

## Recommendations for the redrafting of the text of NPF4

This paper sets out Scottish Renewables recommended changes to the text of the draft NPF4.

- Where we recommend that existing text is deleted, this is indicated by ~~strikethrough~~ text.
- Additions are indicated in **red text**.
- Comments giving the rationale behind changes are anchored to the relevant piece of text.

These changes are focused on ensuring that the draft NPF4 meets The Scottish Government's commitments to:

- Rebalance our planning system so that climate change and nature recovery are the primary guiding principles for all our plans and all our decisions.
- Our places support continued expansion of low-carbon and net-zero energy technologies as a key contributor to net-zero emissions by 2045.

In recommending amends to the text of the draft NPF4 we have sought to ensure our amends support the delivery of the obligation set out in the Climate Change (Scotland) Act 2009 as set out below:

*Under Section 44(1) of the Climate Change (Scotland) Act 2009 Planning Authorities must act in the way best calculated to the delivery of the targets set in or under Part 1 of this Act. The targets referred to in S44 are in Section 1 of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which states a duty on the Scottish Ministers to "ensure that the net Scottish emissions account for the net-zero emissions reduction target". The target is 100% lower than the baseline by 2045, with binding interim targets for 2020, 2030 and 2040.*

*Section 3A of the Town and Country Planning (Scotland) Act 1997 requires the creation of the National Planning Framework. NPF4 must contain a "statement about how the Scottish Ministers consider that development will contribute to each of the outcomes listed in sub-section (3A)". Those outcomes include "an assessment of the likely impact of each proposed national development's life cycle greenhouse gas emissions on achieving national greenhouse gas emissions reduction targets. NPF4 is intended to be the policy instrument to ensure that the legally binding interim and 2045 net-zero targets are met and the national outcome quoted above is within Annex 5.*

**In this document, we have addressed Policy 19 first as this is of the most significance to SR members. Other sections are dealt with in numerical order.**

## Renewable Green energy

We want our places to support continued expansion of **renewable, low-carbon and net-zero energy technologies** as a key contributor to net zero emissions by 2045.

Scotland's energy sector has a significant role to play in reducing carbon emissions and contributing to a green, fair and resilient economic recovery. A wide range of renewable technologies are capable of delivering these benefits, although it is likely that the onshore wind sector will play the greatest role in the coming years. The planning system should support all forms of renewable energy development and energy storage, together with new and replacement transmission and distribution infrastructure. It should also support new and emerging technology including hydrogen and carbon capture utilisation and storage (CCUS).

### Policy 19: Green Renewable Energy

- a) Local development plans should seek to ensure that an **area's full potential for electricity and heat from renewable sources is achieved**. Opportunities for new development, extensions and repowering of existing renewable energy developments should be supported.

Local development plans must positively identify a range of opportunities for renewable energy development, without also seeking to define the environmental capacity for development beyond reference to existing statutory designations.

Planning Authorities may decide to commission landscape sensitivity studies to inform themselves and all stakeholders of the relative sensitivity of different landscape units or areas to different types and scales of renewables development. Such studies should not be more than positive indicators to developers and others of areas of potential focus. They should not be used to guide the determination of applications for development, noting that they can envisage matters at a point in time and that the acceptability of a particular development will depend on many other local environmental factors, by development management advice within the NPF and by the need to meet net-zero targets.

Local landscape and scenic designations made by Planning Authorities are an indication of the relative value attached to different parts of their areas and can be useful in the design of developments, particularly wind farms. However, they should not be used to oppose the principle of development, noting that they represent a view at a point in time and need regular review in the context of Local Development Plans. Buffer zones around such areas should not be established.

- b) Development proposals for **all forms of renewable, energy and low-carbon fuels and net-zero energy**, together with enabling works such as transmission and distribution infrastructure, and energy storage such as battery storage, should be supported in principle.

Applicants should not be required to demonstrate the need for their proposal, and it should be recognised that projects of all scales provide a valuable contribution to meeting net-zero.

- c) Development proposals for **wind farms in National Parks and National Scenic Areas** should not be supported.
- d) ~~Outwith National Parks and National Scenic Areas, and recognising the sensitivity of any other national or international designations, development proposals for new wind farms should be supported unless the impacts identified (including cumulative effects), are~~

**Commented [A1]:** We recommend the use of the established term renewable energy to avoid ambiguity and to keep the language consistent with the rest of Policy 19.

**Commented [A2]:** SR fully supports these statements. 'Renewable' added to keep wording consistent with the rest of Policy 19

**Commented [A3]:** We support the ambition of this text, but it does not belong in section a) as it mixes up individual proposals with local development plans.

**Commented [A4]:** SR fully supports this statement. Change made to keep wording consistent with the rest of Policy 19.

**Commented [A5]:** This wording is proposed to replace that in P19 d), e) and j). The existing draft development management tests in d) and e) say no more than that development will be acceptable unless unacceptable, which gives decision-makers no useful guidance on how to approach projects.

What is proposed gives due weight to the Climate Emergency and net-zero and sets out a meaningful, usable, and appropriate test. It is proposed that this test will also replace j) which is at present unnecessarily detailed in an NPF. The same test should apply to solar as to other renewables.

unacceptable. To inform this, site specific assessments including where applicable Environmental Impact Assessments (EIA) and Landscape and Visual Impact Assessments (LVIA) are required.

**Outwith National Parks and National Scenic Areas**, the Global Climate Emergency advised on in Policy 2 and the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040, will be given significant weight in deciding development proposals for wind farms.

Consent should be granted for renewable energy development, with such development only being refused where any adverse impacts of what is proposed are severe and would significantly and demonstrably outweigh the need for and the benefits of the development.

Where other policies of this NPF advise on particular topics or areas of recognised importance these must be given weight in decision-making, but the test of acceptability of development will in all cases be that set out in this policy.

- e) Development proposals to **repower, extend and expand existing wind farms** and for the extension of life to existing windfarms should be supported unless the impacts identified (including cumulative effects) are unacceptable. **will be determined following the approach in Policy 19(d), but positive weight will additionally be given to the existence of an extant consent for a wind farm on the same or neighbouring land.**
- f) ~~Development proposals for **small scale renewable energy generation technology** should be supported.~~
- g) **Areas identified for wind farms should be suitable for use in perpetuity.** Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect **achieve** an acceptable level of amenity for adjacent communities.
- h) Major applications for energy generation **which would give rise to greenhouse gas emissions from low carbon sources**, for manufacturing or industrial developments should be accompanied by a **decarbonisation strategy** to demonstrate how greenhouse gas emissions from the process are appropriately abated. That strategy may include carbon capture and storage.
- i) Proposals for **negative emissions technologies** and carbon capture should be supported in principle.
- j) ~~Development proposals for **solar arrays** should be supported where the planning authority is satisfied that the arrays would not adversely affect (including the effect of glint and glare) residential amenity, road safety, historic environment assets, or aviation interests. Ground mounted arrays should be installed using pile driven or screw foundations rather than trench foundations to facilitate restoration of the site.~~
- k) ~~Specific considerations will vary relative to the scale of the proposal and area characteristics but development proposals for renewable energy developments must take into account:~~

**The determination of applications for renewable energy development proposals under clause d) will start with 'in principle' support and the identification of the need for development, including with reference to Policy 2 – Climate Emergency and any national need established through National Developments where relevant. When balancing the identified need for and benefits of development proposals with any likely significant impacts, decision-makers**

**Commented [A6]:** The wording of this section is designed to provide a planning test that encompasses both the weight that should be given to the Climate Emergency as set out in Policy 2 and provide clear guidance on how the support in principle under b) should be applied in the planning balance.

**Commented [A7]:** While we agree with the intention of f) the rewording of d) makes this section unnecessary.

**Commented [A8]:** This clause needs rewording as it doesn't make sense for a low carbon energy generation development to have to produce its own decarbonisation strategy.

**Commented [A9]:** SR supports the intention of this clause but there is no guidance on how this support in principle should be applied in decision making and no reference to how this clause fits alongside the identification of national need under National Developments.

**Commented [A10]:** With the rewording of d) this clause is no longer needed.

As it stands this clause imposes elevated levels of protection for receptor types and restricts construction techniques without any supporting justification. The blanket promotion of pile driven foundations is unwise given potential disturbance effects on species which could be avoided or reduced through other construction techniques. These overly restrictive tests could therefore unnecessarily limit the deployment of solar generating capacity.

**Commented [A11]:** This wording is problematic as it implies the factors should be considered only when designing developments (i.e. by applicants), rather than also being factored into decision making (despite some factors not being design-related).

There is also no direction as to what weight this list of factors should be afforded and how they should be balanced against "in principle" support derived from other policy criteria and the identification of a "national need" for >50MW renewable energy developments under National Development 12.

**Commented [A12]:** This wording is taken directly from SPP169 and has been amended to fit with the objectives of NPF4.

should focus on likely significant effects. The following factors should be taken into account and afforded appropriate weight depending on individual circumstances:

- a) net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities, and including the economic and social benefits of shared ownership and investment structure models as per The Scottish Government guidance on 'Shared Ownership of Onshore Renewable Energy Developments';
- the scale of contribution to renewable energy generation targets;
  - effect on greenhouse gas emissions reduction targets;
  - cumulative impacts – taking into account the cumulative impact of existing and consented energy development;
  - impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
  - landscape and visual impacts, including effects on wild land;
  - effects on the natural heritage, including birds;
  - impacts on carbon rich soils;
  - public access, including impact on long-distance walking and cycling routes and scenic routes;
  - impacts on historic environment assets, including scheduled monuments, listed buildings and their settings;
  - impacts on tourism and recreation;
  - impacts on aviation and defence interests including seismological recording;
  - impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
  - impacts on vehicular and pedestrian road traffic and on adjacent trunk roads;
  - effects on hydrology, the water environment and flood risk;
  - the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration, opportunities for energy storage; and
  - the need for a robust planning obligation to ensure that operators achieve site restoration.
- l) Grid capacity should not influence decisions on individual applications for wind farms. It is for wind farm developers to discuss connections to the grid with the relevant network operator. Consideration should be given to underground grid connections where possible.

**Commented [A13]:** Wild land is covered under Policy 32, and it would be confusing to have this factor also included here.

**Commented [A14]:** Carbon rich soils are covered under Policy 33, and it would be confusing to have this factor also included here.

**Commented [A15]:** Deletion as "scenic routes" has no obvious planning meaning.

**Commented [A16]:** This is covered under Policy 28, and it would be confusing to have this factor also included here.

**Commented [A17]:** The Eskdalemuir Seismic Array is a defence interest, and it is confusing to separate it out.

**Commented [A18]:** These are conditions that are applied to consents, these are not factors in determining consent.

**Commented [A19]:** Added from SPP 165 with some changes to fit with principles of NPF4.

## **Policy 2: Climate Emergency**

- a) When considering all development proposals **significant weight will should be given to the Global Climate Emergency.**
- b) All development should be designed to minimise emissions over its lifecycle in line with the decarbonisation pathways set out nationally. **Where development is evidenced to be carbon positive over its lifetime, that should attract significant weight in the planning balance.**
- c) **Consistent with the headline policy objective under clause a), significant weight should always be afforded to an identified positive contribution of development towards emissions reduction.**

**The acceptability of any adverse environmental impacts should be judged in the context of the need to respond urgently and effectively to climate change. Impact acceptability should therefore be assessed in the context of the scale of any positive contribution towards emissions reduction.**

**Development proposals that will generate significant emissions**, on their own or when combined with other proposals or when considered in combination with other proposals, allocations or consented development, should not be supported unless the applicant provides evidence that this level of emissions is the minimum that can be achieved for the development to be viable and it is also demonstrated that the proposed development is in the long-term public interest.

**Development proposals for national, major or EIA development should be accompanied by a whole-life assessment of greenhouse gas emissions from the development. In decision making the scale of the contribution of development proposals to emissions in relation to emissions reduction targets should be taken into account.**

Where significant emissions are likely (even as minimised) in relation to national decarbonisation pathways, but the planning authority is minded to grant consent, emissions off-setting measures **may should** be considered including nature-based solutions. Such measures should take place on-site as an integral part of the overall development, or off-site where on-site provision is not possible or insufficient.

- d) Development proposals for **new, or alterations to, buildings, infrastructure and spaces should** be designed to be **adaptable to the future impacts of climate change**. Proposals to sensitively incorporate climate adaptation and mitigation measures for existing buildings, infrastructure, and spaces, should generally be supported.
- e) **Development proposals for all forms of renewable energy are advised upon in Policy 19: Green Renewable Energy.**

**Commented [A20]:** SR supports this statement, but it should say 'will' rather than 'should' as achieving net-zero is a statutory obligation.

Guidance is also required on what 'significant weight' means in practice.

**Commented [A21]:** This clause focuses too much on avoiding adverse emissions impacts rather than also setting out positive criteria to prioritise the types of development needed to underpin a low carbon economy.

**Commented [A22]:** With the above suggested amendment, these sentences could be removed.

**Commented [A23]:** It is not uncommon for policies to be played off against each other where parties feel this supports their view. This leads to endless sterile debate that needlessly uses up planning capacity.

This can be avoided if there are clear statements as to which policy should be applied.

**Policy 3: Nature Crisis**

- a) Development plans should **facilitate biodiversity enhancement**, nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; through the creation of new or restoration of degraded habitats; and, through measures to increase populations of priority species. Nature networks, which connect biodiversity rich areas, may include international, national, and locally protected sites, and Other Effective Area-Based Conservation Measures (OECMs).
- b) Development proposals should, **in a way proportionate to the nature and scale of what is proposed, contribute to the enhancement of biodiversity**, including **which may include** restoring degraded habitats and building and strengthening nature networks and the connections between them.
- c) **Development should seek to co-exist with and support biodiversity through siting, planning and design. Additional weight should be afforded in favour of proposals that demonstrate co-existence with biodiversity and support for nature recovery.**

Any potential **likely significant** adverse **impacts of development proposals on biodiversity, nature networks and the natural environment should be minimised by design, mitigation and/or enhancement**, through careful planning and design. Design should take into account the need to reverse biodiversity loss, safeguard the services that the natural environment provides and build the resilience of nature by enhancing nature networks and maximising the potential for restoration.

- d) Development proposals for national, major and of EIA development or development for which an Appropriate Assessment is required should only be supported where it can be demonstrated that the proposal will conserve and enhance biodiversity, including nature networks within and adjacent to the site, so that they are in a demonstrably better state than without intervention, including through future management. Applications for farmed fish or shellfish development are excluded from this requirement. To inform this, proposals should:

**Development proposals for national and major development, and development for which EIA or Appropriate Assessment is required, are expected to deliver benefits through the conservation and enhancement of biodiversity through the life cycle of the development. To inform assessment under this policy, proposals should:**

- be based on an understanding of the existing characteristics of the site and its **relevant local, regional and national** ecological context prior to development, including the presence of any irreplaceable habitats;
- wherever feasible, integrate and make best use of nature-based solutions, demonstrating how this has been achieved;
- be supported by an assessment of potential negative effects which should be **fully mitigated to the extent reasonably possible** in line with the mitigation hierarchy prior to identifying enhancements;
- provide **significant** biodiversity enhancements, in addition to any proposed mitigation. **Biodiversity enhancements should include supporting nature networks, linking to and strengthening habitat connectivity within and beyond the development.** Biodiversity enhancements should be secured within a reasonable timescale and with reasonable

**Commented [A24]:** The drafting of this policy must be improved and it is unclear why it is separated from Policies 32 and 33.

Policies 3 and 32 need to be rationalised and the tests revised. One overarching policy would be enough and avoid conflict and repetition.

**Commented [A25]:** Clauses b) onwards are repetitive and wordy, which leads to a lack of clarity. They would benefit from consolidation and rationalisation.

**Commented [A26]:** There are many applicable measures and the NPF4 should include flexibility to ensure the most appropriate measure(s) are used in each proposal rather than seeking to be prescriptive.

**Commented [A27]:** Clause c) should be recast to promote developments that actively seek to support biodiversity rather than starting from a restrictive impact-based test.

**Commented [A28]:** These ambiguous tests have the potential to undermine EIA proportionality and generate unnecessary conflicts by opening up long debates regarding the scope of "potential" (as opposed to "likely significant") impacts and the extent to which any such impacts can be minimised by individual developments rather than by communities and society at large.

Further debates could ensue as clause d) also does not explain how individual development proposals will be expected to evidence that they would deliver or contribute to biodiversity being in a demonstrably better state.

The second sentence is unnecessary as this is already covered in clause b) and in relevant policy and good practice guidance. The repetition undermines clarity.

Clause d) and e) should be recast, with the first amended to set out a clear acceptability test in respect of "likely significant adverse" impacts and the second amended to ...

**Commented [A29]:** This clause inappropriately conflates EIA development and any proposals subject to HRA Appropriate Assessment with all major and national developments. These have different thresholds and protective reasons for their classification so should not be ...

**Commented [A30]:** The ecological context used should always be the most relevant to the site.

**Commented [A31]:** Full mitigation is not always possible hence EIAs contain the option of compensatory measures.

**Commented [A32]:** There is no agreed metric for measuring biodiversity enhancements so 'significant' enhancements cannot be quantified or evidenced.

**Commented [A33]:** This is overly detailed for the NPF4. These issues are covered in policy and good practice guidance.

certainty. They ~~Where appropriate, they~~ should include management arrangements for ~~the life cycle of the development~~; their long term retention and monitoring, wherever appropriate.

- e) ~~Proposals for local development should only be supported if they include appropriate measures to enhance biodiversity, in proportion to the nature and scale of development. Applications for individual householder development, farmed fish or shellfish development, or which fall within scope of the policy above, are excluded from this requirement. Development proposals which integrate nature-based solutions and deliver positive effects for biodiversity should be supported.~~

~~Applications for individual householder development, farmed fish or shellfish development, or which fall within scope of the policy above, are excluded from this requirement.~~

**Commented [A34]:** The majority of clause e) is unnecessary if clause b) is reworded to apply to all scales of development.

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## Policy 5: Community wealth building

~~Section 3A(3A) of the Town and Country Planning (Scotland) Act 1997 identifies the national outcomes of this Framework. Annex A is the Scottish Ministers statement of how development will contribute to each of these outcomes. Outcome (d) is improving equality and eliminating discrimination, and this Policy is relevant to that outcome.~~

- a) Development plans should address **community wealth building** priorities by reflecting a people-centred approach to local economic development. Spatial strategies should support community wealth building; address economic disadvantage and inequality; and provide added social value.
- b) Proposals for development within the categories of national developments and major developments should ~~so far as relevant to the type of development~~ **contribute to community wealth building objectives.**

**Commented [A35]:** As there is no established definition of community wealth building, there is no way to establish if a proposal meets the tests set out in this section.

New text is suggested to give some context and clarify the meaning of wealth building.

## Historic assets and places

**We want to protect and enhance our historic environment, and to support the reuse of redundant or neglected historic buildings.**

Our historic environment is important to many aspects of life, from defining the character of the places where we live and work, promoting a sense of belonging and cultural identity and encouraging civic participation to supporting the tourist economy. The planning system should protect and enhance historic environment assets and places and recognise their cultural heritage benefits and associated social, environmental, and economic value to our national, regional and local economies, cultural identity, and for their potential to support health and wellbeing, the circular economy, and climate change adaptation.

### Policy 28: Historic Assets and Places

- a) **Local development plans and their spatial strategies should identify, protect, and where appropriate seek to enhance locally, regionally, nationally and internationally valued historic assets and places.**
- b) In considering development proposals ~~and projects~~ with a potentially significant impact on **historic assets or places**, planning authorities should consider whether further and more detailed assessment is required to establish a shared understanding of the cultural significance of historic assets and places. This should then provide a sound basis for understanding the impact of any proposals for change.

**This advice applies to proposals involving the demolition, reuse, alteration, extension or other works directly affecting listed buildings. It also applies to demolition proposals and other works directly affecting the character or appearance of Conservation Areas, and to proposals directly impacting Scheduled Monuments.**

Development proposals should **in all cases** also be informed by assessments made with **explicit regard to the current** by Managing Change in the Historic Environment Guidance Notes published by Historic Environment Scotland. **Development proposals are only likely to be acceptable if they can be seen to be supported by relevant advice in these Guidance Notes unless other material considerations indicate special reasons for granting consent.**

- ~~e) Development proposals for the **demolition of listed buildings or other works that adversely affect the special interest of a building, or its setting** should not be supported. This should only be accepted in exceptional circumstances and where it has been adequately demonstrated that all reasonable efforts have been made to retain, reuse and/or adapt the listed building.~~
- ~~d) Development proposals for the **reuse, alteration or extension of a listed building** should only be supported where its character, special architectural or historic interest and setting are not adversely affected.~~
- e) **Development proposals should preserve or enhance the character and appearance of conservation areas and their settings** by means of use, scale and massing, context, high quality design, suitable materials, careful layout and siting. Proposals should have regard to the character of the area as identified in the relevant Conservation Area Character Appraisal/Management Plan (if available) and should respect the density, built form and layout and the architectural and historic character of the area.

**Commented [A36]:** Planning authorities already have the ability to seek more information. Additional text intended to give clarity on the value of seeking further and more detailed assessments.

**Commented [A37]:** If the suggested approach in clause b) is accepted these clauses can be deleted.

**Commented [A38]:** The tests in this section would be impossible to satisfy and, subject to the planning balance, defeat any development proposal which would have any adverse effect on setting. Such tests would be disproportionate and unfair.

The paragraph also seeks to replace e) with a proportionate and fair development test.



For development proposals potentially affecting the setting of any Scheduled Monument, Grade A or B Listed Building or Conservation Area any significant harm to the cultural significance of a historic asset must be justified by the need for and benefits of what is proposed. Harm to the integrity of an asset must be significantly and demonstrably outweighed by such need and benefits.

For development proposals potentially affecting other designated historic assets not specifically addressed in this policy, all significant harm must be justified by the need for and benefits of what is proposed. The weight to be given to such harm will depend on the status of the asset.

- f) The **demolition of buildings in a conservation area** which make a positive contribution to its character should not be supported. Before demolition is considered, reasonable efforts should be made to retain, repair, and reuse the building. In some cases, demolition may be considered acceptable, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its reuse extremely difficult. In instances where demolition is to be followed by re-development within a conservation area, the consent to demolish should only be considered when there is an acceptable design and materials for the new building.
- g) Development proposals should ensure that **existing natural and built features which contribute to the character of the conservation area and/or its setting** are retained especially structures, boundary walls, railings, trees, and hedges.
- h) ~~Scheduled monuments are designated to secure their long-term protection in the national interest, in situ and as far as possible in the form they have come down to us. This helps to ensure their long-term protection wherever possible. Development proposals which affect scheduled monuments should only be supported where they avoid direct impacts on scheduled monuments and any adverse impacts upon their setting unless exceptional circumstances can be demonstrated. Where it has been satisfactorily demonstrated that there are exceptional circumstances, impacts on the monument or its setting should be minimised and mitigated as far as possible. Scheduled Monuments are designated by Historic Environment Scotland (HES) and regulated through their Scheduled Monument Consent process. Development management decisions should also be informed by HES's Scheduled Monument Consents Policy.~~
- i) ~~Development proposals affecting sites within the Inventory of Gardens and Designed Landscapes should only be supported where they protect, preserve and enhance such places and do not impact adversely upon the cultural significance, character and integrity of the site; nor upon important views to, from and within them; nor upon the setting of component features which contribute to their historical, architectural, archaeological, artistic, scenic, horticultural and nature conservation interest.~~
- j) ~~Development proposals affecting sites within the Inventory of Historic Battlefields should protect and, where appropriate, enhance a battlefield's cultural significance, key landscape characteristics, physical remains, and special qualities.~~
- k) Development proposals that extend offshore should not significantly hinder the preservation objectives of **Historic Marine Protected Areas**.
- l) Development proposals that affect a **World Heritage Site** or its setting should only be supported where **the integrity of the their Outstanding Universal Value of the Site is protected and preserved.**

**Commented [A39]:** This text is designed to address sites listed in the Inventory of Gardens and Designed Landscapes and Inventory of Historic Battlefields by providing a test that can be satisfied as opposed to the tests set out in clauses i) and j) which are impossible to satisfy.

**Commented [A40]:** See suggested approach in clause e). This policy is harsher than SPP145 and impossible to satisfy unless National Development status is regarded as an exceptional circumstance.

**Commented [A41]:** This test is impossible to satisfy as development may affect for example a view out from the inventory site and so will not also be able to enhance.  
See amendment to clause e) for a test that can be satisfied.

**Commented [A42]:** This test is impossible to satisfy as development may affect for example a view out from the inventory site and so will not also be able to enhance.  
See amendment to clause e) for a test that can be satisfied.

**Commented [A43]:** This test as drafted would be difficult to satisfy for a particular proposal. The amended text is intended to provide a test that can be satisfied.

- m) Development proposals that sensitively repair, **enhance, and bring back into beneficial use historic environment assets identified as being at risk** should be supported. The Buildings At Risk Register (BARR) should be used to inform and guide decision making and investment within the historic environment and other placemaking activities. Planning authorities with the support of Historic Environment Scotland are encouraged to use the BARR as a focus and catalyst for heritage regeneration, as well as an aid for greater understanding and appreciation of a place's historic environment.
- n) **Enabling development for historic assets or places that would otherwise be unacceptable**, should only be supported where it can be demonstrated that development will secure the future of a historic place or asset at risk of serious deterioration or loss, **whether through direct action or through the provision of funding**, and what is being proposed is the minimum necessary to secure its restoration, adaptation, and long-term future. The beneficial outcomes for the asset or place should be secured early in the phasing of the development and will be secured through conditions and/or legal agreements.
- o) ~~Development proposals should avoid **adverse impacts on non-designated historic environment assets, areas, and their setting**. Where impacts cannot be avoided, they should be minimised and mitigated as far as possible. Planning authorities should protect and preserve these resources in situ wherever feasible. Where it has been demonstrated that retention is not possible, excavation, recording, analysis, archiving and publication may be required through the use of conditions or legal obligations.~~
- p) When **archaeological discoveries** are made in the course of development works, they should be reported to the planning authority to enable discussion on appropriate inspection, recording and mitigation measures.

**Commented [A44]:** Clause o) is unworkable as it does not define the scope of the non-designated assets and areas it seeks to protect. The tests are overly restrictive, conceivably limitless, and not proportionate given that, by virtue of non-designation, any affected assets may only be of local importance.

## Natural places

### We want to protect and restore natural places.

Scotland's natural environment underpins our economy, health and wellbeing, biodiversity, and climate resilience. We have a shared responsibility to manage our natural assets in a sustainable, regenerative way so they can continue to provide the essential benefits and services upon which people and businesses rely. The planning system should protect, restore and enhance Scotland's natural assets; make best use of nature-based solutions; and actively support our national commitment to reverse biodiversity loss, including by delivering positive effects for biodiversity from new developments and by securing and growing nature networks.

#### Policy 32: Natural Places

- a) **Local development plans should identify and protect locally, regionally, nationally, and internationally designated valued natural assets, landscapes, species and habitats.** These assets and areas should be safeguarded in the spatial strategy in a way which corresponds with the level of their statutory status. Spatial strategies should also be designed to better connect nature rich areas through establishing and growing nature networks to help protect and restore the biodiversity, ecosystems, and natural processes in their area.
- b) ~~Development proposals that would have an unacceptable impact on the natural environment including biodiversity objectives should not be supported~~
- c) Development proposals likely to have a significant effect on an existing or proposed **European site** (designated as a Special Areas of Conservation (SACs) or Special Protection Areas (SPAs) which is not directly connected with or necessary to their conservation management must be subject to an 'appropriate assessment' of the implications for the **defined** conservation objectives. The relevant tests for such developments are set out in legislation.
- d) Development proposals that will **adversely** affect a **National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve** should only be supported where the objectives of designation and the overall integrity of the area will not be compromised; or **where** any significant adverse effects on the qualities for which the area has been designated **are not sufficient to compromise the objectives of designation or the integrity of the area** and are clearly outweighed by social, environmental or economic benefits of national importance. Planning decisions for development within National Parks must be consistent with the National Parks (Scotland) Act 2000. All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.
- e) Development proposals that would be likely to have an adverse effect on a **protected species (under Schedule 2 to the Habitats Directive 1992)** should not be supported unless it meets the relevant statutory tests. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application.
- f) Where non-native species are present on a site, or where planting is planned as part of a development, developers should take into account legislation on non-native species.

**Commented [A45]:** The relationship between Policy 3 - Nature Crisis and Policy 32 - Natural Places is unclear, with overlapping and inconsistent tests set out.

Policies 3, 32 and 33 could be combined or at least need internal reconciliation.

**Commented [A46]:** 'Valued' does not have an established definition, is open to wide interpretation and does not match with the following sentence's reference to statutory status. 'Designated' has an established definition and defines statutory status.

**Commented [A47]:** This test overlaps with Policy 3 and is open to interpretation. It should be deleted and tests in Policy 3 should be used.

Policies 3 and 32 should set out a single acceptability test in respect of likely significant adverse biodiversity impacts and a single clear and realistic requirement for development to contribute to biodiversity enhancement.

**Commented [A48]:** Words added to establish a clearer meaning and distinction between the two tests than was the case in SPP212.

**Commented [A49]:** Added for clarity.

- g) Development proposals that affect a site designated as a **Local Nature Conservation Site** or a **Local Landscape Area** should be supported where development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or any such effects are clearly outweighed by social, environmental, or economic ~~benefits of local importance.~~
- h) Planning authorities should apply the **precautionary principle** where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage assets are uncertain but there is sound evidence indicating that damage could occur. If there is ~~a~~ any likelihood of damage, modifications to the proposal to **minimise** ~~eliminate~~ the risk of such damage or **mitigation measures** should be **included in the proposals** considered and implemented. If there is uncertainty, research, surveys, or assessments to remove or reduce uncertainty should be undertaken. **However, developments proposals which respond directly to the climate change or nature crises should not be refused or postponed only because there are uncertainties about the impacts of what is proposed.**
- i) ~~Development proposals for development in areas identified as wild land (per NatureScot Wild Land Areas map 2014) should only be supported where:~~
- ~~• the proposed development cannot be reasonably located outside of the wild land area; or,~~
  - ~~• it is for small scale development directly linked to a rural business, croft or required to support a fragile population in a rural area; and,~~
  - ~~• a site based assessment of any significant effects on the qualities of the areas is undertaken, and use of siting, design or other mitigation minimises adverse impacts.~~

**Commented [A50]:** Local importance was deleted as unnecessary and difficult to define.

**Commented [A51]:** Landscape deleted as effects will always be assessable.

**Commented [A52]:** This is not a test that cannot be satisfied.

Wild Land Areas (per NatureScot Wild Land Areas map 2014) are spatial planning tools rather than statutory environmental designations. The objective of this policy is to preserve the expression of the wild land qualities defined by NatureScot within the boundaries of Wild Land Areas.

In determining applications for development within the mapped Wild Land Areas, regard should be had to the extent to which significant adverse impacts on the wild land qualities defined by NatureScot have been mitigated by design and the siting of the proposed infrastructure.

In accordance with Policy 2, significant weight will be given in the planning balance to the extent to which proposed developments contribute to addressing the Global Climate Emergency and the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040.

Proposals for small scale development directly linked to a rural business, croft or required to support a fragile population in a rural area should be supported.

For developments outside, but visible from Wild Land Areas, it will be rare for significant effects to arise for wild land qualities. Such effects will always relate to the perceptual responses set out in the defined Wild Land Qualities rather than to physical attributes which cannot themselves be impacted outside the mapped area. Buffer zones around Wild Land Areas should not be applied.

## Peat, peatlands and carbon rich soils

[Copy of Carbon-rich soils, deep peat and priority peatland habitat - Expert views on project level assessment has been attached to this input.]

### We want to protect carbon rich soils and preserve and restore peat.

Peat, peatlands and carbon rich soils have a critical role to play in helping to achieve net-zero by 2045 through sequestering and storing carbon. They also provide essential ecosystem services for nature, people and our economy and will play a key role in helping us to adapt to future climate change.

Proposed development should take into account the need to maintain peat stability, to avoid or minimise carbon loss resulting from the development, to manage and restore peat temporarily displaced by the carrying out of development, and to follow the approach in Policy 3 in terms of peatland habitats.

### Policy 33: Soils

- a) Local development plans should protect locally, regionally, nationally, and internationally valued soils.
- b) Development proposals should only be supported if they are designed in a way that minimises the amount of disturbance to soils on undeveloped land and protects them from damage including erosion or compaction.
- c) Development on peat, peatland and carbon rich soils and priority peatland habitat should not be supported unless essential for:
  - essential infrastructure, where there is a locational need, and no other site is suitable; or
  - the generation of energy from a renewable source, where the proposal supports a zero-carbon electricity system and will maximise the function of the peatland during its operational life and in decommissioning; or
  - the generation of energy from a renewable source, where the proposal includes management, restoration or enhancement measure consistent with nationally recognised guidance on peat, peatlands and carbon rich soils during its operational life and in decommissioning; or
  - small scale development directly linked to a rural business, farm, or croft; or
  - supporting a fragile population in a rural or island area; or
  - restoration of peatland.

A detailed site-specific assessment will be required to identify depth, quality and stability of soil and the effects of the development on peatland, including the likely effects of development on CO<sub>2</sub> emissions. This should inform careful project design and ensure that adverse impacts, including emissions release, can be avoided, and minimised through siting, design and appropriate mitigation.

**Commented [A53]:** Clear definitions of peat, peatlands and carbon soils are needed. These are not synonymous terms, and each requires a different approach.

We have provided a copy of the report *Carbon-rich soils, deep peat and priority peatland habitat - Expert views on project level assessment* produced by Natural Power and endorsed by SR to assist in clarifying these issues.

**Commented [A54]:** This new text attempts to clarify the various subtopics within the words carbon rich soil, each of which needs to be addressed using bespoke methods of assessment.

**Commented [A55]:** The test of "maximise peatland functionality" is unclear. Functionality could refer to carbon sequestration, ecological quality and/or hydrological performance. It is also not clear how "maximise" would be measured.

Where an assessment identifies peat onsite, a peatland management plan will be required to demonstrate that any unnecessary disturbance, degradation, or erosion has been avoided or minimised, including appropriate mitigation measures. Where peatland / peatland vegetation is displaced this must be reintegrated into a functional peatland system, in accordance with the mitigation hierarchy and relevant biodiversity policies.

Commented [A56]: Covered under Policy 3.

- d) Development proposals for **new commercial peat extraction, including extensions to existing sites**, should not be supported, unless:
- the extracted peat is supporting an industry of national importance to Scotland, and
  - there is no reasonable substitute; and
  - the area of extraction is the minimum necessary and the proposal aims to retain a residual depth of peat of no less than one metre across the whole site; and
  - the time period for extraction is the minimum necessary; and the proposal is supported by a comprehensive site restoration plan which will return the area of extraction back to its original environmental status.

DRAFT

## Trees, woodland and forestry

### We want to expand woodland cover and protect existing woodland.

Trees and woodland have a critical role to play in helping to achieve net-zero by 2045 through sequestering and storing carbon. They also provide essential ecosystem services for nature, people and our economy and will play a key role in helping us to adapt to future climate change and reversing biodiversity loss. Existing **broadleaf and other natural** woodlands should be protected wherever possible.

**Commented [A57]:** Words added to distinguish commercial forestry from other woodland.

### Policy 34: Trees, Woodland and Forestry

- a) **Local development plans should identify and protect existing woodland and potential for its enhancement or expansion** to avoid habitat fragmentation and improve ecological connectivity, helping to support nature networks. The spatial strategy should identify and set out proposals for the development of forestry and woodlands in their area, in associated Forestry and Woodland Strategies, including their development, protection and enhancement, resilience to climate change, and the expansion of woodlands of a range of types to provide multiple benefits to the physical, cultural, economic, social, and environmental characteristics of the area, in accordance with The Right Tree in the Right Place guidance.
- b) Development proposals should, **wherever practicable, avoid or minimise:** ~~not be supported where they would result in:~~
  - any loss of **ancient woodlands**, ancient and veteran trees, or adverse impact on their ecological condition;
  - adverse impacts on **native woodlands, hedgerows and individual trees** of high biodiversity value or identified for protection in the Forestry and Woodland Strategy;
  - fragmenting or severing **woodland habitats**, unless mitigation measures are identified and implemented;
  - conflict with **Restocking Direction, Remedial Notice or Registered Notice to Comply** issued by The Scottish Government Forestry Regulator, Scottish Forestry.
- c) Development proposals involving **woodland removal** should only be permitted where **required in order to enable development supported by the National Outcomes.** ~~it would achieve significant and clearly defined additional public benefits.~~ Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting, **although in particular cases it may be preferable to conserve and enhance biodiversity in other ways.**
- d) Where a planning application is proposed which includes an area **of existing woodland or land identified as being suitable for woodland creation** (under the FWS), opportunities to enhance and expand woodland onsite and integrate it into design or create new woodlands in accordance with the Forestry and Woodland Strategy in association with development, should be considered.
- e) **Sustainably managed woodland** can bring a range of benefits and planning applications should be supported where they enhance, expand, and improve woodland to deliver benefits such as carbon sequestration, improving air quality; enhancing energy efficiency and providing shelter and shade, providing opportunities for woodland play and recreation; improving biodiversity; helping prevent flooding; and other ecosystem services.

**Commented [A58]:** Text added to recognise that there will be cases where the best environmental option may not be to plant/replant trees. For example, the removal of commercial forestry from peatland and the restoration of that peatland.

## National Developments:

### 9. Pumped Hydro Storage

This national development will play a significant role in balancing and optimising electricity generation and maintaining the operability of the electricity system as part of our transition to net-zero. This is necessary as we continue to move towards a decarbonised system with much more renewable generation, the output from which is defined by weather conditions.

This national development supports additional capacity at existing sites as well as new sites. Cruachan in Argyll is a nationally important example of a pumped storage facility with significant potential for enhanced capacity that could create significant jobs in a rural location.

#### Location

All Scotland, with an initial focus on Cruachan.

#### Need

This national development supports pumped hydro storage capacity within the electricity network through significant new or expanded sites. This supports 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.

#### Designation and classes of development

A development within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:

- a) New and/or expanded and/or upgraded water holding reservoir and dam;
- b) New and/or upgraded electricity generating plant structures or buildings;
- c) New and/or upgraded pump plant structures or buildings;
- d) New and/or expanded and/or upgraded water inlet and outlet pipework;
- e) New and/or upgraded substations and/or transformers directly required for the pumped hydro scheme; and
- f) New and/or replacement transmission cables directly linked to the pumped hydro scheme.

#### Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

**Commented [A59]:** Overall, SR agree there is a lack of detail and no clarity as to how the National Development would operate in practice and how National Development status should be weighed in the planning balance.

**Commented [A60]:** It is not helpful to single out one specific scheme as there are other existing operational sites and consented sites with the potential for expansion.

**Commented [A61]:** Singling out Cruachan is unhelpful as it pre-supposes the delivery timelines for other PSH schemes.



## 12. Strategic Renewable Electricity Generation and Transmission Infrastructure

This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.

A large increase in electricity generation from renewable sources will be essential for Scotland to meet the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040 its net zero emissions targets. Certain types of renewable electricity generation will also be required, alongside **Alongside renewable energy generation**, developments and increases in storage technology and capacity **will be needed** to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for consumption domestically as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport, and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions.

### Location

All Scotland.

### Need

Additional electricity generation from renewables and electricity **distribution and** transmission capacity of scale is fundamental to achieving a net-zero economy and supports improved network resilience in rural and island areas. Island transmission connections in particular can facilitate capturing the significant renewable energy potential in those areas as well as delivering significant social and economic benefits.

**While larger renewables development is addressed here, Policy 19 advises that proposals for all scales of renewables development, and enabling grid infrastructure, will be supported as all contribute to the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040.**

### Designation and classes of development

A development within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:

- a) Electricity generation, including electricity storage, from renewables of or exceeding 50 megawatts capacity;
- b) New and/or replacement high voltage electricity lines and interconnectors of 132kV or more; and
- c) New and/or upgraded infrastructure directly supporting high voltage electricity lines and interconnectors including converter stations, switching stations and substations.

### Lifecycle greenhouse gas emissions assessment

Depending on the nature of the projects taken forward and considering both direct and indirect effects, the lifecycle greenhouse gas emissions assessment concludes this development will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets.

**Commented [A62]:** While we support the underlying ambition to give additional support to renewable energy developments, the logic for this category is not clear given the importance of all scales of renewables development and noting that being in this category does not afford any obvious advantages in the development management process.

Clarity is also needed on what NPF4 thinks about sub 50MW projects.

**Commented [A63]:** Repowering falls under electricity generation and does not need singling out here.

**Commented [A64]:** It is unclear what this means.

## Annex A – NPF4 Outcomes statement

This statement sets out how the Scottish Ministers consider that development will contribute to each of the outcomes identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997.

**(e) meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act and the Climate (Emissions Reduction) (Scotland) Act 2019.**

Scottish Ministers consider that development of land supported by the policies and proposals in the NPF will contribute to this outcome by placing the global climate emergency at the heart of our strategy which addresses both emissions reduction and adaptation. Policy 2: Climate emergency states that when considering all development proposals significant weight should be given to the Global Climate Emergency, and Policy 19 gives specific advice on renewables development.

More generally, on emissions reduction our policies address: localisation and digital infrastructure to reduce the need to travel unsustainably; infrastructure first, energy efficiency and the circular economy to influence building related emissions; reuse of existing buildings, nature-based approaches and negative emissions technologies to support emissions capture and sequestration; electricity generation from renewable sources and support for appropriately emissions abated low carbon fuels to support emissions reduction from the energy needed for business, homes and communities. Our approach supports the green sectors and investment in communities and areas that would most benefit from it in support of a just transition to net-zero.

**Commented [A65]:** This section needs to include the 2019 Act which amends the 2009 Act.

**(f) securing positive effects for biodiversity.**

Scottish Ministers consider that development of land supported by the policies and proposals in the NPF will contribute to this outcome by ensuring that development secures positive effects for biodiversity, and that our approach to planning is designed to help halt and reverse biodiversity loss and to invest in nature-based solutions, benefiting people and nature.

Policy 3: Nature Crisis states that development plans and proposals that contribute to the enhancement of nature networks should be supported in principle. It also notes that adverse impacts of development proposals on the natural environment should be minimised through careful planning and design and that this should consider the need to reverse biodiversity loss.

The policy position makes clear that proposals for local development should only be supported if they include appropriate measures to enhance biodiversity and that development proposals that would have an unacceptable impact on the natural environment including biodiversity objectives should not be supported.

The aim of securing positive effects for biodiversity is also evident in policies on Blue and Green Infrastructure (Policy 12); Natural Places (Policy 32); Peat, Peatlands and Carbon Rich Soils (Policy 33); and Trees, Woodland and Forestry (Policy 34).

END