DAVID BELL PLANNING
CHARTERED TOWN PLANNERS

Dundee Stannergate

132kV Network Rail Traction Transformer Station & 132kV GIS Substation

Planning Statement

May 2025

Scottish & Southern Electricity Networks

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Contents

1. Introduction and Overview

1.1 Introduction

1.1.1 Scottish Hydro Electric Transmission plc ("the Applicant"), operating and known as Scottish and Southern Electricity Networks Transmission ("SSEN Transmission"), operate and develop the high voltage electricity transmission system in the north of Scotland and remote islands. SSEN Transmission has submitted a full major (national) planning application, under the Town and Country Planning (Scotland) Act 1997 (as amended), for planning permission to construct and operate a 132 kV GIS substation and 132 kV Network Rail Feeder Station along with ancillary works, at Stannergate, Dundee.

1.1.2 The area proposed for the construction and operation of the Proposed Development is herein referred to as “the Site”. In this Planning Statement, the Applicant and SSEN Transmission are used interchangeably unless the context requires otherwise.

1.1.3 As part of a £120 M Scottish Government investment, Network Rail is electrifying Scotland’s rail network to decarbonise and support ambitions to reach Net Zero by 2045. To electrify the rail routes from Dundee to Montrose (via Arbroath), Network Rail has requested a 132 kV feeder station to deliver power to the newly electrified lines, with a firm demand of 16.2 MW from SSEN Transmission.

1.1.4 The Applicant has a statutory duty under section 9 of the Electricity Act 1989 to develop and maintain an efficient, co-ordinated and economical electrical transmission system in its licence area. Where there is a requirement to extend, upgrade or reinforce its transmission network, SSEN Transmission’s aim is to provide an environmentally aware, technically feasible and economically viable solution which would cause the least disturbance to the environment and to people who use it.

1.1.5 Due to the Applicant’s statutory duty under schedule 6 of the Electricity Act, they are obliged to provide these assets upgrades, reinforcements and connections as requested. There is no space at the existing Dudhope Grid Supply Point (GSP) to extend the Site to allow the Network Rail connection or to replace and upgrade transformers. As such, there is a requirement for the Proposed Development to provide a connection for Network Rail and to provide sufficient space to provide a replacement for Dudhope GSP.

1.1.6 A Gas Insulated Switchgear (GIS) substation is proposed in order to reduce the substation footprint due to the city centre location compared to the alternative option, of air insulated switchgear (AIS).

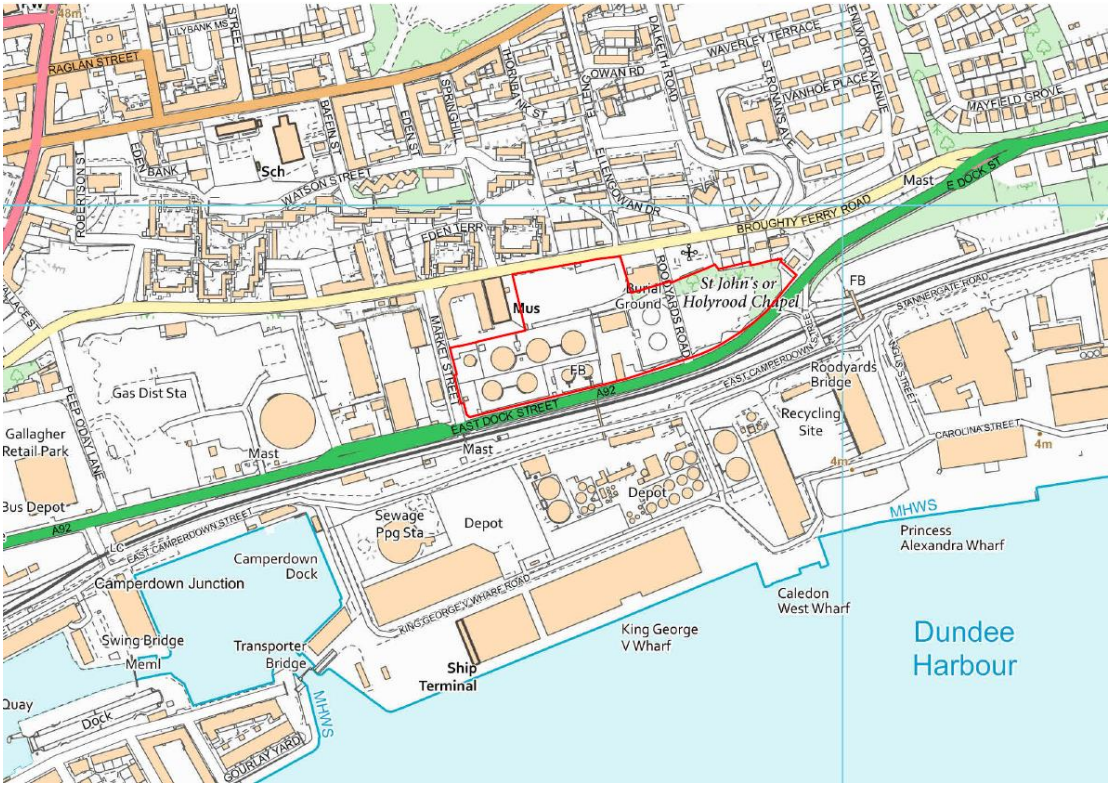
1.1.7 The Applicant and Network Rail have worked in close partnership to design and deliver the required works in a manner which reduces risk, minimise disruption and helps to move forward plans and commitments to decarbonise Scotland’s railway by 2035.

1.1.8 This Planning Statement considers the case for approval in land use planning policy terms at the national (National Planning Framework 4 (NPF4)) and local (Dundee City Council) levels, with reference to the Development Plan and national planning and energy policy which supports the delivery of electricity infrastructure that will assist in the delivery of the Government’s legally binding ‘Net Zero’ commitments including decarbonising the transport system.

1.2 Site Location and Description

1.2.1 The Proposed Development is located on land located in the Stannergate area of Dundee in an area dominated by industrial land use and road and rail connections.

Figure 1.1 Site Boundary Plan



1.2.2 The Site is currently comprised of two adjacent brownfield, former industrial sites, dominated by sealed surfaces, buildings and structures associated with the former uses of the Site. A retaining wall, running east to west through the the Site, creates two separate northern and southern parts, which are currently under separate ownership. Whilst the northern part of the Site, which sits on a higher elevation, is included within the redline site boundary, this area will only be used for temporary construction related activities (site compounds, laydown areas etc). This part of the Site will not form part of the final operational development, which will be housed entirely within the Southern part of the site.

1.2.3 The Northern part of the site was most recently used as an abattoir, but the buildings and structures associated with this former use have now been demolished. The Southern part of the site comprises a former oil refinery facility owned by Nynas UK that has been inactive for 10 years. Despite this period of inactivity, the majority of the large cylindrical oil storage tanks and industrial buildings associated with the previous use remain but will be removed by the applicant as part of the development proposals.

1.2.4 The east of the site, across Roodyards Road which is overgrown and disused, is an area of hardstanding also owned by Nynas UK, which is currently in use by Scotriders as a motorbike training centre. Subject to planning permission being granted for the Proposed Development, the intention would be to promote a stopping up order for the closure of Roodyards Road to facilitate the redevelopment of the Site.

1.2.5 To the south and west are areas of similar industrial nature, with the A92 immediately bounding the site to the south and east. The northern boundary, at a higher elevation comprises Broughty Ferry Road, with residential use beyond.

1.2.6 Access to the Proposed Development during operation will be via a proposed newly created access junction to the west off Market Street. This new access will also be used as the access for construction (HGVS) and delivery of transformers, with additional construction access for non-HGV traffic (i.e. construction personnel vehicles) provided via the existing access off Broughty Ferry Road. An emergency personnel exit will also be provided to the east of the site, for use by personnel only (no vehicles) ibn the case of an emergency.

1.3 The Proposed Development

1.3.1 Chapter 2 of the Environmental Appraisal (EA) Report prepared to support the application and to provide a report on the environmental assessments undertaken, describes in detail the elements required for the construction and operation of the Proposed Development. The following provides a summary list of the key development components of the Proposed Development:

- One 132 kV GIS Control Building (including staff welfare and maintenance areas);
- Two 132 / 25 kV 25 MVA Traction Transformer buildings to meet Network Rail's energisation requirements; and
- Two 132 / 33 kV 120 MVA Grid Transformer (GSP) buildings.

1.3.2 The following comprise the ancillary aspects of the Proposed Development:

- Temporary Distribution Network Operator (DNO) supply building (for construction phase);
- Permanent Generator Building;
- Permanent 33 kV distribution compound;
- Photovoltaic (PV) panels;
- 25 kV underground cable connection between application site and the Network Rail Feeder Station to be located near to Dundee Railway Station;
- New site access from Market Street;
- Onsite access roads and parking bays (13 on-site parking bays including four Electric Vehicle charging spaces); and
- Security measures (palisade fencing, security lighting, Closed Circuit Television ('CCTV').

Associated Works

1.3.3 Other Associated Works are required to facilitate construction of the Proposed Development or would occur as a consequence of its construction. The Associated Works relevant to this Proposed Development comprise:

- Removal of existing structures and equipment on site (by way of permitted development and / or demolition warrants where relevant);
- On-site Landscaping mitigation, developed in response to the existing screening requirements to ensure that keys areas of screening are not removed and where possible enhanced; and
- Off-Site Biodiversity Enhancement as set out in the Biodiversity Net Gain Assessment that accompanies this application; and
- Off-site underground cable connections will be delivered under permitted development rights and provide connections to both the SSEN Transmission distribution network and Network Rail's own Feeder Station.

Construction

1.3.4 Temporary site compounds would be required during construction and will be located within the northern area of the site boundary. The compounds would provide office and welfare facilities for the site including laydown areas and holding and service spaces for construction plant.

1.3.5 It is anticipated that construction of the Proposed Development would take place over a three-year programme, following the grant of planning permission. Construction is expected to begin in June 2026, although detailed programming of the works would be the responsibility of the Principal Contractor in agreement with SSEN Transmission.

1.3.6 Construction activities would be undertaken between 0700 and 1900 on weekdays and 0700 to 1300 on Saturdays. Working hours would be subject to further agreement with Dundee City Council and the imposition of a planning condition.

1.3.7 A Construction Traffic Management Plan (CTMP) would be prepared by the Principal Contractor prior to any works commencing, in consultation with the Council and Transport Scotland, as required. The CTMP would describe all mitigation and signage measures that are proposed on the public road network. A Framework CTMP is provided in Appendix B to the EA Report.

1.3.8 A Construction Environmental Management Plan (CEMP) will be implemented during the construction period. This will include site specific and best practice construction management measures including measures to manage risks associated with construction of the Proposed Development to the environment and human health including those associated with the following:

- Noise and vibration;
- Surface and groundwater;
- Ecology;
- Cultural heritage;
- Waste (construction); and
- Operation and management of the Proposed Development Site (including construction compounds).

1.3.9 The CEMP will incorporate SSEN Transmission's General Environmental Management Plans (GEMPs) and Species Protection Plans (SPPs) which are applied as a standard requirement to all construction sites and practices.

1.3.10 The CEMP will be submitted prior to commencement of construction activities to the Scottish Environment Protection Agency (SEPA) and the Highland Council for approval and will form part of the contractor documents between the Applicant and the appointed construction contractor.

Reinstatement

1.3.11 Following commissioning of the Proposed Development, all temporary construction areas would be reinstated. Reinstatement will form part of the contract obligations for the Principal Contractor and will include the removal of all temporary access tracks and working areas.

Operations and Maintenance

1.3.12 Staff attendance will be on an ad hoc basis for maintenance and fault repairs only.

1.3.13 Regular inspections of equipment will be undertaken to identify any deterioration of components, and these parts will be replaced where needed.

Landscape Mitigation Measures and Biodiversity Enhancement

1.3.14 The following landscape mitigation measures and biodiversity enhancement measures will be provided as part of the Proposed Development:

> Enhancement of existing other broadleaved woodland present at the east of the Proposed Development Site including treatment and removal of invasive non-native plant species (INNS), (giant hogweed), selective felling (targeting non-native species, such as sycamore) to create open spaces. Planting of native tree species, such as oak, birch and rowan will also enhance the value of the woodland.

1.3.15 The woodland was recorded as being in poor condition, following these enhancements, it is predicted that the woodland will reach moderate condition, following the condition criteria set out for Defra Biodiversity Metric 3.1.

1.4 Environmental Impact Assessment (EIA)

1.4.1 The requirement to undertake EIA is set out in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (hereafter referred to as "the EIA Regulations"). The EIA Regulations contains two schedules: Schedule 1 lists developments where EIA is mandatory. Schedule 2 lists developments where EIA may be required *''where proposed development is considered likely to give rise to significant effects on the environment by virtue of factors such as its nature, size or location''*.

1.4.2 The Proposed Development is not covered under the developments listed within Schedule 1 of the EIA Regulations. The Proposed Development is also not directly identified within Schedule 2 of the EIA Regulations.

1.4.3 A request for a Screening Request was made to the Dundee City Council (DCC) under the EIA Regulations on 17th May 2024. A Screening Opinion was issued on 14th June 2024 confirming that the submission of a formal Environmental Statement is not required in respect of the Proposed Development.

1.5 The Statutory Framework

The Electricity Act 1989

1.5.1 As the Transmission License holder in the North of Scotland, the Applicant has a duty under Section 9 of the Electricity Act to facilitate competition in the generation and supply of electricity. The Applicant is obliged to offer non-discriminatory terms for connection to the transmission system both for new generation and for new sources of electricity demand – Network Rail being one such source.

1.5.2 In response to the statutory duties and licence obligations upon it, the Applicant requires to ensure that the transmission system is developed and maintained in an economic, coordinated and efficient manner in the interests of existing and future electricity consumers.

1.5.3 It is also the Applicant's duty to consider the possible environmental impacts electricity infrastructure and to do what can 'reasonably be done' to mitigate adverse impacts, in line with Section 38 of, and Schedule 9 to, the Electricity Act. In terms of its statutory duties and licence obligations, the Applicant must therefore balance technical, cost (economic) and environmental factors.

The Town & Country Planning (Scotland) Act 1997

1.5.4 The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 ("the 1997 Act") (as amended).

1.5.5 Section 25 of the 1997 Act states that:

"*Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise*".

1.5.6 Accordingly, the purpose of this Planning Statement is to provide an assessment of the Proposed Development in the context of relevant national and local planning and energy policies and other material considerations. As such it is important to establish:

> Is the development as proposed in accordance with the relevant Development Plan policies and with the Development Plan when read as a whole; and

> Are there material considerations that determine a decision should be made contrary to the Development Plan? Or do material matters further support the position that the Proposed Development should be approved?

1.5.7 In answering these questions consideration is given to whether:

> The proposal is in the national interest;

> There is an identifiable need for the proposed development;

> The proposal contributes positively to national or local policy priorities; and

> The environmental effects of the proposed development would be acceptable when considered against the development plan policy framework and material considerations.

1.6 Key Facts

1.6.1 Key facts relevant to this application are:

> The Proposed Development is identified as a National Development (ND) under the provisions of National Planning Framework 4 (NPF4). As mentioned in NPF4 Annex B – National Developments Statement of Need, point 3: Strategic Renewable Electricity Generation and Transmission Infrastructure:

"*New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kV or more"*;

> ND3 supports renewable electricity generation, repowering, and expansion of the electricity grid As noted, this infrastructure is designated as a National Development and explicitly supported by NPF4 under the provisions set out in Policy 11(a)(ii) (Energy).

> The Statement of Need for the Proposed Development as contained in NPF4 is as follows:

"*A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for domestic consumption 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.

Additional … electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience …."

- The Proposed Development is for a critical decarbonisation of the rail infrastructure by providing electricity to power the rail network in this location. The Proposed Development will enable the connection of the critical feeder station to the wider grid to ensure optimisation renewable energy transmission to the transport system.
- The Proposed Development will deliver important network and grid infrastructure required to deliver the Government's legally binding targets for Net Zero emissions and decarbonisation of the transport sector forms a key element thereof; and
- The Proposed Development will be delivered in such a way that it is environmentally acceptable and will include a co-ordinated scheme of environmental mitigation to ensure the long-term protection of the local and wider environment and to deliver development which is sustainable.

1.7 Structure of Planning Statement

1.7.1 This Report seeks to address the pertinent planning policy matters relevant to the determination of the application, to aid decision makers in their assessment and conclusions on the proposal.

1.7.2 The planning policy framework changed as a result of NPF4 coming into force in February 2023. This Planning Statement provides an assessment of the Proposed Development against relevant policy provisions and the statutory Development Plan.

1.7.3 This Statement is structured as follows:

- **Chapter 2** sets out the up-to-date position with regard to the renewable energy policy and emissions reduction legislative framework and includes reference to the Scottish Government's Draft Energy Strategy and Just Transition Plan;
- **Chapter 3** sets out the benefits of the Proposed Development;
- **Chapter 4** appraises the Proposed Development against the most up to date element of the Development Plan, namely the relevant provisions of NPF4;
- **Chapter 5** appraises the Proposed Development against the relevant provisions of the Dundee Local Development Plan (DLDP) and related guidance; and
- **Chapter 6** examines the planning balance and presents overall conclusions.

2. Design and Access Statement

2.1 Introduction

2.1.1 This Design and Access Statement has been produced to accompany the planning application for the Proposed Development.

2.1.2 The Design and Access Statement is a requirement for National Developments as set out in the Town and Country Planning Development Management Procedure (Scotland) Regulations 2013. It describes the design and access principles which have guided site selection and the proposed layout of the main elements of the Proposed Development.

2.2 Design and Access Principles

2.2.1 Given the nature of the Proposed Development, the design principles of the substation extension have been largely technically driven, although certain design principles were adopted to ensure the Proposed Development is sensitively sited and designed.

2.2.2 Legislation and standards drive substation design. The functionality is prescribed within the National Electricity Transmission Security and Quality of Supply Standard. Thereafter, SHE Transmission prepares a layout for a substation which is determined by system requirements. This process provides an indicative size for the substation which is used to inform the site selection process.

2.2.3 The location of the substation extension proposed has been largely driven by the end user requirements. As explained above Network Rail are electrifying Scotland's rail network and to electrify the rail routes from Dundee to Montrose (via Arbroath), Network Rail have requested a 132kV feeder station to deliver power to the newly electrified lines, with a firm demand of 16.2MW from SSEN Transmission. There is no space at the existing Dudhope Grid Supply Point (GSP) to extend the site to allow the Network Rail connection or to replace and upgrade the transformers. This necessitates the requirement for the Proposed Development at this location to provide a connection for Network Rail and sufficient space to provide a replacement for Dudhope GSP.

2.2.4 Notwithstanding, the site has been chosen due to its existing industrial use and general industrial characteristics of the wider area. The layout and design of the Proposed Development has specifically considered the potential impacts on sensitive receptors. The design process has sought to minimise the potential permanent effects of the Proposed Development on townscape, visual, and noise receptors.

2.2.5 The location of the substation in the context of existing industrial buildings and infrastructure assists in minimising its potential impact on the townscape character, which already hosts this type of infrastructure. The application site is within the East Dock Street Principal Economic Development Area and lies directly to the north of Dundee Port which is within the Stannergate Principal Economic Development Area. As such, the proposed substation would be within a wider area that remains characterised by industrial infrastructure. The proposed site plan shows that the substation buildings would be situated on the lower part of the site and will be set back from East Dock Street, thereby avoiding structures projecting closer to that road. Similarly, the Proposed Development is furthest away from and at a lower level than Broughty Ferry Road, where the closest sensitive receptors would be located.

2.2.6 As per the supporting planning drawings, the maximum height of the buildings housing the substation infrastructure would be 17m in height, which is comparable with the height if the tallest tanks currently on the site. When seen in this context, and given the extensive size of the site, the proposed infrastructure would not appear as an incongruous or alien features. It is unlikely that the proposed infrastructure would harm the townscape features.

2.2.7

2.3 Access

2.3.1 Access to the Proposed Development will be taken from proposed new site access from Market Street, with no new or retained access points on East Dock Street. A Construction Traffic Management Plan (CTMP) would be prepared by the Principal Contractor prior to any works commencing, in consultation with the DCC and Transport Scotland.

2.3.2 As noted, there is an existing road within the site, Roodyards Road, which has become overgrown and no longer in use. It is proposed to remove this road as a public road via an application for a stopping up order in due course and subject to planning permission being granted. It is not envisaged that this will result in any impact on access arrangements as there are no obvious connections or routes through which connect into this road, which is demonstrated by its obsolescence for some time.

2.3.3 The nature of the Proposed Development means that access for members of the public is restricted. As such, access to and around the Site will be limited to authorised persons only.

2.4 Consultation

2.4.1 Consultations with the planning authority, statutory consultees and local communities was carried out as per pre-application consultation requirements prior to and during the design development process.

2.4.2 Full details of the consultation process are set out in the accompanying Pre-Application Consultation Report.

2.5 Conclusion

2.5.1 The Proposed Development has been carefully considered from a design and layout perspective and would be fit for purpose whilst also being sensitive to the townscape context with reference to siting and use of materials. The proposals have been designed to be accessible to authorised persons with clearance to enter a live substation site. The nature of the Proposed Development does not allow for access by members of the public, and as such has been designed to be secure from a public access perspective. This in accordance with the Electricity Safety, Quality and Continuity Regulations 2002 (as amended).

3. The Renewable Energy Policy & Legislative Framework

3.1 Introduction

3.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements and obligations, legally binding targets and Climate Change global advisory reports is the foundation upon which national energy policy and greenhouse gas emissions (GHG) reduction law is based. This underpins what can be termed the need case for renewable energy and associate transmission infrastructure from which the Proposed Development can draw a high level of support.

3.1.2 The Proposed Development requires to be considered against a background of material UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice.

3.1.3 It is evident that there is clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally, to combat the global climate crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets. In tandem with this are clear commitments to accelerate decarbonisation of transport. Electrification of the rail network is a critical step in this commitment.

3.1.4 The Proposed Development, reinforcing grid and increasing capacity and security of supply via the GIS substation and providing a direct electricity supply to the rail network via the proposed 132 kV feeder station is critical to supporting emissions reduction to combat climate change in the current Climate Emergency. Scotland has committed to decarbonising passenger rail services by 2035 with electrification forming a key part of that strategy, whilst exploration into other technologies such as hydrogen and battery is being progressed.

3.1.5 UK and Scottish Government renewable energy policy and associated renewable energy and electricity targets are important considerations. It is important to be clear on the current position as it is a fast-moving topic of public policy. The context of international Climate Change commitments is set out. This is followed by reference to key UK level statutory and policy provisions and then a detailed description of relevant Scottish Government statutory and policy provisions is set out.

3.2 International Commitments

The Paris Agreement (2015)

3.2.1 In December 2015, 196 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2^0C above pre-industrial levels and to pursue efforts to limit global warming to 1.5^0C.

3.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links to the Climate Change Committee's (CCC) advice to both the UK and Scottish Governments on 'Net Zero' targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK). This is referred to below.

3.2.3 The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.

United Nations - Intergovernmental Panel on Climate Change

3.2.4 The Intergovernmental Panel on Climate Change (IPCC) is the United Nations Body for assessing the science related to Climate Change.

3.2.5 The IPCC prepares comprehensive assessment reports about the state of scientific, technical, and socio-economic knowledge on Climate Change, its impacts and future risks and options for reducing the rate at which Climate Change is taking place. IPCC reports are commissioned by the worlds' Governments and are an agreed basis for COP[1] negotiations.

3.2.6 The IPCC's Special Report on Warming of 1.5°C, published in 2018, was a key piece of evidence for the CCC's recommendation to the UK Government for a 2050 Net Zero greenhouse gas emission target. The IPCC's reports since 2018 have provided an up-to-date estimate of how close global temperatures are to 1.5°C of warming above pre-industrial levels and the remaining volume of global cumulative carbon dioxide that could be emitted to be consistent with keeping global warming below any particular threshold (such as the 1.5°C and 2°C levels referred to in the Paris Agreement).

3.2.7 The IPCC's 6th Assessment Report was published in March 2023. The Summary for Policymakers Report (page 10) states that it is likely that warming will exceed 1.5°C during the 21st Century and make it harder to limit warming 2°C. It states (page 12):

"*Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards (high confidence). Deep, rapid and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades, and also to discernible changes in atmospheric composition within a few years (high confidence)*".

3.2.8 Page 24 of the report states "There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (very high confidence)".

COP 28, Dubai 2023

3.2.9 The United Nations Climate Change Conference (COP28) closed on 13 December 2023. The UN press release of the same date states that the agreement reached "Signals the 'beginning of the end' of the fossil fuel era by laying the ground for swift, just and equitable transition, underpinned by deep emissions cuts and scaled up finance."

3.2.10 The statement adds:

"*The stocktake recognises the science that indicates global greenhouse gas emissions need to be cut 43% by 2030, compared to 2019 levels, to limit global warming to 1.5°C. But it notes parties are off track when it comes to meeting their Paris Agreement goals*.

The stocktake calls on parties to take actions towards achieving, at a global scale, a tripling of renewable energy capacity and doubling of energy efficiency improvements by 2030. The list also includes accelerating efforts towards the phase down of unabated coal power, phasing out inefficient fossil fuel subsidies, and other measures that drive the transition away from fossil fuels in energy systems, in a just, orderly and equitable manner, with developed countries continuing to take the lead." (underlining added)

[1] United Nations Framework Convention on Climate Change, Conference of the Parties (COP).

UN Emissions Gap Report (2024)

3.2.11 The UN Emissions Gap Report (October 2024) and its 'key messages' summary provides the annual independent science-based assessment of the gap between the pledged GHG) reductions, and the reductions required to align with the long-term temperature goal of the Paris Agreement.

3.2.12 The Report states that against the background of GHG emissions reaching new highs and climate impacts intensifying globally, nations are preparing what are termed Nationally Determined Contributions (NDCs) for submission in early 2025, ahead of COP30 in Brazil.

3.2.13 The Report states that in order to avoid the present trajectory of temperature increase far beyond 2°C over the course of this century:

3.2.14 *"Nations must use COP29 in Baku, Azerbaijan, as the launch pad to increase ambition and ensure the NDCs collectively promise to almost halve greenhouse gas emissions by 2030. They must then follow up with rapid delivery of commitments, building on actions taken now. If they do not do so, the Paris Agreement target of 1.5°C will be gone within a few years and the 2°C target will be in danger".*

3.2.15 The Report states (on page 1) that there must be *"unprecedented cuts to greenhouse gas emissions by 2030 to keep 1.5°C alive"*.

3.2.16 In order to put the challenge of emissions reduction in context, the key messages document (on page 2), sets out that if only current NDCs are implemented and no further ambition is shown in the new pledges to come, *"the best we could expect to achieve is catastrophic global warming of up to 2.6°C over the course of the century".*

COP 29, Baku 2024

3.2.17 The 29th UN Climate Conference hosted in Baku, Azerbaijan concluded on November 24 2024. New financial goals at COP 29 will build on the significant strides on global action at COP 27, which agreed a historic Loss and Damage Fund, and COP 28, which delivered a global agreement to transition away from fossil fuels in energy systems in a swift and fair manner as well as triple renewable energy and boost climate resilience. Unlike COP 27 and 28 however, COP 29 reached an agreement on carbon markets which will help countries deliver their respective climate plans on a quicker and cheaper basis, as well as make faster progress in halving global emissions.

3.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

3.3.1 A critical part of the response to the challenge of Climate Change was the Climate Emergency which was declared by the Scottish Government in April 2019 and by the UK Parliament in May 2019. The declaration of Climate Emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

3.3.2 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to Net Zero by 2045.

3.3.3 The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.

3.3.4 The CCC has produced seven four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 2.1** below. Essentially, they are five yearly caps on emissions.

3.3.5 These legally binding 'carbon budgets' act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All seven carbon budgets have been put into law and run up to 2042.

Table 2.1: Carbon Budgets and Progress[2]

Budget	Carbon budget level	Reduction below 1990 levels	Progress on Budgetary Period
1st carbon budget (2008 – 2012)	3,018 $MtCO_2e$	26%	-27%
2nd carbon budget (2013 – 2017)	2,782 $MtCO_2e$	32%	-42%
3rd carbon budget (2018 – 2022)	2,544 $MtCO_2e$	38% by 2020	-50%[3]
4th carbon budget (2023 – 2027)	1,950 $MtCO_2e$	52% by 2025	n/a
5th carbon budget (2028 – 2032)	1,725 $MtCO_2e$	57% by 2030	n/a
6th carbon budget (2033 – 2037)	965 $MtCO_2e$	78% by 2035	n/a
7th carbon budget (2038 – 2042)	535 $MtCO_2e$	87% by 2042	n/a
Net Zero Target	100%	By 2050	

3.3.6 The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK "*decisively on the path to Net Zero by 2050 at the latest, with a trajectory that is consistent with the Paris Agreement*" (CB6, page 13).

3.3.7 Page 23 of CB6 refers to the devolved nations and sets out that UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland. Key points from CB6 include:

> The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and doubling or even trebling by 2050.

> CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.

> The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.

3.3.8 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world's most ambitious Climate Change target into law (by the Carbon Budget

[2] Source: CCC.

[3] Confirmed by CCC in 'Final Statement for the Third Carbon Budget' May 2024. By the end of the period in 2022, UK net GHG emissions were 50% lower than the base year emissions.

Order 2021 (the Order)[4]) to reduce emissions by 78% by 2035 compared to 1990 levels. This effectively brings forward the UK's previous commitment of an 80% reduction by 2050 by 15 years.

3.3.9 The Seventh Carbon Budget ('CB7') was published by the CCC in February 2025. The CCC's recommended level for CB7, namely a limit on the UK's GHG emissions over the five-year period 2038 to 2042 is 535 including emissions from international aviation and shipping.

3.3.10 Page 12 of the CB7 states:

"*By the middle of the Seventh Carbon Budget on our pathway, emissions in the UK will be only a quarter of the level they are today, and 80% lower than levels in 1990 (90% lower excluding emissions from international aviation and shipping.) Achieving this will require a significant reduction in emissions across sectors including surface transport, buildings, industry and agriculture*."

3.3.11 It sets out (page 12) that achieving CB7 will mean that UK based renewable energy provides the bulk of generation and this will replace oil and gas across most of the economy. It adds that "*this requires twice as much electricity as today by 2040*".

3.3.12 In relation to the electricity grid, CB7 states (page 106) that in relation to the increase in renewable technology deployment that "*these technologies need to be accompanied by investment in network infrastructure, including rapidly building out the transmission grid and speeding up the grid connection process, which currently poses a barrier to electrifying industry…. Steep growth is needed from today out to 2040*."

The UK Energy White Paper (December 2020)

3.3.13 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020, represents a sea change in UK policy, and highlights the importance of renewable electricity.

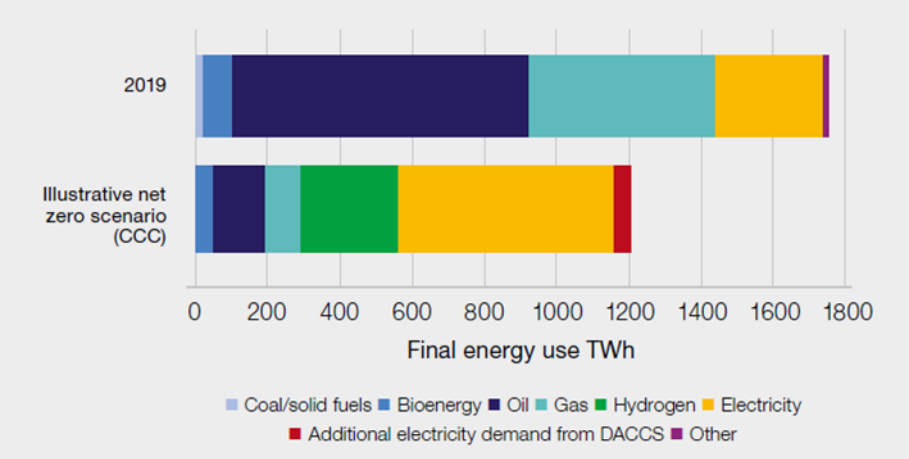
3.3.14 It sets out that "*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050". A key objective is to "accelerate the deployment of clean electricity generation through the 2020s*" (page 38).

3.3.15 Electricity demand is forecast to double out to 2050, which will "*require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our Net Zero target*" (page 42).

3.3.16 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 2.1**.

[4] The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in Section 27 of the Climate Change Act 2008.

Figure 2.1: Illustrative UK Final Energy Use in 2050[5]



3.3.17 Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that "*onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. 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*" (page 45).

The British Energy Security Strategy (April 2022)

3.3.18 The British Energy Security Strategy ("the Strategy") was published by the UK Government on 07 April 2022. The Strategy focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states *inter alia*:

"*this government will reverse decades of myopia and make the big call to lead again in a technology the UK was the first to pioneer, by investing massively in nuclear power….*

Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables….

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies."

3.3.19 Reducing Scotland's and the wider UK's dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against Climate Change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.

Climate Change Committee Report to UK Parliament (2024)

3.3.20 The Climate Change Committee (CCC) published the report 'Progress in Reducing Emissions 2024 Report to Parliament' in July 2024 (the "CCC Report"). The Executive Summary (page 8) states:

"*The previous Government signalled the slowing of pace and reversed or delayed key policies. The new Government will have to act fast to hit the country's commitments.*

[5] Source: Energy White Paper page 9 (2020).

The cost of key low-carbon technologies is falling, creating an opportunity for the UK to boost investment, reclaim global climate leadership and enhance energy security by accelerating take-up. British-based renewable energy is the cheapest and fastest way to reduce vulnerability to volatile global fossil fuel markets. The faster we get off fossil fuels, the more secure we become."

3.3.21 The CCC Report makes it clear that urgent action is needed to get on track for the UK's 2030 emissions reduction target. In this regard it states (page 8):

"*The UK has committed to reduce emissions in 2030 by 68% compared to 1990 levels, as its Nationally Determined Contribution (NDC) to the Paris Agreement. It is the first UK target set in line with Net Zero. Now only six years away, the country is not on track to hit this target despite a significant reduction in emissions in 2023. Much of the progress to date has come from phasing out coal generated electricity, with the last coal-fired power station closing later this year. We now need to rapidly reduce oil and gas use as well."*

3.3.22 And further (page 9)

"Our assessment is that only a third of the emissions reductions required to achieve the 2030 target are currently covered by credible plans. Action is needed across all sectors of the economy, with low carbon technologies becoming the norm."

3.3.23 The CCC Report sets out priority actions (page 9) and they include:

3.3.24 Chapter 2 of the CCC Report confirms that the third Carbon Budget was met (covering the period 2018 to 2022), however "*future carbon budgets will require an increase in the pace and breadth of decarbonisation. It is imperative that an ambitious path of emissions reduction is maintained towards Net Zero*." (Page 33).

3.3.25 Section 2.3 of the CCC Report addresses emissions reductions required for future Carbon Budgets.

3.3.26 Paragraph 2.3.1 states that "*emissions reductions across most sectors will need to significantly speed up to be on track to meet the UK's climate targets in the 2030s, and therefore the long term target of Net Zero by 2050. Emissions reductions will need to outperform the legislated Fourth Carbon Budget for the UK to be on a sensible path to achieve its 2030 NDC, the Sixth Carbon Budget and Net Zero*."

3.3.27 Chapter 2 of the CCC Report addresses the risks to the UK in achieving its emissions reduction targets.

3.3.28 With regard to the Fourth Carbon Budget (2023-2027) it states that although credible plans cover almost all of the emissions reductions required to meet it "*this budget was set before the UK's Net Zero target was legislated. The UK will need to reduce emissions by double the amount implied by the target to be on a sensible path to Net Zero…..*"

Labour Government & Commitment to Renewables

3.3.29 The UK Government change at Westminster in 2024 and a Labour administration for the UK is of relevance in terms of the new UK Government policy regarding the approach to Net Zero. The Labour Party Manifesto states that it has "a national mission for clean power by 2030" and it explicitly states that this is achievable "and should be prioritised". The Manifesto sees the clean energy transition as a huge opportunity to generate growth and also to tackle the cost-of-living crisis. This objective is set out as Labour's "second mission" for the UK.

3.3.30 Energy policy is reserved to Westminster and although the Scottish Government has progressed its own energy policy in parallel with its full devolved authority over the planning system in Scotland, UK Government policy is an important material consideration.

UK Government: Clean Power 2030 Action Plan (2024)

3.3.31 In addition, a key new material consideration is the Clean Power 2030 Action Plan, issued by the Department for Energy Security and Net Zero (DESNZ) in December 2024. It sets out (page 9) that Britain needs to install *"clean sources of power at a pace never previously achieved".*

3.3.32 It further adds (page 10):

"clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and limit our contribution to the damaging effects of climate change. Clean power by 2030 is a sprint towards these essential goals".

3.3.33 The document adds that *"Meeting the clean power 2030 goal is key to accelerating to net zero, not only in eliminating emissions that currently come from electricity generation, but also via the application of clean power in the buildings, transport and industry sectors… The shift to a clean power system by 2030 forms the backbone of the transition to net zero, as we move to an economy much more reliant on electricity".*

3.3.34 The Action Plan sets out detail relating to electricity network and connections. It highlights that grid infrastructure in the UK needs strengthening and that failure to do so risks holding back our energy security, economic growth and other important infrastructure with lengthy delays. It states that (page 62):

"Great Britain's electricity network must undergo unprecedented expansion, as the economy electrifies, to deliver decarbonisation, energy affordability and energy security, and support economic growth. To connect new generation and meet future demand, around twice as much new transmission network infrastructure will be needed in Great Britain by 2030 as has been delivered in the past decade."

3.4 Climate Change & Renewable Energy Policy: Scotland

The Scottish Energy Strategy (2017)

3.4.1 The Scottish Energy Strategy (SES) was published in December 2017. The SES preceded the important events and publications referred to above but nevertheless sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically 50% energy from renewable sources to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding 'Net Zero' targets, so it is out of date in that respect.

3.4.2 The SES refers to "Renewable and Low Carbon Solutions" as a strategic priority (page 41) and states "*we will continue to champion and explore the potential of Scotland's huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets*".

3.4.3 The SES recognises that good progress has been made by way of decarbonising the electricity system and it states: "*the challenge facing us now is to ensure a similar decarbonisation of our energy requirements for sustainable transport*". (page 1).

3.4.4 A target set for 2030 is that the equivalent of 50% of the energy for Scotland's heat transport and electricity consumption to be supplied from renewable sources. The SES sets out (page 23) that a greater portion of both heat and transport demand is likely to be met by electricity.

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

3.4.5 Against this backdrop, the Scottish Government has set legal obligations to decarbonise and reduce emissions. Most notably, the Scottish Government has a statutory target to achieve

"net zero" by 2045. It is clear that to have any hope of achieving the net zero target, much needs to happen by 2030.

3.4.6 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the Climate Change (Scotland) Act 2009 to set the even more ambitious interim targets. However, the provisions setting out those interim targets were repealed by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024, which replaced them with a system of targets based on carbon budgets which are to be set every five years. This is further referenced below.

3.4.7 The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy made a Statement to the Scottish Parliament on 18 April 2024 with regard to the report to the Scottish Parliament prepared by the (CCC, 'Progress in reducing emissions in Scotland' (March 2024). The Statement focussed on the implications the CCC report contained for Scottish emission reduction targets as set out in legislation, namely as set out in the Climate Change (Scotland) Act 2009.

CCC Report to Scottish Parliament – Progress in reducing emissions in Scotland (March 2024)

3.4.8 The CCC produced a report to the Scottish Parliament entitled 'Progress in reducing emissions in Scotland' in March 2024. The related press release of the same date states that Scotland's 2030 climate goals are no longer credible. It states:

"*Continued delays to the updated Climate Change Plan and further slippage in promised climate policies mean that the Climate Change Committee no longer believes that the Scottish Government will meet its statutory 2030 goal to reduce emissions by 75%. There is no comprehensive strategy for Scotland to decarbonise towards Net Zero.*

The Scottish Government delayed its draft Climate Change Plan last year despite the 2030 target being only six years away. This has left a significant period without sufficient actions or policies to reach the target; the required acceleration in emissions reduction in Scotland is now beyond what is credible."

3.4.9 The CCC calls in the report for Scotland's Climate Change Plan to be published urgently in order that the CCC can assess it and identify the actions which will deliver on its future targets.

3.4.10 The press release states that there is a path to Scotland's post-2030 targets, but stronger action is needed to reduce emissions across the economy.

3.4.11 The main report (page 10) states that "*The Scottish Government should build on its high ambition and implement policies that enable the 75% emissions reduction target to be achieved at the earliest date possible*."

Statement to Scottish Parliament (18 April 2024)

3.4.12 In light of the CCC Report, the Cabinet Secretary made a statement to the Scottish Parliament on 18 April 2024 entitled 'Climate Change Committee Scotland Report – Next Steps: Net Zero Secretary Statement'.

3.4.13 The key points in the statement include:

- The Scottish Government has an "*unwavering commitment to ending our contribution to global emissions by 2045 at the latest, as agreed by Parliament on a cross-party basis*".
- The Cabinet Secretary states that she is "*announcing a new package of climate action measures which we will deliver with partners to support Scotland's transition to Net Zero*" and the Statement goes out to reference these specific measures.

- The Statement states set out that in terms of the policies for these measures that "*they sit alongside extensive ongoing work that will be built upon through our next Climate Change Plan and Green Industrial Strategy*."
- The Cabinet Secretary states that, "*The Climate Change Committee is clear that the 'UK is already substantially off track for 2030' and achieving future UK carbon budgets 'will require a sustained increase in the pace and breadth of decarbonisation across most major sectors''. Indeed, we do see climate backtracking at UK level*."

3.4.14 The Cabinet Secretary added:

"*And with this in mind, I can today confirm that, working with Parliament on a timetable, the Scottish Government will bring forward expedited legislation to address matters raised by the CCC and ensure our legislative framework better reflects the reality of long term climate policy making*."

3.4.15 The Scottish Government has reiterated its commitment to achieving net zero by 2045. The approach to dealing with the position set out by the CCC in relation to the 2030 target being unachievable, has been to move to a multi-year carbon budget approach to measuring emissions reduction (instead of annual targets) which brings the Scottish Parliament in line with the Welsh and UK approaches.

The Climate Change (Emission Reduction Targets) (Scotland) Act 2024

3.4.16 On 5 September 2024 the Scottish Government introduced the Climate Change (Emission Reduction Targets) (Scotland) Bill to the Scottish Parliament. The Bill was passed on 5 November 2024 and received Royal Assent on 22 November 2024. The Act repeals the annual and interim emissions reduction target framework established under the 2009 Act and establishes a carbon budget approach to target setting, with budgets to be set through secondary legislation using the latest advice from the CCC once available to replace the concept of statutory annual and interim targets. It also makes provision for a new Climate Change Plan to be published that reflects the carbon budgets. As explained, the Act followed advice from the CCC that Scotland's interim emissions reduction target for 2030 could not be achieved. The Act does not change the existing statutory target of Net Zero emissions by 2045.

3.5 The Draft Energy Strategy and Just Transition Plan

3.5.1 The Scottish Government published a new Draft 'Energy Strategy and Just Transition Plan' entitled 'Delivering a fair and secure zero carbon energy system for Scotland' on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period ended in April 2023. As a draft document it can only be afforded limited weight. The draft document is however consistent with the adopted policy set out in NPF4 and the identification of the 2020s as a crucial decade for the large-scale delivery of renewable energy projects supporting urgent transition to Net Zero.

3.5.2 The Ministerial Foreword 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, generate economic opportunities, and builds a just transition…*

The delivery of this draft Energy Strategy and Just Transition Plan will reduce energy costs in the long term and reduce the likelihood of future energy cost crises….

It is also clear that as part of our response to the climate crisis we must reduce our dependence on oil and gas and that Scotland is well positioned to do so in a way that ensures we have sufficient, secure and affordable energy to meet our needs, to support economic growth and to capture sustainable export opportunities….

For all these reasons, this draft Strategy and Plan supports the fastest possible just transition for the oil and gas sector in order to secure a bright future for a revitalised North Sea energy sector focused on renewables."

3.5.3 The Foreword adds that the draft Strategy sets out key ambitions for Scotland's energy future including:

- Accelerated decarbonisation of domestic industry, transport and heat;
- Generation of surplus electricity, enabling export of electricity and renewable hydrogen to support decarbonisation across Europe;
- Energy security through development of our own resources and additional energy storage; and
- A just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.

3.5.4 The draft Strategy states (page 7, Executive Summary) that the vision for Scotland's energy system is:

"…*that by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve a wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.*

In order to deliver that vision, this Strategy sets out clear policy positions and a route map of actions with a focus out to 2030".

3.5.5 The draft Strategy provides specific statements on changing the way we use energy – *"reducing demand across our heat and transport sectors and replacing fossil fuel demand with zero carbon technologies. Low cost, renewable electricity will be critical for decarbonising our energy use…"*

3.5.6 The draft Strategy also refers to the development of a Just Transition Plan for transport which will further set out the strategy to transition to a zero carbon system with the Government clearly stating that overall use of fossil fuels across heating and transport sectors must decline and that alternative technology and energy solutions are available (page 10).

3.5.7 The draft Strategy specifically addresses energy networks (page 36) and states "*Significant infrastructure investment in Scotland's transmission system is needed to ameliorate constraints and enable more renewable power to flow to centres of demand*."

3.5.8 It states that National Grid has identified the requirement for over £21 billion of investment in GB electricity transmission infrastructure to meet 2030 targets and that over half of this investment will involve Scottish transmission owners SPEN and SSEN (the Applicant).

3.5.9 The draft Strategy adds that: "*the Scottish Government is working closely with network companies to support timely delivery of this infrastructure*".

3.5.10 Reference is made to the ambitious business plans of transmission businesses which "*reflect the scale and pace of delivery required to meet Scottish Government ambitions*".

3.5.11 Chapter 5 of the Strategy refers to 'creating the conditions for a Net Zero energy system'. It states (page 125) that "*As we transition to a Net Zero energy system, renewables and other zero carbon technologies… will need to provide all the services required to ensure a secure energy system*".

3.5.12 The Chapter goes on to reference in this regard energy markets and network regulation and with regard to network investment (page 126), it states that the Government is working

closely with the network companies "*to support timely delivery of required electricity network infrastructure*".

3.5.13 It further adds with regard to constraint costs that the Government will continue to work with National Grid ESO, transmission owners and Ofgem "*to explore opportunities to accelerate planned network investment to relieve constraints*".

3.5.14 Therefore, a key aspect of the Energy Strategy in terms of network investment is the need for speed of delivery of infrastructure to ensure not only that need can be met, but that there can be energy security and resilience within the wider energy system.

Just Transition for the Transport Sector – Discussion Paper (June 2023)

3.5.15 The discussion paper was published by the Scottish Government to support engagement on the preparation and publication of a Just Transition Plan for the transport sector, due to be published in 2024 (not currently published as at October 2024). The Transition Plan's purpose is to provide a targeted action plan and route map outlining the key steps needed to deliver a fair transition in this key sector.

3.5.16 Transport alone makes up the largest source of emissions in Scotland (31% in 2019), whilst rail accounts for only 1% of transport emissions by mode share (2019). Electrification of the rail network is recognised as an important step in decarbonising the transport network and supporting Net Zero ambitions. Page 36 of the discussion paper states:

"Rail is already a sustainable mode of transport….electric traction can reduce greenhouse gas emissions further and deliver even greater air quality improvements. It also increases the capacity and capability of the railways.

Our rail decarbonisation projects can create more skilled, sustainable jobs in Scotland. These jobs will be in the direct provision of electrification as well as in the supply of rolling stock and advanced technologies in the design of alternative traction methods to complement our electrification of the network".

3.6 The Green Infrastructure Strategy

3.6.1 The Scottish Government published a Green Industrial Strategy (GIS) in September 2024. The Executive Summary sets out the mission of the GIS, namely:

"This Green Industrial Strategy's mission is to ensure that Scotland realises the maximum possible economic benefit from the opportunities created by the global transition to net zero".

3.6.2 The GIS sets out five opportunity areas for Scotland where identified strengths are most likely to lead to growth and the potential to grow Scotland's exports. The sectors relate to Scotland's wind economy, carbon capture and storage, supporting the green economy by way of professional and financial services, growing the hydrogen sector and establishing Scotland as a competitive centre for clean energy intensive industries of the future.

3.6.3 Page 6 sets out that GIS forms a key part of the Government's broader National Strategy for Economic Transformation. It states that *"It also links explicitly to our Just Transition Plans which describe how the transition to net zero in the most emitting sectors will be achieved in a way that delivers economic, social and community benefits, including fair work, environmental preservation and reduced poverty and inequality."*

3.6.4 Actions include inter alia:

- Supporting investment to improve essential infrastructure, expanding supply chains and secure manufacturing opportunities;
- Developing and maintaining a pipeline of investment propositions backed by clear information about the timing and nature of renewable energy opportunities;

> Delivering planning and consenting systems which enable Scotland's net zero development pipeline; and

> Exploring the circularity opportunity in onshore wind.

3.6.5 Page 13 states clearly that the single goal of the GIS is to help Scotland realise economic growth opportunities from the global transition to net zero.

3.6.6 It is clear therefore that to progress the Government's objectives there needs to be clear support for new investment and growth in renewable energy. Realising the economic and social opportunities will only be achieved through the development and consenting of additional developments and related infrastructure.

3.7 CCC Report, Scotland's Carbon Budgets, Advice for the Scottish Government (May 2025)

3.7.1 The Report sets out the CCC's advice on the level of Scotland's four proposed carbon budgets, covering the period 2026 to 2045. It recommends that the Scottish Government sets its carbon budgets, at annual average levels of emissions that are:

> 57% lower than 1990 levels for the First Carbon Budget (2026 to 2030);

> 69% lower than 1990 levels for the Second Carbon Budget (2031 to 2035);

> 80% lower than 1990 levels for the Third Carbon Budget (2036 to 2040); and

> 94% lower than 1990 levels for the Fourth Carbon Budget (2041 to 2045).

3.7.2 The report sets out that the CCC's advice *"shows that the proposed carbon budgets are deliverable and Scotland can achieve its 2045 Net Zero target."* (page 8)

3.7.3 It states that getting to net zero by 2045 will require immediate action, at pace and scale and adds that decisions on the exact pathway and policies are for the Scottish Government.

3.7.4 The Report explains that progress to date has largely come from electricity decarbonisation, reflecting Scotland's abundant renewable resources. It goes on to state (page 9) that:

"Action will increasingly be required in predominantly devolved policy areas to hit the Net Zero 2045 target and the proposed carbon budgets. Now that the framework for climate action has been reset, the Scottish Government has the opportunity to use its powers to match its ambitions with action."

3.7.5 The Report identifies priority actions, which over the period of the first two carbon budgets will be the remaining decarbonisation of electricity generation as well as further electrification of key technologies. At page 10 it states that *"Emissions reductions from surface transport are the largest contribution to meeting the first two carbon budgets."* and states that *"The Scottish Government should also promote modal shift away from cars by improving public transport services and active travel infrastructure."*

3.7.6 The Report identifies the sources of future emissions reductions and notes that in the next decade, over the next two carbon budgets, they are predominantly met from electrification of key technologies across the economy and measures to reduce demand for high-carbon activities.

3.7.7 Specifically in relation to electricity and low carbon supply the Executive Summary explains (page 12) that in the Balanced Pathway set out by the CCC:

"the capacity of variable renewables in Scotland (including offshore and onshore wind and solar) more than triples from 15 GW in 2023 to 49 GW by 2035, increasing to 66 GW by 2045. This provides 98% of electricity generation in Scotland in 2035 and caters for increasing demand in Scotland and the rest of Great Britain (GB). Grid storage, use of

storable fuels on the GB-wide network, and smart demand flexibility ensure a reliable supply of electricity even in adverse weather years. These technologies need to be accompanied by rapidly expanding the transmission grid, upgrading the distribution network, and speeding up the grid connection process. To deliver clean electricity, the planning process to approve large electricity infrastructure projects in Scotland needs to be urgently improved."

3.7.8 Key elements of the future electricity supply system in the Balanced Pathway include Networks and interconnection. The report states at Page 92 that *"The capacity of transmission and distribution networks will need to be increased at pace to ensure supply is able to be transported to sources of demand as electricity generation is increasingly decarbonised and demand grows…".*

3.7.9 In relation to emissions reduction for surface transport in the Balanced Pathway one of the key measures to reduce emissions from surface transport includes rail decarbonisation. Specifically it notes that in the balance pathway *"Rail travel is decarbonised by increasing electrification of the network for the most intensively used routes and using hydrogen-powered and battery-electric trains on the remaining routes…."*. (Page 67) A key action to deliver this is an update of the Rail Services Decarbonisation Action Plan *"to reaffirm its commitment to further track electrification and clarify its strategy to phase-out diesel locomotives".*

3.7.10 The Proposed Development will help deliver the measures that are set out by the CCC to reduce emissions and to meet the carbon budget targets.

3.8 Conclusions on the Renewable Energy Policy & Legislative Framework

3.8.1 The Applicant's position is that the Proposed Development is strongly supported by the current renewable energy policy and legislative framework.

3.8.2 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper than before and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the legally binding target of Net Zero by 2045 will not be met. The Scottish Government has set a clear commitment to decarbonise the transport sector by 2035.

3.8.3 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.

3.8.4 Whilst there has been a move away from annual emission reduction targets the overall target of Net Zero remains unchanged. Indeed, as set out in the Cabinet Secretary's Statement referenced above, the Government retains its "unwavering" commitment to attaining that legally binding target for Net Zero.

3.8.5 Decisions through the planning system must be responsive to the climate change policy imperative. Decision makers can do this by affording significant weight to the energy policy objectives, articulated above, in the planning balance.

3.8.6 By way of illustration, this was demonstrated recently in the decision by Scottish Ministers on 21 August 2024 to approve the Applicant's Creag Dhubh to Dalmally 275 kV Overhead Line Connection, in Argyll & Bute, where it is stated in the Ministers' Decision Letter at paragraph 78 that:

"The Proposed Development will provide the resilience necessary to maintain secure and reliable supplies of energy to homes and business as our energy transition takes place. It will support the connection of significant amount of renewable energy generation to the national electricity system, making an important contribution to reducing our reliance on fossil fuels. Scottish Ministers conclude that the proposed Development is supported by the Energy Strategy. The Draft Scottish Energy Strategy and Just Transition Plan 2023 signals that

strong support from the Scottish Government for upgrade transmission infrastructure remains".

3.8.7 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the urgent challenge of Net Zero and the need to substantially increase renewable energy capacity. The increase in renewable capacity in turn is intended to also help with the decarbonisation of other sectors of the economy such as transport.

3.8.8 Overall, the Draft Energy Strategy forms part of the new policy approach alongside NPF4. These documents confirm the Scottish Government's policy objectives and related targets, reaffirming the crucial role that new electricity infrastructure will play in response to the climate crisis which is at the heart of all these policies.

3.8.9 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper than before and it is essential that rapid progress is made through the 2020s.

4. The Benefits of the Proposed Development

4.1 The Benefits: Summary

4.1.1 This chapter summarise the benefits that would arise from the Proposed Development:

Renewable Energy Transmission and Decarbonisation of Transport

> The Proposed Development will deliver new grid infrastructure to enable security of supply and to provide the Traction Transformers for Network Rail to enable the electrification of the Dundee to Montrose rail line – a key step in the electrification and decarbonisation of Scottish rail network;

> SSEN Transmission has a licence obligation to invest new assets to maintain and deliver network capacity and to provide connections. The Proposed Development delivers new electricity infrastructure requirements, particularly having regard to the targets fixed by the Scottish and UK Governments to achieve Net Zero. The Proposed Development will enable decarbonisation objectives for the rail network.

Security of Supply

> The British Energy Security Strategy has been referenced. It provides an increase to the requirements for both the scale and the urgency of delivery of new low carbon generation capacity, by refocussing the requirement for low-carbon power for reasons of national security of supply and affordability, as well as for decarbonisation;

> With this context, the delivery of grid infrastructure improvements to deliver significant benefits to consumers through decarbonisation, security of supply and enhanced capacity to transmit renewable energy is clear; and

> The Proposed Development, if consented, would provide a valuable contribution to security for Dundee, Scotland and for the wider GB area.

Economic & Community Socio -Economic Benefits / Local Supply Chain Opportunities

> The Applicant has in place Sustainable Procurement Codes and Supplier Guidance to oblige suppliers and contractors to maximise local employment and economic gain and social benefits as a result of the investment in new energy infrastructure in their area which measures to be put in place to maximise opportunities for local people and businesses close to the Site and in the wider region;

> A further obligation is that suppliers and contractors are expected to "*have in place education and employability programmes which promote the development of employee skills as well as local employment…" and*

> The Applicant's guidance as a basic commitment in this regard requires 'decent work and economic growth' alongside addressing environmental obligations, with a key objective to ensure the economic value is shared with particular focus on local supply chains.

> The Just Transition for Transport discussion paper sets out a range of further socio-economic benefits of decarbonising the rail network in terms of direct and indirect employment and associated industries.

Biodiversity Enhancement

- The greatest threat to biodiversity is Climate Change, and delivering an enhanced grid transmission network with enhanced capacity for renewable energy and delivering the decarbonisation of the rail network is a critical step to meet Net Zero; and
- A Biodiversity Net Gain Assessment is submitted with the application, which provides the following:
  - A calculation of baseline Biodiversity Units (BU) for the Proposed Development following the guidance outlined within SSEN Transmission's Biodiversity Net Gain Toolkit User Guide and the SSEN Transmission Assessment Methodology & Associated Guidance.
  - A prediction of the post development on-site BU following successful implementation of a Landscape & Habitat Management Plan.
  - A qualitative assessment against the Biodiversity Net Gain Good Practice Principles; and
  - Details of the required habitat creation or enhancements required to achieve biodiversity enhancements. The BNG calculation, subject to the assumptions and limitations set out on this Report, indicates that the Proposed Development will result in an overall -39% loss in area-based BU, for which off-Site measures (the most appropriate being grassland or scrub creation/enhancement) are required to achieve a +10% net gain. Enhancement of retained Other broadleaved Woodland from Poor to Moderate condition within the Site is recommended, however, this alone is not sufficient to achieve a +10% net gain in BU. As such, an additional 1.61 BU will be required through off-Site measures. There are no linear habitats (i.e., hedgerows or watercourses) in the Site, and therefore linear BU are not relevant to the assessment.

5. Appraisal against NPF4

5.1 Introduction

5.1.1 NPF4 was approved by resolution of the Scottish Parliament on 11th January 2023, and it was published by Scottish Ministers on 13th February 2023.

5.1.2 A Chief Planner's Letter was issued on 8th February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contains advice intended to support consistency in decision making ahead of new style Local Development Plans being in place.

5.1.3 The Letter confirms with regard to the Development Plan that from 13th February, NPF3 and Scottish Planning Policy (SPP) no longer represent Scottish Ministers' planning policy and should not form the basis for or be a consideration to be taken into account when determining planning applications.

5.1.4 Certain parts of the 1997 Planning Act have been put into effect in response to the adoption of NPF4. In particular, Section 13 of the Town and Country Planning (Scotland) Act amends Section 24 of the 1997 Planning Act to provide that: "*In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail*". Included in this is where an LDP is silent on an issue that is now provided for in NPF4.

5.2 Development Management

5.2.1 Section 13 of the Planning (Scotland) Act 2019 Act (the "2019 Act") amends Section 24 of the 1997 Act regarding the meaning of the statutory Development Plan, such that for the purposes of the 1997 Act, the Development Plan for an area is taken as consisting of the provisions of:

> The National Planning Framework; and

> Any Local Development Plan (LDP).

5.2.2 Therefore, the statutory Development Plan applying to the Site consists of NPF4 and the Dundee Local Development Plan 2019 (DLDP).

5.2.3 The publication of NPF4 coincided with the coming into force of certain parts of the 2019 Act. A key provision is Section 13 of the 2019 Act which amends Section 24 of the 1997 Act to provide that "in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail." That will include where an LDP is silent on an issue that is now provided for in NPF4.

5.2.4 The Chief Planner's Letter also states with regard to Supplementary Guidance associated with LDPs which were in force before 12th February 2023 (the date on which Section 13 of the 2019 Act came into force) that they will continue to be in force and be part of the Development Plan.

5.3 How NPF4 is to be used

5.3.1 Annex A (page 94) of NPF4 explains how it is to be used. It states:

"*The purpose of planning is to manage the development and use of land in the long-term public interest … Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to Climate Change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places*."

5.3.2 Annex A states that NPF4 is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It adds:

"*It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals*[6]*. NPF4 includes a long-term spatial strategy to 2045*."

5.3.3 NPF4 contains a Spatial Strategy and Scottish Government development management policies to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan[7] (IIP).

5.3.4 NPF4 therefore for the first time, introduces centralised development management policies which are to be applied Scotland wide. It also provides guidance to Planning Authorities with regard to the content and preparation of LDPs.

5.3.5 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and discrimination and also, of particular relevance to the Proposed Development, "*meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity*".

5.4 The National Spatial Strategy – Delivery of Sustainable Places

5.4.1 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to the Spatial Strategy starts by stating (page 3):

"*The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of Climate Change*."

5.4.2 The principles are stated as playing a key role in delivering the United Nation's Sustainable Development Goals and the Scottish Government's National Performance Framework[8].

5.4.3 The Spatial Strategy is aimed at supporting the delivery of:

- 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";
- 'Liveable Places': "where we can all live better, healthier lives"; and
- 'Productive places': "where we have a greener, fairer and more inclusive wellbeing economy".

5.4.4 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, *inter alia*:

"*Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving Net Zero emissions by 2045, and we must make significant progress towards this by 2030…Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment*."

5.4.5 The new Energy Strategy and Just Transition Plan for Scotland (as referenced in NPF4) was published as a consultative draft on 10th January 2023 (see below).

[6] The 17 UN Sustainable Development Goals are set out at page 95 of NPF4 and include *inter alia* 'affordable and clean energy' and 'climate action'.

[7] The Scottish Government's five-year Infrastructure Investment Plan (2021-22 to 2025-26) was published in February 2021. It set out a vision for Scotland's future infrastructure in order to support and enable an inclusive net zero emissions economy.

[8] The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

5.4.6 The National Spatial Strategy in relation to 'sustainable places' is described (page 7 of NPF4) as follows:

"*Scotland's future places will be Net Zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of Climate Change, whilst protecting, recovering and restoring our environment.*

Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.

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."

5.4.7 Six National Developments support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.

5.4.8 A summary description of this National Development is provided at page 7 of NPF4 as follows:

"*Supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply*".

5.4.9 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing greenhouse gas emissions. It states:

"*The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of Climate Change, in a way which protects and enhances our natural environment*."

5.4.10 A key point in this statement is that the climate emergency and nature crisis are expressly stated as forming the foundations of the National Spatial Strategy. Recognising that tackling Climate Change and the nature crisis is an overriding imperative which is key to the outcomes of almost all policies within NPF4.

5.5 National Developments

Overview

5.5.1 Page 97 of NPF4 sets out that 18 National Developments have been identified. These are described as:

"*significant developments of national importance that will help to deliver the spatial strategy … National development status does not grant planning permission for the development and all relevant consents are required*".

5.5.2 It adds that:

"*Their designation means that the principle for development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors. … In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies*".

5.5.3 Annex B of NPF4 sets out the various National Developments and related Statements of Need. It explains that National Developments are significant developments of national importance that will help to deliver the Spatial Strategy. It states (page 99) that:

"*The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes*".

National Development 3 "Strategic Renewable Electricity Generation and Transmission Infrastructure"

5.5.4 Page 103 of NPF4 describes National Development 3 and it states:

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

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its Net Zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for domestic consumption 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."

5.5.5 The location for ND3 is set out as being all of Scotland and in terms of need it is described as:

"*Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a Net Zero economy and supports improved network resilience in rural and island areas*…"

5.5.6 The designation of classes of development confirms that the Proposed Development is National Development being of a scale or type that otherwise would have been classified as major by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (b) *new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kV or more"*.

5.5.7 The Proposed Development will further the delivery of the national Spatial Strategy. The National Spatial Strategy requires a "*large and rapid increase*" in electricity generation and the delivery of an enhanced transmission network to enable this, it is recognised (NPF4, page 6) that "*we must make significant progress*" by 2030.

5.5.8 The Proposed Development could make a meaningful contribution to targets within this key timescale and that is a very important consideration.

5.6 National Planning Policy

5.6.1 Part 2 of NPF4 (page 36) addresses national planning policy by topic with reference to three themes formulated with the aim of delivering sustainable, liveable and productive places.

5.6.2 In terms of planning, development management and the application of the national level policies, NPF4 states:

"*The policy Sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies*".

5.6.3 In terms of "sustainable places" the relevant policies to the Proposed Development include the following:

- Policy 1: Tackling the Climate and Nature Crisis;
- Policy 2: Climate change and adaptation;
- Policy 3: Biodiversity;
- Policy 9: Brownfield, vacant and derelict land and empty buildings;
- Policy 11: Energy;
- Policy 12: Zero Waste;
- Policy 13: Sustainable Transport;

5.6.4 In terms of 'liveable places':

- Policy 14 – Design, Quality and Place;
- Policy 22: Flood Risk and Water Management;
- Policy 23 – Health and safety; and

5.6.5 In terms of 'productive places':

- Policy 26 – Business and Industry.

5.6.6 These policies are addressed below.

5.6.7 The Chief Planner's Letter of 8th February 2023 provides advice in relation to applying NPF4 policy. It states that the application of planning judgement to the circumstances of an individual situation remains essential for all decision making, informed by principles of proportionality and reasonableness. It states:

"*It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement*." (emphasis added)

5.6.8 The Letter adds:

"*It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between the provision of NPF and the provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible*".

5.7 NPF4 Policy 1: Tackling the Climate and Nature Crisis

Policy 1 & Principles

5.7.1 The intent of Policy 1 is "*to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis*".

5.7.2 **Policy 1** directs decision makers that *"when considering all development proposals significant weight will be given to the global climate and nature crises."*

5.7.3 This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to Climate Change. The matter of weight is no longer left entirely to the discretion of the decision maker. Significant weight should therefore

be attributed to the Proposed Development given it would be consistent with the intent of Policy 1 and would make a positive contribution by helping to attain its outcome of Net Zero.

5.7.4 The Chief Planner's Letter refers to Policy 1. It states:

"*This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises*."

5.7.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight to Policy 1, but it is for the decision maker to decide if it is for or against the proposal. The Proposed Development's contribution to the climate emergency and nature crisis is positive and therefore the significant weight in this case is in favour of the proposal.

5.7.6 The term "Tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action. Furthermore, NPF4 (page 8) refers to cross cutting outcomes and states with regard to Policy 1 that the policy gives significant weight "*to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions*".

The Application of Policy 1

5.7.7 Given the nature of the Proposed Development it would make a valuable contribution in supporting the delivery of renewable energy generation and reaching greenhouse gas reduction targets. It will directly further the policy intent and outcomes of Policy 1 and should be afforded significant positive weight in terms of tackling the climate and nature crises. The specific emission and carbon saving benefits (set out in Chapter 3 above) also need to be recognised in the context of NPF4 Policy 11 (Energy) which requires the contribution that a development would make to targets to be taken into account.

5.7.8 A further important point is the need to recognise that the greatest threat to biodiversity is Climate Change. The principal and essential benefit of the Proposed Development is a valuable contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "Net Zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of Net Zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

5.7.9 The Reporter's comments on this particular policy in the Sanquhar II Wind Farm Inquiry Report[9] are informative. At paragraph 2.48 of the Supplementary Report, the Reporter addresses NPF4 Policy 1 and states that:

"*tackling the nature crisis is required to be given significant weight alongside the climate crisis. There is no indication that one strand should be given greater priority over the other. That does not necessarily mean that an individual proposal must be shown to respond to both crises in equal measure, however. The two matters are also inextricably linked, with the nature crisis being, in part, exacerbated by Climate Change*."

5.7.10 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development.

[9] Sanquhar II Wind Farm, Section 36 Decision dated 31 August 2023, Supplementary Report of Inquiry dated 20 February 2023 (Case Reference WIN-170-2006) and Scottish Ministers' Decision dated 31 August 2023.

5.8 NPF4 Policy 11: Energy

Policy 11 & Principles

5.8.1 For the consideration of energy transmission proposals, Policy 11 'Energy' (page 53) is the lead policy. Policy 11's intent is set out as:

"*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 emission technologies including hydrogen and carbon capture utilisation and storage.*"

5.8.2 Policy Outcomes are identified as: *"expansion of renewable, low carbon and zero emission technologies".*

5.8.3 Policy 11 is as follows:

"a) 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.

b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.

c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.

e) In addition, project design and mitigation will 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.

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.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity".

5.8.4 The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, through encouragement, promotion and facilitation, all of which the Proposed Development will help to deliver.

5.8.5 The wording of Policy 11 Paragraph (a)(ii) makes it clear that the policy supports new and replacement electricity grid transmission and distribution infrastructure.

The application of Policy 11

5.8.6 **Paragraph c) of Policy 11** requires socio-economic benefits to be maximised, rather than just taken into account.

5.8.7 With regard to maximising socio-economic benefits, the Applicant has adopted a 'Sustainable Procurement Code' and its related 'Sustainable Procurement Code – Supplier Guidance' and these are relevant to take into account. The Sustainable Procurement Code is applied to development projects that the Applicant progresses, and its principal purpose is to ensure that the Applicant's key values are supported, managed and where possible improved.

5.8.8 The Code sets out various obligations on suppliers and contractors covering climate action and in relation to providing affordable clean energy. The Code also addresses environmental obligations and also sets out a clear commitment to "decent work and economic growth" (Page 10). A key objective is to ensure that economic value is shared. Amongst the various specific obligations on the Applicant and suppliers is reference to local supply chains. In that regard, page 10 sets out that:

"*SSE has committed to being a global leader for a just energy transition to Net Zero, with a guarantee of fair work and commitment to paying fair tax and sharing economic value*".

5.8.9 Furthermore, within the obligations on suppliers and contractors are provisions that require the formation of "*constructive local relationships so that communities have the opportunity to*

directly benefit from significant capital investments… and to have measures in place to maximise opportunities for local people and businesses close to SSE sites and the wider region".

5.8.10 A further obligation is that suppliers and contractors are expected to "*have in place education and employability programmes which promote the development of employee skills as well as local employment, including graduate programmes and apprenticeships*".

5.8.11 As regards Local Supply Chains *"SSE is committed to ensuring that real economic and social benefits flow to local businesses as a result of its investment in new energy infrastructure. It aims to promote sustainable domestic employment, increased local content and more competitive domestic supply chains. It does this through engagement with its suppliers as well as government regulators and trade unions".*

5.8.12 The related Supplier Guidance document sets out with specific regard to local supply chains that suppliers and contractors are:

> Required to have measures in place to maximise opportunities for local people, supply chains and economies surrounding SSE sites. There may be a requirement to provide evidence of site-specific plans to SSE;

> Encouraged to work closely with SSE to promote and support the development of competitive domestic and local supply chains;

> Required to provide details of spend with local suppliers and subcontractors, when requested by SSE ("local" is defined as either, within a 50-mile radius of the Site or the Local Authority area, unless otherwise defined);

> Required to provide reporting of attributed spend with Small Medium Enterprises (SMEs).

5.8.13 Specific reference to both of the Codes and these obligations would be set out in any invitation to tender for construction works for the Proposed Development. Therefore, there is clear evidence that beyond the capital spend for the project and the direct, indirect and induced employment and economic benefits that would result, that the Applicant has policies and measures in place that seek to maximise the opportunity for socio-economic benefits as a result of the project.

5.8.14 It should also be noted appointed contractors are required to inform the Applicant of the supply chain engaged, within Highland and indeed further afield.

5.8.15 **Paragraph d) of Policy 11** states that development proposals that impact on international and national designations "*will be assessed in relation to Policy* 4". Policy 4 also deals with impacts in relation to local landscape designations. Therefore, the matter of the impacts of the Proposed Development in relation to such national and local designations is examined further below with specific regard to the provisions of Policy 4.

5.8.16 **Paragraph e) of Policy 11** states that project design and mitigation "will demonstrate how" impacts are addressed. These are listed in the quotation of the policy above and are addressed in turn below.

Impacts on Communities and Individual Dwellings

5.8.17 The EA considers the impact on nearby receptors in terms of noise and vibration, which is considered further below. The layout and design of the Proposed Development specifically considered the impact on sensitive receptors. The iterative design process sought to minimise visual effects on the closest receptors. Furthermore, the location of the site, its elevation level and the natural topography of the area allow for natural screening of the Proposed Development from nearby residential properties. The area is characterised by industrial uses and the Proposed Development would be aligned with that use.

Noise

5.8.18 As regards noise, Chapter 7 of the EA Report provides an assessment of the potential effects of noise and vibration from the construction and operation of the Proposed Development on sensitive receptors. Four residential properties, hotel accommodation, and a cemetery in the vicinity of the proposed development have been identified as Noise Sensitive Receptors ('NSRs') with the greatest potential to be adversely affected by noise associated with the Proposed Development. Each receptor is approximately 10m from the Site boundary.

5.8.19 Details of the proposed construction schedule and plant to be used are not available at this stage, therefore a quantitative construction noise and vibration assessment has not been possible. Instead, a qualitative assessment focussing on Best Practicable Means (BPM) has been completed. This considers the potential for significant effects to occur based on distance and timings of the proposed works but does not quantitatively assess the impact of the proposed works. The initial earthworks stage, which is expected to involve the use of excavators and dump trucks, is likely to generate the highest noise levels. The remainder of the works are expected to generate lower noise levels. If piling is required, depending on the piling type adopted by the construction contractor, this activity may also generate relatively high noise and vibration levels. The decommissioning phase is expected to be no worse than this construction phase. Best practice mitigation measures are set out in the EA to manage construction noise. These would be incorporated in the CEMP to ensure any potential effects are monitored and addressed by the Principal Contractor. The assessment concludes that the impact on high sensitivity receptors would be Low and effects from construction would be Minor at worst.

5.8.20 Five noise sensitive receptors have been considered through the Noise Impact Assessment for potential impacts from operational noise. On the basis of the BS4142 assessment outcome and the operational sound levels identified, the Proposed Development is predicted to be compliant with the Local Authority's requirements that operational noise does not exceed a rating curve of NR30 at 1m from the external façade. It is considered that there will be a negligible effect at the high sensitivity receptors considered.

Landscape and Visual Considerations

5.8.21 Before examining the landscape and visual effects of the Proposed Development, Part e(ii) of Policy 11 makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy and transmission infrastructure. This is a very different starting point compared to the position in the former SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to appropriate design mitigation, they should generally be acceptable.

5.8.22 Landscape and visual impacts have been scoped out of the voluntary EA as agreed with DCC. There are no designated landscapes affected by the Proposed Development.

Overview of Design Approach

5.8.23 The need for the Proposed Development has been clearly established.

5.8.24 The design as proposed reflects best practise and ensure the ongoing protection of visual amenity through the retention and enhancement of existing boundary screening insofar as possible.

5.8.25 All new structures will be limited to the lower southern section of the Site, which is currently occupied by the redundant oil storage tanks. There are limited views of these from the upper area, and the buildings on Broughty Ferry Road, due to screening from the built environment and the topography/change in elevation.

5.8.26 The proposed design has been consulted upon with key stakeholders and the local community through both a formal pre-application enquiry to the Council and Pre-Application

Consultation (PAC) and represents the most optimum design solution for the development, balancing technical, cost and environmental considerations.

5.8.27 The Proposed Development is located in an existing industrial area. The scale and nature of the proposals are capable of being accommodated in this industrial part of the city. The site has been arranged insofar as possible to minimise visibility of the substation from surrounding residential properties.

5.8.28 The type of technology being proposed (gas insulated switchgear) means that a reduced footprint can be taken forward due to this city centre location compared to the alternative - Air Insulated Switchgear. The Proposed Development is not considered to result in significant landscape and visual impacts, due to its location within a built-up industrial area and the limited visibility from the surrounding area.

Public Access

5.8.29 The Proposed Development will not give rise to any negative effects to existing public access. Due to the nature of the Proposed Development, there will be no public access to the Proposed Development once operation.

5.8.30 An existing adopted road, Roodyards Road, runs through the site, however is not in use as a road as it has become overgrown. The route provides no obvious benefit or public access connections and as such has become obsolete. Subject to planning permission being granted for the substation, it is proposed to apply for a stopping up order to remove this road. Early discussions have been held with DCC on this approach.

Aviation, Defence Interests and Telecommunications

5.8.31 The Proposed Development will not give rise to any negative effects in this regard.

Impacts on Road Traffic and Trunk Roads

5.8.32 An assessment of the effects of construction traffic has been undertaken with detail set out in Chapter 8 of the EA. The construction traffic forecasts provide a robust basis for the assessments of environmental effects from traffic.

5.8.33 The peak month of construction of the substation is forecast to take place in June 2027. It is forecast that the Proposed Development would generate 194 HGV daily movements (97 arrivals and 97 departures) and 78 Car / LGV daily movements (39 arrivals and 39 departures) during the peak construction month.

5.8.34 Three routes were subject to detailed environmental assessment: Market Street; Broughty Ferry Road and A92 Greendykes Road, considering matters such as severance of communities; fear and intimations on and by road users; Road User and Pedestrian Safety; Non-Motorised User Amenity and Non-Motorised User Delay and Road Vehicle and Passenger Delay.

5.8.35 Mitigation relating to traffic movements associated with the Proposed Development would be provided by a Construction Traffic Management Plan (CTMP).

5.8.36 Prior to mitigation, temporary Minor (not significant) environmental effects are forecast for all environmental effects associated with traffic and movement on Broughty Ferry Road and the A92 Greendykes Road. (Effects on Market Street were predicted to be negligible).

5.8.37 Post-mitigation residual environmental effects associated with Proposed Development construction traffic are forecast to be direct, temporary negligible.

5.8.38 A cumulative assessment has been undertaken. Limited information is available relating to construction traffic for the Eden Project Dundee, Therefore a conservative approach has been taken for the assessment. Construction traffic forecasts for the cumulative developments provide a robust basis for the assessment of environmental effects. Prior to

mitigation temporary Moderate adverse (Significant) environmental effects are forecast for the A92 Broughty Ferry Road, A92 Greendykes Road and the A92 Arbroath Road west. Mitigation is proposed in the form of a CTMP and co-ordination of CTMP's with cumulative development sites.

5.8.39 Post-mitigation residual environmental effects associated with cumulative development construction traffic are forecast to be direct, temporary Minor (Not Significant).

Historic Environment

5.8.40 An assessment of the potential effects on cultural heritage assets has been undertaken and is reported in Chapter 5 of the EA Report. There are four Listed Buildings within the Study area. There are no other designated heritage assets within the study area.

5.8.41 The results of the appraisal, as well as consultation with the Lead Heritage Officer for Fife Council[10], have demonstrated that the majority of the Site is located on reclaimed land which has been disturbed through the construction and later demolition of various industrial buildings.

5.8.42 The upper, northern section of the site is not situated on reclaimed land. Historic mapping from the 18th century shows the area of the Proposed Development Site being used for gardens or as arable land before being developed as a cattle market and a residential dwelling in the mid-19th century. These buildings have now been demolished, with the northern section of the Site subject to extensive clearance works. As a result, the potential for the discovery of features linked to these past uses, or previously unrecorded assets, is negligible. Any remains that are identified are assumed to be linked to the late 19th and 20th century development of the Site, a period which is well documented on cartographic sources, and as such they are considered to be of low value. The potential for uncovering remains in this northern part of the site has been assessed as negligible.

5.8.43 In terms of operational impacts, the proposed Substation buildings represent the key elements of above ground infrastructure, and as a result these have the greatest potential to result in change to the setting of designated assets.

5.8.44 All new structures will be limited to the lower southern section of the Site, which is currently occupied by the redundant oil storage tanks. There are limited views of these from the upper area, and the listed buildings on Broughty Ferry Road, due to screening from the built environment and the topography/change in elevation. Furthermore, the new infrastructure would be approximately the same height as the current tanks, which are around 16m in height.

5.8.45 The change to the setting of the designated assets in the surrounding area is not considered likely to affect their significance and, therefore, no operational impacts are predicted.

Hydrology, the Water Environment and Flood Risk

5.8.46 Chapter 6 of the EA presents the appraisal of potential effects on hydrology, hydrogeology, geology and soils resulting from the Proposed Development. During the construction and decommissioning phases of the proposed development there is the potential for short term impacts relating to: Pollution of surface water courses, groundwater and soils; concrete and cement products and soil excavation and waste. Provided the embedded mitigation measures are followed, impacts on water quality, soil and geology from routine construction / decommissioning activities are not considered likely to be significant.

5.8.47 During operation, oil filled transformers will be bunded and have adequate containment to prevent release of oils into the surface water drainage system, soil or underlying geology. Oil-water interceptors will be used for potentially oily drainage. The use of the substation is not anticipated to cause any contamination to soils or water environments on site or within

[10] The Lead Heritage Officer for Fife Council also oversees Dundee City Council.

the surrounding area as maintenance and operation of the Proposed Development will be in accordance with environmental legislation and good practice. There will also be a spillage and emergency procedure in force during the operational phase.

Biodiversity

Ecology

5.8.48 Chapters 4 of the EA Report presents the assessments of the potential effects on ecology resulting from the Proposed Development.

5.8.49 No significant adverse effects are predicted on ecological resources. Full details are set out below in relation to Policy 3 Biodiversity.

5.8.50 Proposed biodiversity enhancement measures are reported within EIA Report Appendix C – Biodiversity Net Gain Assessment and are described below with regard to NPF4 Policy 3 (Biodiversity).

Balancing the Contribution of a Development and Conclusions on Policy 11

5.8.51 Part e) ii) of NPF4 Policy 11 (Energy) makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of energy proposals. This is a very different starting point compared to the position in SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to design mitigation, they should generally be acceptable.

5.8.52 The Proposed Development is acceptable in relation to all of Policy 11's environmental and technical topic criteria.

5.8.53 The second last paragraph of **Paragraph e)** of **Policy 11** is expressly clear that in considering any identified impacts of developments, significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets.

5.8.54 The "contributions" are inextricably related to the scale of a proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.

5.8.55 In terms of contribution to targets, the proposal's contributions have been set out in Chapter 3 above. The scale of the energy output and emissions savings linked to substation upgrade and other works included within the Proposed Development is an enabling factor directly related to renewable transmission capacity and security of supply are valuable and should be afforded significant weight.

5.9 NPF4 Policy 13: Sustainable Transport

Policy 13 & Principles

5.9.1 Policy 13 is aimed at prioritising sustainable modes of transport within development proposals and in assessing appropriate development locations. It requires that consideration is given to modal share, reduced reliance on private cars and shift of freight from road to rail etc. There is no provision within policy to address development which seeks to decarbonise transport modes themselves and as such the policy is of limited relevance to the Proposed development.

The application of Policy 13

5.9.2 Notwithstanding that one of the policy outcomes is a desire to invest in transport infrastructure which supports connectivity and in facilitating essential electricity supply to enable electrification of the rail line, the Proposed Development is facilitating further

sustainability in transport and securing the decarbonisation of transport which is a critical Government objective.

5.9.3 No adverse effects are predicted as a result of the Proposed Development from construction traffic and movement subject to the application of the proposed mitigation measures.

5.9.4 The Proposed Development is not a travel generating use, and as such will have minimal impact on the local road network once operational.

5.10 NPF4 Policy 2: Climate change and adaptation

Policy 2 & Principles

5.10.1 Policy 2 seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. The key outcomes of Policy 2 are to minimise emissions from development and ensure that places are more resilient to climate change impacts.

The application of Policy 2

5.10.2 The Policy is intended at design stage of a proposed development and is usually targeted at residential or commercial uses. However, the principle of the policy is fully supportive of the Proposed Development which seeks to deliver transmission infrastructure that will facilitate Network Rail's decarbonisation strategy for the rail network in this area, such that emissions are reduced and positive steps are made to address climate change.

5.11 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

5.11.1 Policy 3 has an intent to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Outcomes of the policy are that biodiversity is enhanced and better connected, including through strengthened nature networks and nature-based solutions.

5.11.2 In summary, there are no unacceptable effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 **Policies 3 and 4** (the latter in terms of designations – see below) respectively address.

5.11.3 Policy 3 requires developments to, wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided.

5.11.4 Paragraph b) states that:

"Development proposals for national or major development or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria."

5.11.5 The policy goes on to reference the need for an understanding of the existing characteristics of a site and states that an assessment of potential negative effects should be undertaken which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements.

5.11.6 Paragraph b) iv) of the policy sets out a requirement that *"significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the*

development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate."

5.11.7 Paragraph d) adds that *"any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration".*

Current Guidance Position

5.11.8 It should be noted that Policy 3 does not provide any guidance on how 'significant enhancements' will be measured and assessed, simply referring to "*best practice assessment methods*".

5.11.9 The **letter from the Chief Planner issued on 08 February 2023** refers to the application of new policy where specific supporting guidance / parameters for assessment are not yet available to aid assessments. The letter states:

"recognising that currently there is not a single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for development a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise for opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case". (underlining added)

5.11.10 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance.

5.11.11 **NatureScot Guidance** was issued in Summer 2023 in support of NPF4 Policy 3 c). This states that the selection and design of enhancement measures will be a matter of judgment based on the circumstances of the individual case but should take into account a number of considerations. These considerations include:

- The location of the Site and the opportunities for enhancing biodiversity;
- The character and scale of development;
- The requirements and cost of maintenance and future management of the measures proposed;
- The distinctiveness and scale of the biodiversity damaged or lost; and
- The time required to deliver biodiversity benefits and any risks or uncertainty in achieving this.

5.11.12 The Scottish Government also published '**Draft Planning Guidance: Biodiversity**' in November 2023. Paragraph 1.1 states that it:

"*Sets out the Scottish Minister's expectations for implementing NPF4 policies which support the cross cutting NPF4 outcome 'improving biodiversity*."

5.11.13 The draft guidance makes reference to Scotland's Biodiversity Strategy, which it states sets targets for halting biodiversity loss by 2030 and restoring and regenerating biodiversity by 2045.

5.11.14 Section 1.9 of the guidance states that NPF4 Policy 3 (Biodiversity) "*in particular plays a critical role in ensuring that development will secure positive effects for biodiversity*".

5.11.15 The guidance refers to 'key terms' and with regard to 'enhancement', states at Paragraph 1.10:

"*The terms 'enhance' and 'enhancement' are widely used in NPF4. In order for biodiversity to be 'enhanced' it will need to be demonstrated that it will be in an overall better state than before intervention, and that this will be sustained in the future. Development proposals should clearly set out the type and scale of enhancements they will deliver*".

5.11.16 The guidance addresses development planning and, in terms of development proposals, references 'core principles.' At Paragraph 3.1 the guidance states that these principles can be followed when designing developments so that nature and nature recovery are an integral part of any proposal. Section 3.2 of the guidance states:

"*Applying these principles will not only help to secure biodiversity enhancements, they can also help to deliver wider policy objectives including for green and blue infrastructure, open space, nature based solutions, nature networks and 30 x 30. Development proposals which follow these steps are also much more likely to result in more pleasant and enriching places to live, work and spend time*."

5.11.17 The principles set out are as follows:

- Apply the mitigation hierarchy;
- Consider biodiversity from the outset;
- Provide synergies and connectivity for nature;
- Integrate nature to deliver multiple benefits;
- Prioritise on-site enhancement before off-site delivery;
- Take a place-based and inclusive approach;
- Ensure long term enhancement is secured and
- Additionality.

5.11.18 These core principles have been applied as appropriate with regard to the Proposed Development as demonstrated at Annex A of the Biodiversity Net Gain Assessment Report.

5.11.19 Page 15 of the draft guidance makes specific reference to determining planning applications and, with regard to the policy context, Paragraph 4.1 makes it clear that NPF4 must be read and applied as a whole. Specific reference to NPF4 Policy 3 (Biodiversity) Part 3 b) is made and from Section 4.6 key points in the guidance include the following:

- It is set out that NPF4 that does not specify or require a particular assessment approach or methodology to be used, although the policy makes clear that best practice assessment methods should be utilised;
- Assessments can be qualitative or quantitative (for example through use of a metric); and
- It is stated that NatureScot is to shortly commence work to develop an adapted biodiversity metric suitable for use in supporting delivery of NPF4 Policy 3 b). The draft guidance states that further information will be provided on this work "in due course".

5.11.20 Section 4.12 of the guidance states:

"*In the meantime, the absence of a universally adopted Scottish methodology/tool should not be used to frustrate or delay decision making, and a flexible approach will be required. Wherever relevant and applicable, and as indicated above, information and evidence gathered for statutory and other assessment obligations, such as EIA, can be utilised to demonstrate those ways in which the policy tests set out in NPF4 have been met. Equally, where a developer wishes to use an established metric or tool, the planning submission*

should demonstrate how Scotland's habitats and environmental conditions have been taken into account. Where an established metric or tool has been modified, the changes made and the reasons for this should be clearly set out".

5.11.21 Section 4.14 of the guidance states that it will be for a planning authority to determine whether the relevant policy criteria have been met, taking into account the circumstances of the particular proposal. The guidance adds:

"*NPF4 does not specify how much enhancement or 'net gain' should be delivered, though biodiversity should clearly be left in a 'demonstrably better state' than without intervention. Rather, the selection and design of enhancements will be a matter of judgement based on the circumstances of the individual case, taking into account a range of considerations*."

5.11.22 The guidance makes reference to the various considerations which are already set out in the NatureScot guidance issued in the Summer of 2023 with regard to NPF4 Policy 3 (as listed above).

5.11.23 The draft guidance also makes reference to off-site delivery of enhancement proposals and states at Paragraph 4.19 that:

"*Where the relevant policy tests cannot be met on site, off-site provision may be considered alongside on site. In these circumstances, off-site delivery should be as close as possible to the development site, with consideration being given firstly to the immediate landscape context and existing ecological value of the site*."

5.11.24 In early 2024 **NatureScot consulted on 'a Biodiversity Metric for Scotland's Planning System'.** The consultation ended on 10 May 2024. The consultation paper outlines work that NatureScot has been commissioned by the Scottish Government to develop a biodiversity metric for Scotland's planning system, to support delivery of NPF4 policy 3(b).

5.11.25 This consultation paper does not propose solutions or reach conclusions on specific aspects of the Scottish biodiversity metric to be developed, as these are yet to be fully assessed. While work on developing a Scottish biodiversity metric is ongoing, NatureScot highlight here the advice set out in the Scottish Government's draft Planning Guidance on Biodiversity, as referenced above, namely that the absence of a universally adopted Scottish methodology / tool at the present time, should not be used to frustrate or delay decision making

5.11.26 The commission's final outputs will include:

- A Scottish biodiversity planning metric tool (to be hosted on the NatureScot website), which is based on current understanding of science and evidence, clear and transparent in its workings, accessible and easy to use by relevant professionals with outputs understandable by decision makers, and which informs siting and design of development as well as evidence-based decision making;
- A user guide supporting the metric (together with any supporting information); and
- Recommendations on any requirements for maintaining and updating the metric and supporting information.

5.11.27 Key issues arising include a flexible approach to the use of a Biodiversity Net Gain (BNG) metric in relation to all development proposals of any scale until such time as the Scottish Government defines its own Scottish metric to support biodiversity net gain calculations.

The application of Policy 3

5.11.28 Notwithstanding the lack of policy guidance at the present time, in terms of environmental benefit, there will be permanent biodiversity enhancement delivered as part of the Proposed Development. Whilst there is currently no formal requirement in national/local policy or

legislation to conduct BNG assessments for development in Scotland, SSEN have committed to delivering a minimum 10% biodiversity net gain on all projects.

5.11.29 A BNG Assessment has been carried out using the SSEN Transmission Biodiversity Net Gain Toolkit to quantity habitat losses and inform the Biodiversity Enhancement Strategy, to offset losses and to achieve, if off-site habitat creation is carried out, biodiversity gains. A BNG Assessment is submitted to support the Planning Application (EA Appendix C) and sets out the proposed biodiversity enhancement measures that the Proposed Development is proposing to deliver.

5.11.30 The baseline (existing) biodiversity value of the site equates to 3.32 Biodiversity Units (BU). The post-development biodiversity of the site has been calculated as 2.04 BU, which includes the enhancement of the retained woodland within the Site from Poor to Moderate condition as proposed. This equates to a -1.28 BU change in on-site biodiversity values, equivalent to a 39% net loss in area-based BU. This means that an additional 1.61 BU (49%) are required to satisfy SSEN's own BNG commitments.

5.11.31 The proposed on-Site habitat enhancement measures have been designed to be achieved within a reasonable timeframe and with reasonable certainty and are in accordance with local and national guidance. These recommended measures are considered appropriate to the nature and scale of development, given the urban nature of the Site and limited value of the baseline habitats. These enhancements have considered surrounding habitats and strengthening nature-networks, such as improving the biodiversity value of the existing woodland within the Site.

5.11.32 Woodland enhancement alone is not sufficient to achieve a biodiversity net gain at this site. Additional measures are required to achieve a +10% net gain in area-based BU, above those delivered through woodland enhancement. No other habitat creation and/or enhancement measures are available within the Site, owing to its highly constrained nature in an urban setting.

5.11.33 Off-Site habitat creation will therefore be required to achieve the required +10% gain in area-based BU. The BNG Assessment recommends the creation and/or-enhancement of habitats within the broad 'Grassland' and 'Heathland and shrub' habitat categories to compensate for the loss of these habitats within the Site, which is the main cause of the net loss. SSEN Transmission will seek to identify suitable sites within the Dundee & Angus area to ensure the project achieves a 10% net gain in a manner that is both meaningful and locationally appropriate.

5.11.34 Given the lack of significant adverse effects of the Proposed Development and the generally low biodiversity value of the site, the Proposed Development will demonstrably deliver positive effects, through the enhancement measures proposed both on and off site. The aim of these proposals for enhancement is to strengthen nature networks and the connections between them so they are in a demonstrably better state than without intervention, consistent with the provisions of Policy 3.

5.11.35 It is important to keep in mind that the greatest threat to biodiversity is Climate Change. The principal and essential benefit of the Proposed Development is a significant contribution of energy transmission and security within a modern grid network with enhanced capacity, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "Net Zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of Net Zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

5.12 NPF4 Policy 4: Natural Places

Policy 4 & Principles

5.12.1 Policy 4 Paragraphs c) and g) are not deemed relevant to the Proposed Development and are not considered further in the assessment.

5.12.2 Paragraph b) deals with European protected sites. The Firth of Tay and Eden Estuary Special Area of Conservation is located, at closest approximately 245 m south of the Proposed Development. There is no hydrological connection between the site and the SAC. Intervening land comprises industrial areas and roads. Although pathways into the waterway are unlikely, particular consideration should be given when establishing protection measures for the waterbody as part of general site environmental management. No impacts are predicted in the EA on the SAC.

5.12.3 Policy 4, Paragraph a) requires that development proposals which have an unacceptable effect on the environment will not be supported. The assessments undertaken as part of the EA have found no unacceptable effects on the environment from the Proposed Development.

5.12.4 Policy 4, Paragraph c) deals with national landscape designations and has a similar approach in relation to the former SPP in terms of how a proposal that affects a National Park or NSA should be addressed.

5.12.5 Policy 4, Part c) states that:

"Development proposals that will affect the National Park or National Scenic Area….. will only be supported where:

the objectives of designation and the overall integrity of the areas will not be compromised; or

any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance."

5.12.6 There are no national landscape interests that would be affected by the Proposed Development.

5.12.7 Policy 4, Paragraph d) deals with local landscape designations and contains a different policy approach to that which was contained within the former SPP. Policy 4 d) is as follows:

"Development proposals that affect a site designated as …a local landscape area in the LDP will only 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 significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance".

5.12.8 The policy now follows a similar construct to that which deals with national level designations. The first limb of the policy refers to significant effects on the "integrity" of the area or "the qualities for which it has been identified".

5.12.9 The policy set out in the second limb of NPF4 Policy 4, Part d) provides that development proposals that affect a site designated as a local landscape area will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:

> this is a new policy provision, reflecting the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or National Scenic Area) must be balanced against the benefits of a proposed development;

- the second limb is independent of the first ("or") and is to be applied where a decision-maker concludes that a proposed development will have significant adverse effects on the integrity of a local designation;
- NPF4, Policy 4, Part d) now expressly includes a balancing mechanism ("clearly outweighed by social, environmental or economic benefits") and sets out the threshold to be used ("of at least local importance").

5.12.10 Paragraph f) of the policy deals with protected species.

The Application of Policy 4

5.12.11 The EA Report contains an assessment of the effects of the Proposed Development and concludes that the Proposed Development can be well integrated into the context of the surrounding landscape and that the Site has the capacity to accommodate the scale and type of development proposed, without considerably effecting local landscape character and visual amenity. There are no predicted effects on SLAs or any other national or local designations.

5.12.12 The assessment concludes that with the proposed mitigation in place, including the application of the Applicant's Species Protection Plans (SPPs) there would be no significant effects on protected species.

5.12.13 The Proposed Development is considered to be in accordance with Policy 4.

5.13 NPF4 Policy 9: Brownfield, vacant and derelict land and empty buildings

Policy 9 & Principles

5.13.1 Policy 9 aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings to help reduce the need for greenfield development. *"Development is directed to the right locations, maximising the use of existing assets and minimising additional land take"*.

5.13.2 Policy 9a) states that *"Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent of temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taking into account.*

5.13.3 Policy 9c) provides further *"where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is or can be made safe and suitable for the proposed new use".*

The application of Policy 9

5.13.4 The use of a large brownfield site within an established industrial and economic development area with close proximity to the rail network, has been a critical consideration in the site selection and design of the Proposed Development. The Proposed Development seeks to decontaminate and reuse an established brownfield site, offering biodiversity enhancement as appropriate and delivering essential infrastructure for reinforcement of the transmission network and delivery of Network Rail's move to electrify and decarbonise this section of their network. The use of an urban brownfield site negates the need to develop on a new greenfield site and is consistent with the principles of Policy 9.

5.14 NPF4 Policy 12 Zero Waste

Policy 12 & Principles

5.14.1 The intent of Policy 12 is to encourage, promote and facilitate development that is consistent with the waste hierarchy. The Policy text states that Development proposals will seek to reduce, reuse or recycle materials in line with the hierarchy.

The Application of Policy 12

5.14.2 A Construction Environment Management Plan (CEMP) will be implemented during the construction period. This will include site specific and best practice construction management measures including measures to manage risks associated with construction to the environment and human health including those associated with waste. Where possible site won materials would be utilised however scope for this may be limited given the risk of contamination on site. Any materials that cannot be utilised on site will be dealt with accordingly and recycled where possible.

5.15 NPF4 Policy 14: Design, Quality and Place

Policy 14 & Principles

5.15.1 Policy 14 aims to encourage, promote and facilitate development proposals that are well-designed and which help create successful, quality places, spaces and environments which *"consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities".* Development proposals should follow a design that is mindful of the local context and characteristics.

Key parts of the policy include the following:

> Paragraph a) states that "Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale".

> Paragraph b) states that proposals "will be supported" where they are consistent with the following 6 qualities of successful places:

- "Healthy;
- Pleasant;
- Connected;
- Distinctive;
- Sustainable; and
- Adaptable."

> Paragraph c) states that *"Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported".*

5.15.2 According to this policy, it is important that a development supports the efficient use of resources that ensures climate resilience and integrating *"nature positive, biodiversity solutions."*

The application of Policy 14

5.15.3 The Proposed Development is an essential component in enabling the substantial reinforcement of the electricity transmission grid and will ensure progress towards achieving net zero and a decarbonised economy and transport network. The design and layout of the proposals are largely technically driven, however the layout has been designed to minimise visibility from the surrounding area insofar as possible.

5.15.4 The application Site is within the East Dock Street Principal Economic Development Area and lies directly to the north of Dundee Port, which is within the Stannergate Principal Economic Development Area. As such, the proposed substation would sit within a wider area that is dominated by industrial infrastructure. The Proposed Site Plan (Drawing Ref. LT491-STNG-0802-DR-0004-01-0E) illustrates that the infrastructure/ buildings would be set back from East Dock Street, thereby avoiding structures projecting closer to the road. Development has

also been directed to the southern part of the site, avoiding permanent development on the norther and higher part of the Site, closest to Broughty Ferry Road. The maximum height of the buildings/ infrastructure would be 17 m in height as proposed. When viewed in the context of the wider area, and given the extensive size of the site, the Proposed Development would not appear as an incongruous features in this location. The proposed infrastructure would not harm the townscape character and visual amenity of this part of East Dock Street or wider surrounding area.

5.15.5 The proposals would be consistent with the six qualities of successful place insofar as they are relevant to an infrastructure project of this nature and is therefore compliant with Policy 14.

5.15.6 A Design and Access Statement is included at Chapter 2 of this Planning Application.

5.16 NPF4 Policy 22 – Flood Risk and Water Management

Policy 22 & Principles

5.16.1 The intent of Policy 22 is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Paragraph C is the most relevant part of the policy which states that development proposals should not increase the risk of surface water flooding to others, or itself be at risk. In addition, all rain and surface water should be managed through Sustainable Urban Drainage Systems (SUDs).

The application of Policy 22

5.16.2 As set out above, effects on hydrology, the water environment and flood risk are an assessment criterion within NPF4 Policy 11 (Energy). Chapter 6 of the EA Report addresses hydrology matters in detail including flood risk and sustainable drainage and there are no issues arising with regard to these topics. The Proposed Development is therefore considered to be in accordance with Policy 22.

5.17 NPF4 Policy 23 Health and Safety

Policy 23 and Principles

5.17.1 The intent of Policy 23 is to protect people and places from environmental harm and mitigate risks arising from safety hazards. Part d) of the policy relates to air quality and states:

"Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality."

The Application of Policy 23

5.17.2 In preparing the site for construction there will be site clearance and demolition work. This would be undertaken in accordance with a site-specific Construction Environment Management Plan (CEMP). In addition, the Applicant's General Environmental Management Plans (GEMPs) will apply, including where necessary a Dust Management GEMP to minimise the risk of dust becoming an issue.

5.17.3 Part e) of the policy relates to noise and states, *"Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development".*

5.17.4 Potential impact in relation to noise have been considered above under Policy 11. The assessment has demonstrated that both construction and operational noise can be managed and mitigated to ensure no unacceptable effects to nearby NSRs.

5.18 NPF4 Policy 26 Business and Industry

Policy 26 & Principles

5.18.1 The intent of Policy 26 is to encourage, promote and facilitate business and industry uses. It states under Part *a) Development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.*

The Application of Policy 26

5.18.2 The Proposed Development is an essential component in enabling the substantial reinforcement of the electricity transmission grid and will ensure progress towards achieving net zero and a decarbonised economy. It supports the electrification of the Scottish rail network which will assist in driving economic growth. The application site is located within the East Dock Street Principal Economic Development Area and so can draw support from this policy.

5.19 Conclusions on NPF4 Appraisal

5.19.1 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.

5.19.2 A key point within Policy 11 (Energy) is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant positive weight in this case.

5.19.3 Significant weight is also afforded in relation to Policy 1 (Tackling the climate and nature crises). This policy direction fundamentally alters the planning balance compared to the position that was set out in in NPF3 and SPP.

5.19.4 The term "tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action.

5.19.5 The National Spatial Strategy set out in NPF4 is intended to support the delivery of three types of 'place' in Scotland: namely, Sustainable, Liveable and Productive places.

5.19.6 Eighteen National Developments are identified to support the strategy, and they are to be the "focus for delivery" (NPF4 page 4). National Development 3 (strategic renewable electricity generation and transmission infrastructure) is one of six National Developments which support the delivery of Sustainable Places.

5.19.7 Sustainable Places are primarily concerned with dealing with the climate crisis, and this issue is seen as a fundamental threat to the capacity of the natural environment to provide the services and amenities relied on, including clean air, water and food (NPF4, page 6).

5.19.8 In order to deliver Sustainable Places, NPF4 makes it clear that there must be significant progress in achieving Net Zero emissions by 2030 in order to hit the overall target of Net Zero by 2045.

5.19.9 Furthermore, it sets out that meeting the Government's climate ambition will require a rapid transformation across all sectors of the economy and society and that this means ensuring *"the right development happens in the right place"*. (Page 7)

5.19.10 Likewise, the commitment to decarbonisation of the transport sector by 2035 requires urgent attention and the Proposed Development can deliver a critical element of the progress to electrifying the Scottish rail network.

5.19.11 The importance of applying NPF4 and its aims and objective holistically and as a whole is demonstrated within the recent Creag Dhubh to Dalmally 275 kV Section 37 decision which recognised that conflict with some areas of policy can arise (in that case Policy 6 (Ancient

Woodland loss) and Policy 14 to lesser degree due to localised amenity harm). In applying NPF4 as a whole there was recognition of the wider benefits and accordance with policy. The Ministers' stated:

"However, it would satisfy the requirements of all other development plan policies and would benefit from being a national development in NPF4 and from the support that is given within NPF4 to developments that contribute to renewable energy generation and greenhouse gas emissions reduction. Therefore, the Scottish Ministers conclude that the Development is, overall, in accordance with and supported by NPF4".

5.19.12 In a development management context, this is to be achieved by the application of NPF4 policies which are to be read as a whole. The policy appraisal contained in this Statement has demonstrated that the Proposed Development would accord with NPF4 when it is read as a whole, and as a consequence, the proposal is considered to be the right one in the right location and one which will contribute to Scotland being a Sustainable Place.

6. Appraisal against the Local Development Plan

6.1 Introduction

6.1.1 The relevant statutory Local Development Plan (LDP) covering the Site comprises the Adopted Dundee Local Development Plan (DLDP) (2019).

6.1.2 The DLDP was adopted in February 2019 and sets out the land use strategy that will guide development across Dundee up to 2029 and beyond. The DLDP is supported by Supplementary Guidance and an Action Programme.

6.1.3 The Site is a brownfield industrial site located within an area designated under Policy 3 "Principal Economic Development Areas". Dundee has a number of long established and well located Principal Economic Development Areas that are strategically located and continue to function for their intended purposes. A nearby brownfield site is currently being cleared to enable the development of The Dundee Eden Project. The remaining area is predominantly industrial in nature and intrinsically linked to the dockyard and energy and transport / rail uses, synonymous with this area of Dundee.

6.1.4 There is local policy support for the Proposed Development given its location within this Principal Economic Development Area, where proposals for Class 4 "Business", Class 5 "General Industry" and Class 6 "Storage and Distribution" uses will be supported. The proposal is for an energy transmission, which falls under the industrial use classes supported in these locations.

6.2 Relevant LDP Policies

6.2.1 The DLDP policies of relevance are summarised below in **Table 5.1** with brief comment added with regard to how the policies relate to the policies of NPF4, where relevant:

Table 5.1: Policy Summaries

Policy	Topic	Policy Summary	Position against the NPF4
Policy 1	High Quality Design and Placemaking	Policy 1 states that all development proposals should adopt a design-led approach to create sustainable, high-quality places. They should enhance the surrounding environment, consider climate change, and respect the local character. Developments should foster community, improve connectivity, and use creative urban design and green infrastructure suited to the local context and scale.	Policy 11, 'Energy', is a policy of encouragement and facilitation for all forms of renewable energy development including transmission infrastructure, subject to assessment against various criteria. NPF4 Policy 14 'Design, quality and place' states that development proposals should be designed to improve the quality of an area and be consistent with the six qualities of

Policy	Topic	Policy Summary	Position against the NPF4
			successful places i.e., healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policy 18, 'Infrastructure first', encourages, promotes and facilitates an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. The policy also aims to meet the needs of the community through infrastructure. No conflicts or contradictions with the NPF4 have been identified.
Policy 2	Public Art Contribution	This policy requires that all developments in Dundee with construction costs of £1 million or over will be required to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development.	Policy 31 'Culture and creativity' requires that development proposals that involve a significant change to existing, or the creation of new, public open spaces will make provision for public art. There is a conflict between policy 2 of the LDP and policy 31 of NPF4 whereby NPF4 relates only to proposals that involve new or existing public spaces. Given the conflict here, NPF4 Policy 31 would prevail in this instance. Notwithstanding, the Applicant is committed to work with the Council to identify and agree a suitable solution that balances

Policy	Topic	Policy Summary	Position against the NPF4
			the security and operations requirements of the site with the objectives of the policy.
Policy 3	Principal Economic Development Areas	This policy states that, "*Principal Economic Development Areas are of City-wide significance and as such will be safeguarded for Class 4 'Business', Class 5 'General Industry' and Class 6 'Storage and Distribution'. Uses other than these will be resisted.* *Any development at the Port of Dundee Principal Economic Development Area should not have an adverse effect, either alone or in combination with other proposals or projects, on the integrity of any Natura Site."*	Policy 18, 'Infrastructure first', supports development proposals which provide infrastructure in line with that identified as necessary in LDPs. Policy 26, 'Business and Industry' states that, "*Development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported*…" No conflicts or contradictions with NPF4.
Policy 36	Flood Risk Management	Policy 36 states that, a flood risk assessment will be required for any development within the medium to high-risk category and may be required at the upper end of the probability range (Areas with a 1 in 1000 to 1 in 200 year annual probability of flooding) or where the nature of the development or local circumstances indicates heightened risk.	Policy 22, 'Flood Risk and Water Management', aims to strengthen avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Development proposals at risk of flooding or in a flood risk area will only be supported if they are for essential infrastructure where the location is required for operational reasons. Policy 22 also states that "*Developments will not increase the risk of flooding to others or itself*." No conflicts or contradictions with NPF4
Policy 37	Sustainable Drainage Systems	This Policy states that surface water discharge from new developments	NPF4 Policy 22 'Flood Risk and Water Management' states

Policy	Topic	Policy Summary	Position against the NPF4
		must be managed using Sustainable Drainage Systems (SuDS). SuDS should be designed to ensure that during a 1:200 year rainstorm event, including allowances for climate change and future urban expansion, the water level remains at least 600mm below finished floor levels.	that development proposals should *"manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer"* No conflicts or contradictions with NPF4
Policy 39	Environmental Protection	This Policy states that, any new development or expansion that produces noise, vibration, odour, air emissions, dust, or light pollution must prove it can be managed without causing significant disturbance to the surrounding area.	Policy 11 'Energy', seeks to ensure impacts on communities and individual dwellings are taken into account, including residential amenity, visual amenity, noise and shadow flicker. No conflicts or contradictions with the NPF4
Policy 41	Land Contamination	This Policy states that development on potentially contaminated land is permissible if a site investigation confirms the contamination's nature and extent, and the Council approves the remediation measures, ensuring the land is safe and suitable for its intended use.	Policy 9 'Brownfield, vacant and derelict land and empty buildings' amongst other things state that, *"where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use".* No conflicts or contradictions with the NPF4.
Policy 45	Energy Generating Facilities	This Policy states that, "*Major energy generating facilities, not ancillary to wider development*	Policy 11 'Energy' states renewable energy developments (including grid

Policy	Topic	Policy Summary	Position against the NPF4
		proposals, will be directed to the Principal or General Economic Development Areas… *Development may be acceptable where:* *1) the Council is satisfied that there will be no significant negative effects in terms of their scale, design, location, emissions, landscape setting, storage requirements, and cumulative impact, odour or noise; and* *2) levels of pollutants have been minimised through the use of best available technology, including abatement technology."*	transmission infrastructure) will generally be considered to be acceptable where any significant landscape and visual impacts are localised, and where appropriate design mitigation has been incorporated. Furthermore, Policy 11 also places significant weight on the contribution of the proposal to renewable energy generation targets, which also encompasses associated grid transmission infrastructure. **There is therefore a partial conflict between Policy 45 and Policy 11, whereby the NPF4 sets a lower compliance threshold for renewable energy developments and grid transmission infrastructure that would result in localised landscape and visual impacts. Policy 11 also directs the decision maker to afford significant weight to the contribution a given development would make to targets.**
Policy 49	Listed Buildings	The Policy 49 (c) states that, *"Affecting the Setting of Listed Buildings - Development proposals in close proximity to or within the curtilage of a listed building, should have regard to the preservation or enhancement of the setting of the listed building."*	Policy 7, 'Historic assets and places', states that development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

Policy	Topic	Policy Summary	Position against the NPF4
			Development proposals with a potentially significant impact ion historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset or place. No conflicts or contradictions with NPF4.

6.3 Planning Guidance

6.3.1 The following statutory Supplementary Guidance documents have been published by DLDP and are relevant to the Proposed Development:

- Low and Zero Carbon Technology in new development supplementary guidance;
- Air Quality and Land Use Planning Supplementary Guidance; and
- Developer Contributions Supplementary Guidance.

6.4 Conclusions on the LDP

6.4.1 The relevant development management considerations have been addressed above (Chapter 5) in the context of NPF4 Policy 11 and are not repeated with reference to the DLDP.

6.4.2 Policy 45 of the DLDP sets out the provisions for 'Energy Generating Facilities' and promotes the use of designated Economic Development areas as appropriate locations for their establishment. An assessment of potential effects has been provided and is assessed in full again NPF4 Policy 11 which takes precedence in light of the age of the DLDP. There is an area of conflict between Policy 45 and Policy 11 whereby the thresholds for acceptability of effects are set higher within DLDP. In this regards NPF4 should be taken as the lead assessment policy whereby localised effects i from grid transmission infrastructure are recognised as acceptable within the overall balance of assessments and in light of the overall benefit arising from the delivery of the Proposed Development.

6.4.3 It is considered that the effects arising from the Proposed Development would not be unacceptable in terms DLDP policies. Moreover, through considering the other relevant policies it is considered that the Proposed Development accords with the DLDP when it is read as whole. There is specific policy support for the type of development proposed within a Principle Economic Development Area, where the Site is located.

6.4.4 Insofar as there are other relevant policies within the DLDP, they are considered to be generally consistent with those of NPF4, with the exception of Policy 2, and given the appraisal set out above in Chapter 5 in relation to the various environmental and technical topics of relevance to the proposal, there would be no conflict with their terms.

7. Conclusions

7.1 The Climate Crisis & Renewable Energy Policy Framework

7.1.1 The nationally important benefits of the Proposed Development have been set out in the context of the current Climate Emergency – the Proposed Development would help address the issue of global heating and very challenging 'Net Zero' targets and contribute to improving security of supply.

7.2 The Planning Balance

7.2.1 In NPF4 there is a clear recognition that Climate Change must become a primary guiding principle for all plans and decisions. Significant weight is to be given to the Climate Emergency and the contribution of individual developments to tackling Climate Change.

7.2.2 NPF4 came into force on 13th February 2023 and provides up to date statements of Scottish Government policy, directly applicable to determination of this application. This should be afforded very considerable weight in decision-making.

7.2.3 NPF4 is unambiguous as regards the policy imperative to combat Climate Change, the crucial role of facilitating further renewable energy production and transmission and the scale and urgency of renewables deployment required. As described in this Planning Statement:

> The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are "*at the heart of our vision for a future Scotland*" so that "*the decisions we make today will be in the long-term interest of our country*"[11]. The policy position, and the priority afforded to combatting the Climate Emergency, is different to that which was set out in NPF3 and SPP;

> NPF4 Policy 1 (Tackling the climate and nature crises) directs decision-makers to give significant weight to the global Climate Emergency in all decisions. This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to Climate Change. The matter of weight is no longer left entirely to the discretion of the decision maker; and

> NPF4 is clear that grid transmission infrastructure plays a crucial role in combatting Climate Change, transitioning to a Net Zero Scotland and ensuring security of energy supply. NPF4 Policy 11 (Energy) strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including transmission infrastructure.

7.2.4 This change in policy is also seen in the designation of transmission infrastructure applications as National Developments. National Developments are significant developments of national importance that will help to deliver the spatial strategy, as the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains.

7.2.5 Scottish Ministers have reinforced the position set within Policy with their recent decision on Creag Dhubh to Dalmally 275 kV OHL project stating (paragraph 87) that *"Scotland faces a real challenge in building an electricity grid which will allow Scotland to harvest and export its vast resources of clean energy. The Scottish Ministers recognise that to achieve the dual aims of maintaining a resilient electricity network for businesses and consumers and enabling renewable ambitions to be realised, the need for grid reinforcement is greater than ever…"*

7.2.6 Further paragraph 88 of the same decision states "*Scotland's energy policies and planning policies are all material considerations when weighing up the proposed Development. NPF4 makes it clear that low carbon energy deployment, maintaining security of electricity supply,*

[11] NPF4, page 2.

and electricity system resilience remain a priority of the Scottish Government. These are matters which should be afforded significant weight in favour of the Proposed Development..”

7.2.7 The Proposed Development does not give rise to any policy conflicts with the polices of the Development Plan. The Proposed Development has been designed with embedded mitigation to ensure a satisfactory relationship with the receiving environment and to protect residents and communities from undue impact. Where potential effects arise, appropriate mitigation measures are proposed such that no residual effects would arise.

7.2.8 The Proposed Development is considered to be in accordance with policy and delivers essential nationally important infrastructure improvements and the delivery of decarbonisation of the rail network to meet key objectives of the Scottish Energy Strategy with a target of 50% reduction in carbon emissions by 2030, whilst ensuring biodiversity enhancement and local socio-economic benefits where possible. The Proposed Development will contribute to Net Zero and in doing so addresses both the global climate and nature crises.

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