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CHARTERED TOWN PLANNERS

Dupplin Solar
Planning Application:

Planning Statement

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trio

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1. Introduction

1.1 Background

1.1.1 This Planning Statement has been prepared by David Bell Planning Ltd ('DBP') on behalf of TRIO Dupplin Solar LLP (hereafter referred to as 'the Applicant') to construct and operate a solar photovoltaic (PV) array with associated infrastructure, (hereafter referred to as 'the Proposed Development') on land (the 'Site') at the Dupplin Estate, approximately 2.7 kilometres ('km') west of Perth, Perth and Kinross. The Proposed Development would have an export capacity of up to 75 megawatts ('MW') solar PV, and a maximum generating capacity of 97.5 MWp.

1.1.2 As the Proposed Development has a generating capacity in excess of 50MW, consent is required from Scottish Ministers under Section 36 of the Electricity Act 1989 ('the 1989 Act'). In addition, a request is being made by the Applicant that planning permission is deemed to be granted under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, as amended ('the 1997 Act').

1.1.3 The application for consent is accompanied by an Environmental Impact Assessment Report ('EIA Report') which presents the findings of an EIA undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations').

1.1.4 The scope of the EIA, rather than being confirmed through a formal Scoping process, has been established by the consideration of the technical topics most likely to give rise to 'significant adverse effects'. From baseline studies and advice from Perth and Kinross Council's pre-application consultation response, the topics for which it is considered significant effects may arise and are therefore 'scoped-in' to the EIA are Landscape and Visual Impact; Ecology and Ornithology; Cultural Heritage and Archaeology; Hydrology, Geology and Hydrogeology. These topics are assessed within Chapters 5, 6, 7 and 8 respectively. For all other technical topics, where it is considered that significant effects are unlikely, technical assessments have been undertaken to demonstrate this. Technical reports are provided as appendices to the EIA Report (Volume 4).

1.1.5 The EIA Report presents information on the identification and assessment of the likely significant environmental effects of the Proposed Development.

1.1.6 This Planning Statement makes various cross references to information contained in the supporting documents submitted in support of the application, including the EIA Report, and presents an assessment of the Proposed Development against relevant policy with due regard given to the provisions of the statutory Development Plan made up of National Planning Framework 4 ('NPF4') and the Local Development Plan ('LDP') for Perth and Kinross, and other relevant material considerations.

1.1.7 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 Dupplin Solar LLP, is a company owned by Octopus Renewable Infrastructure Trust ('ORIT') and managed by BLC Energy Limited.

1.2.2 BLC Energy was set up in 2022 to develop solar and Battery Energy Storage ('BESS) projects in the UK. The three partners have over 60 years' experience in developing renewable energy projects and have previously secured planning consent for three solar projects in Scotland.

1.2.3 BLC Energy is based in Perthshire and is 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 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 Dupplin Solar 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 The Statutory Framework

1.3.1 An application under section 36 of the 1989 Act for consent for the construction of an electricity generating station whose capacity exceeds 50 MW is significantly different from an application for planning permission for a similar station whose capacity is less than 50 MW.

1.3.2 Section 25 of the 1997 Act does not apply to the determination of applications under section 36 of the 1989 Act as confirmed in the case of William Grant & Sons Distillers Ltd v Scottish Ministers [2012] CSOH 98 (paragraphs 17 and 18).

1.3.3 In addition, there are potentially certain environmental duties in relation to Preservation of Amenity and Fisheries Provisions in Schedule 9, paragraph 3 of the 1989 Act that are likely to apply.

1.3.4 The Applicant does not hold a generation licence in respect of this Site and therefore the statutory duties set out in paragraph 3 of Schedule 9 to the 1989 Act do not apply to the Applicant when formulating proposals for consent under section 36 of the 1989 Act. The Applicant has however, through the EIA process, had full regard to the matters set out in paragraph 3(1)(a) and (b) of Schedule 9.

1.3.5 The EIA Report identifies how various factors were taken into account in the formulation of the application. In addition, each EIA Chapter includes assessment of the likely significant effects and also, where appropriate, the identification of appropriate mitigation. This includes both embedded mitigation which is integral to the design and also active specific measures which have been identified.

1.3.6 The Scottish Ministers are obliged to consider whether they have sufficient information to enable them to carry out their duties under sub-paragraph 3(1)(a) of Schedule 9 to the 1989 Act. The duty on the Ministers is to have regard to the matters specified in Schedule 9 (3) (a) which are *"the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest".* Schedule 9 is not a development management test.

1.3.7 In considering the overall statutory and regulatory framework within which the Proposed Development is required to be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations. It is important to note, however, that section 25 of the 1997 Act is not

engaged as there is no 'primacy' of the Development Plan in respect of an application made under the 1989 Act.

1.4 Site Location and Description

1.4.1 The Site, centred on National Grid Reference (NGR) NO 04810 21645, is located north of the A9 at Dupplin Estate, Tibbermore - approximately 2.7 km west of Perth, within the Perth and Kinross Council ('PKC') administrative area. The Site comprises 13 distinct agricultural fields enveloped by mature woodland to the west and east. The total area of the Site is 175 hectares ('ha') of which approximately 126 ha will comprise solar arrays.

1.4.2 The existing land use is predominantly arable farmland and distinct field margins (hedge, dykes) managed by the estate. There is one overhead electrical line running north west to south east through the eastern extent of the Site. Scottish Water maintain and operate a water tank immediately south of the Site.

1.4.3 There are no residential properties on the Site. The closest residences are within the working estate on the south-eastern boundary of the Site (Windyedge Cottages), and on the eastern boundary near Tibbermore Road. A small cluster of dwellings, also associated with the estate, is located approximately 200 m north of the Site along Old Gallows Road. The small village of Tibbermore is located approximately 1.4 km north east of the Site.

1.4.4 The Site does not overlap with any statutory nature conservation designations. The woodlands to the west (Cultmalundie) and east (West Lamberkine) are both listed on the Ancient Woodland Inventory ('AWI', of plantation origin). The closest statutory sites are Dupplin Lakes Site of Special Scientific Interest ('SSSI') approximately 10 m south west of the Site, and South Tayside Goose Roosts Special Protection Area ('SPA') approximately 800 m south west of the Site, which overlaps an extent of Dupplin Lakes. Methven Moss Special Area of Conservation ('SAC') is approximately 2.6 km north west.

1.4.5 The Site and surrounding area contain several prehistoric assets. One designated heritage asset is located within the Site boundary – Battle of Tippermuir (BTL39, Inventory of Historic Battlefields). However, it has been confirmed by relevant consultees that the designated battle boundary does not reflect the precise geographical location of the battle itself. Old Gallows Road (MPK18634) runs east to west c.300 m north of the Site and is considered relevant to the battlefield.

1.4.6 Ten non-designated heritage assets are located within the Site boundary as recorded in the Historic Environment Record maintained by Perth and Kinross Heritage Trust ('PKHT').

1.5 Site Selection

1.5.1 A constraints and feasibility mapping exercise was undertaken by the Applicant in 2025 to determine the availability of developable land within Perth and Kinross Council, within the required proximity to the grid connection point, for renewable projects such as solar and battery energy storage. The Site was identified as an area which would be appropriate for solar development through initial site selection and consideration of environmental and planning constraints in the PKC area. The following key issues were considered as part of the site selection process:

- cumulative developments (i.e. the proximity of the Site to other solar farm developments and the potential for significant cumulative effects arising between them);
- grid connection (i.e. within 7 km of a substation with sufficient capacity to export the power generated);
- environmental designations (i.e. international and national designations for ecology, landscape and cultural heritage); and
- yield (i.e. sufficient irradiation).

1.5.2 Having determined that the Site would be appropriate for a solar farm development based on the above factors, initial baseline studies and survey works were undertaken, which include:

- Consideration of topography;
- Consideration of land use – specifically a Land Capability for Agricultural survey was undertaken, which confirmed that the majority of the soil is Class 3.1 with isolated pockets of non-prime, Class 3.2 land - limited by soil depth in the west half of the Site;
- Identification of visual impact receptors;
- Determination of a indicative layout based on known site constraints / utilities information;
- A programme of pre application consultation with PKC, statutory consultees and other key stakeholders; and
- Review of other planning applications relevant to the site.

1.5.3 The Site was identified as the only extent of land within suitable distances of the required Grid Connection Point at Burghmuir, Perth (c. 3 km north east), which is generally unconstrained in environmental and planning terms, and therefore suitable for renewable energy infrastructure. This is illustrated at **Appendix A** to **Chapter 2 Site Selection and Design Iterations** of the EIA Report.

1.5.4 The cable route from the Site to Burghmuir Substation would be subject to a separate consenting process in due course.

1.6 Design Approach

1.6.1 The Applicant adopted the following design principles during the design iteration process to ensure the final design of the Proposed Development was the most suitable for the Site:

- avoid designated and protected sites;
- sensitively design the solar arrays to avoid or minimise direct or setting effects on heritage assets;
- avoid or minimise impacts on any sensitive ecological habitats and species;
- minimise impacts in respect of noise and the visual amenity of residential properties;
- minimise traffic and transport impacts;
- consider topography in terms of suitability for siting panels;
- avoid areas of high-risk flooding; and
- maximise the potential renewable electricity generation

1.6.2 The Proposed Development went through an iterative scheme design from conception to final design freeze. Full details of this process are set out within **Chapter 2 Site Selection and Design Iterations** of the EIA Report.

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

1.6.4 Layout changes were subsequently made following the completion of a rigorous programme of baseline studies, surveys and consultations. The aim was to continue maximising renewable energy yield while avoiding environmental and technical constraints, ensuring no significant adverse environmental effects as well as taking into consideration feedback from local residents. Care was also taken to maintain existing field boundaries, allowing breaks in panel rows for maintenance.

1.6.5 A summary of the key design changes that have been made during this iterative process include:

- Removal of the originally proposed 15 MW BESS following feedback from the local community.
- Relocation of the entire substation compound to the south west corner, to utilise screening benefits provided by existing woodland stands and minimise landscape impacts.
- Removal of solar arrays to the far south east of the site near a field drain to avoid surface water pooling.
- Application of protection buffers to undesignated heritage assets (post-medieval and Roman) within the red line boundary
- Removal of the entire north west field from the red line boundary due to the presence of a Private Water Supply ('PWS') borehole, to avoid potential construction impacts.
- Addition of a swale north of impermeable compound.
- Redesign of site access due to presence of Scottish Water pipe in south field, access now relocated further west.
- Retainment of the large eastern field purely for biodiversity enhancement (along Tibbermore Road) – no solar panels or infrastructure are permitted in this land parcel.

1.7 The Proposed Development

1.7.1 The Proposed Development will comprise a ground-mounted solar PV array and associated infrastructure with an export capacity of up to 75 MW and maximum generating capacity of 97.5-Megawatt peak (MWp). The array will comprise PV modules arranged in rows, facing south at an angle of approximately 20º, with a maximum height of 2.67 m above ground level ('AGL').

1.7.2 The final Proposed Development layout, including associated infrastructure, is illustrated in **Figure 2.1 (Chapter 2: Site Description and Design Iteration)** of the EIA Report.

1.7.3 The infrastructure associated with the Proposed Development will include:

- PV module mounting frames;
- string inverters;
- field transformers;
- high voltage (HV) switchgear and control equipment;
- cabling and interconnectors;
- onsite substations and a control building;
- communications container;
- spares containers;
- access tracks;
- security fencing and CCTV; and
- temporary construction compound.

Solar PV Module and Mounting Frames

1.7.4 The solar PV modules will stand approximately 1 m AGL and the maximum panel height will be up to 2.67 m AGL.

1.7.5 Each PV module will be fixed and mounted upon a prefabricated alloy metal frame. The module frames will be anchored to the ground via steel piles that will be driven to approximately 1.5 m to 3 m below ground.

Inverters and Transformers

1.7.6 The Proposed Development will include string inverters, mounted to the underside of the PV modules to convert the Direct Current (DC) produced by the PV modules, into Alternating Current (AC) for export.

1.7.7 Field transformer stations (approximately 12) will be installed in various locations across the Site, to ensure voltage compatibility for export to the local electricity distribution network.

Substations, Spares Containers and Communications Building

1.7.8 The Proposed Development will include one distribution network operator (DNO) substation compound, one customer (private) substation compound, one communications and spares container, and an additional larger, standalone spares container.

1.7.9 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.

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

1.7.11 One communications and spares container will provide space for operational monitoring and maintenance equipment. The communications and spares container will measure approximately 6.1 m in length by 2.4 m width, with an indicative height of 2.9 m.

1.7.12 An additional larger standalone spares container will measure approximately 12.2 m in length by 2.4 m width, with an indicative height of 2.9 m.

Temporary Construction Compound

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

On Site Cabling

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

Welfare Container

1.7.15 The Proposed Development will include one welfare containers measuring approximately 6.1 m (l) x 2.4 m (w), with an indicative height of 2.9 m.

Security fencing and CCTV

1.7.16 Security fencing will be established around the edge of the solar array areas and associated infrastructure, to prevent unauthorised access. The fencing will stand up to 2.4 m AGL and is proposed to comprise security palisade fencing.

1.7.17 The entrance of the Site will comprise a 5 m wide double leaf access gate. This will stand up to 2.4 m AGL and is proposed to comprise rectangular hollow section frame and palisade gates.

1.7.18 Closed Circuit Television (CCTV) will be deployed as a security measure. The CCTV cameras will be mounted on galvanised steel posts each measuring approximately 4.5m in height. The number of CCTV units installed will be minimised and will be dependent on lines of sight however indicatively around 25 cameras will be installed. The CCTV units will be installed inside and adjacent to 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 Onsite Tracks

1.7.19 A new access would be constructed into the Site from the C411 Roman Road west of the existing Scottish Water tank (at NGR: NO NO0436820957), to the south west frontage of the Site. A drawing showing an indicative layout of this access is provided in the associated Transport Statement (**Volume 4 – Technical Appendices**). The access has been positioned such that it would provide required visibility splays (2.4 m x 215 m, as confirmed by Perth and Kinross Council (PKC).

1.7.20 The proposed access from the C411 Roman Road would be the only access used during the construction and operation of the Proposed Development. The additional vehicle movements during construction would be unlikely to cause any noticeable effects on users of the C411 or U47.

1.7.21 No construction or operational access will be provided from the U47 road (the road between the A9 and Tibbermore). Only the occasional maintenance and inspection vehicle would be generated once operational, and these would utilise the single site access at C411 Roman Road.

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

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

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

Public Access

1.7.25 There are no Core Footpaths within or in proximity of the Site. The only informal path network that would be potentially utilised by locals /dog walkers would be Old Gallows Road (approximately 180 m north of the Site boundary), where several residential dwellings are located. Local and residential access at Old Gallows Road will be maintained for the duration of the construction and operation phases of the Proposed Development. Internal access tracks have been designed so that construction traffic will avoid the residential dwellings on Old Gallows Road.

Grid Connection

1.7.26 The proposed point of connection is Burghmuir substation. The connection route would be subject to a separate application under Section 37 of the Electricity Act 1989. The Section 37

application would be progressed by the distribution network operator (Scottish and Southern Energy Networks Distribution).

1.7.27 The Proposed Development has a grid connection in 2032, and therefore would make a meaningful contribution to the electricity generation targets for this period, which are further discussed in Chapter 2 of the Planning Statement.

Landscape and Biodiversity Enhancement

1.7.28 There will be a programme of planting in order to help screen the development from nearby sensitive receptors. The planting and landscaping strategy has been designed to also add to the ecological enhancement of the Site. **Technical Appendix 5.5 Landscape Mitigation Plan** of the EIA Report presents details of the proposed approach on Site.

1.7.29 In summary, the proposed planting would incorporate the creation of new parcels of native scrub and hedgerow habitat around peripheral parts of the Site. The species mix would be native broadleaves, incorporating Oak, Willow and Rowan, or similar approved. The creation of species-rich grassland and wildflower meadow would further soften the appearance of the Proposed Development and provide additional enhancement to local biodiversity.

1.7.30 Further details on biodiversity enhancement are provided at **Section 3.9** of this Planning Statement. An Outline Biodiversity Enhancement Management Plan (oBEMP) is submitted as **Technical Appendix 6.4** of the EIA Report which sets out the goals and objectives and measures to secure biodiversity enhancement for the Site.

Construction and Environmental Management

1.7.31 The construction period is expected to take place over eight to twelve months and is anticipated to commence in early 2031 due to grid availability.

1.7.32 Normal construction hours are likely to be between 07.00 and 19.00 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. Any construction outwith these hours will be in line with agreed noise limits and advance warning of any works outwith the agreed working hours will be provided to PKC and local residents.

1.7.33 A detailed construction programme will be provided as part of a Construction Environmental Management Plan (CEMP) which is expected would be secured through an appropriately worded condition. This would be prepared by the appointed construction contractor with details submitted prior to commencement of construction.

Operation and Maintenance

1.7.34 Once operational, the solar array will require scheduled and occasional unscheduled maintenance of the solar panels and associated infrastructure over its 40-year lifespan. The scheduled maintenance is expected to consist of a monthly routine Site inspection.

1.7.35 The land around the panels will remain as grass cover (forage crop) seeded with wildflower mix and will be managed for grazing (sheep will be rotated by a tenant farmer). Further details on this are included in Chapter 5: Landscape and Visual; and outlined in the Landscape Mitigation Plan.

1.7.36 Access to local residential areas along Old Gallows Road to the north of the Site will remain unaffected and maintained by the Applicant throughout the operational phase of the Proposed Development.

Decommissioning

1.7.37 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.

1.7.38 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.

1.7.39 The Applicant is committed to providing a detailed decommissioning and restoration plan, costed by an independent advisor, to be agreed with PKC prior to commencement of construction. This could be secured through an appropriately worded planning condition.

1.8 Scope & Structure of Planning Statement

1.8.1 This Planning Statement addresses relevant energy and planning policy documents and provides an assessment of the Proposed Development against relevant policy provisions and the statutory Development Plan. The appraisal also highlights policy differences where there are incompatibilities between national planning policies and those of the Local Development Plan ('LDP').

1.8.2 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 (2025)

2.2.16 The UN Emissions Gap Report (November 2025) entitled "Off Target" 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 Executive Summary Report comments on the background of GHG emission increases and the new Nationally Determined Contributions ('NDCs') submitted ahead of COP30 in Brazil as follows (page 4):

"As this sixteenth Emissions Gap Report shows, the new NDCs have limited effect on narrowing the emissions gap by 2030 and 2035, leaving global warming projections well above the Paris Agreement's temperature goal. New scenarios show that limiting warming to 1.5°C by 2100 remains technically possible. However, due to the continued delay in deep emission cuts, 1.5°C pathways now imply higher and higher temporary exceedance of this temperature target. The magnitude and duration of this overshoot must be limited as much as possible. Each year of delayed action locks in carbon intensive infrastructure results in greater losses for people and ecosystems, higher adaptation costs and a heavier reliance of costly and uncertain carbon dioxide removal. Each year of inaction makes the path to net zero by 2050 and net negative emissions thereafter steeper, more expensive and more disruptive."

2.2.18 Section 7 of the Executive Summary sets out that *"despite the increasing likelihood of higher and longer temperature overshoot, pursuing efforts to limit global warming to 1.5°C remains as critical and relevant as ever".*

2.2.19 The report adds: *"accelerated mitigation action provides benefits and opportunities. In many cases, mitigation aligns with economic growth, job creation, energy security and achievement of other pressing development needs and the sustainable development goals. The required technologies are available, and wind and solar energy development continue to exceed expectations, lowering deployment costs and driving market expansion. Yet deployment remains insufficient, and accelerated emission reductions require overcoming policy, governance, institutional and technical barriers….."*

2.2.20 The latest Gap Report is expressly clear that the international position in relation to combating climate change is worsening. The conclusions also make clear that deployment of renewable energy remains key to combating the climate emergency, including solar energy.

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.

[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.

- 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 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*…"

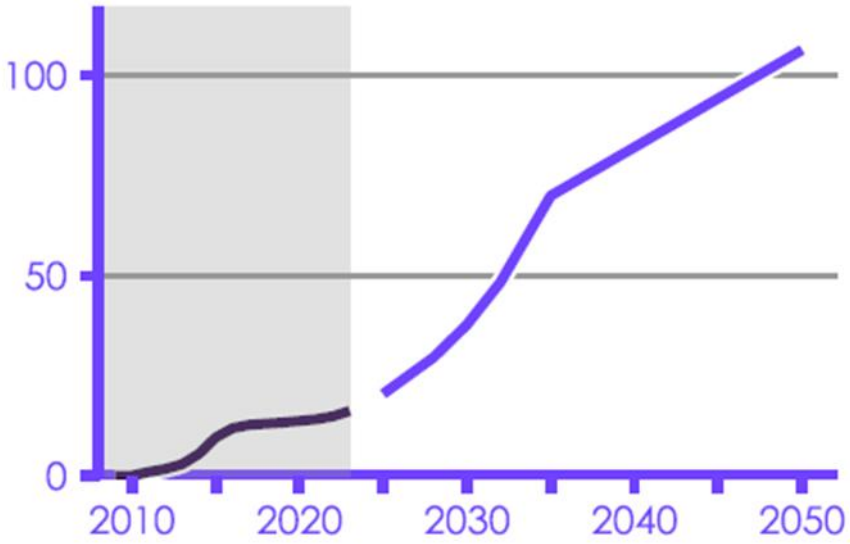
2.3.13 In relation to solar build out rates, CB7 (page 209) states that *"an average deployment rate of 3.4 GW per year is needed. This requires build rates to grow to around the historical peak (4.1 GW in 2015) this decade."*

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].

[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.

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



The UK Energy White Paper (December 2020)

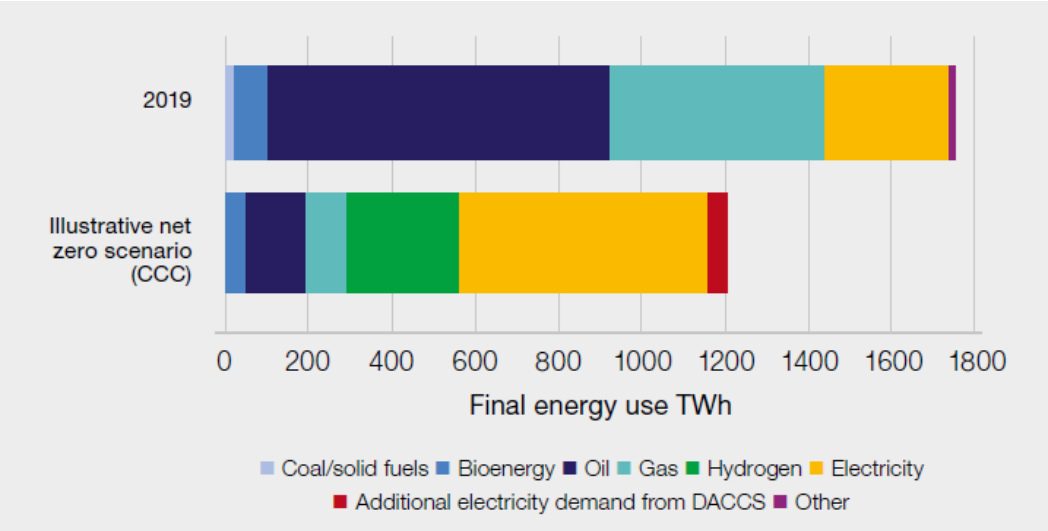
2.3.15 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020 represents a sea change in UK policy and highlights the importance of renewable electricity.

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 2.2.**

Figure 2.2: Illustrative UK Final Energy Use in 2050[6]



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

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

The British Energy Security Strategy (April 2022)

2.3.20 The British Energy Security Strategy was published by the UK Government on 7th April 2022. The Strategy focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states *inter alia*:

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

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

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

2.3.21 In terms of solar development, the Strategy states:

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

2.3.22 Reducing Scotland's and the wider UK's dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.

Climate Change Committee Report to UK Parliament (2024)

2.3.23 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."

2.3.24 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."

2.3.25 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.

2.3.26 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).

2.3.27 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*."

2.3.28 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."

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

2.3.30 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*…."

2.3.31 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)

2.3.32 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.

2.3.33 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)

2.3.34 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*".

2.3.35 It further adds (page 10):

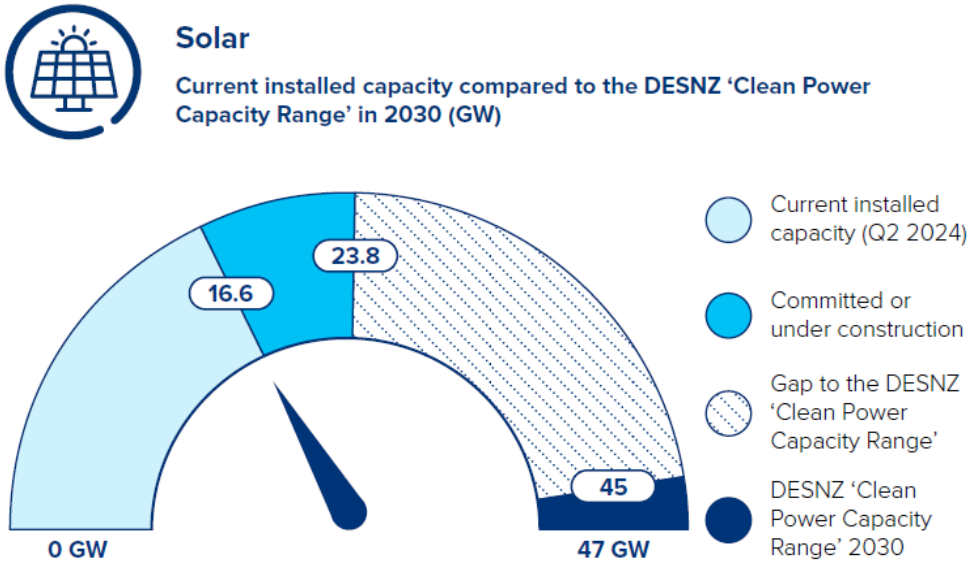
"*clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and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

2.3.36 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*".

2.3.37 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*".

2.3.38 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)

2.3.39 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."

2.3.40 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."

2.3.41 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.

2.3.42 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."

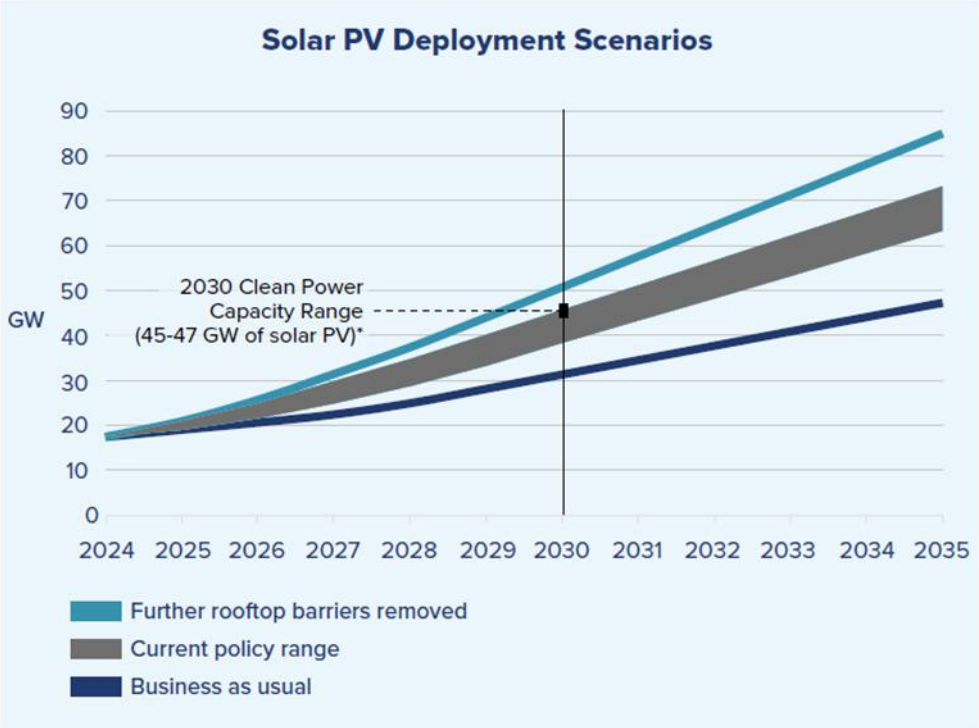
2.3.43 Part 1 of the Roadmap references the role of solar in making Britain a clean energy superpower. It explains that ramping up deployment is *"crucial for creating new, good quality jobs and promoting stable and consistent economic growth."* (page 15).

2.3.44 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."*

2.3.45 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.

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

Figure 2.4 Solar PV Deployment Scenarios



2.3.47 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.

2.3.48 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.

2.3.49 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 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)

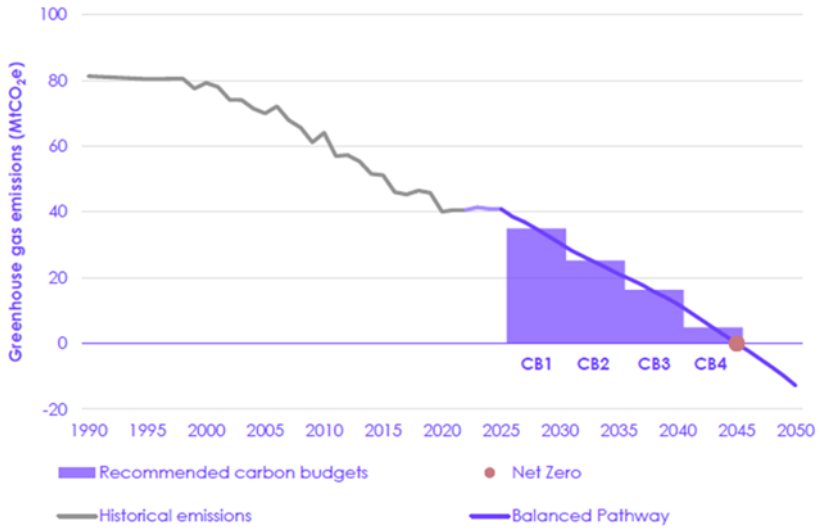
2.7.1 The CCC Report, Scotland's Carbon Budgets sets out the CCC's advice on the level of Scotland's four proposed carbon budgets, covering the period 2026 to 2045. It recommends that the Scottish Government sets its carbon budgets, at annual average levels of emissions that are:

- 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 2.5.

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 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 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".

2.7.12 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.

2.8 Scotland's Draft 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.

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

[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

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
- 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 was out for consultation until 29th January 2026. Scottish Parliament committees also have until 5th 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. The Proposed Development, with a grid connection agreement in place for 2030, would contribute to these and the wider Scottish and UK net zero targets.

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

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

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 and draft CCP forms part of the new policy approach alongside NPF4. These documents confirm the Scottish Government's policy objectives and related targets, reaffirming the crucial role that 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 need case is to be afforded substantial weight in the planning balance. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be.

3. Appraisal Against NPF4

3.1 Introduction

3.1.1 NPF4 was approved by resolution of the Scottish Parliament on 11 January 2023 and came into force on 13th February 2023.

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

3.1.3 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 and while the Development Plan does not have primacy in a Section 36 decision, it forms an important consideration in the determination of an application.

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

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

3.2.3 The publication of NPF4 also has the effect that all Strategic Development Plans ceased to have effect. Therefore, the statutory Development Plan covering the application site consists of NPF4 and the Perth and Kinross Local Development Plan (adopted 29th November 2019) (PKCLDP).

3.2.4 The publication of NPF4 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 PKCLDP was adopted in November 2019, a significant period of time prior to NPF4 coming into force. It is clear that the document has been prepared under the previous NPF3 and Scottish Planning Policy (SPP), and to be consistent with the Strategic Development Plan for Angus, Dundee, parts of Fife and Perth and Kinross (TAYplan), which is no longer in force. The Council are in the process of preparing the next LDP on a timetable that will see its adoption between October – December 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 draft Energy Strategy and Just Transition Plan for Scotland (as referenced in NPF4) was published as a consultative draft on 10th January 2023 (see chapter 2 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 As such the proposed development is a National Development and therefore the principle of development is supported. The proposal will further the delivery of the national Spatial Strategy, contributing substantive renewable energy and supporting the grid.

3.5.8 The Strategy requires a *"large and rapid increase"* in electricity generation from renewables and the National Spatial Strategy makes it clear (NPF4, page 6) that *"we must make significant progress"* by 2030.

3.5.9 The Proposed Development would deliver renewable generation and would make a meaningful contribution to targets within this key timescale and that is a very important consideration.

3.6 National Planning Policy

3.6.1 Part 2 of NPF4 (page 36) addresses national planning policy by topic with reference to three themes formulated with the aim of delivering sustainable, liveable and productive places.

3.6.2 In terms of planning, development management and the application of the national level policies, NPF4 states:

"*The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies*".

3.6.3 In terms of "sustainable places" policies most relevant to the Proposed Development include the following:

- Policy 1: Tackling the Climate and Nature Crises;
- Policy 3: Biodiversity;
- Policy 4: Natural Places;
- Policy 5: Soils;
- Policy 6: Forestry, Woodland and Trees;
- Policy 7: Historic Assets and Places; and
- Policy 11: Energy.

3.6.4 In terms of "liveable places" the policy of most relevance to the Proposed Development is:

- Policy 22: Flood Risk and Water Management.

3.6.5 These policies are addressed below.

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

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

3.6.7 The Letter adds:

"*It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between the provision of NPF and the provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible*".

3.7 NPF4 Policy 1: Tackling the Climate and Nature Crises

3.7.1 The intent of Policy 1 is "*to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis*".

3.7.2 Policy 1 directs decision makers that "*when considering all development proposals significant weight will be given to the global climate and nature crises*."

3.7.3 This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker. Significant weight should therefore be attributed to the Proposed Development given it would be consistent with the intent of Policy 1 and would help attain its outcome of Net Zero.

3.7.4 The Chief Planner's Letter of 8th February 2023 refers to Policy 1. It states:

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

3.7.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight, but it is for the decision maker to decide if it is for or against the proposal.

3.7.6 The term "Tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action. Furthermore, NPF4 (page 8) refers to cross cutting outcomes and states with regard to Policy 1 that the policy gives significant weight *"to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions".*

The Application of Policy 1

3.7.7 Given the nature of the Proposed Development, it would make a valuable contribution in relation to targets. It will directly further the policy intent and outcomes of Policy 1 and should be afforded significant positive weight in terms of tackling the climate and nature crises. The contribution to decarbonisation and grid 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 with up to 97.5 MWp of renewable energy generation 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 A further important point is the need to recognise that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a valuable and nationally important contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "net zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

3.7.11 As explained below with reference to NPF4 Policy 3, biodiversity enhancement is integral to the proposals. Solar development is particularly capable in providing a range of positive opportunities for biodiversity enhancement throughout the lifetime of the proposals, leaving the land and environment in a better overall position than prior to development.

3.8 NPF4 Policy 11: Energy

3.8.1 For the consideration of solar 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) (v) makes it clear that the policy supports solar array proposals.

The application of Policy 11

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

3.8.7 The Proposed Development would support jobs during construction and operation across the Scottish economy. The socio-economic effects of the capital investment and employment to the economy would be beneficial. The Applicant has commissioned an Economic and Socio-Economic Impact Assessment which is submitted in support of the application with further detail on the socio economic benefits predicted. The findings are summarised as follows:

- Over the anticipated eight to twelve month construction period the Proposed Development could generate Gross value added (GVA) worth £1.44 million in the local area (Dunning/Tibbermore/Perth), £2.88 million in Perth and Kinross and £4.12 million for Scotland. In addition, the Proposed Development seeks to support up to 14 FTE jobs in the local area, 27 FTE jobs in Perth and Kinross and 39 FTE jobs across Scotland as a whole.
- Over the operational period, it was estimated that the proposed Development could generate GVA worth a cumulative total of £12.0 million in the local area, £24.1 million in Perth and Kinross and £32.8 million for Scotland. It is expected the proposed Development could also provide 5 FTE jobs in the Local Area, 10 FTE jobs in Perth and Kinross and 15 FTE jobs across Scotland on an annual basis.

3.8.8 The main contractor may be Scotland-based, but it is assumed that whoever is appointed as the main contractor, that a proportion of the work will be carried out by sub-contractors and labour resident in the local area. If consented and constructed, the Proposed Development will offer opportunities for local businesses such as accommodation providers, hire companies, fencing contractors, tradesmen etc. as well as other supply chain opportunities.

3.8.9 The Proposed Development would maximise net economic impact by:

- Generating significant GVA and employment at all spatial levels, with particular concentration in the local Dunning/Tibbermore area and wider Perth and Kinross region.
- Providing supply chain opportunities for local businesses (civil works, electrical, security, land management, O&M).

3.8.10 **Paragraph d) of Policy 11** states that development proposals that impact on international and national designations "*will be assessed in relation to Policy* 4". Policy 4 also deals with impacts in relation to local landscape designations. The Proposed Development has no direct impact on international or national designations.

3.8.11 Local landscape effects have been assessed within the Landscape and Visual Impact Assessment ('LVIA') submitted in support of the application. 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. No significant adverse effects are predicted in relation to local landscape designations.

3.8.12 **Paragraph e) of Policy 11** states that project and design and mitigation *"will demonstrate how"* impacts are addressed. These are listed in the quotation of the policy above and are addressed in turn below.

Impacts on Communities and Individual Dwellings - Residential Visual Amenity

3.8.13 The LVIA has given careful consideration to the visual effects of the Proposed Development from residential properties and settlements within the study area. Eleven properties and five settlements are included in the visual assessment. Likely significant effects are identified at Windyedge Cottages (2 properties), Newbigging Farm, Windyedge Farm Cottages (2

properties) and East Cultmalundie Farm Cottage. No significant effects would be experienced from the nearby settlements.

3.8.14 Overall, visual effects from the Proposed Development would be restricted based on the Site location, the undulating landform and tree cover.

Noise, Shadow Flicker and Glint and Glare

3.8.15 The Proposed Development is not a noise generating use, as the solar array does not emit noise which would impact neighbouring amenity. Construction noise would be managed via the CEMP.

3.8.16 Shadow flicker is not a relevant consideration.

3.8.17 Glint and Glare has been assessed, and the details are presented in Volume 4 Technical Appendices to the EIA Report. The study area is determined as a 1 km radius from the Proposed Development for all ground-based receptors (building, roads and trainline). The assessment considers the effects of glint and glare arising from the proposed solar array on those receptors around the Proposed Development.

3.8.18 The assessment included 18 residential properties and the following key routes: Main Road, A9, adjacent to the southern boundary of the Proposed Development; Roman Road, south west of the Proposed Development; and Local rural road to the east of the Proposed Development and connecting to the A9.

3.8.19 There are no railways or airfields within the study area.

3.8.20 The assessment demonstrates that only one fixed ground receptor (OP13) is predicted to experience any potential glint and glare effects. These effects are limited to green glare only. When account is taken of gaps within the PV array footprint, existing and proposed screening, and local climatic conditions, the potential effect on this receptor is considered negligible.

3.8.21 For road receptors, the A9, Roman Road and a local rural road were assessed. Even under worst-case modelling assumptions, predicted glare effects are limited in duration, spatial extent and severity. Road users are transient receptors and exposure would be brief. The predicted glare is predominantly yellow glare, comparable to reflections from common roadside features. The lower traffic volumes on Roman Road and the rural road further reduce the likelihood of exposure.

3.8.22 A cumulative assessment considering the Kinnon Park Solar Development has been undertaken. Predicted cumulative glare is predominantly green glare and of limited duration. No additional receptors are affected, and cumulative effects are assessed as minimal to negligible.

3.8.23 With the inclusion of existing and proposed landscape screening, together with a temporary shading or screening net to be installed during the establishment of new hedgerows, the residual glint and glare effects of the Proposed Development are considered low. The Proposed Development is not expected to result in any significant or unacceptable glint and glare impacts.

Landscape and Visual Considerations

3.8.24 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.

3.8.25 The siting and design of the Proposed Development has responded to the local landscape context and utilises existing screening and landscape topography to minimise landscape and

visual effects through project design and mitigation. For example, the main development area within the Site (where the above-ground infrastructure would be located) is situated at a low-lying elevation (106 – 145m AOD). To the north, the terrain decreases in elevation to create landform screening of the wider site infrastructure, in relation to receptors within the Broad Valley Lowlands LCT. The Site is also positioned adjacent to areas of mature forestry and woodland at Lamberkine Wood and Cultmalundie which screens wider views from the east and west.

3.8.26 The Proposed Development has been designed to achieve the following landscape objectives:

- Land clearance and occupation would be limited to necessary areas only to minimise the potential impact on the local landscape fabric and focus the proposed infrastructure into a confined geographic area.
- The secure compound would be located in the south west corner of the Site adjacent to areas of forestry and woodland at the A9 corridor.
- The solar array has been pulled back from the northern edge of the Site to increase the separation distance from residential properties in the nearby landscape. In addition, there are separation buffers at the south east boundary with the A9 and eastern edge with the minor road.
- Proposed planting would incorporate the creation of new parcels of native scrub and hedgerow habitat around peripheral parts of the Site.
- The landscape management regime would initially allow the hedgerow to grow. Thereafter, the management regime would seek to maintain an eventual hedgerow height of approximately 2 m. The trees / woodland edge would be left to grow to their full height.
- No felling is proposed as part of the Proposed Development. A woodland stand-off buffer of 30 m has been applied to all woodland stands and individual trees within the Site.
- The creation of species-rich grassland and wildflower meadow within the Site would further soften the appearance of the Proposed Development and provide additional enhancement to local biodiversity.
- Stock fencing would also be included to support the potential for a low input conservation grazing regime, enabling controlled vegetation management while maintaining enclosure security.

3.8.27 Mitigation measures including set back from boundaries, residential properties and transport routes and landscape mitigation planting have been provided. A Landscape Mitigation Plan is provided within **Technical Appendix 5.5** of the EIA Report.

3.8.28 A 4 km radius Study Area from the Proposed Development has been adopted for the assessment of landscape and visual effects.

Designated Landscapes

3.8.29 The Site is not located within a landscape designation. However, the wider study area encompasses two Garden and Designed Landscapes (GDL) - Dupplin Castle GDL (~ 180 m south) and Methven Castle GDL (~ 2.8 km north east); and the Ochil Hills Local Landscape Area (LLA) is located approximately 3.3 km to the south of the Proposed Development.

3.8.30 There is no Zone of Theoretical Visibility (ZTV) coverage within the Ochil Hills LLA and it has therefore not been considered for detailed assessment.

3.8.31 In relation to Dupplin Castle GDL, the ZTV coverage is extremely minimal and concentrated on the northern extents of the GDL within areas with mature woodland. There would be no views from areas that include historic built form. The magnitude of change would be

Negligible and the effect on landscape character would be Minor and **not significant**. The integrity and key qualities of this landscape designation would remain intact.

3.8.32 In relation to Methven Castle GDL, the ZTV coverage would be fragmented and views to the south and south west would be partially screened by intervening landform and filtered by tree cover within the GDL and Intervening farmland. In summary, the Proposed Development would exert very limited influence on the existing character and qualities of the GDL. The magnitude of change would be negligible, and the level of effect would be minor and **not significant.**

Landscape Character

3.8.33 The Site is located within the Lowland Hills Landscape Character Type (LCT) between Strathallan and Strath Tay, forming a transitional zone between the Highlands and the lowland straths.

3.8.34 The Proposed Development would be experienced in the context of a working agricultural landscape that is subject to change based on human activities (such as turn-over of soil and crop rotations).

3.8.35 Effects on landscape character would be experienced across the Site and adjoining land within approximately 400-500 m, to the south, south east and north east of the Proposed Development. At this localised level, the level of effect would be Major/Moderate and **significant** adverse. Effects to the north within 500 m would be curtailed by intervening landform.

3.8.36 The effects would diminish at greater distances, where the Proposed Development would increasingly represent a more discreet element in the background landscape, which would typically be subject to increased amounts of screening due to the intervening landform and tree cover. The magnitude of change across wider parts of the LCT within the study area would be Slight at most. The level of effect would be Moderate/Minor or less and **not significant**. Extensive areas of the Lowland Hills LCT are outside the ZTV and would be completely unaffected.

3.8.37 By Year 10, views of the Proposed Development would soften due to the establishment of hedgerow planting along the Site perimeter. This would curtail effects, particularly towards the south, south east and east, where views of the proposed infrastructure would be subject to screening by the proposed hedgerow.

3.8.38 There would be localised effects associated with parts of the Green Belt to the south and south east of the Site within 500 m.

Visual Effects

3.8.39 Overall, visual effects from the Proposed Development would be restricted based on the Site location, the undulating landform and existing woodland tree cover. As noted above, there would be some significant effects for nearby residential receptors, at distances of up to approximately 450 m. There would be no significant effects attributed to recreational receptors.

3.8.40 There would be significant visual effects associated with three transport routes (from localised sections). However, the views would reduce over time as the proposed planting within the Site steadily establishes at year 10. Views from localised sections of unclassified road between the A9 and A85 would remain significant due to the proportion of the view occupied.

Cumulative Effect

3.8.41 The LVIA examines the cumulative effect of the Proposed Development in landscape and visual terms. There are no other proposed developments located within Lowland hills LCT.

The proposed Kinnon Park Solar scheme is located approximately 2. 4 km to the north west, within the neighbouring Broad Valley Lowlands LCT, therefore any impacts on the Lowland Hills LCT would be indirect. From the most elevated vantage points, the proposed Kinnon Park Solar scheme would represent very distant elements in the background landscape. As such, there would be no change to the level of effect described in the main assessment.

3.8.42 No significant cumulative effect is predicted on the Lowland Hills LCT with Kinnon Park and the overall cumulative influence would reduce steadily over time in accordance with the establishment of hedgerow and woodland edge planting around the Proposed Development's Site perimeter, which would visually contain the infrastructure and represent beneficial landscape elements.

3.8.43 For the visual receptors assessed for cumulative effects there would be no change to the level of effect described with the main assessment based on distance, intervening landform and direction of views.

3.8.44 The potential cumulative effects of the Proposed Development in combination with the Proposed Kinnon Park solar development would not be significant due to their spatial separation and effect of intervening landform.

Public Access

3.8.45 There are no Core Paths near to or crossing the Site, nor are there any crossing the A9, C411 or U47 roads nearby. There are no specific cycling facilities in the vicinity and no sections of the National Cycle Network are nearby.

3.8.46 The Site is in agricultural use. Upon development public access to the Site will be restricted, however this will not impact upon continued informal access around the Site boundaries and in the wider rural area.

Aviation, Defence Interests and Telecommunications

3.8.47 The Proposed Development is not anticipated to have any adverse effects on telecommunications infrastructure or aviation. A glint and glare assessment has been undertaken, no aviation receptors (including aerodromes or airfields) are located within the vicinity of the Proposed Development, and as such no aviation-related glint and glare effects are anticipated. No significant adverse residual effects are identified on aviation or defence interests.

Impacts on Road Traffic and Trunk Roads

3.8.48 The Transport Statement (Volume 4 – Technical Appendices of 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.

3.8.49 Access during construction and operation would be from a new access formed on the C411 in the south of the Site, at a point to the west of an existing Scottish Water facility. There would be no vehicle access to the Proposed Development from the U47 during construction or operation.

3.8.50 The Transport Statement concludes that suitable access can be provided from the C411.

3.8.51 Construction is expected to last for up to 12 months and generate, at most, around 92 vehicle movements per working day. The predicted additional vehicle movements are unlikely to cause any noticeable effects on users of the C411.

3.8.52 On operation, only the occasional maintenance and inspection vehicle would be generated from the Site.

Historic Environment

3.8.53 A Cultural Heritage Impact Assessment has been undertaken at Chapter 7 of the EIA Report to consider the impact of the Proposed Development on cultural heritage assets within the Site and beyond to include a study area of 2 km.

3.8.54 There is one inventoried Battlefield within the proposed development area, the Battle of Tippermiur (BTL39). No Scheduled Monuments, Garden and Designed Landscapes, Conservation Areas, nor any Listed Buildings are within the proposed Site boundary.

3.8.55 Within 2 km of the proposed solar panel locations, there are two Scheduled Monuments, two Inventory Battlefields, one Garden and Designed Landscape, five Category B Listed Buildings, and three Category C Listed Buildings.

3.8.56 A detailed assessment was undertaken for one designated heritage asset, Battle of Tippermuir (BTL39), due to potential for significant effects resulting from changes of setting, direct (physical) and indirect impacts resulting from the Proposed Development. In addition, 12 non-designated heritage assets are scoped in for direct (physical) and indirect impacts resulting from the construction of the Proposed Development

3.8.57 Three non-designated heritage assets within the Site boundary have the potential to be impacted by the Proposed Development. These are SLR15, SLR8, and SLR61 and the assessment concludes that direct impacts on these assets would be negligible and effects are considered not significant.

3.8.58 There is potential for a significant effect in relation to the potential for unknown Roman remains. Due to the unknown nature or number of the unrecorded remains, this impact has the potential to be considered significant in EIA terms. This is based on potential rather than known archaeological remains. If not present, no significant effect would be found.

3.8.59 In relation to the Battle of Tippermuir, no significant effects are predicted in relation to direct construction impacts. In terms of setting, a minor significance of effect has been identified. This results from the minor infringement of visual distraction to two aspects of the landscape context which compose the Integrity, Character, Significance, and Experience of the battlefield. This effect is not significant in EIA terms.

3.8.60 This is discussed in further detail below under Policy 7 of NPF4.

Hydrology, the Water Environment and Flood Risk

3.8.61 An appraisal has been undertaken of the potential impacts the Proposed Development could have on the water environment with details set out in Chapter 8 Hydrology, Geology and Hydrogeology and which is supported by a Flood Risk Assessment.

3.8.62 It has been shown that the Proposed Development is not considered to be at risk of flooding and that surface water attenuation measures in accordance with sustainable drainage principles can be provided to control both the rate and quality of discharge from Proposed Development, so that flood risk to downstream land and property is not increased.

3.8.63 Dupplin Lakes SSSI is located within the study area, however the designated features are not considered sensitive to changes in water quality or quantity. No other designated features are located within the study area.

3.8.64 No private water supplies (PWS) identified have been considered at risk from the Proposed Development. No development or construction activities are proposed within 100 m of the PWS sources, apart from proposed security fencing.

3.8.65 Subject to good practice measures and a site-specific CEMP, it has been shown that the Proposed Development would have no adverse effects on the water environment. The final CEMP would include good practice measures which will be adopted and would be agreed

with Scottish Environment Protection Agency (SEPA) and Perth and Kinross Council (PKC) prior to construction.

Ecology / Ornithology

3.8.66 Chapter 6 Ecology and Ornithology of the EIA Report describes and evaluates the potential effects on the ecological, ornithological, and nature conservation interests arising from the Proposed Development.

3.8.67 Statutory and non-statutory sites for nature conservation are present within 10 km of the Site, 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 Dupplin Lakes SSSI, South Tayside Goose Roosts, Firth of Tay and Eden Estuary and Loch Leven SPA / Ramsar sites.

3.8.68 A detailed assessment of the impacts on the qualifying features (greylag and pink-footed geese) of the River Tay SAC and Tayside Goose Roosts, and Loch Leven SPA and Ramsar sites has been undertaken in the form of a shadow Habitats Regulations Appraisal ('sHRA'). It has been ascertained that conservation objectives will not be undermined and therefore there will be no adverse effects on integrity from the project alone or in-combination for the assessed European/ Ramsar sites.

3.8.69 Evidence of protected species was recorded across the Study Area, including evidence of badger, red squirrel, pine marten, bats and breeding birds. The Proposed Development has been designed through careful constraints analysis and feedback to minimise the potential for impacts on important habitats, and protected species as far as practicable. This has been achieved through embedded mitigation and the iterative design process. This process, combined with further commitments to certain mitigation measures, during both pre-construction and construction phases, allowed potential effects on the majority of habitats and species present to be scoped-out of the detailed EIA as no significant effects are predicted.

3.8.70 Eleven areas of ancient woodland listed on the Ancient Woodland Inventory (AWI) were identified within 2 km of the Site during the desk study, two areas of woodland border the Site. Design mitigation has ensured that this woodland habitat is appropriately buffered from the Proposed Development by a minimum of 30m. At this distance, it is considered that there will be no direct or indirect impacts to the AWI-listed woodland, including both above ground habitat and the root systems. A habitat and tree protection plan will be incorporated into a CEMP to ensure best practice measures are followed throughout construction and operational maintenance.

3.8.71 The ecological impact assessment (EcIA) concluded that following the successful implementation of mitigation measures, guided by the development of Species Protection Plans, (SPPs), a BEMP, and CEMP, there will be no residual effects anticipated on IEFs arising from the Proposed Development, either alone or in combination with other plans or projects. Biodiversity enhancement measures are examined in more detail in relation to accordance with Policy 3 at Section 3.9.

Impacts on Trees and Woodlands

3.8.72 As noted above, there are areas of ancient woodland adjacent the site. Suitable buffers have been applied to these as well as any individual tree. No trees would be lost to facilitate the Proposed Development. The Landscape Mitigation Plan proposes tree planting as part of the site biodiversity enhancement proposals.

Balancing the Contribution of a Development and Conclusions on Policy 11

3.8.73 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.

3.8.74 Some significant landscape and visual effects are predicted however these have been minimised to a small group of receptors and are considered to be extremely localised in nature within approximately 500 m and appropriate design mitigation has been incorporated as part of the embedded iterative design approach and 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.

3.8.75 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.

3.8.76 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.

3.8.77 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 108,000 MWh/pa, which would provide enough electricity to power approximately 40,000 average Scottish households.

3.8.78 The scale of the energy output and emissions savings are of material importance and contribute to the national targets for net zero by 2045. In addition, the Proposed Development is considered to maximise net economic impact, including local and community socio-economic benefits.

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 with an update to this in December 2025 removing the 'draft' reference with most of the updates technical in nature. 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:

"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."

3.9.15 The principles set out are as follows:

- Apply the mitigation hierarchy;
- Consider biodiversity from the outset;
- Provide synergies and connectivity for nature;
- Integrate nature to deliver multiple benefits;
- Prioritise on-site enhancement before off-site delivery;
- Take a place-based and inclusive approach;
- Ensure long term enhancement is secured; and
- Additionality.

3.9.16 These core principles have been applied as appropriate to the Proposed Development.

3.9.17 Page 17 of the 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 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 has commenced work to develop an adapted biodiversity metric suitable for use in supporting delivery of NPF4 policy 3b.

3.9.18 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".

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

3.9.20 The guidance makes reference to the various considerations which are already set out in the NatureScot guidance issued in the Summer of 2023 with regard to NPF4 Policy 3 (as listed above).

3.9.21 The draft guidance also makes reference to off-site delivery of enhancement proposals and states at Paragraph 4.19 that:

"Where the relevant policy tests cannot be met on site, off-site provision may be considered alongside on site. In these circumstances, off-site delivery should be as close as possible to the development site, with consideration being given firstly to the immediate landscape context and existing ecological value of the site."

3.9.22 In early 2024 **NatureScot consulted on 'a Biodiversity Metric for Scotland's Planning System'**. The consultation ended on 10 May 2024. The consultation paper outlines work that NatureScot has been commissioned by the Scottish Government to develop: a biodiversity metric for Scotland's planning system, to support delivery of NPF4 policy 3(b).

3.9.23 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.

3.9.24 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).

3.9.25 NatureScot advised in October 2025[13] that a consultation on a working draft metric and associated guidance is planned for mid-2026 and expect a Scottish metric to be fully available to use in 2027.

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 It is noted that habitats within the Site are typically of low biodiversity value, e.g. species poor modified grassland and arable cereal fields, as such the planting proposed will improve Site value. The planting will comprise of native species and will provide increased habitat and foraging resources for species already present within the Site.

3.9.28 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 goals, objections and measures to achieve this include:

[13] NatureScot (October 2025) Scottish Biodiversity Metric Update Available at: https://www.youtube.com/watch?v=DyuMmd1nNb4

- **Goal 1: Enhancement of grassland.** To create and enhance grassland within the Site. Species rich grassland is proposed around the solar PV modules to enhance sward height and species diversity. In crop areas, new grassland will be created using species-rich seed mixes, while existing grasslands will be enhanced through overseeding, low-input grazing and mowing. Management will focus on increasing botanical diversity, improving foraging habitat. This habitat will provide increased opportunities for insects, which in turn will provide increased foraging habitat for birds and bats.
- **Goal 2: Enhancement of Aquatic Habitat.** A SuDS pond will be seeded with a wet meadow mix. Native aquatic and marginal plant species will be introduced in and around the pond to enhance biodiversity and support amphibians, invertebrates, and species higher up the food chain such as birds and bats. Riparian scrub and grassland species will be created along ditches, Additional habitat features like log piles and varied substrates will be added to increase ecological value.
- **Goal 3: Creation and enhancement of mixed woodland, scrub and hedgerows**. Planting is proposed across the Site to enhance biodiversity, provide screening, and improve habitat connectivity. Native tree species such as Scots pine, silver birch, rowan and oak will be planted at moderate density, with woodland meadow mixes sown beneath. Scrub and hedgerow planting will use native species suited to site conditions, with hedgerows planted in double staggered rows to maximise shelter for wildlife. Existing vegetation will be retained and enhanced where possible. Low-density livestock grazing is recommended to help maintain diverse ground vegetation without damaging young trees.
- **Goal 4: Provision and Maintenance of Wildlife Boxes/Refugia for birds, bats and reptiles/amphibians.** This will provide nesting/roosting opportunities for bats and birds and shelter and hibernacula for herptiles to help increase species assemblages within the Site while young, planted trees mature.

3.9.29 Detailed monitoring and management will be included in the detailed BEMP.

3.9.30 The measures set out in the oBEMP will provide both compensation for biodiversity lost and enhancement on Site. This is achieved by replacing the loss of species poor grassland and arable land with enhancement of existing grassland, planting of more species diverse grassland on existing arable land, hedgerow planting and mixed woodland/scrub planting.

3.9.31 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 OBEMP.

3.9.32 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 its 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 that 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 **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 The Site area is not located within or adjacent to a designated landscape, and there are no National Scenic Areas (NSAs) or National Parks within the landscape and visual study area.

3.10.13 As explained above in the context of NPF4 Policy 11, the Site is not within any landscape designations, with the nearest non statutory designation, the Ochil Hills LLA, 3.3 km to the south.

3.10.14 The landscape and visual appraisal sets out an assessment of the effects of the Proposed Development and concludes only localised significant effects on landscape and visual receptors would be expected, at distance of up to 500 m. No local landscape designations are affected such that the integrity of their setting would be affected by the Proposed Development.

3.10.15 Protected species have been considered and no significant adverse effects are predicted.

3.10.16 A sHRA has been carried out for the South Tayside Goose Roosts SPA/Ramsar: all features; River Tay SAC: otter; Firth of Tay and Eden Estuary SPA/Ramsar: greylag goose and pink-footed goose; and Loch Leven SPA/Ramsar; pink-footed goose. The Appropriate Assessment ascertained no adverse impacts on Conservation Objectives and integrity of these sites. Mitigation is proposed in relation to the River Tay SAC due to the proximity to the East Pow River (within the River Tay SAC), which will ensure no Conservation Objectives would be undermined, either alone or in combination with other plans or projects.

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

3.11 NPF4 Policy 5: Soils

3.11.1 The intent of Policy 5 is to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. Parts (a) and (b) of the policy are relevant. A review of the Carbon and Peatland Mapping indicates that there are no carbon rich soils or peatland within the Site.

3.11.2 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*."

3.11.3 **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 … and there is secure provision for restoration'* where the layout and design minimises the amount of protected land that is required. Furthermore, criterion i) provides support for *'Essential infrastructure and there is a specific locational need and no other suitable site';*

3.11.4 The policy requires that *"In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required."*

Application of Policy 5

a) Soils

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 change to grassland management from arable production 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.

3.11.7 Land within the red line boundary will not be ploughed or worked for arable crop production throughout the 40-year operational period - nor will pesticides, herbicides or inorganic fertilizer be applied during this period, therefore soil ecosystem services and natural capital would be retained and improved over time. Some examples of existing ecosystem services which would otherwise be degraded through continued arable production include: carbon sequestration and storage, and associated climate regulation; water and air purification; nutrient cycling; flood regulation; and organism habitat, biological activity and genetic resource.

3.11.8 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 5 which is that *"Soils are healthy and provide essential ecosystem services for nature, people and our economy".*

3.11.9 An Outline Soil Management Plan ('OSMP') would be prepared prior to commencement of construction works and could be secured by condition. The OSMP would set out the best management practices to prevent soil damage and loss in accordance with NPF4 Policy 5.

b) Agricultural Land

3.11.10 In relation to prime agricultural land, the National Scale Land Capability for Agriculture (LCA) in Scotland (1:250,000) and the Partial Cover LCA maps indicate that the entirety of the Site consists of Class 3.1, prime agricultural land.

3.11.11 A site specific LCA Classification of the Site has been undertaken following detailed site analysis. The LCA survey indicated that the Site consists of 148.86 ha (86.8%) Class 3.1 land (Prime Land) and 22.69 ha (13.2%) Class 3.2 land (Non-Prime Land). The Site therefore consists mainly of Prime, LCA agricultural land, with smaller areas of non-Prime land.

3.11.12 The Government in preparing this policy approach has clearly been aware of potential impacts on agricultural land and has expressly allowed for renewable energy development on prime agricultural land, subject to provision for restoration. The Applicant has committed to providing a detailed decommissioning and restoration plan at the appropriate stage in line with the provision of Policy 5.

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

3.11.14 It is considered that the policy support for renewable development on prime agricultural land is expressly clear as set out in Policy 5.

3.11.15 It is necessary to examine the latter part of the policy part b) in more detail, whereby it requires that *the layout and design of a proposal minimises the amount of protected land*

required. It is highlighted that the Applicant has undertaken a rigorous site selection exercise to identify this Site for development. **Chapter 2 Site Selection and Design Iteration** of the EIA Report sets this out in detail, and reference is made to the approach taken to identify potentially suitable sites for renewable energy development.

3.11.16 The starting point for the Applicant has been the ability to connect to the electricity network and proximity to a suitable grid connection. The Site was identified as the only sizeable extent of land within 7 km of the required Grid Connection Point at Burghmuir, Perth. This was determined through a careful examination of constraints including forestry and woodland; flood risk; cultural heritage designations; environmental and protected areas and residential properties. This exercise allowed for the identification of generally unconstrained land in environmental and planning terms, and therefore suitable for renewable energy infrastructure. This exercise is illustrated within **Appendix A to Chapter 2** of the EIA Report.

3.11.17 The Site was identified through this constraints mapping exercise, following which other initial baseline studies and survey works were undertaken, which included examining the Land Capability for Agriculture (LCA). The development area went through a series of design iterations as noted in Chapter 2 of the EIA Report. The site design has responded to the on-site constraints and requirements to deliver significant biodiversity enhancement and suitable mitigation in the form of buffer zones to sensitive areas.

3.11.18 The Site layout and spacing of panels and other infrastructure is efficiently designed to avoid unnecessary areas of land being incorporated achieving a compact design, while maximising the generation of renewable energy. This included responding to environmental constraints as appropriate.

3.11.19 The final layout represents a reduction of the overall panelled area at each stage of the iterative design in order to address various environmental and technical constraints as they were identified. The changes also result in a reduction of the overall area of prime agricultural land covered by panels. The final layout of the Proposed Development minimises the amount of prime agricultural land required, and the developed area i.e. solar array area including spaces between rows and substation will cover approximately 126 ha of the overall Site Area (175 ha).

3.11.20 The Proposed Development has sought to maximise the output and generation capacity of the solar array, while carefully balancing the various environmental and technical constraints – reducing the extent of development as necessary in response to those constraints.

3.11.21 It is noted that the nature of the Proposed Development would mean there is no permanent loss of agricultural land and that it would be returned to its current form at the end of its operational time frame.

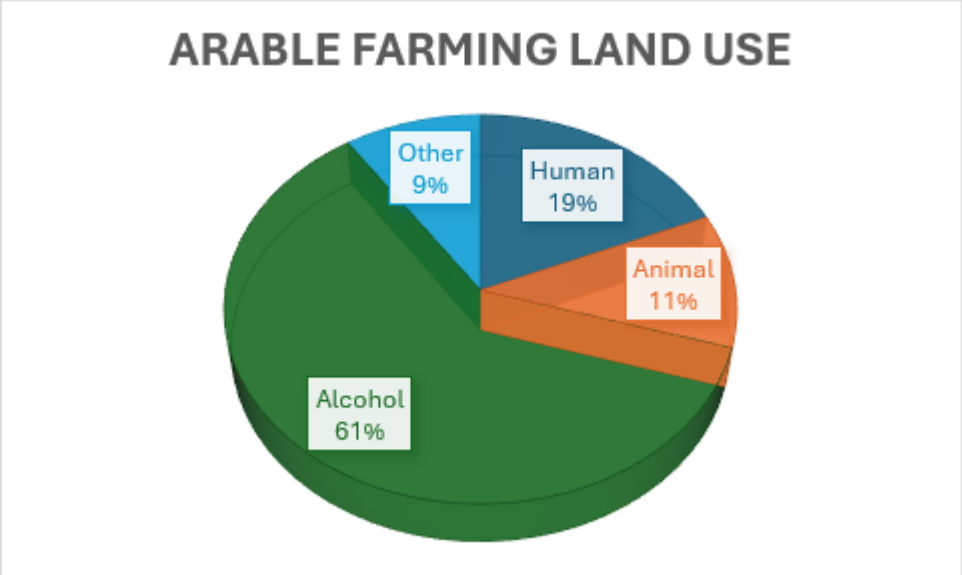
3.11.22 The Site will continue to contribute to the maintenance of soil ecosystem services and functionality and the removal of the Site from intensive agricultural uses will result in beneficial change to soil quality and productivity at the end of the 40 year lifespan.

3.11.23 In addition, a form of agricultural use is to be retained for the lifetime of the project, e.g. livestock grazing during operation of the Proposed Development.

3.11.24 In terms of the Site's current arable land use breakdown, the crops grown are used for a variety of purposes. Figure 3.1 illustrates the breakdown across production for alcohol for the drinks industry; animal feed; human consumption and other[14].

[14] Other comprises: Seed potatoes used as seed (3.97% of arable land) and environmental land use (green manures, fallow areas or grass margins) 5.52% of arable land.

Figure 3.1 Arable Farming Land Use Dupplin (2025)



3.11.25 This is based on data provided by the landowner for its overall arable farming rotation for the year 2025. On average across a six year cropping rotation it is anticipated that the majority of Site (61%) would be utilised for grains associated with alcohol with only 19% used for food production for human consumption. This illustrates that the Site does not make a significant contribution to food production in this local context.

3.11.26 Notwithstanding the Site's current uses as noted above, food production and food security are not matters which require to be dealt with in NPF4, or indeed within PKC's LDP. Nevertheless, the evidence presented above demonstrates that the site is not a major contributor in terms of food production in the PKC area.

3.11.27 The Proposed Development would fulfil an established need, set out in NPF4 and other national energy policy documents, for new renewable energy infrastructure required to tackle the climate and nature crises and to help achieve net zero objectives. There is provision within Policy 5 for renewable energy development on prime agricultural land, and restoration proposals can be secured by condition. The Proposed Development is a major infrastructure proposal with National development status given its nature and scale. Moreover, the Proposed Development is clearly defined in NPF4 as "essential infrastructure".

Conclusions on Policy 5

3.11.28 Overall, the introduction of the Proposed Development is considered to lead to environmental enhancement of carbon sequestration, low intensive farming and wildlife biodiversity. While the Proposed Development is largely located on prime agricultural land, there is clear support within Policy 5 for renewable energy development on prime agricultural land where it can be demonstrated that the layout and design of the proposal minimises the amount of protected land that is required. This has been demonstrated through the EIA Report Site Selection exercise and is set out above.

3.11.29 The proposals are therefore considered to be in accordance with NPF4 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 Policy 6

3.12.2 No ancient woodland occurs within the Site. Elven areas of ancient woodland listed on the AWI were identified within 2 km of the Site, two of which border the Site. Design mitigation has ensured that this woodland habitat is appropriately buffered from the Proposed Development by a minimum of 30m. At this distance, it is considered that there will be no direct or indirect impacts to the AWI-listed woodland, including both above ground habitat and the root systems.

3.12.3 A habitat and tree protection plan will be incorporated into a CEMP to ensure best practice measures are followed throughout construction and operational maintenance.

3.12.4 As detailed above, tree planting is proposed as part of the Landscape Mitigation and Enhancement Plan.

3.12.5 There will be no direct loss of trees or woodland to facilitate the Proposed Development. The Proposed Development is deemed to be in accordance with Policy 6 of NPF4.

3.13 NPF4 Policy 7: Historic Assets and Places

3.13.1 Th Policy intent is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

3.13.2 Of most relevant to the Proposed Development part I and j) of the Policy states:

"c) … Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest…

h) Development proposals affecting scheduled monuments will only be supported where:

i. direct impacts on the scheduled monument are avoided;

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

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

i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.

j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities."

Application of Policy 7

3.13.3 The cultural heritage 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 known and unknown heritage assets during construction, and the residual effect of the Proposed Development has all been considered. The majority of designated heritage assets were not taken forward for detailed assessment as the ZTV analysis illustrated that there would be minimal impacts from the Proposed Development due to lack of visibility due to topography, intervening landscape screening, or distance from the Site.

3.13.4 A detailed assessment has been undertaken in relation to potential impact on the Battle of Tippermuir (BTL39). The assessment notes that the aspects of the setting of the battlefield that contribute to its Integrity, Significance, Character and Experience are the topography of

the landscape and its contribution to the understanding and appreciation of the battlefield; the surviving elements of the Old Gallows Rd and key sight lines along it; and the rural character of the area. The Proposed Development would introduce visible solar arrays in the landscape both within and bordering the battlefield. These would be visible from most parts of the battlefield with the exception of the lower ground on the northern side of Lamberkine Ridge and north of West Lamberkine Wood.

3.13.5 Although the Site is within the designation of the battlefield, it is not located within any of the key events relating to the battlefield and many of the aspects which contribute to the Integrity, Significance, Character and Experience are unaltered. The Proposed Development would form a small change within the broad rural landscape south of the major engagements of this Battle, thus impacting the Character and Experience to a minor extent. Due to the visual distraction in some key sight lines along the Old Gallows Road, the Integrity and Significance would be impacted to a very minor extent. Other aspects which contribute to the Integrity, Significance, and Character of the battlefield, such as the sightlines and topographical nature of Lamberkine Ridge and its significance to the battle will not be impacted by the Proposed Development. The assessment concludes that due to a low magnitude of impact on an asset of high significance, this would result in a Minor significance of effect, which is considered not significant. It is considered that the cultural significance, key landscape characteristics, physical remains and special qualities of the battlefield would be adequately retained with the introduction of the Proposed Development, and as such, is considered to be in accordance with Policy 7j of NPF4.

3.13.6 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 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

3.14.2 It has been shown that the Proposed Development is not considered to be at risk of flooding and that surface water attenuation measures in accordance with sustainable drainage principles can be provided to control both the rate and quality of discharge from Proposed Development, so that flood risk to downstream land and property is not increased.

3.14.3 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 Significant adverse effects have been identified in relation to landscape and visual matters at a localised level only up to 500 m from the Site. 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 and as a development with National development status.

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 Perth and Kinross Local Development Plan (PKCLDP), adopted 29 November 2019.

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

> SG 'Landscape', Adopted 2020;

> SG Flood Risk and Food Risk Assessments.

4.1.3 These SG have been considered appropriately within technical assessments and reported accordingly within the supporting information.

4.1.4 The PKCLDP 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 PKCLDP Policies

4.2.1 The PKCLDP2 sets out the vision for a low carbon place at Section 3.2. Tackling climate change is front and centre of this vision. The supporting text notes the importance of reducing greenhouse gases emission and adapting to the principles of sustainable development. In relation to renewable energy it states at page 50:

"Increasing the amount of energy from renewable and low carbon technologies will help to make sure that Scotland has a secure energy supply, reduce greenhouse gas emissions to slow down the effects of climate change, help improve air quality and stimulate investment in new jobs and businesses. The planning system has a crucial role in the delivery of new and re-powered renewable and low-carbon energy sources and infrastructure in locations where environmental impact is acceptable."

4.2.2 The EIA Report and its supporting appendices have demonstrated that the Proposed Development is environmentally acceptable.

4.2.3 Notwithstanding the support for renewable energy within PKCLDP, it must be acknowledged that it has been prepared under NPF3 and SPP which are not aligned with NPF4.

4.2.4 The key policy for assessing the Proposed Development against is Policy 33 Renewable and Low Carbon Energy.

Policy 33 Renewable & Low Carbon Energy

4.2.5 Policy 33A deals with 'New Proposals for Renewable and Low-Carbon Energy' and states:

"Proposals for the utilisation, distribution and development of renewable and low-carbon sources of energy will be supported subject to the following factors being taken into account:

(a) The individual or cumulative effects of developments and associated transport/electricity infrastructure on:

- *biodiversity and natural heritage;*
- *woodland and forestry;*
- *landscape character, Local Landscape Areas, Wild Land Areas and National Scenic Areas;*
- *visual amenity;*
- *the historic environment and cultural heritage;*
- *hydrology, the water environment and flood risk;*
- *air quality, including any effects on greenhouse gas emissions and impacts from construction;*
- *aviation, defence and seismological recording;*
- *telecommunications and broadcasting infrastructure;*
- *residential amenity of the surrounding area (including noise and shadow flicker); and,*
- *hazardous installations (including pipelines).*

(b) The contribution of the proposed development towards meeting carbon reduction and renewable energy generation targets.

(c) The net economic impact of the proposal, including local and community socio-economic benefits such as employment and supply chain opportunities.

(d) The transport implications, and in particular the scale and nature of traffic likely to be generated, and its implications for site access, road capacity, road safety, and the environment generally. (Applications with impacts on the Strategic Trunk Road Network will be subject to discussion and agreement with Transport Scotland)

(e) Construction and service tracks and borrow pits associated with any development.

(f) Effects on soils including:

- *carbon rich soils, deep peat and priority peatland habitats; or*
- *prime agricultural land;*

(g) The effects on public access, recreation and tourism interests including core paths, scenic corridors (the A9 trunk road as identified in NPF3) and other established routes for public walking, riding or cycling.

(h) Decommissioning including any conditions/bonds considered necessary for site restoration.

(i) Opportunities for energy storage.

(j) Cross-boundary impacts including any impacts on the qualities of the Cairngorms and Loch Lomond & The Trossachs National Parks."

4.2.6 Policy 33C deals with 'Decommissioning and Restoration of Existing Facilities' and requires that at the end of their operational life the development and associated equipment is removed and the site is restored to a standard agreed with the Council. Appropriate financial bonds or other financial mechanism(s) for site restoration may be required.

4.2.7 Parts B Repowering and Extending Existing Facilities, and D Spatial Framework for Wind Energy are not relevant to the Proposed Development.

4.2.8 The topics that are required to be considered under Policy 33A are largely aligned with NPF4 policy 11, and have been considered in detail within Chapter 3. Whilst Policy 33 of the LDP requires the contribution of a development to targets to be taken into account, NPF4 Policy 11 expressly requires significant weight to be given to such a contribution.

Other relevant PKCLDP Policies

4.2.9 The other policies of relevance in the PKCLDP 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 PKCLDP Policy Summaries and consideration against NPF4

LDP Policy	Policy Summary	Comment re NPF4
Policy 1 Place Making	The policy is split into various parts and part 1A is of some relevance. It states that development must contribute positively to the quality of the surrounding built and natural environment and that all development should be planned and designed with reference to climate change, mitigation and adaptation. The policy requires design and siting of development to respect character and amenity of place. Other aspects of the policy relate to more conventional built development and would not be relevant.	The provisions of this general policy insofar as relevant are contained within the scope of NPF4 Policy 11 (Energy). No conflicts or contradictions with NPF4.
Policy 15 Public Access	The policy states that proposals that would have an adverse impact upon the integrity of any core path or right of way will not be permitted. The policy also requires proposals that would affect public access rights, to ensure that such effects are adequately addressed and where necessary, suitable alternative provisions should be made.	NPF4 Policy 11 deals with impacts in relation to public access. No conflicts or contradictions with NPF4.
Policy 26 Scheduled Monuments & Archaeology	Policy 26A deals with Scheduled Monuments and states that there is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances. Policy 26B deals with Archaeology and states that the Council will seek to protect areas or sites of known archaeological interest and their settings. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ.	NPF4 Policy 7 (Historic assets and places) deals with impacts in relation to cultural heritage. No conflicts or contradictions with NPF4.
Policy 31 Other Historic Environment Assets	The policy states that there is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, historical woodlands and routes, which do not have statutory protection. It states that these resources are,	NPF4 Policy 7 deals with impacts in relation to cultural heritage. No conflicts or contradictions with NPF4.

LDP Policy	Policy Summary	Comment re NPF4
	however, an important part of Scotland's heritage and the Council will seek to protect and preserve significant resources as far as possible.	
Policy 38 Environment and Conservation	Policy 38A deals with international nature conservation sites, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Policy 38B deals with national designations including National Parks, National Scenic Areas, Sites of Special Scientific Interest and National Nature Reserves. The policy tests in relation to international and national designations in the policy are the same as those as set out in national planning policy, namely NPF4. Policy 38c deals with local designations. It states that development which would affect a local designation will not normally be permitted except where the Council is satisfied that the objectives of designation and the overall integrity of the designated area would not be compromised; or any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.	NPF4 Policies 3 (Biodiversity) and 4 (Natural places) deal with natural heritage matters. No conflicts or contradictions with NPF4.
Policy 39 Landscape	The policy states that development and land use change, including the creation of new hill tracks, should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes, which requires reference to the Tayside Landscape Character Assessment. The policy states that proposals will be supported where they do not conflict with the aim of maintaining and enhancing landscape qualities. Proposals need to demonstrate with reference to an appropriate landscape capacity study that either in the case of individual developments or when cumulatively considered alongside other existing or proposed developments, that they satisfy certain criteria. These include the following: > They do not erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character areas, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of landscape experience. > They safeguard views, viewpoints and landmarks from development that would detract	NPF4 Policies 11 and 4 deals with landscape matters. There is a conflict with NPF4 policy provisions. NPF4 Policy 4 sets out specific policy tests for dealing with impacts in relation to Local Landscape designations and these differ significantly from the provisions within Policy 39. Furthermore, NPF4 Policy 11 contains landscape as one of a number of considerations and it also contains a specific balancing mechanism in relation to consideration of impacts and the contribution of a development to targets.

LDP Policy	Policy Summary	Comment re NPF4
	from their visual integrity, identity or scenic quality. > They safeguard the tranquil qualities of the area's landscapes. > They safeguard the relative wildness of the area's landscapes, in particular, wild land areas. > They provide high quality standards and landscape design, including landscape enhancement and mitigation schemes when there is an associated impact on a landscape's qualities. > They incorporate measures for protecting and enhancing the ecological, geological, historic, cultural and visual immunity elements of the landscape; and > They conserve the experience of the night sky in the less developed areas of Perth and Kinross through design solutions with low light impact. The policy also references local landscape areas (LLAs) and states that development should only be permitted where it will not have a significant adverse impact on their special character or qualities, or where these impacts are clearly outweighed by social and economic benefits that are of local significance to Perth and Kinross.	Policy 39 conflicts with NPF4.
Policy 40 Forestry, Woodland and Trees	The policy sets out that the Council will follow the principles of the Scottish Government policy on control of woodland removal and developers are expected to fully accord with its requirements. It adds that in accordance with that document, there will be a presumption in favour of protecting woodland resources, except where the works proposed involve the temporary removal of tree cover in a plantation, which is associated with clear felling and restocking. It adds that in exceptional cases where the loss of individual trees or woodland cover is unavoidable, the Council will require mitigation measures to be provided.	NPF4 Policy 6 deals with forestry, woodland and trees. No conflicts or contradictions with NPF4.
Policy 41 Biodiversity	The policy states that the Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area. It adds that proposals that have a detrimental impact on the ability to achieve the guidelines and actions in the Tayside Local Biodiversity Action Plan will not be supported unless	NPF4 Policies 3 and 4 deal with biodiversity. No conflicts or contradictions with NPF4.

LDP Policy	Policy Summary	Comment re NPF4
	clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.	
Policy 50 Prime Agricultural Land	The policy notes that development on prime agricultural land will not be permitted, unless it is necessary to meet a specific established need, such as a major infrastructure proposal and only when there is no other suitable site available on non-prime land.	Policy 50 is not wholly compatible with Policy 5 of NPF4, which provides support for renewable energy development on prime land. Therefore a conflict exists. This is because it is less specific about policy exceptions and does not specifically support renewables. In addition, NPF4 policy 5 specifically does not require demonstration that there is no other suitable site available in the form of a sequential text or similar. The Applicant has demonstrated through the Site Selection exercise and **Appendix A to Chapter 2 Site Selection and Design Iterations** of the EIA Report that there are no other suitable sites for the Proposed Development on non-prime agricultural land.
Policy 51 Soils	The policy states that the Council will seek to protect soils from damage, such as erosion or compaction. It adds developments located on areas of good quality agricultural soils will only be supported in certain circumstances. The policy adds that the Council is also committed to ensuring that development avoids disturbance to, and the loss of, carbon rich soils, including peatland, which are of value as carbon stores. The policy also allows for exceptions in relation to development that would disturb carbon rich soils, and in such circumstances, development is to be informed by appropriate peat surveys and management plans and any disturbance or excavation should be minimised. An assessment is also required of likely effects of development on carbon dioxide emissions and suitable mitigation measures are to be identified.	NPF4 Policy 5 deals with soils. No conflicts or contradictions with NPF4.

LDP Policy	Policy Summary	Comment re NPF4
Policy 52 New Development and Flooding	The policy states that there is a general presumption against proposals for built development or land raising on a functional flood plain and the policy sets out requirements for developers to address flood risk associated with new development.	NPF4 Policy 22 deals with flood risk and water management. No conflicts or contradictions with NPF4.
Policy 53 Water, Environment and Drainage	The policy deals with the water environment, foul drainage, surface water drainage and natural watercourses.	NPF4 Policy 22 deals with flood risk and water management No conflicts or contradictions with NPF4.
Policy 56 Noise Pollution	The policy states that there will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly, against the locating of noise sensitive uses near to sources of noise generation. The policy adds that a Noise Impact Assessment will be required for proposals where it is anticipated that a noise problem is likely to occur.	NPF4 Policy 11 contains noise as one of a number of considerations. No conflicts or contradictions with NPF4.
Policy 60 Transport Standards and Accessibility Requirements	The policy deals with development proposals, in particular those that involve significant travel generation and it sets out requirements in relation to transport standards, including parking and the need, in some cases, for the preparation of a Transport Assessment.	NPF4 Policy 13 deals with sustainable transport. No conflicts or contradictions with NPF4

4.3 Planning Guidance

4.3.1 The following non statutory planning guidance is of relevance to the Proposed Development and has been considered as appropriate through the preparation of the EIA and design development of the Proposed Development:

- Planning Guidance – Draft Renewable & Low Carbon Energy (2025);
- Planning Guidance - River Tay Special Area of Conservation; and
- Planning for Nature Development Management and Wildlife Guide (2022)

4.3.2 Of most relevance is the draft Renewable and Low Carbon Energy planning guidance which is considered in more detail below.

Draft Renewable & Low Carbon Energy (2025);

4.3.3 PKC notes that the draft Renewable and Low Carbon Energy planning guidance contains detailed advice on how applicants should address policy criteria. The draft guidance covers a range of renewable and low carbon electricity generation technologies and sets out a consistent approach to be applied across Perth and Kinross.

4.3.4 There are considered to be a number of incompatibilities between the draft guidance and NPF4 and while the guidance does not form part of the Development Plan it is not deemed to be in the spirit of the clear and overwhelming support for renewable energy development within national policy and as set out in detail in Chapter 2.

4.3.5 The incompatibilities include attempts to define terms beyond NPF4. This includes references to definitions for terms such as 'localised' and 'appropriate design mitigation' in the context of landscape and visual impacts. It also notes that the term 'some forms of renewable energy' in relation to Policy 11 e) ii. 'refers to wind installations only'. There is no policy basis for this interpretation and it cannot be relied on.

4.3.6 The draft guidance states that *"Large installations may affect the setting of or views to/from heritage assets and will not be acceptable where they have significant adverse effects, as assessed against NPF4 Policy 7."* NPF4 Policy 7 does not have a blanket approach that says proposals will not be acceptable where significant adverse effects arise. NPF4 Policy 7 contains detailed wording in relation to individual assets, each of which has slightly different policy tests in terms of demonstrating acceptability. An assessment of the Proposed Development against Policy 7 is provided in Chapter 3.

4.3.7 In short, guidance is provided within the document on "policy interpretation". The interpretation of planning policy is a matter of law and is not a matter to be defined / interpreted within planning guidance.

4.3.8 The guidance does not have development plan status and has not yet been finalised. It therefore has limited weight in decision making as a material consideration.

4.3.9 Notwithstanding, the guidance has been considered where relevant in the layout, siting and design of the Proposed Development and in terms of the supporting information submitted with the application.

4.4 Emerging Perth and Kinross Local Development Plan 3

4.4.1 The Council are in the process of preparing the next LDP on a timetable that will see its adoption between October – December 2027. PKC submitted the LDP3 Evidence Report to the DPEA on 27 March 2025. In July 2025, the reporter appointed to examine the LDP3 concluded that the evidence report contained insufficient information to enable the planning authority to prepare its local development plan and was therefore returned to PKC. PKC has prepared the revised LDP3 Evidence Report Resubmission, which was approved at a meeting of Full Council on 10 December 2025. The PKC website notes that the updated Evidence Report will be submitted to the DPEA in January, 2026.

4.4.2 No weight is therefore afforded to the LDP at this time.

4.5 Conclusions on the LDP

4.5.1 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 PKCLDP.

4.5.2 It is considered that the effects arising from the Proposed Development would not be unacceptable in terms of Policy 33 or indeed other relevant policies within the LDP. Moreover, through considering the other relevant policies, it is considered that the Proposed Development accords with the LDP when it is read as whole.

4.5.3 The policy provisions of the PKCLDP 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 The Electricity Act 1989

5.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals for consent under section 36 of the 1989 Act.

5.1.2 The information that is contained within the individual topic assessments, presented within the EIA Report and submitted with the Application therefore enables Scottish Ministers to be satisfied that the obligations under Schedule 9 are met and that suitable mitigation has been identified. It is also considered that the detailed work undertaken in the formulation of these assessments has confirmed and provides confidence that the Proposed Development would be undertaken in an environmentally acceptable manner.

5.2 The Benefits of the Proposed Development

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

System Resilience, Greater Capacity for Renewables & Emissions Savings

> With an overall export capacity in the region of 75 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 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.

> The UK legally binding target of net zero GHG emissions by 2050 and the Scottish Government net zero target by the earlier date of 2045 are major challenges.

> In Scotland, 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.

> 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.

- The proposed Development, over the anticipated eight to twelve month construction period, could generate GVA worth £1.44 million in the local area (Dunning/Tibbermore/Perth), £2.88 million in Perth and Kinross and £4.12 million for Scotland.
- Over the operational period, it was estimated that the Proposed Development could generate GVA worth a cumulative total of £12.0 million in the local area, £24.1 million in Perth and Kinross and £32.8 million for Scotland
- In addition, the Proposed Development seeks to support up to 14 FTE jobs in the local area, 27 FTE jobs in Perth and Kinross and 39 FTE jobs across Scotland as a whole during construction. During operational period, it is expected the Proposed Development could provide 5 FTE jobs in the Local Area, 10 FTE jobs in Perth and Kinross and 15 FTE jobs across Scotland on an annual basis.

> 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 Section 36 application and should be afforded very considerable weight in decision-making.

5.3.3 NPF4 is unambiguous as regards the policy imperative to combat climate change: the crucial role of greater deployment of renewable energy is expressly recognised through the national Statement of Need. As described in this Planning Statement:

> The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are "*at the heart of our vision for a future Scotland*" so that "*the decisions we make today will be in the long-term interest of our country*"[15]. 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.

[15] NPF4, page 2.

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***"[16] (original emphasis) in line with the NPF4.

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 connection to the electricity grid, just 3 km to Burghmuir Substation, and one which benefits from existing natural screening through woodland and natural topography resulting in minimal localised landscape and visuals effects. This is enhanced by the proposed Landscape Mitigation Plan. Furthermore, the Applicant has gone to considerable lengths to ensure a satisfactory layout, design and composition for the proposed Solar PV, including the removal of the originally proposed BESS component. **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 key effects in landscape terms would be experienced across the Site and adjoining land within approximately 400-500 m, to the south, south east and north east of the Proposed Development. Effects to the north within 500 m would be curtailed by intervening landform. Effects would diminish at greater distances, where the Proposed Development would increasingly represent a more discreet, low-lying element in the background landscape. Visual effects would also be restricted based on the Site location, the undulating landform and pockets of tree cover.

5.3.9 The design has developed iteratively in response to surveys and consultation with measures such as landscape planting introduced to create a buffer and soften the edges of the Site in order to protect landscape and visual amenity overall. On this basis, it is concluded in the LVIA that although some landscape and visual effect arise, the overall effects of the Proposed Development are deemed acceptable.

5.3.10 While the development would be located on largely prime agricultural land, the Applicant has sought to minimise the area developed, while maximising renewable energy production. The spacing and layout has sought to achieve this. Cumulative matters have also been considered and no unacceptable cumulative effects are predicted.

5.3.11 NPF4 requires that the decision-makers must also identify and weigh the adverse effects of a proposed development. The way that decision makers can recognise the strengthening policy imperative and the increased weight that should be given to the benefits of the Proposed Development is by giving stronger weight in the planning balance to the seriousness and importance of energy policy related considerations and the contribution of the proposed development in meeting green energy targets.

5.3.12 It is considered that this approach is very clearly reflected and articulated in NPF4 (subject to Scottish Government policy now expressly stating that significant weight will be given to the global climate and nature crises and a proposed development's contribution towards meeting targets).

5.3.13 In this case, the Proposed Development will help to deliver the national Spatial Strategy set out in NPF4. The Proposed Development would make a valuable and near-term (in advance of 2030) 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 2030 and 2045 targets and beyond. In Scotland there is an ambition for up to 6GW deployment of solar by 2030 of which around 3.5GW would be

[16] Energy Strategy and Just Transition Plan, page 55

expected to be ground mounted solar PV systems. It is submitted that very substantial weight should be given to the contribution the Proposed Development will make to these targets, when weighing the need for the development and its limited identified effects within the planning balance.

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

5.3.15 Through NPF4 the Scottish Government has put the climate crisis at the forefront of national planning policy. 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 targets set are binding rather than just being ambitions, and therefore this is a factor that must be reflected in Section 36 application decisions.

5.3.16 The Proposed Development is a key component in the wider renewables diversity mix and in meeting the Net Zero commitments as it is designed to support the flexible operation of the National Grid.

5.4 Overall Conclusion

5.4.1 The policy set out in NPF4 requires a rebalancing of the consenting of renewable generation proposals in response to the challenges of tackling the climate and nature crises. Having regard to the weight to be ascribed to the important benefits of the Proposed Development, it is considered that the benefits that would result clearly outweigh its adverse effects.

5.4.2 The policy set out in NPF4, and the policy in the draft Energy Strategy and draft Climate Change Plan provide strong and increased support for the grant of consent.

5.4.3 The conclusion is that the Proposed Development would be consistent with all relevant national planning and energy policies including the Development Plan. While there is no statutory duty on the Applicant under Part 3 of Schedule 9 of the 1989 Act, the Applicant has through the EIA process, had full regard to the matters set out therein.

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