



Cossans Solar & BESS

Section 36 Application:

Planning Statement Addendum

May 2026



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1. Introduction

1.1 Background

- 1.1.1 This Planning Statement Addendum has been prepared by David Bell Planning Ltd ('DBP') on behalf of TRIO POWER Limited (hereafter referred to as 'the Applicant') to support to install and operate a Solar Photovoltaic ('PV') array and Battery Energy Storage System ('BESS') with associated infrastructure, access and landscaping, (hereafter referred to as 'the Proposed Development') on land at Cossans, near Forfar, within the Angus Council administrative area.
- 1.1.2 As the Proposed Development has a generating capacity in excess of 50 megawatts ('MW'), consent is required from Scottish Ministers under Section 36 of the Electricity Act 1989 ('the 1989 Act'). In addition, a request is being made by the Applicant that planning permission is deemed to be granted under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, as amended ('the 1997 Act').
- 1.1.3 The Proposed Development will require a grid connection from the onsite substation to the Grid Supply Point ('GSP') which will be subject to its own necessary consents in due course.
- 1.1.4 Any requirement for consent for the grid connection application will be made at a later date by Scottish and Southern Energy Networks ('SSEN') who are responsible for the transmission and distribution of electricity across the east and north of Scotland. The necessary application will duly assess the fixed grid connection route at that time.
- 1.1.5 Since the submission of the Section 36 application to Scottish Ministers, a Technical Appendix to the Environmental Impact Assessment (EIA) Report has prepared to examine the potential grid connection route by way of an Indicative Grid Connection Corridor Assessment (the 'Grid Assessment'). The Grid Assessment provides an overview of the Indicative Grid Connection Corridor ('IGCC') route identified by the Applicant, through which the Underground Cable (UGC) could be routed, and the likelihood of any significant environmental effects based on the information available to date. The Grid Assessment is based solely on the information available to the Applicant at the time of completing the assessment.
- 1.1.6 The Applicant considers this approach to comply with Regulation 4(2) of the EIA Regulations which requires the EIA to "*identify, describe and assess in an appropriate manner, **in light of the circumstances relating to the proposed development**, the direct and indirect significant effects of the proposed development*" (emphasis added).
- 1.1.7 It is noted that the final UGC route will be fixed at a later date and will be required to comply with SSEN's statutory environmental duties as distribution network operation (DNO) under the Electricity Act 1989.
- 1.1.8 As set out in the Planning Statement (May 2025), 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.
- 1.1.9 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).
- 1.1.10 In addition, there are 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.
- 1.1.11 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. The EIA Report identifies how various factors were taken into account in the formulation of the application.

1.1.12 The conclusions as set out in the Planning Statement (May 2025) were as follows:

- > 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 and the information that is contained within the individual topic assessments submitted with the Application 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.

1.2 Raeshaw Farms Judgment

1.2.1 The Planning Statement (May 2025) did not have regard to the grid connection, as there was no information provided as part of the application at the point of submission. The Grid Assessment is provided in response to a recent judgment of the Court of Session in the case of *Raeshaw Farms Limited v Scottish Ministers and EnergieKontor* [2026] CSIH 10 ('Raeshaw Farms').

1.2.2 The Raeshaw Farms case concerned a statutory challenge brought by a landowner under the 1997 Act in respect of a decision of a Reporter appointed by Scottish Ministers to allow an appeal and grant planning permission for an onshore wind farm located at Wull Muir in the Scottish Borders.

1.2.3 The Court confirmed that it was not necessary for an application for a wind farm to also include the grid connection.

1.2.4 The particular issue before the Court was the adequacy of the Reporter's evaluation as to whether the wind farm and its grid connection infrastructure constituted a single "project" for the purposes of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the 'EIA Regulations').

1.2.5 On the question of whether the wind farm and its grid connection infrastructure constituted a single "project" for the purposes of the EIA Regulations, the Court found that the Reporter had failed to conduct the necessary fact specific evaluation of the proposal before him. It was incumbent on him to do so before reaching a conclusion on whether the wind farm and grid connection infrastructure constituted a single "project" for EIA purposes.

1.2.6 The Raeshaw Farms decision sets out that what was required in determining the application was careful consideration of whether the wind farm and grid connection infrastructure were, on the basis of the available material, so closely connected as to form part of a single "project" for EIA purposes. The Court confirmed that what constitutes a "project" for the purposes of EIA was a matter of fact for the decision maker. The Court confirmed that a wind farm application need not include the grid connection, and that these can be consented separately.

1.3 Description of Grid Connection

1.3.1 It is anticipated that the grid connection will be a 132:33 kV underground cable (UGC). This will be dependent on the final route chosen by SSEN and factors including the network operators design standards, topography, environmental constraints and conductor loading.

- 1.3.2 Figure 1 of the Grid Assessment presents the Indicative Grid Connection Corridor within which the indicative cable route is presented.
- 1.3.3 The IGCC extends from the substation within the Proposed Development in a northeasterly direction to connect with Lunanhead 132:33 kV Substation. The length of the UGC within the IGCC would be approximately 9.4km.
- 1.3.4 The footprint of the works required to construct the grid connection would be carefully managed within a defined corridor, therefore disturbance of sensitive features would be avoided or minimised as far as possible. The Grid Assessment considers a corridor of 100m on either side of the indicative UGC route.
- 1.3.5 A more detailed description of the IGCC is provided within the Grid Assessment document.

1.4 Purpose of Planning Statement Addendum

- 1.4.1 The purpose of this Planning Statement Addendum is therefore to examine the grid connection corridor alongside the Proposed Development, and to review the conclusions reached in the overall planning balance, taking account of the findings of the Grid Assessment.
- 1.4.2 The Planning Statement Addendum has considered whether the introduction of the IGCC would alter the planning balance and overall conclusions reached in respect of the Section 36 application for the Proposed Development.
- 1.4.3 This Planning Statement is structured as follows:
- > **Chapter 2** considers the likely potential environmental effects of the grid connection and whether the conclusions reached in the assessment would alter the planning balance and overall conclusion reached in the Planning Statement (May 2025). It also provides an update in terms of energy policy framework.
 - > **Chapter 3** presents updated conclusions on the overall accordance of the Proposed Development with the Development Plan and material considerations.

2. Updated Planning Considerations

2.1 Introduction

- 2.1.1 This section presents an overview of the Grid Assessment findings and the implications of its conclusions for the overall planning balance and conclusions set out in the Planning Statement (May 2025).
- 2.1.2 It also considers updated reports and policy documents in relation to the energy policy framework which have been published since the submission of the Section 36 application in May 2025 and which are relevant considerations.

2.2 Summary of Key Findings of Grid Assessment

- 2.2.1 The Grid Assessment sets out the key environmental considerations relating to the potential grid connection for the Proposed Development, based on the information available at the present time, which has been reviewed in preparing this Planning Statement Addendum.
- 2.2.2 It examines a number of environmental considerations including landscape and visual matters; ecology and ornithology; cultural heritage and archaeology; geology, peat, hydrology and hydrogeology; access, traffic and transport; noise; agricultural land; impacts on trees; and recreational interests.
- 2.2.3 In summary, the Grid Assessment identifies areas where significant environmental effects may arise, particularly in relation to residential visual amenity, landscape and visual receptors, cultural heritage settings, and cumulative construction traffic along the road corridors of the IGCC. However, it also confirms that through careful route refinement, micro-siting, and adherence to established best-practice construction and environmental management measures, potential impacts can be effectively avoided or reduced.
- 2.2.4 The Grid Assessment undertaken examined the potential construction and operational effects of the grid connection both in combination with the Proposed Development and cumulatively with other developments in the study area.
- 2.2.5 It confirms that through careful route refinement, micro-siting, standard mitigation measures, and adherence to established best-practice construction and environmental management measures, potential significant environmental effects can be effectively avoided or reduced to an appropriate level.

2.3 Development Plan Policy Considerations

- 2.3.1 The Planning Statement submitted with the Section 36 application provided a detailed assessment of the Proposed Development against the relevant planning policy, namely the statutory Developments Plan, made up of National Planning Policy 4 ('NPF4') (2023) and the Angus Council Local Development Plan (adopted September 2016) ('ALDP'.) and associated Supplementary Guidance.
- 2.3.2 As previously noted, the grid connection application for consent will be subject to a separate consenting process under the relevant legislation at a later date. Nevertheless, the Development Plan will be a relevant consideration in the determination of that application, alongside other matters.
- 2.3.3 The lead Development Plan policy for the consideration of any future consent application for the grid connection would be NPF4 Policy 11 (Energy). Additional policies which may be relevant include the following NPF4 policies:
- > 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; and
- > Policy 22: Flood Risk and Water Management

2.3.4 From a review of the key findings of the Grid Assessment, it is considered that there are likely to be no significant effects arising from the grid connection in combination with the Proposed Development, or cumulatively with other developments that would give rise to a policy conflict with Policy 11, or indeed the other policies of potential relevance to the grid connection.

2.3.5 The relevant policies of the ALDP and its supplementary guidance have been considered in the Planning Statement (May 2025) in terms of accordance with the Proposed Development. Given the outcome of the Grid Assessment, there are considered to be no impacts predicted which are likely to give rise to a conflict with any policy of the ALDP.

2.4 Updated Renewable Energy Policy Position

2.4.1 The Planning Statement (May 2025) included an up to date position on the renewable energy policy framework. However, since the application was submitted there have been a number of new documents published which are relevant to the needs case and offer support for the Proposed Development.

UN Emissions Gap Report (2025)

2.4.2 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.

2.4.3 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.”

2.4.4 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”.

2.4.5 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.....”

- 2.4.6 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.

Climate Change Committee, Report to Scottish Parliament - Progress in reducing emissions in Scotland (February 2026)

- 2.4.7 The Climate Change Committee ('CCC') produced a report to the Scottish Parliament entitled 'Progress in reducing emissions in Scotland' in February 2026 ('CCC 2026 Report'). The CCC assessment of the Scottish Government's progress in reducing emissions found that there are 'credible plans' and 'plans with only some risks' in place for 91% of the emissions reduction needed to achieve Scotland's First Carbon Budget (2026 to 2030). Action in several areas has improved in the last two years. Achievements include a rise in the roll-out of electric vehicles and related charging infrastructure, as well as the highest rates of peatland restoration seen to date.
- 2.4.8 The CCC 2026 Report acknowledges the progress made stating that "the Scottish Government and Scottish Parliament have made rapid progress in legislating the levels of the four carbon budgets, covering the period 2026 to 2045." This was secured through the Climate Change (Scotland) Act 2009 (Scottish Carbon Budgets) Amendment Regulations 2025 ('2025 Regulations').
- 2.4.9 The carbon budgets are set such that the average annual level of emissions will be:
- > 57% lower than 1990 levels for the First Carbon Budget (2026 to 2030), implying a 12% reduction from levels in 2023.
 - > 69% lower than 1990 levels for the Second Carbon Budget (2031 to 2035), implying a 36% reduction from levels in 2023.
 - > 80% lower than 1990 levels for the Third Carbon Budget (2036 to 2040), implying a 59% reduction from levels in 2023.
 - > 94% lower than 1990 levels for the Fourth Carbon Budget (2041 to 2045), implying an 88% reduction from levels in 2023.
- 2.4.10 The CCC 2026 Report welcomed the publication by the Scottish Government of its draft Climate Change Plan in November 2025 "*setting out – for the first time – policies and plans with quantified emissions reductions attached to policy outcomes across all sectors of the economy and providing an emissions pathway that achieves the carbon budgets.*" (Page 10)
- 2.4.11 However, the CCC highlight that the draft CCP "*does not include deployment pathways for each key indicator. Nor does it include annual sectoral emissions pathways, with only carbon budget averages given...The framework in the final CCP should include indicative annual sectoral emissions and indicator pathways, so that progress can be effectively monitored.*"
- 2.4.12 In relation to Energy supply, the CCC 2026 Report states that (page 20):
- "deployment of variable renewable electricity generation is continuing to increase in Scotland, with 1.1 GW of offshore and 1.3 GW of onshore wind capacity deployed in 2024. Remaining emissions in electricity generation come predominantly from the Peterhead gas-fired power station. Reducing emissions further relies on the continued roll-out of wind and solar generation and of network capacity to accommodate it. The draft CCP sets out plans to replace Peterhead with a CCS-enabled gas plant."*

- 2.4.13 The CCC 2026 Report states that *“Scotland will need to continue its strong progress in rolling out renewable electricity generation and ensure development of electricity networks can keep pace. The Scottish Government should act to accelerate planning and consenting for transmission infrastructure to achieve this.”* (Page 22)
- 2.4.14 At Page 77 this is discussed in further detail and it notes that *“Variable renewables: generation from variable renewables, including onshore and offshore wind, solar photovoltaic, and hydro, increased between 2022 and 2024, and has been on an overall upward trajectory since 2010 (Figure 4.8a). Deployment of renewables will need to continue to accelerate to meet Scotland’s and the UK’s emissions and renewables targets.”*
- 2.4.15 The CCC 2026 Report acknowledges the progress in emission reductions relating to the energy supply noting that *“around two-thirds of the emissions reductions seen since the introduction of the Act in 2009 have been in the energy supply sector. Electricity supply in Scotland is now almost fully decarbonised”.* (Page 58)
- 2.4.16 However, it goes on to state that *“further expanding low-carbon generation and supporting transmission network infrastructure in Scotland remains critical to enable decarbonisation of other sectors and to supply low-carbon electricity to the rest of the UK.”* (Page 58)
- 2.4.17 The CCC call on the Scottish Government to enable *“rapid expansion of renewable energy and ensure timely planning approval of the transmission infrastructure required to move power from generation sites to where it will be used”.* (Page 108)
- 2.4.18 The CCC 2026 Report identified positive progress over the last year in securing emissions reduction but identifies a lot more to do, including continued deployment of renewable energy infrastructure and the acceleration of the transmission infrastructure needed to support the route to net zero.

Scotland’s Climate Change Plan (March 2026)

- 2.4.19 The Scottish Government published ‘Scotland’s Climate Change Plan – 2026-2040’ (‘CCP’) on 25 March 2026. The CCP covers the period 2026 to 2040 and aligns with three five-year “carbon budget” periods: 2026-30, 2031-35 and 2036-40. The 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.
- 2.4.20 The CCP confirms that Scotland remains committed to achieving net zero greenhouse gas (‘GHG’) emissions by 2045 at the latest and that as of 2023, Scotland had reduced emissions by 51.3% since 1990 — the largest reduction in the UK.
- 2.4.21 The CCP 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.
- 2.4.22 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.
- 2.4.23 The CCP sets out average reductions in GHG emissions (compared to 1990 baseline) for each five-year period, in line with the relevant legislation, as referred to above.
- 2.4.24 These budgets provide a “pathway” toward net zero by 2045, and the Plan is designed to ensure policies are in place to meet them.
- 2.4.25 The 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 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.

- 2.4.26 Annex 2 of the CCP contains the Sectoral Annexes which support the CCP. Energy supply is one of the key areas of focus.
- 2.4.27 At page 84, it states 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.”*
- 2.4.28 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 89, Annex 2)
- 2.4.29 The publication of the CCP demonstrates the continued commitment and needs case for delivering additional renewable energy capacity.

3. Conclusions

3.1 Updated Planning Balance

- 3.1.1 This Planning Statement Addendum is intended to assist the decision maker in its consideration of the Proposed Development. It should be read alongside the submitted Planning Statement (May 2025): it does not replace it.
- 3.1.2 The Applicant has prepared a Grid Assessment to set out the potential likely environmental effects associated with the IGCC route identified.
- 3.1.3 As such, based on the information before Scottish Ministers, it is in a position to conclude what likely effects – or disbenefits - would arise from the associated grid connection and weigh those against the considerable benefits of the Proposed Development (acknowledging these will only be realised if consent is obtained for the associated grid connection) and supportive planning policy, as set out within the Planning Statement. On that basis, Scottish Ministers can properly undertake the exercise of weighing the benefits and disbenefits in the planning balance.
- 3.1.4 Consideration of the environmental effects of the grid connection, its associated benefits and disbenefits is a relevant consideration in the determination of this Section 36 application for the Proposed Development. Both projects together must be delivered in order to realise the benefits.
- 3.1.5 However, it is reasonable to conclude, based on the information that has been made available, that appropriate mitigation will be secured where adverse effects have been identified, and that ultimately consent will only be granted for the grid connection if the impacts of it are acceptable. It is also reasonable to conclude that the impacts of the Proposed Development will only come forward if consent for the grid connection is granted. On that basis, it is considered that only limited weight should be afforded to these matters in the determination of the Proposed Development.
- 3.1.6 NPF4 requires that the decision-maker must identify and weigh the adverse effects of a proposed development. However, increased weight is to be given to the benefits of a development in the planning balance owing to the seriousness and importance of energy policy related considerations and the contribution of the Proposed Development to meeting climate change targets – as required by NPF4 Policy 11.
- 3.1.7 These benefits are balanced with the identified adverse effects of the Proposed Development (and associated grid connection) in the overall planning balance in considering whether Section 36 consent for the Proposed Development should be granted.

3.2 Conclusions

- 3.2.1 It is considered that the conclusions as set out in Planning Statement (May 2025) are not changed as a result of the updated considerations set out within this Planning Statement Addendum. As such:
- > The Proposed Development delivers important renewable energy capability to meet national renewable energy and emission reduction targets and would contribute to the attainment of net zero.
 - > The Proposed Development is in accordance with the relevant policies of the Development Plan and with the plan when read as a whole.
 - > Other relevant considerations further support the position that the Proposed Development should be granted Section 36 consent.

3.2.2

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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