

4 Climate Change, Energy and Planning Policy

4.1 Introduction

- 4.1.1 This chapter provides the legislative and policy context relevant to the proposed development and Environmental Impact Assessment (EIA) process. The approach focuses on key climate change and renewable energy policies and legislation, as well as national and local planning policy (existing and emerging).
- 4.1.2 A detailed examination of how the proposed development responds to legislation and policy is provided in the Planning Statement which is submitted separately as part of the application for consent under Section 36 of the Electricity Act 1989.

4.2 Legislative Context

The Electricity Act

- 4.2.1 Section 36 (s36) of the Electricity Act 1989 ('the Electricity Act') dictates that a generating station with a capacity in excess of 50 megawatts (MW) shall not be constructed, extended or operated except in accordance with a consent granted by the Scottish Ministers.
- 4.2.2 Paragraph 3(2) of Schedule 9 of the Electricity Act requires the Scottish Ministers, in considering any relevant proposals for which their consent is required under s36, to have regard to:
- the desirability of the matters mentioned in paragraph 3(1)(a) of the Schedule; and,
 - the extent to which the person by whom the proposals were formulated has complied with his duty.
- 4.2.3 The matters mentioned in paragraph 3(1)(a) are: the desirability of preserving natural beauty, conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historical or archaeological interest.
- 4.2.4 The duty under paragraph 3(1)(b) requires the person who formulated the proposals to do what he reasonably can to mitigate any effect that the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

- 4.2.5 The Electricity Act does not say that these are the only matters to be considered. Scottish Ministers will take into account other matters which would be material to their decision. These will include national energy policy, national and local planning policy as well as the full scope of the environmental information submitted with the application.

The Town and Country Planning (Scotland) Act 1997

- 4.2.6 The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (as amended) (the 'Planning Act'). That Planning Act has recently been amended by the Planning (Scotland) Act 2019, however not all provisions within this piece of legislation are in force.
- 4.2.7 Section 57 of the Planning Act addresses development with Government authorisation. When granting consent under s36 of the Electricity Act, Scottish Ministers may, under section 57 (2) direct that planning permission as 'deemed to be granted'.
- 4.2.8 Section 57 (2) states that: *"on granting or varying a consent under section 36 or 37 of the Electricity Act 1989, the Scottish Ministers may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction, for (a) so much of the operation or change of use to which the consent relates as constitutes development; (b) any development ancillary to the operational change of use to which the consent relates"*.
- 4.2.9 As an application under the Electricity Act, the Planning Act is not fully engaged beyond Section 57 and as such the duty under Section 25 of the Planning Act, to determine the application in accordance with the provisions of the development plan (unless material considerations indicate otherwise), does not apply.
- 4.2.10 Notwithstanding this, the development plan is a relevant and important consideration in the decision-making process and the policy framework contained therein has framed the assessment carried out within this EIA.
- 4.2.11 For the avoidance of doubt, the development plan relevant to the proposed development comprises:
- National Planning Framework (NPF) 4;
 - Scottish Borders Local Development Plan (LDP) 2016; and,
 - Relevant Supplementary Guidance.

4.2.12 It is also highlighted that on 7th July 2023 the Scottish Government's Report of Examination into the Scottish Borders' proposed Local Development Plan (2020) was published. Given the proposed LDP and associated Report of Examination provides an updated and largely settled Scottish Borders policy position, it has been considered material to the EIA process.

Climate Change Acts

4.2.13 The Climate Change (Scotland) Act 2009 committed the Scottish Government by law to a number of emissions reduction targets. Specifically, the act targeted 'net zero' (100% reduction in greenhouse gas emissions against 1990 baseline levels), by 2050.

4.2.14 In April 2019 Scotland became one of the first nations in the world to declare a state of climate emergency, a step which sought to place climate change at the heart of all policy decisions and recognise that a system-wide approach is required to address the actions needed to transition to a low carbon economy. At the SNP Conference of April 2019, Scottish First Minister Nicola Sturgeon declared, "*As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it.*"

4.2.15 The Scottish Government subsequently made amendments to the Climate Change (Scotland) Act 2009 in the form of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 to set a net zero emissions target for 2045. This amended and increased the targets for 2030 (to 75% reduction) and 2040 (to 90% reduction).

4.2.16 The independent UK Climate Change Committee advised that these targets represent a high ambition contribution to the UN Paris Agreement aims, including limiting warming to 1.5°C.

4.2.17 Together, these legislative acts represent the Government's intended energy and climate change strategy for the period to 2050.

4.2.18 It should be noted that the UK Government emission reduction targets remain at net zero by 2050.

4.3 International Energy and Climate Change Agreements, Obligations and Reports

4.3.1 The renewable energy policy framework at the international and national level applies to renewable electricity generation and related climate change action and is an important consideration for the proposed development.

4.3.2 The key policy documents in this regard are outlined below at International, UK and Scottish Government levels.

COP 26 Glasgow Climate Pacts (2021)

4.3.3 COP 26 took place in Glasgow in November 2021 and concluded with every Party, representing almost 200 countries, agreeing the Glasgow Climate Pact which seeks to drive action on climate change across the following key themes:

- Mitigation - reducing emissions;
- Adaptation - helping those already impacted by climate change;
- Finance - enabling countries to deliver on their climate goals; and,
- Collaboration - working together to deliver even greater action.

4.3.4 Critically, the Glasgow Climate Pact finalised the 'Paris Rulebook' which fully operationalises the Paris Agreement originally agreed in 2015. The Paris Rulebook sets out the detailed rules and systems to underpin the delivery of the Paris Agreement in order to meet the aspiration to limit future temperature increases to 1.5°C. According to President Alok Sharma (MP) The Glasgow Climate Pact "*kept 1.5 degrees alive. But, its pulse is weak and it will only survive if we keep our promises and translate commitments into rapid action*".

4.3.5 For the first time, COP also agreed a position on phasing down unabated coal power, in turn promoting the further development of clean energy.

COP 21 UN Paris Agreement (2015)

4.3.6 The Paris Agreement (12th December 2015) sets out (page 2) "*with serious concern*" the need to hold the increase in global average temperature to "*well below 2°C*" above pre-industrial levels and to pursue "*efforts to limit the temperature increase to 1.5°C*".

4.3.7 In order to achieve this long-term temperature target, the Paris Agreement states "*parties aim to reach global peaking of greenhouse gas emissions as soon as possible*". The document also includes a ratcheting mechanism on climate action, with countries having to communicate nationally determined contributions to reducing global emissions.

Intergovernmental Panel on Climate Change (IPCC)

4.3.8 In April 2016, the IPCC published a 'Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways (SR1.5)' in response to an invitation contained in the UN Paris Agreement.

4.3.9 SR1.5 concludes that human-induced warming reached approximately 1°C above pre-industrial levels in 2017 and at the present rate, global temperatures would reach 1.5°C around 2040. Actions are recommended to reduce emissions are referenced throughout SR1.5 and these include, for example, phasing out coal in the energy sector and increasing the amount of energy produced from renewable sources.

4.3.10 The IPCC continue to assess and report on the science under-pinning climate change. In their most recent report, 'AR6 Synthesis Report: Climate Change 2023' it is stated in the Summary for Policymakers that "*Limiting human-caused global warming requires net zero carbon emissions*" (B.5). A number of 'mitigation pathways' are discussed and this includes "*transitioning from fossil fuels without carbon capture and storage to very low or zero carbon energy sources such as renewables...*"(B.6.3).

4.4 UK-wide Climate Change and Energy Policy

The Climate Change Committee and Net Zero Monitoring

4.4.1 The Committee on Climate Change (CCC) published its landmark report entitled 'Net Zero - UK's Contribution to Stopping Global Warming' in May 2019. The report responds to requests from the Governments of the UK, Wales and Scotland, asking the CCC to reassess the UK's long-term carbon emissions targets.

4.4.2 The foreword of the report (page 8) sets out that the CCC has "*reviewed the latest scientific evidence on climate change, including last year's IPCC special report on global warming of 1.5°C and considered the appropriate role of the UK in the global challenge to limit future temperature increases*". It adds, "*Net Zero is a more fundamental aim than previous targets. By reducing emissions produced in the UK to zero, we also end our contribution to rising global temperatures*".

4.4.3 The foreword also sets out that "*we must now increase our ambition to tackle climate change. The science demands it; the evidence is before you; we must start at once; there is no time to lose*". This emphasises the urgent nature of the response required to address the UK's contribution to global climate change.

4.4.4 In June 2023, the CCC published a report to the UK Parliament entitled 'Progress in reducing emissions'. In the Foreword (page 8) Lord Deben, Chair of the CCC states that "*Our confidence in the achievement of the UK's 2030 target and the Fifth and Sixth Carbon Budgets has markedly declined from last year. Leadership is required to broaden the national effort to every corner of our economy. That means investing now in low-carbon industries to deliver lasting economic benefits to the UK*".

4.4.5 The foreword also re-enforces that the transition to net zero will necessitate "*unambiguous commitment to fossil fuel phase out, accepting that global reserves are already too great*".

4.4.6 With specific respect to the implementation of renewables, the report acknowledges (page 20) that "*Renewable electricity capacity increased in 2022, but not at the rate required to meet the Government's stretching targets, particularly for solar deployment. Given short lead-times, rapid deployment of onshore wind and solar could have helped to mitigate dependence on imported gas during the fossil fuel crisis*".

4.4.7 In terms of key messages, the report also outlines (page 14) that "*in a range of areas, there is now a danger that the rapid deployment of infrastructure required by the net zero transition is stymied or delayed by restrictive planning rules. The planning system must have an overarching requirement that all planning decisions must be taken giving full regard to the imperative of net zero*".

4.4.8 Note the CCC also provide annual monitoring reports which are Scotland-specific, and their December 2022 Report in this regard is discussed further in Section 3.5 below.

The UK Government Energy Security Strategy

4.4.9 The UK Government published the British Energy Security Strategy in April 2022. The strategy was published in response to concern over the security, affordability and sustainability of the UK's energy supply.

4.4.10 The strategy proposes to accelerate the UK towards a low-carbon energy independent future. The foreword states, "*we're going to bring clean, affordable, secure power to the people for generations to come.*"

4.4.11 The introduction states, “All of these steps will accelerate our progress towards net zero, which is fundamental to energy security. By 2030, 95% of British electricity could be low-carbon; and by 2035, we will have decarbonised our electricity system, subject to security of supply. This is a transition which reduces our dependence on imported oil and gas and delivers a radical long-term shift in our energy with cleaner, cheaper power, lower energy bills and thousands of high wage, high skilled new jobs”.

4.4.12 The strategy focuses on expanding domestic UK energy supply alongside commitments to completely remove Russian oil and coal imports by the end of 2022, and Russian gas “as soon as possible thereafter”. The relevant policies outlined in the strategy include:

- a proposal for over 40% reduction in gas consumption by 2030;
- increased targets for low-carbon power generation compared to previous targets in the Energy White Paper; and,
- reduced consent times for offshore wind planning from four years to one.

4.4.13 With regards to onshore wind, the strategy notes that onshore wind is one of the cheapest forms of renewable energy. The strategy states, “The government is serious about delivering cheaper, cleaner, more secure power, so we need to consider all options.”

The UK Government’s Energy White Paper: Powering our Net Zero Future (2020)

4.4.14 In November 2020, the UK Government published its ‘Ten Point Plan for a Green Industrial Revolution’, which was designed to allow the UK to forge ahead with eradicating its contribution to climate change by 2050.

4.4.15 The publication of this plan was followed by the ‘Energy White Paper: Powering our net zero future’ in December 2020. In it, the UK Government highlights the intention to continue to hold regular Contracts for Difference (CfD) auction rounds every two years to bring forward a range of low-cost renewable technologies. While a key focus on investment for the UK Government is in offshore wind it states at page 45 that “Onshore wind...will be key building blocks of the future generation mix...We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios.”

4.5 Scottish Government Climate Change and Energy Policy

Scotland’s Draft Energy Strategy and Just Transition Plan (January 2023)

4.5.1 The Scottish Government consulted on the Draft Energy Strategy and Just Transition Plan between January and May 2023. The draft plan sets a vision for Scotland’s energy system to 2045 and a route map of ambitions and actions that will guide decision-making and policy support over the course of this decade. The plan seeks to transform the way Scotland generates, transports, and uses energy in order to deliver maximum benefits to Scotland from its the vast renewable energy resource.

4.5.2 The document states, “The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generates economic opportunities, and builds a just transition.”

4.5.3 The draft plan supports the fastest possible transition for the oil and gas sector to an energy sector which is focused on renewables. It sets out key ambitions for Scotland’s energy future including more than 20 GW of additional renewable electricity on- and offshore by 2030. This includes the target of 12 GW of onshore wind by 2030 which aligns with targets in the Onshore Wind Policy Statement (2022).

4.5.4 The Scottish Government continue to review responses to the consultation and the issues raised during engagement with stakeholders to inform development of the final version of the Energy Strategy and Just Transition Plan. They adopted Strategy will ultimately replace the Scottish Energy Strategy (2017) which is discussed further below.

Scotland’s Onshore Wind: Policy Statement (2022)

4.5.5 The updated Onshore Wind Policy Statement (OWPS) was published in December 2022 and sets an overall ambition of 20GW of installed onshore wind capacity in Scotland by 2030 following extensive consultation with stakeholders.

4.5.6 The ministerial foreword states, “we must accelerate our transition towards a net zero society. Scotland already has some of the most ambitious targets in the world to meet net zero but we must go further and faster to protect future generations from the spectre of irreversible climate damage.”

- 4.5.7 It continues, “Scotland has been a frontrunner in onshore wind ... onshore wind will be key to ensuring our 2030 targets are met... By acting now, we can set Scotland on a pathway to meeting our ambitious climate change targets in a way that is aligned to the needs of our citizens, supports a just transition and delivers opportunities for all.”
- 4.5.8 The OWPS’s ambition to install 20GW of onshore wind by 2030, “will help support the rapid decarbonisation of our energy system, and the sectors which depend upon it, as well as aligning with a just transition to net zero whilst other technologies reach maturity”.
- 4.5.9 The OWPS states that the socio-economic benefits of the onshore wind sector in Scotland are widespread including investment, innovation, skills development and job creation. The latest statistics from the UK Government show that onshore wind in the UK generated £2.4 billion in turnover in 2020 alone.
- 4.5.10 It should be noted that the OWPS notes in Section 3.5 that the Scottish Government has consulted on a draft Scottish Biodiversity Strategy which sets out the evidence of biodiversity loss, and its links to climate change, alongside Ministers’ high-level goals for biodiversity in Scotland, “to halt biodiversity loss by 2030 and substantially restore biodiversity by 2045”. The new strategic framework for biodiversity, incorporating the Strategy to 2045 and delivery plan, is expected to be published in late 2023. This has relevance to the implementation of Policy 3 of National Planning Framework 4 as discussed under Section 12.6.

CCC Report in Reducing Emissions in Scotland (2022) and Scottish Government Response (2023)

- 4.5.11 The CCC’s ‘Progress in reducing emissions in Scotland’ was published in 2022 alongside their ‘First five-yearly Review’ of progress. In terms of progress against the targets established in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, the report concludes that the updated pathway to net zero remains extremely challenging, in particular the targeted 75% reduction in Scotland’s emissions by 2030. Overall however, it is concluded that the net zero target of a 90% reduction by 2040 remains appropriate.
- 4.5.12 The report acknowledges that publication of (at that time ‘draft’) National Planning Framework (NPF) 4 as an important step towards embedding net zero in the planning process and setting the direction of movement for the built environment and major projects in Scotland, including renewable generation (particularly onshore wind).

- 4.5.13 The report also recommends that the Scottish Government work closely with the new Electricity Networks Commission to “ensure that Scotland’s spatial planning regime adequately balances local impacts on natural capital with the need for sufficient electricity network capacity, delivered in a timely fashion, to accommodate expansion of renewable electricity generation capacity in line with UK Government targets and Scottish Government ambition”.
- 4.5.14 The Scottish Government published a response to the 2023 CCC report in June 2023. With specific reference to the above recommendation, the Scottish Government states that “Decisions relating to electricity networks and generation capacity are taken through the Electricity Act (1989) and the Town and Country Planning (Scotland) Act 1997. Proposals requiring development consent will be made in consideration of Scotland’s plan led system, including the policies of National Planning Framework 4 (NPF4). NPF4 signals a turning point for planning in Scotland, placing climate and nature at the centre of our planning system. It makes clear our support for all forms of renewable, low-carbon and zero emission technologies, including transmission and distribution infrastructure. Potential impacts on communities, nature and other receptors remain important considerations in the decision-making process. All applications are already, and will continue to be, subject to site-specific assessments”.

Scottish Energy Strategy (SES) (2017) and associated Position Statement (2021)

- 4.5.15 The SES sets a 2050 vision for energy in Scotland as “a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland’s households, communities and businesses”. The vision is guided by three core principles namely:
- A whole system view;
 - An inclusive energy transition; and,
 - A smarter local energy model.
- 4.5.16 The 2050 vision is expressed around six priorities including, “renewable and low carbon solutions - we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs - helping to achieve our ambitious emissions reduction targets”.
- 4.5.17 The strategy also contains new whole system targets for 2030 as follows:

- The equivalent of 50 % of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources; and,
 - An increase by 30 % in the productivity of energy use across the Scottish economy.
- 4.5.18 The SES sets out the Government’s clear position on onshore wind at page 44, namely, *“our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future - helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand”*.
- 4.5.19 In 2021, the Scottish Government published ‘Scotland’s Energy Strategy Position Statement’ which provides an overview of key priorities for the short to medium-term and establishes a framework to continue to deliver the three key principles established in the Energy Strategy (a whole-system view, an inclusive energy transition and a smarter local energy model).
- 4.5.20 The Position Statement sets out the Government’s clear position on onshore wind at page 22 stating, *“Scotland continues to make excellent progress in areas such as renewable electricity generation”* and continues that the *“tremendous progress reflects the huge strides we have taken over the past two decades in the development of onshore and, more recently, offshore wind... The potential remains for much more renewable capacity and development across Scotland.”*
- The Climate Change Plan (2018) and associated update: Securing a Green Recovery on a Path to Net Zero (2020).**
- 4.5.21 The Climate Change Plan was published by the Scottish Government in February 2018 (hereafter referred to as the CCP). An update to the CCP, ‘Update to the Climate Change Plan 2018 - 2032, Securing a Green Recovery on a Path to Net Zero’ (hereafter referred to the 2020 Update), was published in December 2020. The 2020 Update notes that many elements of the 2018 plan still stand and that the 2020 Update should be read alongside the CCP.
- 4.5.22 At page 25 of the CCP, the contribution of onshore wind to electricity generation is recognised alongside its role in driving innovation, stating: *“In 2016, 42.9 % of our electricity was generated by renewables, predominantly onshore wind. The expansion in onshore wind is comparable to the rollout of hydro power in the post-war period, which transformed for the better the lives of so many. This growth continues to drive innovation and adaptation in the management and control of power on the grid. This innovation, both technological and regulatory, will play a crucial role in accommodating the continuing growth of embedded generation, and a wider transformation in how we use the grid to heat and cool our buildings and power our transport systems.”*
- 4.5.23 The 2020 Update highlights that Scotland is widely recognised as a world leader in renewable energy, with an abundance of renewable resources, and the targets and achievements reflect that. The 2020 Update notes that more than 83% of the electricity generated in Scotland during 2018 came from renewable or low carbon sources. The 2020 Update sets out a Pathway to Net Zero to 2032 and establishes policies to achieve this.
- 4.5.24 The Scottish Government’s vision for 2032 and 2045 is that *“renewable generation will increase substantially between now and 2032, and we expect to see the development of between 11 and 16 GW of capacity during this period, helping to decarbonise our transport and heating energy demand.”* (page 81).
- ## 4.6 Land Use Planning Policy
- ### National Planning Framework (NPF) 4 (2023)
- #### Introduction and Policy Principles
- 4.6.1 On 13 February 2023, the Scottish Government adopted National Planning Framework (NPF) 4, which has incorporated Scottish Planning Policy and NPF 3. It sets out the Government’s spatial principles, regional priorities, national developments and national planning policy up to 2045. NPF 4 has the status of the development plan for planning purposes.
- 4.6.2 It is also highlighted that the adoption of NPF 4 has resulted in Strategic Development Plans (SDPs) and associated supplementary guidance relevant to SDPs ceasing to have effect and as such no longer being part of the Development Plan. This was highlighted in the Chief Planner’s Letter of 8 February 2023, ‘Transitional arrangements for National Planning Framework 4’. As a result of this, SES Plan will not be considered further as part of the EIA process.

4.6.3 The response to the climate emergency has a prominent position in NPF 4, which makes it clear that Scotland must make significant progress by 2030 in order to achieve net zero emissions target by 2045. It also provides clear support for continued renewables provision, confirming that *“every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation”* (page 7).

4.6.4 Policy 1 - ‘Tackling the Climate and Nature Crises’ states that, *“When considering all development proposals significant weight will be given to the global climate and nature crises.”* Policy 2 - ‘Climate Mitigation and Adaptation’ seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

National Development Status

4.6.5 As well as establishing a policy framework to guide development decision-making, NPF 4 also identifies 18 ‘National Developments’. These are *“significant developments of national importance that will help to deliver the spatial strategy”* (page 97).

4.6.6 National development status does not grant planning permission for the development and all relevant consents are required. However, designation as nationally significant does mean that the principle of development does not need to be agreed in later consenting processes, in turn *“providing more certainty to communities, business and investors”* (page 97).

4.6.7 National Development 3, ‘Strategic Renewable Electricity Generation and Transmission Infrastructure’ supports renewables electricity generation, re-powering, and expansion of the electricity grid. Specifically, onshore electricity generation exceeding 50 megawatts (MW) capacity in nature will be considered of ‘National’ significance.

4.6.8 As such, the principle of the proposed development is established and a needs case does not require to be presented.

4.6.9 In the NPF 4 Delivery Programme (Scottish Government, November 2022), the Scottish Government has committed to progress work on a new suite of guidance and advice that will support activity to deliver the policy intent of NPF 4. At present there is no published guidance relevant to this EIA. Any guidance coming forward through the proposed development’s initial design phase will be considered where appropriate (see paragraphs 3.6.14 - 2.3.15 in relation to biodiversity).

Energy Policy

4.6.10 Policy 11 - ‘Energy’ seeks 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.” The overall policy outcome is the *“expansion of renewable, low-carbon and zero emissions technologies”*.

4.6.11 Applications coming forward for development should demonstrate how the following impacts are addressed:

- i impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
- ii significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;
- iii public access, including impact on long distance walking and cycling routes and scenic routes;
- iv impacts on aviation and defence interests including seismological recording;
- v impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- vi impacts on road traffic and on adjacent trunk roads, including during construction;
- vii impacts on historic environment;
- viii effects on hydrology, the water environment and flood risk;
- ix biodiversity including impacts on birds;
- x impacts on trees, woods and forests;
- xi proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;

- xii the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
- xiii cumulative impacts.

4.6.12 The policy also dictates that *“in considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets”*.

Additional Policy Provisions

4.6.13 In addition to the key policy principles discussed above, there are a number of further primary policy provisions within NPF 4 which have been considered as part of the EIA process and design development. These include:

- Policy 3, Biodiversity;
- Policy 4, Natural Places;
- Policy 5, Soils;
- Policy 6, Forestry, Woodland and Trees;
- Policy 7, Historic Assets and Places;
- Policy 12, Zero Waste;
- Policy 13, Sustainable Transport;
- Policy 22, Flood Risk and Water Management;
- Policy 23, Health and Safety; and,
- Policy 25, Community Wealth Building.

4.6.14 Note with regards to Policy 3 and as detailed above under the OWPS section, the Scottish Government has consulted on a draft Scottish Biodiversity Strategy which sets out the evidence of biodiversity loss, and its links to climate change, alongside Ministers’ high-level goals for biodiversity.

4.6.15 The new strategic framework for biodiversity, incorporating the Strategy to 2045 and Delivery Plan, is expected to be published in late 2023 and as a result we are in a transitional phase in terms of the true implementation of Policy 3. This matter is confirmed in the Chief Planner Letter: Transitional Arrangements for NPF 4 (February 2023) which states, *“we are committed to developing guidance to accompany wider NPF4 policy 3, and - recognising that currently there is no single accepted methodology for calculating and/or measuring biodiversity ‘enhancement’”*.

4.6.16 This transient policy context is considered within the EIA process.

Planning Advice Notes

4.6.17 Where applicable national planning policy advice will be considered in the preparation of the EIA Report. These include but are not limited to the following documents:

- PAN 1/2011 Planning and Noise (2011);
- PAN 2/2011 Planning and Archaeology (2011);
- PAN 1/2013 Environmental Impact Assessment (2013);
- PAN 60 Planning for Natural Heritage (2000);
- PAN 61 Planning and Sustainable Urban drainage Systems (2001);
- PAN 69 Planning & Building Standards Advice on Flooding (2004);
- PAN 75 Planning for Transport (2005); and,
- PAN 3/2010 Community Engagement (2010).

Scottish Borders Local Development Plan (LDP) (2016)

4.6.18 In addition to NPF 4, the Development Plan applicable to the proposed development at the time of the EIA comprises:

- Scottish Borders Local Development Plan (LDP) (2016); and,
- Relevant Supplementary Guidance, including:
 - Renewable Energy Supplementary Guidance (July 2018);
 - Local Biodiversity Action Plan (September 2018);
 - Wind Energy Landscape Capacity and Cumulative Impact (July 2013);
 - Local Landscape Designations (August 2012);
 - Landscape and development (March 2008);
 - Biodiversity (December 2005); and,
 - Visibility mapping for windfarm development (October 2003).

4.6.19 The LDP was adopted on 12 May 2016 and sets out the Authority’s policies on development and land use within the region. The LDP is focussed around a number of ‘Key Outcomes’ which are specifically identified to assist in meeting the associated challenges in the region.

4.6.20 Key Outcome 10 seeks to support the *“development of the area’s full potential for electricity and heat from renewables sources, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations”* (page 14).

- 4.6.21 Policy ED9, ‘Renewable Energy Development’ also seeks to “*support proposals for both large scale and community scale renewable energy development including commercial wind farms...where they can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to relevant environmental, community and cumulative impact considerations*”.
- 4.6.22 Policy ED9 specifically refers to the associated Scottish Planning Policy (SPP) Spatial Framework for onshore wind developments which is now replaced by NPF 4. There is also a list of environmental and land use effects criteria within the Policy which will be used to consider wind energy proposals.
- 4.6.23 Policy ED9 is supported by a spatial framework for renewable energy which is established in the Renewable Energy Supplementary Guidance (July 2018). The site is identified as an ‘Area for potential windfarm development’ in this guidance.
- 4.6.24 The site is also partly within an established Special Landscape Area (SLA) (Lammermuir Hills) and as such Policy EP5, ‘Special Landscape Areas’ will be a primary consideration. The policy states that, “*Proposals that have a significant adverse impact will only be permitted where they landscape impact is clearly outweighed by social or economic benefits of national or local importance*”.
- 4.6.25 In addition to the policy principles discussed above, there are a number of further primary policy provisions within the LDP which will be considered as part of the EIA process and design development. These include:
- Policy PMD1, Sustainability;
 - Policy PMD2, Quality Standards;
 - Policy PMD4, Development Outwith Development Boundaries;
 - Policy ED10, Protection of Prime Quality Agricultural Land and Carbon Rich Soils;
 - Policy EP2, National Nature Conservation and Protected Species;
 - Policy EP3, Local Biodiversity;
 - Policy EP8, Archaeology;
 - Policy EP13, Trees, Woodlands and Hedgerows;
 - Policy IS5, Protection of Access Routes; and,
 - Policy IS8, Flooding.
- Scottish Borders Proposed Local Development Plan (2020)**
- 4.6.26 The Scottish Borders’ proposed LDP (‘LDP2’) which sets out land use proposals and planning policies which are intended to guide development and inform planning decisions within the Scottish Borders over the next ten years was submitted to Scottish Ministers on 14 July 2022.
- 4.6.27 The site remains within the same SLA in LDP2, as established through the Local Landscape Designations Supplementary Planning Guidance. Proposed Plan EP5 Special Landscape Areas therefore remains applicable and largely reflects the extant Policy EP5.
- 4.6.28 The proposed Policy ED9 largely reflects the extant Policy ED9 on Renewable Energy Development and again refers to the Scottish Planning Policy spatial framework which is now superseded by NPF 4.
- 4.6.29 On 7 July 2023, the Scottish Government’s Planning and Environmental Appeals Division provided a Report of Examination on LDP 2 with recommendations on a number modifications to the proposed plan.
- 4.6.30 No modifications are recommended with respect to proposed Policy EP5.
- 4.6.31 With regard to the proposed Policy ED9, the Report of Examination highlights that NPF 4 encourages local development plans to “*realise their area’s full potential for electricity and heat from renewable, low carbon and zero emission sources by identifying a range of opportunities for energy development*”.
- 4.6.32 The Report of Examination also recommends that the wording of proposed Policy ED9 with the following:
- “Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include: i. wind farms including repowering, extending, expanding and extending the life of existing wind farms; ii. enabling works, such as grid transmission and distribution infrastructure; iii. energy storage, such as battery storage and pumped storage hydro; iv. small scale renewable energy generation technology; v. solar arrays; vi. proposals associated with negative emissions technologies and carbon capture; and vii. proposals including co-location of these technologies. Development proposals will be assessed in accordance with NPF4 Policy 11 paragraphs b) to f) and other relevant provisions of NPF 4”.*
- 4.6.33 Following the adoption of LDP2, it is the Council’s intention to adopt the existing Renewable Energy Supplementary Guidance (July 2018) as Supplementary Planning Guidance and as a result it will no longer have the status of the Development Plan. The Report of Examination recommends that this Guidance “*may be used to assist in the assessment of renewable energy proposals. However, as the national policy context within which these were prepared has now been superseded, some aspects of the guidance will no longer be applicable. These documents will be of less relevance on matters where there are inconsistencies with NPF4 and the adopted Local Development Plan.*”

4.7 Summary and Conclusions

- 4.7.1 The legislation, policy and guidance discussed throughout this chapter has informed the approach to the EIA for the proposed development and shaped the design development.
- 4.7.2 The s36 application is also accompanied by a **Planning Statement** which considers the relative weight which should be attached to these policy provisions in the decision-making process and assesses the proposed development's accordancy in this context.