Chapter 7: Sloy Pumped Hydro Storage Scheme: Planning Policy and Context

Chapter 7: Planning Policy and Context - Contents

Figures

There are no figures associated with this Chapter.

Appendices

There are no appendices associated with this Chapter.

7. Planning Policy and Context

7.1. Introduction

This chapter of the EIA Report describes the legislative and policy background relevant to the Proposed Development. A standalone Planning Statement, separate to the EIA Report, has been prepared to support the application which assesses the Proposed Development against planning and energy policy.

7.2. Electricity Act 1989

This application is submitted to the Scottish Ministers under Section 36 (S36) of the *Electricity Act 1989*[1] (*the Electricity Act*). At the same time, SSE is also seeking that Scottish Ministers issue a Direction under Section 57(2) of the *Town and Country Planning (Scotland) Act 1997*[2] (*the 1997 Planning Act*), as amended, that deemed planning permission also be granted for the Proposed Development.

Schedule 9 paragraph 3 to the *Electricity Act* imposes no duties on an Applicant other than a generating licence holder or a person authorised by an exemption to generate electricity. SSE does not fall within either of these categories.

There is no 'primacy' of the Development Plan 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* as the national element of the Development Plan should be accorded significant weight.

7.3. The National Parks (Scotland) Act 2000

The National Parks (Scotland) Act 2000[3] (hereafter referred to as the National Parks Act) sets out the responsibilities of National Park Authorities (NPA) including statutory planning and access functions. The National Parks Act requires the NPA to produce a Management Plan (in this case, the Loch Lomond and the Trossachs National Park Partnership Plan 2024-29). The Local Development Plan must comply with the National Park Partnership Plan to work towards the four aims of National Parks as follows:

(a) "to conserve and enhance the natural and cultural heritage of the area,
(b) to promote sustainable use of the natural resources of the area,
(c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, and
(d) to promote sustainable economic and social development of the area's communities."

Section 9 of the National Parks Act states that if there is a conflict between the first aim, and any of the others, the NPA must give greater weight to the first aim. The NPAs role is to co-ordinate the delivery of the aims to ensure a sustainable future for the area.

[1] UK Government (1989). Electricity Act 1989. Available at: https://www.legislation.gov.uk/ukpga/1989/29/contents

[2] Scottish Government (1997). Town and Country Planning Act (Scotland) Act 1997. Available at: https://www.legislation.gov.uk/ukpga/1997/8/contents

[3] Scottish Government (2000), National Parks (Scotland) Act 2000. Available at: https://www.legislation.gov.uk/asp/2000/10/crossheading/the-national-park-aims

7.4. International Climate Change, Energy Policy and Publications

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 21st session of the Conference of Parties (*'COP21'*)[4]. Ratified in the UK on 17th 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 COP28 in Dubai in December 2023 did not call for a 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"*[5] 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.

For more than a decade the 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, '*Broken Record - Temperatures hit new highs, yet world fails to cut emissions (again)*', was published on 23 November 2023.

The 2023 Gap Report notes in the Foreword that GHG emissions reached a new high in 2022. While there are signs of progress since the signing of the Paris Agreement in 2015, the report notes that *"change* must *come faster in the form of economy-wide, low-carbon development transformations, with a focus on the energy transition. Countries with greater capacity and responsibility for emissions will need to take more ambitious action and provide financial and technical support to developing nations"*.

The Report notes in the Executive Summary that "*Not only was September 2023 the hottest month ever, it also exceeded the previous record by an unprecedented 0.5°C, with global average temperatures at 1.8°C above pre-industrial levels"*. The Report notes that not only were temperature records broken, global GHG emissions and atmospheric concentrations of carbon dioxide also set new records in 2022. As a result, the Report notes that unprecedented action is now needed by all countries and for high-income countries (such as the UK), there is a need to further accelerate "*domestic emissions reductions, committing to reaching net-zero as soon as possible*".

In Chapter 3, the Report notes that "*The United Kingdom Government made a U-turn on climate policies in September 2023 and announced the country is to delay in phasing out new petrol and diesel cars, to delay in phasing out gas boilers and to eliminate the requirement for landlords to improve the energy efficiency of their homes, among other measures'*. In response, the Report notes that the United Kingdom's Climate Change Committee remains "*concerned about the likelihood of achieving the United Kingdom's future targets, especially the substantial policy gap to the United Kingdom's 2030 goal*".

7.5. Scottish Climate Change and Energy Legislation and Policy

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;

[4] United Nations (2015). COP21 Paris Agreement. Available at: https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf

[5] https://unfccc.int/news/cop28-agreement-signals-beginning-of-the-end-of-the-fossil-fuel-era

- The Climate Change (Scotland) Act 2009 (Interim Target) Amendment Regulations 2023;
- Scottish Emissions Targets - First Five-yearly Review & Progress in Reducing Emissions in Scotland – 2022 Report to Parliament (2022);
- Equality, Opportunity, Community - Our Programme for Government September 2023 (2023);
- Update to the Climate Change Plan 2018 - 2032: Securing a Green Recovery on a Path to Net Zero (2020); and
- Scottish Energy Strategy (2017) and Draft Energy Strategy & Just Transition Plan (2023).

7.5.1. LEGISLATION

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019[6] (Climate Change Act 2019) amends the Climate Change (Scotland) Act 2009[7] 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):

- 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 below); and
- 2040 is at least 90% lower than the baseline.

7.5.2. POLICY AND OTHER DOCUMENTS

7.5.2.1. Climate Change Committee – Progress in Reducing Emissions – 2023 Report to Parliament

The above 2023 Report to the Scottish Parliament[8] 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.

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.

[6] Scottish Government (2019). Climate Change (Emissions Reductions Targets) (Scotland) Act 2019. Available at: https://www.legislation.gov.uk/asp/2019/15/enacted

[7] Scottish Government (2009). Climate Change (Scotland) Act 2009. Available at: https://www.legislation.gov.uk/asp/2009/12/contents

[8] 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

7.5.2.2. Equality, Opportunity, Community – Our Programme for Government, September 2023

The Programme for Government[9] was published in September 2023 and therefore represents a recent statement of 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.

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 NPF4 (discussed below) 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*".

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 governmen*t" and central to achievement of that is "*scaling up renewables"*.

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 features"*. There is 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"*.

7.5.2.3. Update to the Climate Change Plan (CCP) 2018 – 2032: Securing a Green Recovery on a path to Net Zero.

In December 2020, the *'Update to the Climate Change Plan 2018 – 2032: Securing a Green Recovery on the Path to Net Zero'*[10] *(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.

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 the determination that this growth must continue, stating that "*Pumped storage also has an important role to play, as it can release stored electricity when the demand is high, and the system needs it most (e.g. when there is less wind energy available)".*

[9] Scottish Government (2023). Programme for Government 2023 to 2024. Available at: https://www.gov.scot/publications/programme-government-2023-24/

[10] 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.

7.5.2.4. Scottish Energy Strategy (SES) (2017) and Draft Energy Strategy and Just Transition Plan (2023)

The Scottish Energy Strategy (SES[11]) 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.

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.

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"* (underlining added).

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, it notes the importance of pumped storage hydro (PSH) developments, stating that "*investment in new PSH capacity in Scotland could greatly enhance the flexibility and resilience of our electricity network and power supplies. These are major infrastructure projects, with considerable economic and industrial value attached"*" (page 58).

The Scottish Government published *the 'Draft Energy Strategy & Just Transition Plan'* (*the Draft SES*) for consultation purposes in January 2023.

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.

The Draft SES emphasises the importance of pumped hydro storage developments stating *"as we transition to a net zero energy system, renewables and other zero-carbon technologies, including pumped hydro storage, will need to provide all the services required to ensure a secure energy system*." It continues noting that "*PHS also continues to play a pivotal role in Scotland's energy system providing long-term storage and reserve for the electricity networks. PHS accounts for 740 MW of Scotland's 864 MW of energy storage*"[12] (page 129).

[11] Scottish Government (2017). The Scottish Energy Strategy. Available at: https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/

12 Scottish Government (2023). Draft Energy Strategy and Just Transition Plan. Available at: https://www.gov.scot/publications/draft-energy-strategy-transition-plan/

7.6. UK Climate and Energy Legislation and Policy

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.

7.6.1. LEGISLATION

The Energy Security Act 2023

The Energy Security Act 2023[13] received Royal Assent on the 26th 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*[14] 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)

The Climate Change Act 2008[15] became law on the 26th November 2008 and introduced a legally binding target for the UK to reduce CO_2 emissions by at least 80% by 2050, relative to the 1990 levels.

In June 2019, the *Climate Change Act 2008 (2050 Target Amendment) Order 2019*[16] 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 UKs Contribution to Stopping Global Warming*[17]'.

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

7.6.2. POLICY AND OTHER DOCUMENTS

7.6.2.1. Climate Change Committee – Progress in Reducing Emissions – 2023 Progress Report to Parliament

The 2023 CCC Joint Progress Report to Parliament18 was published in June 2023 and considers the global picture with regards to emissions reductions and adaptation to climate change. It discusses the UK's role in a global context before discussing a range of sectors such as transport, building,

[13] UK Government (2023). Energy Act 2023. Available at: https://www.legislation.gov.uk/ukpga/2023/52/enacted

[14] UK Government (2022). British Energy Security Strategy. Available at: https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy

[15] UK Government (2008). Climate Change Act 2008. Available at: https://www.legislation.gov.uk/ukpga/2008/27/contents

[16] UK Government (2019). The Climate Change Act 2008 (2050 Target Amendment) Order 2019. Available at: https://www.legislation.gov.uk/ukdsi/2019/9780111187654

17 Committee on Climate Change (2019). Net Zero, the UKs 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

[18] Committee on Climate Change (2023). 2023 Progress report to Parliament. Available at: https://www.theccc.org.uk/wp-content/uploads/2023/06/Progress-in-reducing-UK-emissions-2023-Report-to-Parliament-1.pdf

manufacturing, electricity supply, fuel supply, aviation and shipping etc. Each sector is looked at in terms of emission trends and drivers, indicators of progress, next steps and major risks.

In the foreword, the Chair of the CCC notes that the UK has shown leadership in accepting a legal obligation to deliver net zero. However, he is "*worried"* about the commitment of the Government to act to deliver these legally binding targets since the COP26 presidency. He notes there is "*hesitation*" from Government to commit fully to delivering key pledges.

In the introductory section, the report notes that 2022 was the UK's warmest recorded year and one of six warmest years on record globally. The record-breaking temperatures seen in the UK summer 2022 brought unprecedented numbers of heat-related deaths, wildfire incidents and significant infrastructure disruption. Human activities are causing our climate to change. The report considers that only decisive action will slow further changes.

The report notes that the UK has "*backtracked*" on fossil fuel commitment and considers it is critical that it re-establishes its climate leadership with a clearer strategy to deliver net zero. The report notes that the transition to net-zero is scheduled to take around three decades, "*but to do so requires a sustained high-intensity of action"*, made all the more critical due to the slow start to policy development so far.

On planning, the report notes that the planning system must have an "*overarching requirement that all planning decisions must be taken giving full regard to the imperative of net zero".* In Scotland, these principles are now set by *National Planning Framework 4*, discussed below.

7.6.2.2. British Energy Security Strategy – Secure, Clean and Affordable British Energy for the Long Term

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[19] is to reduce our dependence on imported oil and gas and to help decarbonise the energy sector, by achieving net zero by 2050.

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*".

The Strategy discusses a range of technologies including onshore and offshore wind, solar, hydrogen and nuclear. The document does not mention 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 <u>all</u> renewable technologies"*. (underlining added).

7.6.2.3. Committee on Climate Change – The Sixth Carbon Budget, the UK's path to Net Zero

In December 2020, the CCC published 'The Sixth Carbon Budget' which comprises three documents: '*The UK's Path to Net Zero' Zero*'[20]; '*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

[19] UK Government (2022). British Energy Security Strategy. Available at: https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy

[20] Committee on Climate Change (2020). The Sixth Carbon Budget, the UK's path to Ne Zero. Available at: https://www.theccc.org.uk/wp-content/uploads/2020/12/The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf

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.

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.

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.

7.7. Planning Policy

The Proposed Development lies within the boundary of The Loch Lomond and the Trossachs National Park. The statutory Development Plan comprises *National Planning Framework 4* (NPF4[21]), and the *Loch Lomond and the Trossachs National Park Local Development Plan* (LLTNP LDP[22]) and a suite of adopted Supplementary Guidance.

7.7.1. NATIONAL PLANNING FRAMEWORK 4 (NPF4)

National Planning Framework 4 (NPF4) was adopted on 13th February 2023. It replaces both *National Planning Framework 3 (NPF3)* and *Scottish Planning Policy* 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.

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).

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 and West Coast Islands'* Regional Area, shown indicatively on the map on page 24. NPF4 notes under the 'Priorities' sub-heading that the strategy aims to *"Maximise the benefits of renewable energy whilst enhancing blue and green infrastructure, decarbonising transport and building resilient connections…".*

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 2 'Pumped Hydro Storage' sets out a list of developments that have National Development Status including "*new and/ or expanded and/or upgraded water holding reservoir and dam" and "new and/or expanded and/or upgraded water inlet and outlet pipework…"* and where the scheme is classified as a 'major' development (20 megawatts (MW) and above). The Proposed Development falls within the National Development category.

[21] Scottish Government (2023). National Planning Framework 4. Available at; https://www.gov.scot/publications/national-planning-framework-4/

[22] Loch Lomond and the Trossachs National Park (2017). Loch Lomond and the Trossachs National Park Local Development Plan 2017- 2024. Available at: https://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/

NPF4 states that these schemes will help the transition to a net zero economy "*through the ability of pumped hydro storage schemes to optimise electricity generated from renewables by storing and releasing it when it is required*". It clarifies that the National Development status applies to new PHS sites as well as increasing the capacity at existing sites.

NPF4 confirms on page 97 that National Development status means "*the principle of the development does not need to be agreed later in the consenting process, providing more certainty for communities, business and investors*".

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)*".

It confirms that all forms of renewable, low carbon and zero emission technology will be supported. These include "*energy storage such as battery storage and pumped storage hydro*…". 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*".

Other NPF4 policies potentially of relevance to the Proposed Development are briefly summarised in **Table 7.1** below.

Table 7.1: Summary of Relevant National Planning Framework 4 Policies

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	The aim of this policy is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. 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.
Policy 4: Natural Places	The intent of this policy is to protect, restore and enhance natural assets, making best use of nature-based solutions. It confirms that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. It sets out specific requirements and assessment criteria in relation to European, national and local natural heritage and landscape designations. The policy sets out further criteria for proposals that will affect a National Park.

NPF4 Policy	Policy Summary
	In relation to Wild Land Areas, it confirms that development proposals will only be supported where they inter alia support meeting renewable energy targets.
Policy 5: Soils	The aim of this policy is to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for inter alia essential infrastructure (where there is a specific locational need and no other suitable site) or, the generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets.
Policy 6: Forestry, Woodland and Trees	Development proposals will not be supported where they will result in inter alia 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	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. It sets out specific requirements and assessment criteria in relation to inter alia listed buildings, conservation areas, gardens and designed landscapes, scheduled monuments, and non-designated historic assets. The policy states in section c) that proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve the character, special architectural or historic interest and setting Proposals affecting the setting of a listed building should preserve the character and special architectural or historical interest.
Policy 22: Flood Risk and Water Management	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. The policy confirms that proposals at risk of flooding or in a flood risk area will only be supported in a limited number of circumstances.
Policy 23: Health and Safety	This policy covers inter alia air quality and noise. It confirms that development proposals likely to have significant adverse effects on health, or 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.

7.7.2. THE LOCH LOMOND AND THE TROSSACHS NATIONAL PARK LDP

The Loch Lomond and the Trossachs National Park Local Development Plan (LDP) was adopted in 2017.The Scottish Government's Chief Planner issued a letter on 8th 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 a 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.

The key 'lead' policy in relation to the Proposed Development is '*Renewable Energy Policy 1: Renewable Energy within the National Park'*. Relevant parts of this policy are replicated in full below:

"Proposals for Renewable Energy Developments within the National Park will be supported where the siting, design, access and scale of the proposal will not have a significant adverse impact either individually or cumulatively on: landscape or visual amenity, woodlands/ forestry, biodiversity, the water environment, cultural heritage, air quality, traffic and transport, recreation and access and residential amenity.

All renewable energy developments must also be assessed in regard to:

(i) The Overarching Policies and related Local Development Plan Policies
(ii) *The Renewable Energy Planning Guidance In particular, the renewable energy technologies listed below, should in addition, comply with the following criteria listed here.*

Hydro Energy

a) Engineering works, the siting, design or scale of the powerhouse, headponds, weirs, penstocks and tailraces other ancillary buildings or works, access requirements and other support infrastructure do not generate significant adverse impact, and
b) Does not alter the river profile and the water supply to the powerhouse would not result in an inadequate flow of water in any stream which would reduce its ecological value or visual attractiveness as a natural feature, and
c) Pipes to, and power lines from, the powerhouse are placed underground, and
d) Sufficient landscape measures are included to integrate the proposal into the landscape setting and reinstatement measures are taken to restore the physical conditions of the site when construction is complete."

Other Loch Lomond and the Trossachs National Park LDP Policies of relevance to the Proposed Development are summarised in **Table 7.2** below.

Table 7.2: Summary of Relevant (LLTNP) Local Development Plan Policies

LLTNP LDP	Policy Summary
Overarching Policy 1: Strategic Principles	Proposals in the National Park should contribute to the National Park being a successful and sustainable place.
Overarching Policy 2: Development Requirements	Development Proposals should not conflict with nearby land uses and where relevant, must address the following requirements: Landscape & Visual Amenity; Amenity & Environmental Effects; Historic Environment; Natural Environment; Sustainable Travel; Safe Access and Parking;

LLTNP LDP	Policy Summary
	Visitor and Recreational Experience; Design and Placemaking; Social Wellbeing and Economic Vitality; and Climate Friendly Design.
Natural Environment Policy 1: National Park Landscapes, Seascape and Visual Impact	Proposals will protect the special landscape qualities of the National Park in accordance with the Special Landscape Qualities of Loch Lomond and the Trossachs National Park. Proposals will be required to be sympathetic to their setting and minimise the visual impacts.
Natural Environment Policy 6: Enhancing Biodiversity	Developments will be required to enhance biodiversity by securing the protection, management and enhancement of natural landscape, wildlife, wildlife habitat, habitat networks and green corridors, and where possible creating new wildlife habitats. The policy continues that proposals will aim to have native species planted and prevent the planting or spread of invasive non-native species.
Natural Environment Policy 11: Protecting the Water Environment	Development will be required to meet the criteria of the policy to ensure there are no significant adverse impacts on the water environment. The criteria includes inter alia, demonstrating no significant adverse impacts on protected species or habitats in the water body or the catchment area; ensuring no adverse impacts on the quantity of the water available for drinking and other uses; protecting and enhancing flood plains. The policy continues to state that where engineering works are required in or near water bodies, there may be significant effects on the above criteria and these will not be supported. There will be a presumption in favour of soft engineering techniques and against the culverting of watercourses, unless there is no suitable alternative.
Natural Environment Policy 13: Flood Risk	Development will not be supported unless it is demonstrated that the Proposed Development complies with the Flood Risk Framework as defined in Scottish Planning Policy or subsequent national planning guidance. In this case, Policy 22 of NPF4 should be referred to.
Historic Environment Policy 1: Listed Buildings	Section a) Alterations and Extensions states that where development alters or extends a listed building, it will only be supported where it can be demonstrated that the proposal will protect, conserve and/ or enhance the character, integrity and setting of the listed building and the layout, design and materials shall be appropriate to the character and appearance of the listed building and its setting.

The preparation of the new LDP is underway for the National Park. The Development Plan Scheme which outlines the timeline for the new plan is expected to be published shortly.

Argyll and Bute Council is the adjacent local authority area and may be consulted on the application. The Argyll and Bute LDP was adopted in February 2024. The LDP provides the local planning framework for the area however, it excludes the Loch Lomond and the Trossachs National Park area.

7.7.3. SUPPLEMENTARY GUIDANCE AND OTHER DOCUMENTS

There is a suite of statutory and non-statutory guidance available on the Loch Lomond and the Trossachs National Park website, including Renewable Energy Planning Guidance, which are potentially relevant. Section 4 of the Renewable Energy Planning Guidance relates to Hydro Power and provides location and planning consideration guidance. It focuses on "*small run-of-river schemes*" which are considered to be the scale of development which offers the most opportunity in the National Park due to its geography, special qualities and anticipated demand. The Guidance states that "*any proposal would need to demonstrate that there would be no adverse environmental (including no likely significant effects on a European Protected Habitat or Species) or landscape impacts".* Where relevant, the Supplementary Guidance is referred to within individual chapters.

The National Park Partnership Plan is an overarching vision which guides those looking after the National Park to ensure a successful and sustainable future. The 2018 – 2023 Partnership Plan sets out the challenges and opportunities of the Park which includes *"addressing and mitigating the impacts of climate change"* and *"Facilitating better integrated management of land and water to provide wider benefits for people and nature."* Outcome 1: Natural Capital states that the "*restoration and enhancement of degraded waterbodies and peatlands, in order to aid their water and carbon storage natural functions, are highly important, as is their role as major sources of drinking water and hydro-electricity generation*".

The Draft Partnership Plan 2024-2029 was submitted to the Scottish Ministers for approval in December 2023 following approval by the National Park Authority Board. The vision for this Plan states that by 2045, the National Park will be a thriving place that is nature positive and carbon negative. The Draft Plan sets out the aims of the National Parks (Scotland) Act 2000 which will be used, along with the nine aims of the Plan, to meet the vision. Subject to approval by Scottish Ministers, the Draft Plan is due to be adopted later in 2024 which makes it a material consideration in the assessment of applications.

7.8. Summary

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 EIA report.

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 EIA report.