

## 4. PLANNING AND ENERGY POLICY

### 4.1 Introduction

- 4.1.1 This chapter describes the legislative and planning and energy policy background relevant to the Proposed Development. A standalone Planning Statement, separate to the EIAR, has been prepared to support the section 36 (s36) application which assesses the Proposed Development against planning and energy policy.
- 4.1.2 This chapter has been written by Simon Herriot MRTPI, Director at Savills. Simon has 25 years' experience of planning and development matters with a focus on renewables and onshore wind planning.
- 4.1.3 The accompanying Planning Statement considers the Proposed Development against the energy and planning policy framework drawing conclusions about the extent of the policy compliance based on the residual effects of the Proposed Development, as set out in other technical and environmental chapters of the EIAR.

### 4.2 The Electricity Act 1989

- 4.2.1 The Application is submitted to the Scottish Ministers under s36 of the Electricity Act 1989 (the Electricity Act). At the same time, the Applicant is also seeking that Scottish Ministers issue a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (the 1997 Planning Act), that deemed planning permission also be granted for the Proposed Development.
- 4.2.2 Schedule 9 paragraph 3 (1)(b) to the Electricity Act imposes a duty on an electricity generating licence holder (or a person authorised by an exemption to generate electricity) (the Applicant is a licence holder) to do what he reasonably can to mitigate the effect that the proposals would have on the matters set out in paragraph 3 (1)(a) to Schedule 9.
- 4.2.3 In considering a s36 application, Schedule 9 paragraph 3(2) requires that Scottish Ministers have regard to the desirability of matters specified in paragraph 3(1)(b) and also the extent to which the person by whom the proposals were formulated has complied with his duty.
- 4.2.4 There is no 'primacy' of the Development Plan (after defined) in an application made under the Electricity Act, as would be the case for an application under the 1997 Planning Act. Rather, weight can be attributed by the decision-maker to all material considerations including the various levels of national and local energy and planning related policy and guidance as deemed appropriate. Notwithstanding, National Planning Framework 4 being the most up to date element of the Development Plan, should be accorded significant weight.

### 4.3 International Climate Change, Energy Policy and Publications

- 4.3.1 Energy legislation and policy in the United Kingdom (UK) is driven by international co-operation to cut greenhouse gas (GHG) emissions, as a means of combating climate change. This includes the '*Paris Agreement*', established through the 21<sup>st</sup> session of the Conference of Parties ('*COP21*')<sup>1</sup>. Ratified in the UK on 17<sup>th</sup> November 2016, the Paris Agreement sets out the ambition of holding the increase of global average temperature to "*well below 2°C*" and pursuing efforts to limit temperature increase to 1.5°C. While the Outcomes of Conference Of Parties 28 ('*COP28*') in Dubai in December 2023 did not call for a

<sup>1</sup> United Nations (2015). COP21 Paris Agreement. Available at: [https://unfccc.int/files/essential\\_background/convention/application/pdf/english\\_paris\\_agreement.pdf](https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf)

full phasing out of the use of fossil fuels, there was a call for countries to transition away from fossil fuels with some noting that this marks the “*beginning of the end*”<sup>2</sup> of the fossil fuel era. COP28 also recognised that the aforementioned target of limiting global temperature increases to 1.5°C warming is at risk, with countries way behind where they need to be to reach this goal.

4.3.2 For more than a decade the United Nations (UN) Gap Reports have compared where GHG emissions are heading, against where they need to be, and highlights ways to close the gap. The latest Gap Report, *No more hot air ... please!*, was published on 24 October 2024 (the 2024 Gap Report).

4.3.3 The 2024 Gap Report notes in the Foreword that GHG emissions reached a new high in 2023. This context coupled with the promises made to date put us ‘*on track for best-case global warming of 2.6 degrees this century and necessitating future costly and large-scale removal of carbon dioxide from the atmosphere to bring down the overshoot.*’ It is outlined that the ‘*Increased deployment of solar photovoltaic technologies and wind energy could deliver 27 per cent of the total emission reduction potential in 2030 and 38 per cent in 2035.*’

4.3.4 The Report notes in the Executive Summary that:

*“The magnitude of the challenge is indisputable. At the same time, there are abundant opportunities for accelerating mitigation action alongside achieving pressing development needs and Sustainable Development Goals. Technology developments, particularly in wind and solar energy, continue to exceed expectations, lowering deployment costs and driving their market expansion”.*

4.3.5 As a result, the Report notes that unprecedented action is now needed by all countries and this “*will require overcoming formidable policy, governance, institutional and technical barriers as well as an unprecedented increase in the support provided to developing countries along with a redesigning of the international financial architecture*”

#### **4.4 Scottish Climate Change and Energy Legislation and Policy**

4.4.1 The Scottish Government has legislated to achieve net zero carbon emissions by 2045 and therefore five years earlier than the rest of the UK. Legislation, policy and other documents of most relevance to the application include:

- Climate Change (Scotland) Act 2009 and Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;
- The Climate Change (Scotland) Act 2009 (Interim Target) Amendment Regulations 2023;
- Equality, Opportunity, Community - Our Programme for Government September (2023);
- Update to the Climate Change Plan 2018 - 2032: Securing a Green Recovery on a Path to Net Zero (2020);
- Onshore Wind Policy Statement (2022); and
- Scottish Energy Strategy (2017) and Draft Energy Strategy & Just Transition Plan (2023).

#### **4.5 Legislation**

4.5.1 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Climate Change Act 2019) amends the Climate Change (Scotland) Act 2009 and sets a target date of 2045 for reaching net zero emissions. The Climate Change Act 2019 states that the Scottish Ministers must ensure that the net Scottish emissions account for the year (with 1990 being the baseline year):

<sup>2</sup> <https://unfccc.int/news/cop28-agreement-signals-beginning-of-the-end-of-the-fossil-fuel-era>

- 2020 is at least 56% lower than the baseline;
- 2030 is at least 75% lower than the baseline (this interim target has recently been abandoned by the Scottish Government, as discussed in paragraph 4.6.2); and
- 2040 is at least 90% lower than the baseline.

4.5.2 The Climate Change (Scotland) Act 2009 (Interim Target) Amendment Regulations 2023 modified the percentage figures specified for the 2020 interim target from 56% to 48.5%. Annual targets for 2021 to 2029 were also amended.

## 4.6 Policy and Other Documents

### Climate Change Committee, Progress in Reducing Emissions in Scotland – 2023 Report to Parliament

4.6.1 The 2023 Climate Change Committee (CCC) report to the Scottish Parliament<sup>3</sup> was published in March 2024 and considers the emissions changes in Scotland in 2021 and the route for policy delivery and next steps. The report considers the approach to reducing emissions and provides advice on emission targets. The key message of the report is that Scotland missed the 2021 annual target of a 51.1% reduction in emissions which is the eighth target Scotland has missed within the last 12 years. Secondly, the report noted that the acceleration required in emissions reduction to meet the 2030 target is “*now beyond what is credible*”. The report also noted that “*current overall policies and plans in Scotland fall far short of what is needed*” to achieve the legal emissions reduction targets.

4.6.2 In April 2024, in response to the findings of the CCC report, the Scottish Government abandoned its target of achieving a 75% reduction in emissions by 2030, recognising that the target is “*out of reach*”. The Scottish Government did however note its “*unwavering commitment*” to reaching net zero by 2045, a target that remains embedded in statute.

### Equality, Opportunity, Community – Our Programme for Government, September 2023

4.6.3 The Programme for Government<sup>4</sup> was published in September 2023 and sets out the Scottish Government’s priorities on a range of issues. While the Programme for Government is not an energy policy specific publication, it does set out important statements about how the Scottish Government intends to address various matters relating to the climate emergency, nature crisis and renewable energy, amongst other issues.

4.6.4 The First Minister’s Foreword notes that the Programme for Government “*puts responding to the climate crisis at the very heart of this government*”. This theme is revisited throughout the document and mirrors the foreword to National Planning Framework (NPF4) (discussed below in section 4.10) which puts the twin global climate and nature crisis at the heart of the future vision for Scotland. On page 6, the Programme for Government notes that it is a “*moral duty to respond to the climate and nature crises*”.

4.6.5 In the commentary on ‘Opportunity: Building a fair, green and growing economy’, the Programme for Government notes that “*Responding to the climate crisis is a fundamental priority for this government*” and central to achievement of that is “*scaling up renewables*”.

4.6.6 Commentary in the Programme for Government from the Cabinet Secretary for Transport, Net Zero and Just Transition recognises that “*Climate change presents an existential threat to all our futures*”. There is

<sup>3</sup> Committee on Climate Change (2024). Progress in Reducing Emissions in Scotland – 2023 Report to Parliament. Available at: <https://www.theccc.org.uk/wp-content/uploads/2024/03/Progress-in-reducing-emissions-in-Scotland-2023-Report-to-Parliament.pdf>

<sup>4</sup> Scottish Government (2023). Programme for Government 2023 to 2024. Available at: <https://www.gov.scot/publications/programme-government-2023-24/>

recognition that action is required now and that “*change is necessary*” which can deliver a more diverse environment, cleaner air, greater energy security and new sources of economic vitality. The Programme for Government also states that “*tackling the climate crisis also means protecting our natural environment by halting the loss of habitat and biodiversity*”.

#### **Update to the Climate Change Plan 2018 – 2032: Securing a Green Recovery on a path to Net Zero.**

4.6.7 In December 2020, the ‘Update to the Climate Change Plan 2018 – 2032: Securing a Green Recovery on the Path to Net Zero’<sup>5</sup> (CCP Update) was published. The CCP Update sets the Scottish Government’s legislative commitment to reducing emissions by 75% by 2030 (compared with 1990) and to net zero by 2045 in the context of a post-COVID green recovery. The next update is due in March 2025. It is recognised that since the CCP Update was published, the Scottish Government has abandoned its 2030 target of achieving a 75% reduction in emissions.

4.6.8 The CCP Update highlights that a key part of the green recovery is a co-ordinated approach across sectors. The CCP Update emphasises the growth and success to date of Scotland’s renewable energy generation as well as stating strongly the determination that this growth must continue. Page 78 of the Update states that “*planning has been, and will remain, a critical enabler of rapid renewables deployment in Scotland*”. Referring particularly to onshore wind generation, on page 84 it is noted that there is a motivation to reduce determination periods for applications to enable projects to be awarded consent to be developed more quickly.

#### **Onshore Wind Policy Statement (2022)**

4.6.9 The Onshore Wind Policy Statement (OWPS)<sup>6</sup> was published on 21<sup>st</sup> December 2022 and clearly sets out that onshore wind will be a critical technology to help deliver the 2030 and 2045 climate change targets.

4.6.10 The Ministerial Forward notes that “*we must accelerate our transition towards a net zero society*”.

4.6.11 The Vision Statement states that “*onshore wind is the biggest source of renewable energy in Scotland – of the total 13 GW of renewable energy in Scotland, almost 9 GW is supplied by onshore wind. Public acceptance for onshore wind has consistently increased over the last decade with the latest RenewableUK poll noting that more than 87% of the UK public either strongly support onshore wind development or have no opinion. Scotland’s abundant natural resources and policy support for onshore wind have seen us lead the way in project deployment and the resulting economic benefit compared to other parts of the UK*”.

4.6.12 Development proposals also need to maximise economic, social and environmental benefits, to help the just transition to a net zero society.

4.6.13 In terms of landscape and visual matters, Paragraph 3.6.1 of the OWPS notes that in order to ensure climate change targets are met, taller and more efficient turbines will be required and that “*this will change the landscape*” (no emphasis added). Not all renewable energy projects will receive permission however, and the OPWS recognises in paragraph 3.6.1 that the aspiration is to ensure “*the right development happens in the right place*”.

<sup>5</sup> Scottish Government (2020). Securing a green recovery on a path to net zero: climate change plan 2018 – 2032 – update. Available at: <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/pages/2/#:~:text=Sector%20Emissions%20Envelopes-,Executive%20Summary,to%20net%20zero%20by%202045.>

<sup>6</sup> <https://www.gov.scot/publications/onshore-wind-policy-statement-2022/>

### **Scottish Energy Strategy (2017) and Draft Energy Strategy and Just Transition Plan (2023)**

- 4.6.14 The Scottish Energy Strategy (SES<sup>7</sup>) was published in December 2017 and sets out the Scottish Government's strategy through to 2050, marking a major transition over the next three decades in terms of energy management, demand reduction and generation.
- 4.6.15 The SES sets a new 2030 'all energy' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources. The SES also targets an increase by 30% in the productivity of energy use across the Scottish economy.
- 4.6.16 Page 57 acknowledges that the possible electrification of heat and transport on a large scale could place much greater demand on the renewable electricity sector. Accordingly, page 33 notes that achieving the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030 will be challenging but the target "*demonstrates the Scottish Government's commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland*" (emphasis added).
- 4.6.17 Page 41 notes that renewable and low carbon energy will provide the foundation of our future energy system, offering Scotland a huge opportunity for economic and industrial growth. While the SES acknowledges that all renewable energy technologies will have a role to play in the future energy system, the nature of the energy and climate change goals means that "*onshore wind must continue to play a vital role in Scotland's future - helping to decarbonise our electricity, heat and transport systems, boosting our economy and meeting local and national demand*" (page 43).
- 4.6.18 The Scottish Government published the 'Draft Energy Strategy & Just Transition Plan'<sup>8</sup> (the Draft SES) for consultation purposes in January 2023.
- 4.6.19 The Ministerial Foreword describes the 2020s as a "*decisive decade*" when we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045. It notes the need to reduce dependency on oil and gas, as a means of combating the climate crisis and reducing our exposure to global market volatility in the energy market. The Draft SES seeks to reduce energy costs in the long term and reduce the likelihood of future energy cost crises. It also seeks to achieve the transition to a net zero society in a just manner, so that the employment and economic opportunities associated with it are fully realised.
- 4.6.20 It is clear that the Draft SES sees onshore wind as playing a key role in meeting the target of an additional 20GW of renewable energy capacity by 2030. In this respect, onshore wind is expected to provide 12GW of this additional capacity and the Draft SES notes at paragraph 3.1.2 that "*taller and more efficient turbines can be deployed at both new developments and when considering the repowering of existing Sites, providing significantly increased capacity, often without increasing the footprint of an existing Site. There are also substantial opportunities associated with repowering onshore wind farms as they come to the end of their lives*".
- 4.6.21 The Draft SES reaffirms the ambitions of the OWPS, providing a number of actions that will be taken to support the delivery of the strategy.

<sup>7</sup> Scottish Government (2017). The Scottish Energy Strategy. Available at: <https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/>

<sup>8</sup> <https://www.gov.scot/publications/draft-energy-strategy-transition-plan/>

## 4.7 UK Climate and Energy Legislation and Policy

4.7.1 Energy Policy in Scotland is a matter that is reserved to the UK Parliament. However, as the above section notes, the Scottish Government has published several of its own energy policy and strategy documents that apply to Scotland only and these are material to the determination of this application. Following comments on the legislative position, other key documents are considered in chronological order, the most recent first.

### The Energy Security Act 2023

4.7.2 The Energy Security Act 2023<sup>9</sup> received Royal Assent on the 26<sup>th</sup> October 2023. Originally introduced as the Energy Security Bill in 2022, it seeks to build on the commitment set out in the April 2022 British Energy Security Strategy<sup>10</sup> to reduce the UK's dependence on volatile fossil fuel markets, by improving domestic energy production and making the UK more self-sufficient when it comes to the energy it uses.

### Climate Change Act 2008 (as amended)

4.7.3 The Climate Change Act 2008<sup>11</sup> became law on the 26th November 2008 and introduced a legally binding target for the UK to reduce CO2 emissions by at least 80% by 2050, relative to the 1990 levels.

4.7.4 In June 2019, the Climate Change Act 2008 (2050 Target Amendment) Order 2019<sup>12</sup> was introduced which amended the Climate Change Act 2008, by introducing a target for at least a 100% reduction of GHG emissions in the UK, compared to 1990 levels. This Order follows on from the recommendations presented by the Committee on Climate Change (CCC) 2019 publication '*Net Zero, the UK's Contribution to Stopping Global Warming*<sup>13</sup>'.

4.7.5 Efforts to reduce GHG in Scotland contribute to achievement of the UK wide targets, as well as meeting Scotland specific targets.

## 4.8 Policy and Other Documents

### Climate Change Committee – Progress in Reducing Emissions – 2024 Progress Report to Parliament

4.8.1 The 2024 CCC Joint Progress Report to Parliament<sup>14</sup> was published in July 2024. The Executive Summary notes that while the UK has a successful track record in meeting emissions reduction targets, the previous Government signalled a slowing of pace and reversed or delayed key policies. It considers that the new Government will have to act fast to hit the country's commitments.

4.8.2 The Report notes that the cost of key low-carbon technologies is falling, which creates an opportunity for the UK to boost investment, reclaim global climate leadership and enhance energy security by accelerating take-up. The report notes that 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. With this date only six years away, the Report notes that the country is not on target to achieve this milestone. A rapid reduction in oil and gas use is required to help achieve the target.

<sup>9</sup> UK Government (2023). Energy Act 2023. Available at: <https://www.legislation.gov.uk/ukpga/2023/52/enacted>

<sup>10</sup> UK Government (2022). British Energy Security Strategy. Available at: <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

<sup>11</sup> UK Government (2008). Climate Change Act 2008. Available at: <https://www.legislation.gov.uk/ukpga/2008/27/contents>

<sup>12</sup> UK Government (2019). The Climate Change Act 2008 (2050 Target Amendment) Order 2019. Available at: <https://www.legislation.gov.uk/ukdsi/2019/9780111187654>

<sup>13</sup> Committee on Climate Change (2019). Net Zero, the UK's Contribution to Stopping Global Warming. Available at: <https://www.theccc.org.uk/wp-content/uploads/2019/05/Net-Zero-The-UKs-contribution-to-stopping-global-warming.pdf>

<sup>14</sup> Committee on Climate Change (2024). 2024 Progress report to Parliament. Available at: <https://www.theccc.org.uk/wp-content/uploads/2024/07/Progress-in-reducing-emissions-2024-Report-to-Parliament-Web.pdf>

4.8.3 Box 3.3 of the Report notes that to “*meet its goals for decarbonising electricity generation, the UK must continue to invest in additional renewable energy capacity, particularly in areas like onshore wind....*”.

#### **British Energy Security Strategy – Secure, Clean and Affordable British Energy for the Long Term**

4.8.4 In April 2022, the UK Government published the above Strategy, primarily in response to rising global energy prices and following the Russian invasion of Ukraine. The key aim of the Strategy<sup>15</sup> is to reduce our dependence on imported oil and gas and to help decarbonise the energy sector, by achieving net zero by 2050.

4.8.5 The introduction notes that “*the transition away from oil and gas then depends critically on how quickly we can roll out new renewables*”. It continues and notes that “*the growing proportion of our electricity coming from renewables reduces our exposure to volatile fuel markets*”.

4.8.6 The Strategy discusses a range of technologies including onshore and offshore wind, solar, hydrogen and nuclear. The document does not mention Pumped Hydro Storage (PHS) specifically but recognises that “*...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*”.

#### **Committee on Climate Change – The Sixth Carbon Budget, the UK’s path to Net Zero**

4.8.7 In December 2020, the CCC published ‘*The Sixth Carbon Budget*’ which comprises three documents: ‘*The UK’s Path to Net Zero*’<sup>16</sup>; ‘*Methodology Report*’; and ‘*Policies for the Sixth Carbon Budget and Net Zero*’. The 2020 CCC Report describes what the potential path options to net zero look like and what steps must be taken to achieve this. A key recommendation of the Report is that the UK Government requires a reduction in UK GHG emissions of 78% by 2035 relative to 1990 and that this should be coupled with a pledge by 2030 to reduce emissions by at least 68% from 1990 levels (since agreed as the UK’s NDC to the Paris Agreement).

4.8.8 The Foreword by Lord Deben highlights the importance of taking decisive action in the 2020s, noting that if efforts are not scaled up in this “*decisive decade*” then the UK will not deliver net zero by 2050. The Foreword notes that “*utmost focus is required from government over the next ten years*” and that policy now needs to be “*scaled up across every sector*” to deliver net zero.

4.8.9 The Report recognises that reducing emissions from electricity generation to near-zero will require significant expansion of low-carbon generation. Emphasis is also placed on the increasing demand for electricity through the electrification of the economy.

### **4.9 Planning Policy**

4.9.1 The Proposed Development lies principally within the boundary of Perth and Kinross Council (PKC) who are the lead planning authority, albeit the access and western extent of the Site lies within the Stirling Council boundary. The Statutory Development Plan (“*the Development Plan*”) comprises NPF4<sup>17</sup>, the

<sup>15</sup> UK Government (2022). British Energy Security Strategy. Available at: <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

<sup>16</sup> Committee on Climate Change (2020). The Sixth Carbon Budget, the UK’s path to Net Zero. Available at: <https://www.theccc.org.uk/wp-content/uploads/2020/12/The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf>

<sup>17</sup> Scottish Government (2023). National Planning Framework 4. Available at: <https://www.gov.scot/publications/national-planning-framework-4/>

Perth and Kinross Local Development Plan (2019) (PKCLDP<sup>18</sup>) and the Stirling Local Development Plan (2018)<sup>19</sup> and a suite of adopted Supplementary Guidance.

#### 4.10 National Planning Framework 4

- 4.10.1 NPF4 was adopted on 13<sup>th</sup> February 2023. It replaces both National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) in their entirety. The following paragraphs provide a brief summary of the most salient parts of NPF4 only, with further detailed commentary set out in the supporting Planning Statement.
- 4.10.2 The opening paragraphs of NPF4 state, *“the global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change. We will need to respond to a growing nature crisis, and to work together to enable development that addresses the social and economic legacy of the coronavirus pandemic, the cost crisis and longstanding inequality”* (page 3).
- 4.10.3 The National Spatial Strategy is supported by commentary on five Regional Spatial Strategies, each of which will contribute in their own different ways to achievement of the National Spatial Strategy. The Proposed Development Site is located within the ‘North’ Regional Area, shown indicatively on the map on page 27. NPF4 notes under the ‘Priorities’ sub-heading that *“this part of Scotland can continue to make a strong contribution towards meeting our ambition for a net zero and nature positive country...”*.
- 4.10.4 NPF4 notes that *“a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets”*. National Development 3 ‘Strategic Renewable Electricity Generation and Transmission Infrastructure’, sets out a list of developments that have national status including *“on and offshore electricity generation, including electricity storage, from renewables of or exceeding 50 megawatts capacity”*. NPF4 confirms that National Development status means that *“the principle of the development does not need to be agreed later in the consenting process, providing more certainty for communities, business and investors”*. The Proposed Development falls within this National Development category.
- 4.10.5 Policy 11 ‘Energy’ is particularly relevant to the Proposed Development. Its objective is 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 emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)”*.
- 4.10.6 It confirms that all forms of renewable, low carbon and zero emissions technologies will be supported. These include *“wind farms including repowering, extending, expanding and extending the life of existing wind farms”* and, *“energy storage, such as battery storage...”* Policy 11 also states that *inter alia “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”*.
- 4.10.7 Other NPF4 policies potentially of relevance to the Proposed Development are briefly summarised in **Table 4-1** below.

<sup>18</sup> Perth and Kinross Council (2019). Perth and Kinross Local Development Plan. Available at: <https://www.pkc.gov.uk/article/15042/Adopted-Local-Development-Plan-LDP2>

<sup>19</sup> Stirling Council (2018). Stirling Council Local Development Plan. Available at: <https://www.stirling.gov.uk/planning-and-building/planning/development-planning/the-statutory-development-plan/>



**Table 4-1: Other NPF4 Policies of relevance to the Proposed Development**

NPF4 Policy	Policy Summary
Policy 1: Tackling the Climate and Nature Crises	When considering development proposals, this policy confirms that significant weight will be given to the global climate and nature crises.
Policy 3: Biodiversity	<p>The aim of this policy is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.</p> <p>It confirms that proposals for national/major or EIA scale development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity.</p>
Policy 4: Natural Places	<p>The intent of this policy is to protect, restore and enhance natural assets, making best use of nature-based solutions.</p> <p>It confirms that development proposals which by virtue of type, location or scale which will have an unacceptable impact on the natural environment, will not be supported.</p> <p>It sets out specific requirements and assessment criteria in relation to European, national and local natural heritage and landscape designations.</p> <p>In relation to National Parks, it states that proposals that will affect a National Park will only be supported where <i>inter alia</i> any significant adverse effects on the quality for which the area has been designated are clearly outweighed by the social, economic or environmental benefits of national importance.</p> <p>In relation to Wild Land Areas, it confirms that development proposals will only be supported where they <i>inter alia</i> support meeting renewable energy targets.</p>
Policy 5: Soils	<p>The aim of this policy is to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.</p> <p>Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for <i>inter alia</i> essential infrastructure<sup>20</sup> (where there is a specific locational need and no other suitable Site) or, for the generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets.</p>
Policy 6: Forestry, Woodland and Trees	Development proposals will not be supported where they will result in <i>inter alia</i> i) any loss of ancient woodlands, ii) adverse impacts on native woodlands or, iii) fragmenting or severing woodland habitats.
Policy 7: Historic Assets and Places	<p>The intent of this policy is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.</p> <p>It sets out specific requirements and assessment criteria in relation to <i>inter alia</i> listed buildings, conservation areas, gardens and designed landscapes, scheduled monuments, and non-designated historic assets.</p>
Policy 22: Flood Risk and Water Management	<p>This policy intends to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flood risks.</p> <p>The policy confirms that proposals at risk of flooding or in a flood risk area will only be supported where they are for <i>inter alia</i> i. essential infrastructure where the location is required for operational reasons or, ii. Water compatible uses.</p>
Policy 23: Health and Safety	This policy covers <i>inter alia</i> air quality and noise.

<sup>20</sup> Defined as 'digital communications infrastructure; telecommunications infrastructure; all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission electricity grid networks and primary sub stations; water and waste water infrastructure; and transport proposals and travel networks identified in the local development plan' in the NPF4 Glossary.

NPF4 Policy	Policy Summary
	It confirms that development proposals likely to have significant adverse effects on air quality or, raise unacceptable noise issues will not be supported.
Policy 25: Community Wealth Building	The intent of this policy is to encourage, promote and facilitate a new strategic approach to economic development, that also provides a practical model for building a wellbeing economy at local, regional and national levels.  Proposals that contribute to these objectives will be supported.

#### 4.11 Perth and Kinross Local Development Plan 2019 (PKCLDP)

4.11.1 The Scottish Government’s Chief Planner issued a letter<sup>21</sup> on 8<sup>th</sup> February 2023 relating to ‘Transitional Arrangements’ and to provide advice on NPF4 becoming part of the statutory Development Plan. The letter reiterated that, as per Section 13 (2) (3) of the Planning (Scotland) Act 2019, in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever is later in date shall prevail. In the case of the Proposed Development therefore, in the event of any incompatibility, NPF4 is to prevail as the more recent document.

4.11.2 The key ‘lead’ policies in relation to the Proposed Development in the PKCLDP is Policy 33: ‘Renewable and Low Carbon Energy’ Part A ‘New Proposals for Renewable and Low-Carbon Energy’. Relevant parts of this policy are replicated in full below:

**4.11.3** *“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.*

<sup>21</sup> Scottish Government (2023). Chief Planner letter transitional arrangements for National Planning Framework 4 – February 2023. Available at: <https://www.gov.scot/publications/chief-planner-letter-transitional-arrangements-for-national-planning-framework-4/#:~:text=Publication%20%2D%20Correspondence-,%20Transitional%20arrangements%20for%20National%20Planning%20Framework,Chief%20Planner%20letter%20%2D%20February%202023&text=Planning%20Minister%20Tom%20Arthur%20and,%20on%20some%20policy%20considerations.>

*(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”*

4.11.4 Policy 33D relates to the Spatial Framework for Wind Energy which was prepared under SPP. Following the adoption of NPF4, The Spatial Framework for Wind Energy is no longer applicable to decisions on wind energy proposals. This means that the sections of the LDP policy referring to the Spatial Framework for wind farms are not supported by NPF4. The assessment of Policy 33D within the Planning Statement therefore does not include an assessment of the superseded Spatial Framework.

4.11.5 Other PKCLDP Policies of relevance to the Proposed Development are summarised in **Table 4-2**.

**Table 4-2: Perth and Kinross LDP Policy Summary**

PKCLDP Policy	Policy Summary
Policy 1: Placemaking	<p>Policy 1 focuses on development which contributes positively to the quality of the surrounding built and natural environment. The policy states that all development should be planned and designed with reference to climate change mitigation and adaption.</p> <p>The policy sets out an extensive criteria that all development should respect the character and amenity of the place. Proposals should incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.</p> <p>The Policy continues to set out an extensive criteria which should be met which includes, <i>inter alia</i>, buildings and spaces being designed with future adaptability, climate change and resource efficiency in mind wherever possible.</p>
Policy 2: Design Statements	<p>Policy 2 states that design statements will normally be required to accompany a planning application if the development is a non-residential use greater than 0.5ha in area or where it affects the character and/or appearance of a Conservation Area, Historic Garden, Designed Landscape, or the setting of a Listed Building or Scheduled Monument. Design statements may also be required to accompany a planning application where design sensitivity is considered a critical issue.</p>
Policy 15: Public Access	<p>Development proposals which would have an adverse impact on the integrity of any core path, disused railway, asserted right of way or other well-used route and connectivity proposal will not be permitted.</p>
Policy 26: Scheduled	<p>Policy 26 focuses on the impacts of development on Scheduled Monuments and Archaeology. The policy states that there is a presumption against development which</p>

PKCLDP Policy	Policy Summary
Monuments and Archaeology	<p>would have an adverse impact on the integrity of a Scheduled Monument and its setting unless there are exceptional circumstances.</p> <p>The policy continues to state that the Council will seek to protect areas of known archaeological interest and their settings. Where there is development proposed in such an area, there will be a strong presumption for preservation in situ.</p>
Policy 27: Listed Buildings	<p>Policy 27 relates to the maintenance and management of listed buildings. The policy states that there is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to stay in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building, or its setting should be appropriate to the character, appearance and setting.</p>
Policy 31: Other Historic Environmental Assets	<p>Policy 31 focuses on the protection 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. The Council will seek to protect and preserve significant resources as far as possible, in situ where feasible.</p>
Policy 38: Environment and Conservation	<p>Policy 38(A) focuses on International Nature Conservation Sites stating that development which would have a significant effect on a Site designated or proposed under the Habitats or Birds Directive (Special Areas of Conservation and Special Protection Areas) will only be permitted where certain criteria are met, including <i>inter alia</i> where there are imperative reasons of overriding public interest, including those of social or economic nature; and where compensatory measures are provided to ensure the overall coherence of the Natura network is protected.</p> <p>Policy 33(B) 'Natural Designations' states that where development will affect a National Park, National Scenic Area, Sites of Special Scientific Interest or National Nature Reserve, it will only be permitted where the proposed development will not adversely affect the integrity of the area or the qualities for which it has been designated; or any adverse impacts are clearly outweighed by social, environmental or economic benefits of national importance.</p> <p>Policy 33(C) 'Local Designations' focuses on where development could affect areas designated by the Council as being of local conservation or geological interest. Proposals which affect local designations are normally not permitted unless the Council is satisfied that the objectives of the designation and the overall integrity of the designated area would not be compromised; or where any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.</p>
Policy 39: Landscape	<p>Policy 39 states that development and land use changes should be comparable with the distinctive characteristics and features of the Perth and Kinross landscapes. Proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. They will need to demonstrate with a reference to an appropriate landscape capacity study that they meet the policy criteria which includes <i>inter alia</i> where:</p> <ul style="list-style-type: none"> <li>• they do not erode local distinctiveness and diversity and visual and scenic qualities of the landscape;</li> <li>• they safeguard the tranquil qualities of the area's landscape; and</li> <li>• they conserve the experience of the night sky in less developed areas of Perth and Kinross through design solutions with low light impact.</li> </ul>

PKCLDP Policy	Policy Summary
	<p>The Policy continues that where development will affect a Wild Land Area, it will only be permitted where the Council is satisfied that any significant effects on the qualities can be overcome by siting, design or other mitigation.</p> <p>Development in Local Landscape Areas (LLAs) will only be permitted where it will not have an adverse impact on the special character or landscape qualities or where the social and economic benefits are more than of a local significance.</p>
Policy 40: Forestry, Woodland and Trees	<p>Policy 40(B) focuses on 'Trees, Woodland and New Development' notes that the Council will follow the principles of the Scottish Government Policy on Control of Woodland Removal. Where woodland removal is proposed, the Council will require mitigation measures to be provided.</p>
Policy 41: Biodiversity	<p>Policy 41 states that the Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not. Proposals that would be likely to have an adverse effect on European Protected Species, biodiversity and other protected species will not be supported.</p>
Policy 51: Soils	<p>The Council seeks to protect soils from erosion and compaction. Proposals on areas of good quality soils will only be supported where they a) minimise impact on soil resources; b) implement appropriate soil management measures, particularly for valuable soils such as good-quality agricultural soils, and soils with a high organic content; c) adopt best practice when moving, storing and reinstating soils; d) consider opportunities to reuse soils necessarily excavated from the Site.</p> <p>The Council is committed to ensuring that development avoids disturbance, and the loss of carbon rich soils including peatland.</p>
Policy 52: New Development and Flooding	<p>Policy 52 aims to ensure that flood risk is not increased elsewhere as a result of the Proposed Development. The policy provides a criteria for the differing levels of flood risk which states that a low-medium flood risk will be suitable for most forms of development subject to a Flood Risk Assessment. There will be a general presumption against proposals on land within a medium-high flood risk area or where the proposal may lead to increased flooding elsewhere.</p>
Policy 53: Water Environment and Drainage	<p>Development at any location and scale for any project should where practical, improve the water environment in accordance with the Water Framework Directive 2000/60/EC. Minimum buffers between the watercourse and the development should be applied in keeping with the Flood Risk Supplementary Guidance.</p>
Policy 55: Nuisance from Artificial Light and Light Pollution	<p>Consent will not be granted for proposals where the lighting would result in obtrusive and/or obtrusive effects. The Council may secure regulation of lighting installations and their maintenance using conditions attached to the approval of planning permission.</p>
Policy 56: Noise Pollution	<p>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 generating uses. The policy notes that the Council may use conditions attached to the granting of a planning consent in order to control noise levels.</p>
Policy 60: Transport Standards and Accessibility Requirements	<p>Policy 60(B) relates to New Development Proposals. The policy states that all proposals that involve significant travel generation should be well-served by and easily accessible to all modes of transport, in particular, sustainable modes of walking, cycling and public transport should be considered prior to private car journeys. The policy continues to set out a criteria for all development including small scale proposals which outlines the mitigation measures and approach that should be taken. The policy primarily focuses on proposals that will generate a significant increase in traffic and travel to the Site.</p>

PKCLDP Policy	Policy Summary
Policy 61: Airfield Safeguarding	Policy 61 relates to the impact of development on the operation of aircraft from Dundee and Perth Airports and unlicensed airfields. Applicants for planning consent within the safeguarding zones of the airfields may be required to provide an independent assessment of the impact of the safe operation of the existing facility, prepared by a suitably qualified person.

4.11.6 The preparation of the new Perth and Kinross LDP is underway. The Development Plan Scheme which was published in November 2023 outlines the timeline for the new LDP with consultation on the Proposed LDP being expected in mid-2026.

4.11.7 There is a suite of statutory and non-statutory guidance available on the Stirling Council website, including The Perth and Kinross Council Supplementary Guidance – Renewable and Low Carbon Energy which was published in draft to support Policy 33 of the LDP. Where relevant, these guidance documents are considered in the supporting Planning Statement.

#### 4.12 Stirling Local Development Plan 2018

4.12.1 No wind turbine forming part of the Proposed Development is located within the Stirling Council administrative area. As **Figure 2.1 (EIAR Volume 2)** shows, within the Stirling Council area there are four borrow pit search areas, one construction compound and 8.2 kilometres (km) of access tracks. Notwithstanding the fact that there are no wind turbines within the Stirling Council part of the Site, the following paragraphs provide a summary of all potentially relevant Stirling LDP policies to the Proposed Development, including the lead wind energy policy.

4.12.2 The Stirling Council LDP was adopted in October 2018. The primary policy relating to the Proposed Development is Policy PP12: ‘Renewable Energy’, Policy 12.1 which deals with ‘Wind Energy Developments’. Policy 12.1 makes references to the Spatial Framework for Onshore Wind, which as already noted is no longer relevant following the adoption of NPF4. Part (c) of Policy 12.1 notes that proposals will be assessed against a range of criteria including landscape and visual impacts, cumulative effects, hydrology and flood risk, historic environment impacts etc.

4.12.3 Other Stirling LDP Policies of relevance to the Proposed Development are summarised in **Table 4-3**.

**Table 4-3: Other Stirling LDP Policies of relevance to the Proposed Development**

Stirling LDP Policy	Policy Summary
Policy 4.2: Protection of Carbon Rich Soils	The Policy seeks to ensure that the role of carbon-rich soils in storing carbon will be maintained when considering development proposals. In relation to renewable energy developments, particularly relating to wind, the Council will require developers to follow best practice for minimising carbon emissions and disturbance of peat.  Where peat and carbon rich soils are present, a Peat Management Plan (PMP) should be submitted to assess the likely effects of the development on CO2 emissions and to show that appropriate mitigation measures are in place to minimise impacts on peat by avoidance.
Primary Policy 5: Flood Risk Management	PP5 states that the Council will take a precautionary approach to flood risk from all sources. The policy sets out a criteria for minimising and avoiding flood risk on the Site.  The policy also provides guidance for drainage and surface water which would arise from new development.

Stirling LDP Policy	Policy Summary
	It notes that development out with the functional flood plain is not necessarily at risk to flooding. As such, a precautionary approach is advised, and water resilient materials should be utilised as and when determined by a Flood Risk Assessment (FRA).
Policy 7.1: Archaeology and Historic Building Recording.	Policy 7.1 states there will be a presumption against development that would have an adverse effect on a scheduled monument or on the integrity of its setting except in exceptional circumstances. Where there is the possibility that archaeological remains may exist within a development Site, but their extent and significance is unclear, the developer should arrange for an evaluation prior to the determination of any planning application to establish the importance of the Site, its sensitivity to development and the most appropriate means for preserving or recording surviving archaeological features.  Approval of proposals that directly affect historic environment features will be conditional where satisfactory provision has been made by the developer for the appropriate level of archaeological and/ or standing building investigation and recording, assessment and analysis.
Policy 8.1 Biodiversity Duty	All development proposals will be assessed for their potential impact on biodiversity. This may be specific impacts on species or habitats at the proposed Site, or cumulative impact if the species or habitats have a restricted distribution.  Developments likely to lead to a significant loss of biodiversity will only be supported if the Planning Authority is satisfied that adequate provision can be made on or off Site to maintain species populations and / or create or enhance comparable habitats such that overall biodiversity is maintained.

4.12.4 The preparation of the new Stirling LDP is underway, the Development Plan scheme indicates that the Council are in the early stages of the Evidence Gathering process, the Proposed LDP is due to be published for consultation in 2026.

4.12.5 There is a suite of statutory and non-statutory guidance available on the Stirling Council website, including the supplementary guidance on Wind Energy Developments. The guidance was published in 2019 in accordance with SPP and the Spatial Framework – Wind Developments published by the Scottish Government. Where relevant these guidance documents are considered in the supporting Planning Statement.

#### 4.13 Summary

4.13.1 This chapter has set out the legislative background, a summary of the renewable energy policy framework, and the Development Plan policies and guidance relevant to the consideration of the Proposed Development. It provides a summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIAR. The Proposed Development finds in principle support from NPF4 and the OWPS, both of which recognise the climate emergency and nature crisis and the role that onshore wind developments can play in tackling these two challenges. The Proposed Development is, by definition, a National Development as set out in NPF4 and it will help to reduce the UK’s dependence on volatile fossil fuel markets, by improving domestic energy production and making the UK more self-sufficient when it comes to the energy it uses.

4.13.2 The accompanying Planning Statement considers the Proposed Development against the energy and planning policy framework drawing conclusions about the extent of the policy compliance based on the residual effects of the Proposed Development, as set out in other technical chapters of the EIAR **Chapters 5 – 14 (EIAR Volume 1)**.