getting to net zero by 2045 will require immediate action, at pace and scale and adds that decisions on the exact pathway and policies are for the Scottish Government.

2.7.5 The Report explains that progress to date has largely come from electricity decarbonisation, reflecting Scotland's abundant renewable resources. It goes on to state (page 9) that:

"Action will increasingly be required in predominantly devolved policy areas to hit the Net Zero 2045 target and the proposed carbon budgets. Now that the framework for climate action has been reset, the Scottish Government has the opportunity to use its powers to match its ambitions with action."

2.7.6 The Report identifies priority actions, which over the period of the first two carbon budgets will be the remaining decarbonisation of electricity generation as well as further electrification of key technologies, particularly the roll-out of EVs and heat pumps.

2.7.7 The Report identifies the sources of future emissions reductions and notes that in the next decade, over the next two carbon budgets, they are predominantly met from electrification of key technologies across the economy and measures to reduce demand for high-carbon activities.

2.7.8 Specifically in relation to electricity and low carbon supply the Executive Summary explains (page 12) that in the Balanced Pathway set out by the CCC:

"the capacity of variable renewables in Scotland (including offshore and onshore wind and solar) more than triples from 15 GW in 2023 to 49 GW by 2035, increasing to 66 GW by 2045. This provides 98% of electricity generation in Scotland in 2035 and caters for increasing demand in Scotland and the rest of Great Britain (GB). Grid storage, use of storable fuels on the GB-wide network, and smart demand flexibility ensure a reliable supply of electricity even in adverse weather years. These technologies need to be accompanied by rapidly expanding the transmission grid, upgrading the distribution network, and speeding up the grid connection process. To deliver clean electricity, the planning process to approve large electricity infrastructure projects in Scotland needs to be urgently improved."

2.7.9 Scotland currently has approximately 17.7 GW[7] of renewables operating capacity, a 4.3% increase compared to 17.0 GW at the end of the second quarter of 2024, therefore, to achieve the Balanced Pathway figure of 66 GW by 2045 will require an additional 48.3 GW to

[7] Scottish Government (September 2025) Energy Statistics for Scotland – Q2 2025

be deployed. This would equate to approximately 2.4 GW of operating capacity coming online each year over the next 20 years.

2.7.10 Following the CCC's recommendations, the Climate Change (Scotland) Act 2009 (Scottish Carbon Budgets) Amendment Regulations 2025 ('2025 Regulations') came into force on the 10th October 2025. These Regulations reinforce the Scottish Government's commitment to achieving the climate targets. The 2025 Regulations amend the 2009 Act to include the Scottish carbon budgets for the five-year periods of 2026 to 2030, 2031 to 2035, 2036 to 2040 and 2041 to 2045 and align with the recommendations of the CCC in May.

2.7.11 The Scottish Government published and are now consulting on a new draft Climate Change Plan (November 2025) outlining the specific actions required to reduce emissions so as to meet each of the first three carbon budget targets, as well as setting out the associated costs and benefits.

2.7.12 Scotland's Cabinet Secretary for Climate Action and Energy Gillian Martin said in a statement to Parliament on 8 October 2025[8]:

"This Government's commitment to tackling the climate emergency remains unwavering, and enshrining carbon budgets in legislation is a crucial step towards our net zero goal…It remains our intention to publish a draft climate change plan in the autumn, to allow sufficient time for the final version to be published before the end of this session of Parliament".

2.7.13 The draft Climate Change Plan was published on the 6th November 2025 and is an important tool in policy terms to set the direction of travel on how this will be achieved in practice within each of the key sectors.

2.8 Scotland's Climate Change Plan

2.8.1 The Scottish Government published 'Scotland's Climate Change Plan – 2026-2040' ('draft CCP') on 6th November 2025. The Plan covers the period 2026 to 2040 and aligns with three five-year "carbon budget" periods: 2026-30, 2031-35 and 2036-40. The draft CCP sets out the policies and proposals the Scottish Government will take forward to enable the carbon budgets set out in legislation to be met. The carbon budgets have been set in line with the levels proposed by the CCC in May 2025, referred to above, and provide a clear pathway towards Scotland achieving net zero by 2045.

2.8.2 The draft CCP confirms that Scotland remains committed to achieving net zero GHG emissions by 2045 at the latest and that as of 2023, Scotland had reduced emissions by 51.3% since 1990 — the largest reduction in the UK.

2.8.3 The Plan notes that the key driver of the transition to date has been the transformation in the way energy is generated - from coal and gas to a thriving renewables sector. In 2023, 70% of electricity generated in Scotland was from renewable sources.

2.8.4 It acknowledges the opportunity the transition to net zero provides in terms of growing the economy noting that the net zero transition can support significant economic opportunities for Scotland.

2.8.5 The Plan sets out average reductions in GHG emissions (compared to 1990 baseline) for each five-year period:

- 57% lower than baseline levels for 2026-2030,
- 69% lower than baseline levels for 2031-2035,
- 80% lower than baseline levels for 2036-2040, and

[8] https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-08-10-2025?meeting=16625&iob=141948

- 94% lower than baseline levels for 2041-2045.

2.8.6 These budgets provide a "pathway" toward net zero by 2045, and the Plan is designed to ensure policies are in place to meet them.

2.8.7 The draft CCP sets out sectoral policies relating to a range of sectors, which are prescribed in legislation including energy supply; agriculture; and transport, amongst others. Key policies and actions have been set out for each sector to meet the carbon budgets. The draft CCP outlines the emissions pathway for each sector covered by the plan, some of the key actions which will be taken to achieve it and the economic opportunities and benefits this action will support.

2.8.8 Annex 2 of the draft CCP contains the Sectoral Annexes which support the draft CCP. Energy supply is one of the key areas of focus. At page 70, the document sets out the vision for Scotland stating that:

"By 2035, we will have expanded our renewable capacity significantly to meet the increasing demand as other sectors decarbonise. We already have an ambition to have delivered 20GW of onshore wind by 2030 and we have consulted on a proposed updated ambition for the development of up to 40GW of new offshore wind by 2040."

2.8.9 It continues that as we transition to net zero and reduce reliance on fossil fuel generation *"energy storage will play a larger role in ensuring a secure and resilient electricity system by providing a reliable and flexible electricity supply."* (page 79)

2.8.10 One of the actions identified to achieve the vision of emissions reduction for the energy generation sector means *"moving to an electricity system in which the residual amount of unabated gas is displaced by low carbon and renewable sources. To deliver this target, whilst ensuring a safe and secure supply,* ***we must grow our renewables capacity****, including from offshore and onshore wind****, and solar****."* (Page 83, Annex 2) (emphasis added)

2.8.11 The publication of the CCP demonstrates the continued commitment required and needs case for delivering additional renewable energy capacity to achieve net zero.

2.8.12 The draft CCP is currently out for consultation until 29 January 2026. Scottish Parliament committees also have until 5 March to scrutinise and report on the aspects of the Plan which fall under their remit.

2.8.13 The Scottish Government has committed to publishing its final Climate Change Plan before the dissolution of Parliament for the 2026 election.

2.9 Conclusions on the Renewable Energy Policy & Legislative Framework

2.9.1 The Applicant's position is that the Proposed Development is strongly supported by the current renewable energy policy and legislative framework.

2.9.2 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.

2.9.3 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.

2.9.4 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.

2.9.5 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.

2.9.6 The need case overall is founded upon the contribution that the Proposed Development can make to these important policy aims, namely:

- Net zero and the importance of deploying zero carbon generation assets at scale; and
- Security of supply (geographically and also by way of technologically diverse supplies).

2.9.7 In short, greater capacities of low carbon generation can be integrated into the GB grid system by deploying technologies such as Solar PV.

2.9.8 Solar PV is referenced in all of the key UK and Scottish Government energy policy documents referenced above.

2.9.9 In addition, the document '**Scotland's Fair Share – Solar's role in achieving net zero in Scotland'**[9] 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.

2.9.10 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*".

2.9.11 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.

2.9.12 The proposal will generate renewable energy by way of solar PV, and support security of supply. 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.

2.9.13 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.

2.9.14 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

[9] Solar Energy Scotland (2023) Scotland's Fair Share: Solar's role in achieving net-zero in Scotland

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.

2.9.15 It must follow that the needs 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.

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

3.2 Development Management

3.2.1 NPF4 forms part of the statutory Development Plan. Section 25 of the 1997 Act requires that decisions on planning applications are made in accordance with the adopted Development Plan, unless material considerations determine otherwise.

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

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

3.2.3 The publication of NPF4 also has the effect that all Strategic Development Plans ceased to have effect. Therefore, the statutory Development Plan covering the application site consists of NPF4 and the West Lothian Local Development Plan (adopted 4th September 2018) (WLLDP).

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 WLLDP was adopted in September 2018, a significant period of time prior to NPF4 coming into force. The Council adoption statement confirms that the WLLDP 2018 was written to accord with the National Planning Framework 3, and to be consistent with the Strategic Development Plan for Edinburgh and South East Scotland. The Council are in the process of preparing the next LDP on a timetable that will see its adoption in May 2027, under the new Planning legislation and LDP arrangements.

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, most importantly 'Renewables and Low Carbon Energy Development (excluding Wind Energy)', adopted 15th July 2021. 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[10]. 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[11] (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*."

[10] 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'.

[11] 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.

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[12].

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

- 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";
- 'Liveable Places': "where we can all live better, healthier lives"; and
- 'Productive places': "where we have a greener, fairer and more inclusive wellbeing economy".

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

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

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;

(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 Although the Proposed Development is not National Development it is nevertheless important for the delivery of the national Spatial Strategy, contributing substantive renewable energy (40 MW export capacity of solar and 9 MW export capacity of BESS) 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 contribute to stability and security of supply, 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 Solar is recognised as a key contributor to the overall mix of renewable energy projects to meet electricity heat and transport needs within the Scottish Governments Renewable and Low Carbon Energy Policy.

3.7.10 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."

3.7.11 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.

3.7.12 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 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.

3.8.10 Local landscape effects have been assessed within the Landscape and Visual Impact Assessment ('LVIA') submitted as part of the EIA Report (Chapter 6). 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, greater than those with a localised effect, 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 6 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, 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 has assessed the impact of the Proposed Development on residential receptors within proximity to the site. The most notable effects would be limited to receptors within close proximity to the Site with significant effects predicted for residents at Nos. 29 and 31 Newlands to the south-east, Leyden Farm Cottages (nos. 1, 2, 3, & 4) to the west, and Burnbrae to the north. The Applicant has worked hard to reduce the impact on the nearest residential properties and has introduced landscape planting as mitigation. The level of effect would steadily reduce over time in accordance with the establishment of the proposed planting measures within the Site. The residual effects on views would reduce to moderate, not significant. There would be no significant effects on any other residential property within the 3 km Study Area.

Noise and Shadow Flicker and Glint and Glare

3.8.14 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.

3.8.15 A baseline noise survey was conducted at three noise monitoring positions ('NMPs') to characterise the noise environments at nearby noise sensitive receptors ('NSR'). This determined that the baseline noise environment is generally quiet.

3.8.16 Operational noise from the Proposed Development has been predicted and is found, in the worst-case operational noise scenario level at NSRs, to be below the representative daytime background and therefore not significant. Operational noise from the Proposed Development is less than 5 dB above the representative night-time background level, and therefore noise impacts are not significant.

3.8.17 No additional mitigation is required as a result of these findings.

3.8.18 Shadow flicker is not a relevant consideration.

3.8.19 Glint and Glare has been assessed, and the details are presented as a Technical Appendix to the EIA Report. The assessment considers the effects of glint and glare arising from the proposed solar farm on receptors around the Proposed Development. The assessment identified low potential impacts on fixed receptors, transport routes and air receptors. Of the 60 assessed fixed ground receptors, only seven are expected to experience low-intensity (green) glare with no health or safety implications. The same applies for transport routes. For air based receptors, the assessment indicates green glare during evening hours of March to May and mid-July to mid-October. In addition to existing and proposed screenings, there are several existing screenings which would restrict these impacts but have not been included in the simulation, thus indicating that impacts are overstated and unlikely to cause any significant impacts.

3.8.20 Glint and glare assessment results are based on conservative assumptions and real world impacts are expected to be lower or negligible. With the proposed screening measures, residual glare effects are expected to be minimal.

Landscape and Visual Considerations

3.8.21 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.

Designated Landscapes

3.8.22 The Site is not located within any landscape designations however the wider study area encompasses three Special Landscape Areas (SLA):

- Pentland Hills SLA, 300 m to the south;
- Almond & Linhouse Valleys SLA, 1.5 km to the north-west; and
- Ratho Hills SLA, 3 km to the north of the Site.

3.8.23 There are no residual significant adverse effects predicted, after mitigation screening and site management, on designated landscapes during construction or operation as a result of the Proposed Development.

Landscape Character

3.8.24 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.

3.8.25 The Site is located predominantly within the Lowland Plains LCT. The mosaic of the LCT is influenced by parcels of woodland, both evergreen plantation and deciduous. The framework of medium to large-scale fields is regularly broken by geometric strips of established shelterbelt planting. The local effects of this is to limit long-distance views across the plain, as well as further afield from surrounding LCTs. The construction stage effects would be contained within the framework of existing fields which comprise the Site. The nature of the LCT with the stances of woodland restrict the wider influence of construction activity over the plains landscape. Moderate adverse effects predominantly within 1 km, and therefore localised, to the east west and north of the Site are predicted.

3.8.26 During operation, landscape mitigation including planting of hedgerow and trees and other landscape measures and management practises would limit the overall effects. The magnitude of change locally is assessed as moderate at a site-specific scale, but not notable in terms of the wider fabric of the Lowland Plain LCT. At a local level, predominantly from elevated positions to the North, the transition of the agricultural component of the LCT, to solar and BESS infrastructure would result in a change to local character. The magnitude of change is assessed as Moderate, and the level of effect on local parts of the Lowland Plains LCT would be Moderate, Adverse and significant. Across the wider LCT, the effects would be tempered by intervening landform and vegetation. As such, the magnitude of change is assessed as Slight, with a Moderate/Minor level of effect and not significant. With the establishment of mitigation planting over time, a gradual reduction in effects across the LCT would be achieved.

Visual Effects

3.8.27 As regard effects on visual receptors, activities during construction would be temporary, intermittent and focused across the local areas within 1 km of the Site. This is based on the containing effect of local woodland and shelterbelts within the landscape. Activities would be seen intermittently from surrounding upland areas, but at further distance. As a result, the effects (including indirect effects) would be predominantly localised (within 1 km).

3.8.28 On balance, the visual magnitude of change during construction would be predominantly local and deemed Moderate. Local effect on nearby identified visual receptors would be Moderate, Adverse and significant. Regionally visual effects during construction would be not significant. All construction effects are assessed as short-term and temporary.

3.8.29 Operational visual effects would be restricted through the Site location, which is spatially separated from residential settlements, and partly contained by surrounding woodland and tree cover. As noted above, the most notable effects would be experienced by residents at Nos. 29 and 31 Newlands to the south-east, Leyden Farm Cottages (nos. 1, 2, 3, & 4) to the west, and Burnbrae to the north. The effects would steadily reduce over time in accordance with the establishment of proposed planting measures within the Site.

3.8.30 There would be no significant adverse effects on views from recreational paths, cycleways, or attractions, or from main transport routes. The clearest views would be experienced from Leyden Road in close proximity to the Site, most notably when travelling south in the vicinity of Selm Muir Wood, where effects would be significant.

3.8.31 The visual effects predicted would be localised in nature with effects being restricted due to local screening and landscape topography.

Cumulative Effect

3.8.32 One operational (Ormiston Farm) and one consented (Selms Muir) solar schemes are located within 1 km of the site boundaries to the north and northwest respectively. Cumulative effects on the Lowlands Plain LCT are assessed as Moderate, adverse and significant on a localised basis. Wider effects are assessed as not significant.

3.8.33 Cumulative visual effects have been assessed as not significant in light of the visual separation from each of the other projects due to the landscape character and existing and proposed planting. There are no notable vantage points where the Proposed Development would be seen in views with the other projects.

3.8.34 There are no significant adverse effects arising cumulatively from transitional views – from Leyden Road. Cumulative effects from upland vantage points, such as Kaimes Hill have been assessed and the cumulative level of effect on overall visual amenity is assessed as Moderate/Minor and not adverse or significant. The Proposed Development is assessed as being of a suitable scale, with sufficient visual separate distance from the other developments within the landscape. The existing cumulative baseline is deemed suitable to accommodate these developments without significantly altering visual character or perception.

Public Access

3.8.35 No PRoWs will be stopped up or diverted (temporarily or permanently).

3.8.36 The Site is in agricultural use, and 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

3.8.37 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 significant effects are identified on aviation or defence interests.

Impacts on Road Traffic and Trunk Roads

3.8.38 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.

3.8.39 The Transport Statement concludes that suitable accesses can be provided from Leyden Road and there are several existing passing opportunities on Leyden Road to accommodate traffic movements. Construction is expected to last up to 8-12 months and generate, at most, 80 vehicle movements per working day. The additional movements are unlikely to cause any noticeable effects on use of the Leyden Road, but Heavy Goods Vehicles (HGV) departures from the Site would be managed to reduce the risk of two opposing direction HGVs meeting on Leyden Road.

3.8.40 During operation, only occasional maintenance and inspection vehicles movements would be associated with the site.

Historic Environment

3.8.41 The Historic Environment Desk Based Assessment (HEDBA) (Technical Appendix to the EIA Report) considers the environmental effects of the Proposed Development on Cultural Heritage.

3.8.42 Three archaeological assets were identified within the Site, with two of those being identified from historic mapping. Three non-designated heritage assets that may be susceptible to

direct impact as a result of groundbreaking works were also identified within the desk-based assessment. The potential direct impacts on Newlands Farmstead (50323) have been mitigated by applying a design buffer of 30 m where no groundbreaking works will take place, as such no direct impacts are anticipated. The other assets – remains of a sandstone quarry and gravel pit are assessed as being of negligible archaeological value and impacts to any remains that survive would be acceptable against policy.

3.8.43 The assessment undertaken also considered the potential for significant adverse effects on setting of any designated and / or regionally significant heritage assets, which would affect cultural heritage significance. The assessment demonstrated that no such effects would result from the Proposed Development, including in relation to Kaimes Hill, for (SM1172).

3.8.44 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

3.8.45 The Flood Risk Assessment and Drainage Impact Assessment (FRDA) (Technical Appendix to the EIA Report) considers the effects of the Proposed Development on the flood risk and outline drainage aspects associated with the Proposed Development. There are no issues arising which give rise to effects of significance such that the Proposed Development cannot be consented. A detailed assessments against NPF4 Policy 22 Flood Risk is provided below.

3.8.46 A Drainage Impact Assessment (DIA) has been prepared and sets out high-level principles for managing storm water for the Proposed Development, specifically the proposed BESS. The DIA demonstrates in line with best practice that given the nature and quantum of development proposed, it will be feasible to drain the development in line with planning requirements. The drainage design will be developed further as part of the detailed design stage of the Proposed Development, and it is anticipated that full requirements will be secured by a planning condition.

Ecology / Ornithology

3.8.47 Chapter 5 of the EIA Report considers the potential significant effects on the ecological, ornithological and nature conservation interests arising from the Proposed Development.

3.8.48 Statutory and non-statutory sites for nature conservation are present within 10 km of the Proposed Development and 20 km in the context of Special Protection Areas (SPAs) with geese and/or swan populations. This includes potential connectivity of foraging resources associated with Westwater and Firth of Forth SPA/Ramsar site, LBS and AWI woodland.

3.8.49 Evidence of protected species was recorded across the Study Area, including badger, bats, otter, hare and breeding birds. There is also suitable habitat on site for herptiles and wintering birds.

3.8.50 The Proposed Development has been designed to avoid and minimise impacts on important habitats and protected species where practicable. This has been achieved through an iterative design process and commitment to embedded mitigation. This process is combined with further commitments to the implementation of mitigation measures both prior to construction and throughout the construction period to provide further protection.

3.8.51 A detailed assessment of the potential impacts on the qualifying features (pink footed geese) of the Westwater and Firth of Forth SPA / Ramsar sites has been undertaken in a Shadow Habitats Regulations Appraisal (HRA). This is required due to the arable land offering potential for foraging habitat.

3.8.52 The detailed assessment found that no mitigation measures are required as there is no risk of undermining the conservation objectives of any qualifying interest of any European/ Ramsar sites.

3.8.53 The impact assessment concluded that following mitigation, guided by the development of Species Protection Plans (SPPs) and CEMP there will be no residual effects arising from the Proposed Development in isolation, or in combination, with other proposals or projects. An Outline Biodiversity Enhancement Management Plan (OBEMP) has also been prepared to deliver biodiversity enhancement. Enhancements proposed will bring beneficial effects for habitat creation and enhancement to improve flora and a range of fauna including bats, bird assemblage, reptiles and amphibians, otter and badger.

Impacts on Trees and Woodlands

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

3.8.55 No tree felling is proposed within the Site.

Balancing the Contribution of a Development and Conclusions on Policy 11

3.8.56 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.

3.8.57 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.

3.8.58 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.

3.8.59 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.

3.8.60 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 43,000 MWh/pa, which would provide enough electricity to power approximately 13,000 average Scottish households.

3.8.61 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 OBEMP. 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. Detailed monitoring and management prescriptions will be included in the final BEMP to ensure the measures outline are maintained and successful. All monitoring would be undertaken by suitably qualified and experienced ecologists.

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 No international designations are located within or in close proximity to the Proposed Development Site.

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 would be expected. No local landscape designations are affected by the Proposed Development. Furthermore, no significant effects are predicted on the three SLAs located in proximity to the Proposed Development.

3.10.14 Protected species have been considered and no significant adverse effects are predicted. A sHRA has been carried out for the Firth of Forth SPA and Ramsar and no effect on integrity are predicted.

3.10.15 The Proposed Development is considered to be in accordance with Policy 4.

3.11 NPF4 Policy 5: Soils

3.11.1 In terms of soils, **Policy 5** states at part (a) that development proposals will only be supported if they are designed and constructed by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and in a manner the protects soil from damage.

3.11.2 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 The Scottish 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.

3.11.7 The Proposed Development is located on non-prime agricultural land and it is considered that the removal of the site from intensive cropping cycles / grazing to accommodate the Proposed Development will result in beneficial change to soil quality and productivity at the end of the 40 year lifespan.

3.11.8 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".*

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

3.11.10 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.

3.11.11 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 An arboricultural assessment has been carried out to assess the potential impact of the Proposed Development on an existing strip of trees that runs NW-SE for approximately 600 m and is bounded on the wester elevation by Leyden Road with agricultural fields to the North, East and South aspects. Historically, the woodland strip is classed as LEPO approximating to 1850. It can be estimated that the current plantation is a second or potentially third rotation crop. It has been assessed that the trees are reaching the end of their rotation. The potential impacts from the Proposed Development relate to the proposed access road, and where possible the design has sought to retain trees and no direct impacts are predicted. Tree protection measures during construction are proposed as appropriate. There is no requirement for compensatory planting.

3.12.3 Additional tree and hedgerow planting and management are proposed as part of the landscape and biodiversity proposals which will deliver a beneficial effect for the site and nature on and around 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, birds, amphibians 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 The Site is located within the surface water catchment of the Gogar Burn, which is part of the larger River Almond catchment.

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 The Site is located within the surface water catchment of the Gogar Burn, which is part of the larger River Almond catchment. SEPA mapping indicated that there are no fluvial flood extents within 500 m of the Proposed Development up to the 0.5 AEUP event plus climate change. The closest fluvial flood extent is within the Gogar Burn approximately 600 m north of the Proposed Development.

3.14.4 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.

3.14.5 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.

3.14.6 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 FRDA.

3.14.7 It is considered that all risks of flooding are understood and addressed in line with NPF4 policy. The SEPA surface water mapping indicates some areas of flooding up to 300 mm in isolated areas of the Site. The panels will be elevated on plinths a minimum of 1 m from ground levels and therefore would have a minimum 700 mm freeboard, greater than SEPA 600 mm requirement. Screening indicates that the BESS development is not at flood risk from any source.

3.14.8 The Proposed Development is not located within the functional fluvial floodplain and as such will not reduce the floodplain capacity nor increase the flood risk to others from this source. There is no requirement therefore for compensatory storage. The BESS will require additional impermeable areas which could, without mitigation, increase surface water runoff rates and volumes downstream. An outline SuDS design has been competed to reduce and manage runoff.

3.14.9 The SEPA mapping shallow surface water flooding identified along the proposed BESS access tracks is considered to be minor in area and depth and is not considered significant.

When operational the Proposed Development will be generally unmanned and risk to staff during flooding is therefore minimised.

3.14.10 Policy requires flood resistant and resilient material and construction methods to be used in potential flood areas. The BESS is indicated to be flood-free for the design event plus climate change and as such materials and specific flood related design are not required. The solar panels are inherently flood resilient given their raised position from ground levels and have over 700 mm freeboard from any surface water flooding in line with guidance.

3.14.11 As regards future adaptations to accommodate the effects of climate change, the design takes into account climate change and allows additional freeboard from any flood levels on Site. Additionally, the SUDS design has been sized with reference to the latest climate change allowances and could be adapted in the future as required.

3.14.12 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 and with other relevant NPF4 policies.

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 Moderate adverse effects have been identified in relation to landscape and visual matters at a localised level only. These effects are predicted to be localised and would be experienced at year 1 on completion of the Proposed Development, reducing 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 is considered to be one that would make a valuable contribution to the NPF4 Spatial Strategy and would help deliver a 'sustainable place'. Overall, it is considered that Proposed Development would accord with relevant policies of NPF4, and with NPF4 when read as a whole.

4. Appraisal against the Local Development Plan

4.1 Introduction

4.1.1 The other element of the statutory Development Plan covering the site comprises:

> The West Lothian Local Development Plan (WLLDP), adopted September 2018.

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

> SG 'Renewables and Low Carbon Energy Development' (excluding Wind Energy), Adopted July 2021.

4.1.3 SG 'Development in the Countryside' specifically states that is does not apply to renewable energy and relevant WLLDP policies. SG's pertaining to noise and flooding (separately) are also adopted, and these have been considered appropriately within technical assessments and reported accordingly within the supporting information.

4.1.4 The WLLDP was prepared and adopted prior to NPF4 coming into force and as such reflects the provisions of NPF3 and Scottish Planning Policy ('SPP'), both now superseded. Where conflicts or contradictions exists between the LDP and NPF4, or where LDP is silent, the provisions of NPF4 prevail.

4.1.5 Relevant policies from the LDP are referenced below in Table 4.1. This Chapter does not present a detailed assessment of the Proposed Development as that has been covered in Chapter 3 against the policy provisions of NPF4. An assessment of key policy and consideration of areas of conflict or contradictions with NPF4 is provided.

4.2 WLLDP Policies

4.2.1 WLLDP Policy NRG1 'Climate Change and Sustainability' prioritises the reduction of greenhouse gas emissions through a wide range of measures designed to ensure all new development is designed to address climate change and / or provides appropriate mitigation to contribute positively to Scottish Government renewable energy targets and assisting in the move to net zero.

4.2.2 A series of strategic principles are set. Key principles include promoting and supporting sustainable land uses, integrating sustainable transport with new development, addressing sustainable energy approaches and designing in sustainable energy to new development. The policy sets a clear direction of travel for the LDP in terms of support for addressing climate change within development, however it does not address the promotion of renewable energy proposals as separate entities.

Policy NRG4 'Other Renewable Technologies'

4.2.3 Policy NRG4 'Other Renewable Energy Technologies' is the key or 'lead' WLLDP policy for the assessment of the Proposed Development. The policy states:

"The Council supports the development of other renewable energy schemes in principle provided that:

a. The proposal is environmentally acceptable;

b. The proposal accords with other policies set out in the Local Development Plan, specifically ENV1, ENV5, ENV11 and EMG1 relating to landscape character, carbon rich soils and the water environment; and

c. There would be no significant impacts on the natural and historic environment or on local communities.

The Council will have particular regard to the precautionary principle when assessing renewable energy technology proposals where assets of national or international importance are located. Further supplementary guidance will be prepared".

4.2.4 Policy NRG4 is incompatible with NPF4 Policy 11 and other associated policies within NPF4 insofar as it does not contain a provision to allow for the consideration of benefits (balancing mechanism). Moreover, it requires that there be no significant impacts. The weight to be given to the delivery of renewable energy development proposals, which contribute towards net zero is not recognised within the WLLDP, whereas there is a specific direction as to the weight to be afforded to a development within NPF4 Policy 11 (Energy) in terms of the contribution to targets. NPF4 Policy 11 therefore prevails in terms of the necessary development management assessment for the Proposed Development.

4.2.5 The SG 'Renewables and Low Carbon Energy Development' (excluding Wind Energy), Adopted July 2021 provides more detail as to the assessment of proposals for renewable energy developments.

4.2.6 As regards solar PV, a summary of key SG statements and provisions is provided below:

- WLC supports decarbonisation and the movements towards a low carbon future through supporting green energy, renewable energy technologies.
- Recognises that solar farms represent time-limited, reversible land use and can provide an increased, diversified and reliable source of income to landowners.
- The challenge for the planning system is to do whatever it can to support and encourage renewable energy developments in the most appropriate locations and with minimal environmental and visual impact.
- Provides that NRG4 is *"broadly supportive of proposals for renewable energy schemes provided that there are no unacceptable significant adverse impacts of effects which cannot be satisfactorily mitigated on the built, historic and natural environment or on local communities"* (page 13).
- Relies on the SPP presumption to continue protection of prime agricultural land, albeit exception for renewables can be made subject to justification being provided within applications. This approach is now superseded by NPF4. SG does recognise that solar farm development can still provide some benefit to agriculture as low level grazing and as such retains agricultural productivity subject to ecological advice and recommendations for good practice and biodiversity.
- Recognises the potential for glint and glare effects on aviation from solar development and requires assessments thereof.
- As regards communities, requires pre-application consultation and engagement and promotes use of community benefit funds (out with the planning process) / recognises benefits of physically attaching the local community to a new renewable energy scheme via supply or investment opportunities. Provides further that communities can also benefit from the social and economic benefits that come from retaining the value of energy generation within the local community and potential options for community ownership of renewables as a result, including community sustainability, energy security and alleviation of fuel poverty.
- Provides that proposals should include statements on the contribution to renewable energy generation targets that the development will make including output, number of equivalent households it can power etc.

- Requires consideration of decommissioning to be provided and provides that the council may require financial guarantee via conditions or legal agreement.
- Identifies the need for assessment of impacts of proposals on the natural environment and ecology alongside appropriate design, siting and mitigation to minimise effects. Applications will be required to be accompanied by a Phase 1 Habitat Survey and or a Habitat Management Plan.
- Recognises that solar farm developments present a particular opportunity to enhance habitats and advises on provision for buffer strips between panels and site boundaries of 7-10m to ensure benefit to biodiversity on site, with recommendation that these strips are left uncut for 2 to 3 years to allow habitat to develop (page 19). Consideration of biodiversity impacts is important.
- Provides that *"renewable energy proposals should have no unacceptable significant adverse effects on landscape designations, landscape character and / or visual impact"*. (page 24). This is inconsistent with the LDP Policy NRG4 which does not support developments which would result in any significant impacts.
- Recommends a range of mitigation to avoid adverse impacts on landscape and visual amenity including incorporation of existing landscape features, use of new planting to help screen and reduce visibility and accepts the need to avoid shading to panels. Requires new planting to reflect the existing landscape characteristics.
- Requires retention of public access on core paths and wider access network with appropriate mitigation if required. Highlights the importance of considering visual impact from core paths and strategic routes, within assessments.
- Requires applicants to demonstrate that proposals will not give rise to unacceptable impacts on residential amenity including visual and noise impact on individual residential properties. The guidance re-emphasises that the planning system gives no provision to the right to a view, however, requires that the impact on the amenity of residential dwellings must be considered giving careful consideration to the relationship between the proposed development and the main views associated within nearby dwellings to ensure that no overbearing impact arises.
- Requires that no adverse noise impacts on residential properties will arise via siting noise generating proposals sufficiently distant from residential properties.
- Requires consideration of potential effects on cultural heritage assets.
- Requires consideration of potential effects on the road network during construction and operation of proposals, including consideration of cumulative effects.
- Advise that statements on socio-economic benefit from proposals should be provided within submissions.

4.2.7 It is clear therefore that the LDP and SG have been prepared under the old (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 consistent with the assessment criteria provided within NPF4 Policy 11 (Energy).

4.2.8 The Site does not hold any formal allocation as per the WLLDP Proposals Map. The Site is also not subject to any statutory designations.

4.2.9 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.

Other relevant WLLDP Policies

4.2.10 The other policies of relevance in the WLLDP 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 WLLDP Policy Summaries and consideration against NPF4

WLLDP Policy	Policy Summary	Comment re NPF4
DES 1 – Design Principles	Requires all proposals to take account of and be integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and where appropriate should include enhancement measures to the environment and be of a high-quality design. Proposals which are poorly designed will not be supported. Development proposals will be required to accord with other relevant policies ad proposals in the development plan and supplementary guidance.	Some conflict with NPF4 Policy 11 (Energy) which makes it expressly clear that significant landscape and visual impacts "are to be expected for some forms of renewable energy".
ENV 1 – Character and Special Landscape Areas	Provides that development will not be permitted where it may significantly and adversely affect local landscape character. Where development is acceptable it should respect this landscape character and be compatible in terms of scale, siting and design. Withing the Special Landscape Areas (SLAs) shown on proposal maps, there is a presumption against development which would undermine the landscape and visual qualities for which the areas are designated. Development 'outwith' these areas which would affect its setting from strategic viewpoints will be subject to detailed visual appraisal and will not be supported if it adversely affects the designated areas. Developments which are likely to have significant adverse landscape impact must be accompanied by a landscape and visual impact assessment demonstrating, that with mitigations, a satisfactory landscape fit can be achieved. The Council will seek to protect and enhance landscape character and local landscape designations in accordance with SG Landscape character and local landscape designations. (note this SG is not currently listed as part of WLC policy documents)	Conflicts with NPF4 Policy 4 (Natural Places). NPF4 Policy 4 (Natural Places) provides explicit guidance on proposals that affect sites designated as local landscape areas. It states that developments that give rise to adverse impacts on the integrity and special qualities of a designation can be supported if they are clearly outweighed by social, environmental and economic befits of at least local importance.

WLLDP Policy	Policy Summary	Comment re NPF4
ENV 3 – Other Development in the Countryside	Development will only be permitted where the following guiding principles are taken into account: a. The development is justified for agriculture, horticulture, forestry, countryside recreation of tourism or other rural business use; or b. The proposals provides for the restoration of brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in current conditions; or c. The proposals is for the replacement of a building in the countryside which is of a poor design or in a poor structural condition; or d. The proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing buildings in the countryside; or e. The proposals involves the conversion or rehabilitation of existing rural buildings which the council deems worth of retention because of their architectural or historic merit. Where a proposal makes an exceptional contribution to the appearance of countryside an exception to policy may be justified. Proposals should make best use of resources, integrate with services and facilities and demonstrate the highest standards of design and environmental quality to protect and enhance the established landscape character.	Conflict with NPF4 Policy 11 (Energy) which states that proposals for all forms of renewable development (including solar arrays and energy storage – and co-location of these technologies) will be supported subject to how impacts are addressed and with regard to the contribution to targets of a given development.
ENV 9 – Woodland, Forestry, Trees and Hedgerows	Sets a presumption against development adversely affecting woodlands unless there is a proven locational need and where a sustainable environmental gain through replacement and additional tree planting appropriate to the area is provided and accords with the Scottish Government 'Control of Woodland Removal' Policy (2009) and the Forestry Commission Scotland's policy 'The Right tree in the right place' (2010). Where the removal of woodlands or forestry is sanctioned, the practical implications of removal from the site will require to be considered and	No conflict or contradiction.

WLLDP Policy	Policy Summary	Comment re NPF4
	managed in order to minimise damage to the road networks. The Council recognises that woodlands, hedgerows and individual trees can have significant ecological and biodiversity value and make a substantial contribution to landscape character and quality and that they can also be of economic and recreational value. SPP encourages LDP policies to protect and enhance areas of woodland which are of a high nature conservation and /or landscape character value. As such policy sets a range of criteria including presumption against removal of ancient woodland, removal supported only where it would achieve significant public benefit, only where appropriate environmental mitigations is achieved including compensatory planting, proposals which enhance and manage existing woodland will be supported and encouraged, sets a preference for the use of appropriate local native species in new and replacement planting schemes.	
ENV 17 - Protection of International Nature Conservations Sites	Proposals in or affecting areas classified as existing or candidate site of international importance, or affected the habitats and species listed in the Habitat Directives Annexes I and II and Birds Directive Annex 1 will not be permitted unless it can be ascertained that it will not adversely affect the integrity of a European site or: a. there are no alternative solutions; b. there are imperative reasons of over-riding public interest, including those of a social or economic nature, to allow development; and c. compensatory measures are provided to ensure that the overall coherence of the Natura European Site or Network is provided. Proposals likely to have a significant effect on European Sites will only be approved if it can be ascertained by the council, by means of an Appropriate Assessment, that the integrity of the European site will not be adversely affected.	No conflict or contradiction.
ENV 18 – Protection of National Nature Conservation Sites	Development affecting or within areas classified as sites of national importance including National nature Reserves and Sites of Special Scientific Interest (SSSI) will not be permitted unless it can be satisfactorily	No conflict or contradiction.

WLLDP Policy	Policy Summary	Comment re NPF4
	demonstrated that it will not compromise the objectives or integrity of the designation, taking account of the potential to appropriately mitigate any impacts. Development that would have significant adverse impacts that cannot be mitigated will only be supported where there is an over-riding national public interest that outweighs the designation interest. Proposals for development within such areas will require an appropriate level of environmental or biodiversity assessment.	
ENV 19 – Protection of Local Biodiversity and Local Geodiversity Sites	Presumption against development affecting areas of regional or local natural heritage importance, or their settings, unless it can be clearly shown that the objectives and integrity of the areas will not be compromised or that the social or economic benefits to be gained outweigh the nature conservation interest of the site. In addition, measures are required to show that the conservation interest of a designated areas has been safeguarded, enhanced and sustained insofar as is possible.	No conflict or contradiction. NPF4 sets clear requirement for biodiversity enhancement over and above mitigation.
ENV 20 – Species Protection and Enhancement	Development that would affect a species protected by European or UK law will not be permitted unless; a. there is an overriding public need and there are no satisfactory alternatives; b. a species protection plan has been submitted, based on survey results and detailing the status of the protected species and possible adverse impact of development; c. Suitable mitigation is proposed and agreed; and d. If it is established that European protected species are present, the development is not detrimental to the maintenance of that species at a favourable conservation status.	No conflict or contradiction.
ENV 30 – Historic Gardens and Designed Landscapes	The Council will encourage the sympathetic restoration and management of historic gardens and designated landscapes. There is a presumption against development which would adversely affect the character or setting of sits recorded in	No conflict or contradiction.

WLLDP Policy	Policy Summary	Comment re NPF4
	the Inventory of Gardens and Designed Landscapes in Scotland. Developments which are adjacent to Inventory sites will be assessed carefully as to their potential impact on the site and will have to make a positive contribution to the setting.	
ENV 32 – Archaeology	Development will not be permitted where it would have a significant adverse effect on an identified regionally or locally important archaeological or historic site or its setting unless it can be demonstrated that: a. the proposal has been sited and designed to minimise damage to items or sites of archaeological and historic interest; and b. there is not alternative location for the proposal. Archaeological remains should be preserved in situ wherever possible. Where this is not possible investigations and recording will be required.	No conflict or contradiction.
ENV 33 - Scheduled Monuments	There is a presumption against development which could have an adverse impact on scheduled monuments or the integrity of setting.	No conflict or contradiction.
EMG 2 – Flooding	The Council will adopt a precautionary approach to the flood risk from all sources taking account of the predicted impacts of climate change. Development will not be supported in locations identified as being at medium to high flood risk unless it accords with the flood risk framework set out in SPP, nor, where it would lead to an increase in the probability of flooding elsewhere. SG flooding and drainage is applicable and proposals must apply with the terms of the SG.	No conflict or contradiction.
EMG3 – Sustainable Drainage	Developers may be required to submit a Drainage Impact Assessment Developers will be required to ensure that adequate land to accommodate SuDS is incorporated within development proposals and the design should meet best current practise.	No conflict or contradiction.
EMG 5 – Noise	There is a presumption against developments that are likely to generation significant amounts of noise close to noise sensitive developments such as existing or proposed housing or vice versa.	No conflict or contradiction.

WLLDP Policy	Policy Summary	Comment re NPF4
	The only exceptions will be where it can be demonstrated that through design or mitigation satisfactory internal and external noise levels can be achieved at the noise sensitive development; and through design or mitigation there will be no adverse impact on the continued operation of any existing or proposed business or activity.	

4.3 Planning Guidance

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

- Planning for Nature Development Management & Wildlife (2020);
- The Historic Environment (2021); and
- Soil Management & After Use of Soils on Development Sites (2021).

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 are not repeated with reference to the policies of the WLLDP.

4.4.2 It is considered that the effects arising from the Proposed Development would not be unacceptable in terms of Policy NRG4 or indeed other relevant policies within the WLLDP. Moreover, through considering the other relevant policies, it is considered that the Proposed Development accords with the WLLDP when it is read as whole.

4.4.3 The policy provisions of the WLLDP are based on those of NPF3 and the 2014 SPP. This means, as per the amendments made to the 1997 Act, that given the various incompatibilities identified above, the provisions of NPF4 must prevail.

5. Conclusions

5.1 Conclusions

5.1.1 The answer to the **key questions** set out in in Chapter 1 are:

- The Proposed Development delivers important renewable energy capability to meet national renewable energy and emission reduction targets and would contribute to the attainment of Net Zero.
- The Proposed Development is consistent with the relevant policies of the Development Plan and with the plan when read as a whole.
- The relevant material considerations further support the position that the Proposed Development should be granted planning permission.

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 export capacity in the region of 40 MW solar PV, the Proposed Development would make a valuable 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.
- BESS supports electricity operators to balance supply and demand helping with security of supply and system resilience.

- The development, if consented, would contribute to security of supply for 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 an important 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 OBEMP and as described in response to NPF4 Policy 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 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*"[13]. 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***"[14] (original emphasis) in line with the NPF4.

[13] NPF4, page 2.
[14] 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.

5.3.7 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. This is enhanced by the proposed Landscape Enhancements and Mitigation Plan. 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.

5.3.8 In landscape and visual terms, it is considered that there is scope for the development within the host landscape. The design has developed iteratively in response to surveys and consultation with additional buffers and pull back from residential properties in order to better protect amenity and to protect landscape and visual amenity overall.

5.3.9 On this basis, it is concluded in the LVIA that although some locally moderate, significant effects arise, the overall effects of the Proposed Development are acceptable.

5.3.10 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.

5.3.11 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).

5.3.12 In this case, the Proposed Development will help to deliver the national Spatial Strategy set out in NPF4. The Proposed Development would make a valuable and near-term contribution to help Scotland and the UK attain Net Zero, security of supply and related socio-economic objectives. Specifically, the Proposed Development would contribute to the reduction of emissions to meet 2045 targets and beyond. It is submitted that very substantial weight should be given to this contribution when weighing the need for the development and its limited identified effects within the planning balance.

5.3.13 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 contribution to renewable energy generation and greenhouse gas emissions reduction targets.

5.3.14 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 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.

5.3.15 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.

David Bell Planning Ltd
26 Alva Street
Edinburgh
EH2 4PY

dbplanning.co.uk