

Email to:
scotplan@gov.scot
25 March 2022

Dear Ms Simpson,

Response to the Scotland 2045: Draft National Planning Framework 4 (NPF4) Consultation

Scottish Renewables is the voice of Scotland's renewable energy industry, working to grow the sector and sustain its position at the forefront of the global clean energy transition. We represent around 290 organisations across the full range of renewable energy technologies in Scotland and around the world, ranging from energy suppliers, operators and manufacturers to small developers, installers, and community groups, as well as companies throughout the supply chain.

Scottish Renewables welcomes the opportunity to provide our view to The Scottish Government's Planning Policy Team into the consultation on NPF4.

In responding to this consultation, we highlight that our response and our proposed changes to the text of the draft NPF4 are based on years of experience in Public Local Inquiries (PLIs). Planning PLIs are relatively rare, and the vast majority relate to wind farms which has provided a detailed understanding of how policy is used at Inquiry.

In responding to this consultation, we would like to draw your attention to the following key points:

- We welcome The Scottish Government's commitment that *"To achieve a net zero, nature-positive Scotland, we must rebalance our planning system so that climate change and nature recovery are the primary guiding principles for all our plans and all our decisions."*
- The proposed draft NPF4 falls short of these ambitions as there is no clear guidance on how the planning balance should change to ensure addressing climate change and supporting nature recovery are the primary guiding principles in all plans and all decisions.
- The NPF4 Position Statement stated the need for NPF4 to make "some significant choices" to meet Scotland's ambitious climate change obligations. However, as drafted, NPF4 presents as a series of individual policy priorities with little or no direction as to how these interact with one another, how they should be considered in parallel or how any tension between any competing policy aims is to be resolved.
- Within the text there is no indication of, nor guidance on, a hierarchy of priorities that places addressing climate change and nature recovery as the primary principles. Throughout the document, there is also persistent ambiguity that leaves the prioritisation of different priorities open to interpretation. This ambiguity and lack of clarity around prioritisation is likely to result in inconsistent decision making and fundamentally undermines the ambition for NPF4 to create a planning system that supports our legally binding target of reaching net-zero by 2045 and the binding interim targets for 2030 and 2040.
- We welcome the numerous assertions within the draft NPF4 of the need to expand renewable energy generation as a key part of achieving net-zero. However, the proposed draft NPF4 does not support an expansion of renewable energy.

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- The Scottish Government is recently consulted on their proposed update to the Onshore Wind Policy Statement. This consultation seeks views on an additional 8-12GW of onshore wind to be installed by 2030. 12GW is in line with the deployment levels indicated by the Climate Change Committee's 6th Carbon Budgets and would support the achievement of The Scottish Government's statutory binding 2045 net-zero target and the binding interim targets for 2030 and 2040.
- The Onshore Wind Policy Statement and NPF4 are intrinsically interlinked but appear to have been drafted in isolation. The NPF4 should be an enabling tool for facilitating, not controlling, the ambitions set by the Energy and Climate Change Directorate within The Scottish Government, but in its current form, it fails to give decision-makers the clear direction needed to achieve these ambitions.
- The Scottish Government is currently consulting on Local Development Planning (LDP) – Regulations and Guidance. The Regulations and Guidance include a requirement for LDPs to 'take into account' the NPF but provide no further direction in this regard. This is vague and open to wide interpretation and therefore must be strengthened through additional regulatory provisions and guidance that clarify how LDPs are expected to implement and respond to NPF policies.
- The text regarding renewable energy is disjointed and at times contradictory with many of the changes proposed actively undermining the renewables consenting process. Combined, these will create confusion and uncertainty in local policy and decision making and as a result, will not deliver the transformational change required to meet the overarching objectives of the NPF.
- The drafting of other policies, particularly Policies 28 and 32-34, include significant departures from the current Scottish Planning Policy. This raises a concern that there may have been drafting errors and this should be reviewed.
- While SR is fully supportive of the principles set out in the draft NPF4, significant redrafting of the text is needed to ensure NPF4 brings the consistency, certainty and speed of decision making needed in our planning system to respond to the climate change and nature recovery agendas.
- To assist in this redrafting process, we have included our recommendations on redrafting as an appendix to this response.

Scottish Renewables would be keen to engage further with this agenda and would be happy to discuss our response in more detail.

Yours sincerely,



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RESPONSE TO CONSULTATION QUESTIONS

Part 1 – A National Spatial Strategy for Scotland 2045:

- 1. Sustainable places. Our future net zero places will be more resilient to the impacts of climate change and support recovery of our natural environment. Do you agree that this approach will deliver our future net zero places which will be more resilient to the impacts of climate change and support recovery of our natural environment?**

SR **broadly agrees** with this approach as one that will deliver our future net-zero places, build resilience to climate change, and support the recovery of our natural environment. However, there is a fundamental omission within this priority as it only focuses on how places will build their resilience to the impacts of climate change. It does not include the role places will need to play in addressing the climate emergency by proactively reducing emissions to meet the statutory binding 2045 net-zero target and the binding interim targets for 2030 and 2040. If the ambition of this priority is to be realised, it should be amended to:

Our future net zero places will *support the achievement of our emission reductions targets*, be more resilient to the impacts of climate change and support recovery of our natural environment.

SR welcomes that 'sustainable places' is one of the four overarching spatial principles of the national spatial strategy for Scotland. We also welcome The Scottish Government's commitment to expanding renewable energy generation as a key component of creating sustainable places.

However, the proposed draft NPF4 falls short of these ambitions as there is no clear guidance on how the planning balance should change to ensure addressing climate change and supporting nature recovery are the primary guiding principles in all plans and all decisions.

While the numerous assertions within the draft NPF4 of the need to expand renewable energy generation as a key part of achieving net-zero are welcome, the proposed draft NPF4 does not support an expansion of renewable energy.

While SR supports the overarching principle of 'sustainable places', the draft NPF4 will not deliver our net-zero obligations without significant redrafting of the detailed policies to aid decisions-makers, remove contradictions and uncertainty and deliver the real change required to meet the aims of the NPF.

- 2. Liveable places. Our future places, homes and neighbourhoods will be better, healthier and more vibrant places to live. Do you agree that this approach will deliver our future places, homes and neighbourhoods which will be better, healthier and more vibrant places to live?**

SR **broadly agrees** with what is included in this approach however net-zero is not mentioned anywhere within this section and liveable places by their very nature should be shaped by net-zero.

Climate change disproportionately impacts impoverished, excluded and minority communities and has significant negative impacts on health. A permanent shift away from fossil fuel-based heating and transport technologies to low carbon, renewables-powered technologies improves air quality and reduces fuel poverty. None of this is acknowledged in this section.

As currently written, the 'liveable places' section treats the wellbeing of humans and nature as being separate from our collective action on climate change when they are unquestionably intrinsically entwined.

We recommend that this priority should be amended to incorporate net-zero and include a commitment to provide the infrastructure required to deliver more sustainable ways of heating our homes and decarbonising transport.

3. Productive places. Our future places will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing. Do you agree that this approach will deliver our future places which will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing?

SR **broadly agrees** with this approach. While this priority acknowledges that the way we work is changing, it does not acknowledge that the way we power our society is also changing.

In addition to requiring that the NPF4 needs “to be flexible to facilitate future business and employment that benefits communities and improves places”, flexibility is also needed to facilitate further deployment of renewable energy generation.

Delivering and deploying the new renewable energy capacity needed by 2030 should be an explicit purpose of NPF4. This should relate to the UK Climate Change Committee advice as well as expected and required levels of deployment for the most readily deployed and cheapest forms of energy particularly solar and onshore wind. Making such a commitment will attract new investment, stimulate entrepreneurship and build business confidence to invest in people and the supply chain.

The target of 12GW of additional onshore wind by 2030 will create 17,000 jobs and add £27.8bn GVA to our economy.¹ Community benefit and shared ownership opportunities created by these projects enable communities to invest in their own economic, social and environmental wellbeing.

Offshore wind will become the backbone of our net-zero energy system by 2045. While NPF4 is predominantly focused on onshore matters, it is important that NPF4 is also strategically aligned with offshore policy development, such as the upcoming review of the National Marine Plan and the evolution of the relevant Sectoral Marine Plans.

Scottish ports around our coastline stand to benefit from the significant expansion of offshore wind and will be an area of renewed industrial activity and job creation opportunities in the years ahead.

The Scottish Offshore Wind Energy Council (SOWEC) has produced a range of reports over the last year exploring how to maximise the socio-economic benefits of offshore wind deployment in Scotland. Key recommendations, such as the establishment of a Scottish Floating Offshore Wind Port Cluster, should be recognised within the NPF4.

As this priority acknowledges, a key component of creating productive places is attracting inward investment. Such investment is also essential for delivering the significant

¹ https://cdn.ymaws.com/www.renewableuk.com/resource/resmgr/media/onshore_wind_prospectus_fina.pdf

infrastructure required to meet our net-zero obligations, especially the key emissions reductions set for 2030.

Currently, there are multiple contradictions within the draft NPF4 that undermine investor confidence. It is essential that these contradictions are addressed to ensure the NPF4 provides clear and unambiguous priorities for investment in low carbon infrastructure. Recommendations on how this can be addressed are made later in this response.

With regard to infrastructure investment, we welcome the inclusion of 'Strategic Renewable Electricity Generation and Transmission Infrastructure' as a National Development. It will be essential for the onshore grid capacity upgrades required to deliver our onshore wind ambition of 12GW, our offshore wind ambition of 11GW and our solar PV ambition of 4-6GW by 2030² plus 5GW of hydrogen to be given the highest possible priority as enabling development for net-zero.

We also welcome the inclusion of 'Pumped Hydro Storage' as a National Development. The deployment of further long-duration energy storage such as pumped storage hydro is essential for balancing a renewables-dominated electricity grid and will bring considerable benefits to the consumer by lowering grid costs and reducing volatility in energy prices.

4. Distinctive places. Our future places will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient. Do you agree that this approach will deliver our future places which will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient?

SR **broadly agrees** with this approach; however, it is predominantly focused on urban areas. The current urban focus risks creating a 'one size fits all' approach to planning which ignores the infrastructure required to deliver transitional change in rural areas.

Net-zero is not mentioned anywhere within this section. Achieving net-zero will bring about varying degrees of change and it is important that these changes are acknowledged as contributing to the distinctiveness of places.

Renewable energy developments such as Whitelee Windfarm demonstrate how energy generation, energy storage, biodiversity enhancement, outdoor recreation and education can be combined to create a distinctive, safe, pleasant, easy to move around, welcoming, nature-positive and resource-efficient place.

Renewable energy developments have also been delivering peatland restoration and biodiversity management for many years. Their access tracks also provide access to green spaces.

NPF4 provides the opportunity to create a framework that unlocks all these benefits, but this is not reflected in the current text. Significant redrafting of the detailed policies is needed to ensure we move away from the mindset of either/or with regard to the benefits planning seeks to deliver and moves to a mindset focused on delivering multiple benefits on a single site.

5. Distinctive places. Our future places will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient. Do you agree that

² <https://solarenergyuk.org/resource/scotlands-fair-share-solars-role-in-achieving-net-zero-in-scotland/>

the spatial strategy will deliver future places that overall are sustainable, liveable, productive and distinctive?

SR **does not agree** that the spatial strategy will deliver future places that overall are sustainable, liveable, productive, and distinctive.

SR supports the overarching ambition of the spatial strategy which states:

“We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, build a wellbeing economy and create great places.”

However, we are concerned about the lack of clarity within the text as to how the different elements should be treated in the planning balance. The overarching headings of sustainable places, liveable places, productive places, and distinctive places are disconnected from the spatial principles for Scotland 2045 and the relationship between them is not clear.

Part 3 – National Planning Policy states:

“To achieve a net zero, nature-positive Scotland, we must rebalance our planning system so that climate change and nature recovery are the primary guiding principles for all our plans and all our decisions.”

But this statement is not reflected anywhere in the opening sections of the document. Given that Scotland also has a legally binding target of reaching net-zero by 2045 and binding interim targets for 2030 and 2040, it is deeply concerning that this is not unequivocally stated anywhere in the spatial principles for Scotland 2045.

We recommend that an overarching principle be added at the start of this section. This overarching principle should state that by 2045 Scotland will be a net-zero nation. This will be achieved in a way that is fair and ensures a better future for everyone by creating sustainable, liveable, productive and distinctive places. It should also state that achieving net-zero will encompass an energy transition where the infrastructure that supports the generation of renewable and low carbon electricity and supports the decarbonisation of heat, transport and industry become a key part of the fabric of our society.

6. Spatial principles. Do you agree that these spatial principles will enable the right choices to be made about where development should be located?

SR **does not agree** that these spatial principles will enable the right choices to be made about where development should be located.

The principles are so broad that it is unclear how they will deliver tangible results through the planning system. They are also disconnected from the policies set out in Part 3 – National Planning Policy, and we are unclear on what role they are expected to play.

The principles are almost entirely focused on domestic and non-domestic buildings and the transport infrastructure around them. As such, the proposed spatial principles represent a limited view of planning which does not acknowledge the need for infrastructure to meet population needs and address environmental challenges, such as responding to the climate emergency, up to and beyond 2045.

There is no acknowledgement of the key infrastructure that will be needed to achieve the energy transition net-zero requires such as renewable energy generation, energy storage and grid reinforcements.

Consistent with adopting an Infrastructure First approach in line with the recommendations of the Infrastructure Commission for Scotland, infrastructure requirements should not be detached from spatial planning or only addressed through specific policies, but rather should underpin the development of spatial strategies and be integrated with planning decisions.

Action areas for Scotland 2045

7. Spatial Strategy Action Areas. Do you agree that these spatial strategy action areas provide a strong basis to take forward regional priority actions?

SR **does not agree** that the spatial strategy action areas provide a strong basis to take forward regional priority actions.

We question the purpose of this section of NPF4 as it is unclear what these Action Areas are expected to achieve over and above what Local and Regional Development Plans supported by good development management policies in NPF4 are intended to achieve.

The statements in this and the subsequent sections are so high level, it is unclear what role they are expected to play in the planning system. The statements are also of little value unless there are projects in development that will deliver them. If there are firm project proposals, then these statements are unnecessary.

If the Action Areas are to deliver, they need to set out much clearer expectations, needs, opportunities and challenges for each region which can be addressed through planning decisions.

Also, as drafted, the suite of Action Areas identifies regional issues but does not prioritise an Infrastructure First approach to spatial development in accordance with Policy 8.

8. North and west coastal innovation. Do you agree with this summary of challenges and opportunities for this action area?

No comment.

9. North and west coastal innovation. What are your views on these strategic actions for this action area?

No comment.

10. Northern revitalisation. Do you agree with this summary of challenges and opportunities for this action area?

SR **does not agree** with the summary of challenges and opportunities for Northern revitalisation.

No reference is made to the ScotWind leasing round run by Crown Estate Scotland which will catalyse a significant increase in offshore wind deployment in the northern North Sea with the grant of leases totalling ~25GW. There is also no reference to the 4.5GW of offshore renewables in the recently announced Innovation and Targeted Oil and Gas Decarbonisation (INTOG) leasing round. All of which will be constructed off the north and east coasts of Scotland. This will likely become Scotland's largest series of infrastructure projects in the next decade, and we are concerned by their omission.

The Cromarty Firth has been highlighted by the Scottish Offshore Wind Energy Council (SOWEC) as the most logical location for an offshore wind hub. On Friday, December 3, 2021, the First Minister announced plans for a wind tower manufacturing facility at Nigg Energy Park. Despite this, Invergordon, Nigg and the associated job opportunities this 50–70-year pipeline of work will create are not mentioned in the document.

11. Northern revitalisation. What are your views on these strategic actions for this action area?

SR highlights that only offshore wind, repowering, and extensions are mentioned with no reference given to new onshore wind projects crucial for delivering the 12GW by 2030 target.

12. North east transition. Do you agree with this summary of challenges and opportunities for this action area?

No comment.

13. North east transition. What are your views on these strategic actions for this action area?

SR highlights that only hydrogen and offshore wind are mentioned in this section with no reference given to the new, repowered or extended onshore wind projects crucial for delivering the 12GW by 2030 target.

14. Central urban transformation. Do you agree with this summary of challenges and opportunities for this action area?

No comment.

15. Central urban transformation. What are your views on these strategic actions for this action area?

SR highlights that there is no mention of renewable energy generation, heating or transportation at all in this section. The draft NPF4 is missing key opportunities for domestic renewables here and elsewhere in the document.

16. Southern sustainability. Do you agree with this summary of challenges and opportunities for this action area?

Considering the impact of Eskdalemuir Seismic Array on renewable energy development in this area, it should be included in the consideration of sustainable development in the South of Scotland. Given the significant work The Scottish Government has put into the issues around Eskdalemuir, its omission from this section is concerning.

17. Southern sustainability. What are your views on these strategic actions for this action area?

SR highlights that renewable energy outside of Chapelcross is not mentioned in this section of the document.

18. National Spatial Strategy. What are your overall views on this proposed national spatial strategy?

It is our view that the proposed national spatial strategy serves little purpose. It is a collection of disjointed, high-level aspirations with no clear indication of the role its contents should play in the planning system.

It is our view that planners will be much better served by a robust suite of Local and Regional Development Plans supported by good development management policies in NPF4.

Part 2 - National Developments

19. Do you think that any of the classes of development described in the statements of need should be changed or additional classes added in order to deliver the national development described?

SR welcomes the inclusion of Strategic Renewable Electricity Generation and Transmission Infrastructure as National Development 12 as recognition of the key importance of renewable energy to achieving our legally binding target of reaching net-zero by 2045 and the binding interim targets for 2030 and 2040.

While inclusion is welcome as recognition of the importance of such development, we question how this status will contribute in practical terms to achieving the levels of deployment net-zero requires as Part 3 – National Planning Policy contains no guidance on how planners should treat National Development status in the planning balance.

It would be reasonable to assume that National Development status confers a presumption in favour of consent, but development practice indicates that the designation as a National Development provides negligible benefits within the planning system. The fact that several national developments from NPF3 have been rolled forward into NPF4 is further evidence that it does not work as a planning mechanism.

Generating stations in excess of 50MW are subject to the Electricity Act 1989 regime and the determination of such applications is not governed by the Town and Country Planning (Scotland) Act 1997 (TCPA) and its provisions regarding National Developments.

If National Development status for Strategic Renewable Electricity Generation and Transmission Infrastructure is to have any meaningful impact, clear guidance on the implications of National Development status in the determination of consent applications is needed. We have provided recommended amendments to the draft NPF4 in particular paragraph l) of Policy 19 to provide this clarity.

The levels of renewable energy deployment needed to achieve net-zero are substantial and all renewable energy deployment that can be brought forward will be needed. We are deeply concerned that with National Development 12 only applying to projects of 50MW or greater³, projects below this threshold could, inaccurately, be viewed as unimportant and unnecessary.

Likewise, with National Development 12 only applying to grid infrastructure of 132kV or greater, projects below this threshold could also inaccurately be viewed as unimportant and unnecessary. Such a view ignores the complexity of our grid infrastructure particularly with regard to how electricity from offshore wind farms is brought onshore.

It is essential that Part 3 – National Planning Policy contains clear guidance to planners that ensures they do not place diminished importance on <50MW and <132kV projects and infrastructure. We have included text to this effect in our document setting out our recommended redrafts to the NPF4 text that accompanies this response.

³ The Electricity Act 1989 regime applies to schemes with a capacity *exceeding* 50MW. If the intention is to align National Development status with schemes that fall within the Electricity Act regime, then the wording needs to be changed from “50MW or more” to “in excess of 50MW”.

SR also welcomes the inclusion of Pumped Hydro Storage as National Development 9 as recognition of the key importance of long-duration storage in a renewables-dominated, net-zero electricity grid.

However, it is unhelpful that this National Development singles out and prioritises Cruachan as this pre-judges the delivery timelines for other Pumped Storage Hydro schemes.

20. Is the level of information in the statements of need enough for communities, applicants and planning authorities to clearly decide when a proposal should be handled as a national development?

No. The information provided does not provide a meaningful statement of need that can usefully be used within the planning process. The implications of the statement of need are so high level, they provide no clear guidance to communities, applicants, and planning authorities as to how a proposal should be handled. We have provided recommended amendments to the draft NPF4 in particular paragraph I) of Policy 19 to provide this clarity.

21. Do you think there are other developments, not already considered in supporting documents, that should be considered for national development status?

Yes. As stated in our answer to Q10, the Cromarty Firth is expected to become a key location for the development of Scotland's offshore wind industry and has been highlighted by both industry and The Scottish Government as the most logical location for an offshore wind hub.

It is also the location of a green hydrogen hub and plans are in place to have the largest electrolyser in the UK in production by 2024.

Considering its significance to our energy transition, the Cromarty Firth should have National Development status. However, we would reiterate our point from Q19 that unless the classification of National Development is given an enhanced status in decision making and recognised in the planning balance over matters which are local in nature then we see little benefit in this designation.

Part 3 – National Planning Policy

22. Sustainable Places. We want our places to help us tackle the climate and nature crises and ensure Scotland adapts to thrive within the planet’s sustainable limits. Do you agree that addressing climate change and nature recovery should be the primary guiding principles for all our plans and planning decisions?

SR **agrees** that climate change and nature recovery should be the primary guiding principles for all plans and decisions within the planning system. However, this is not reflected in the text of the draft NPF4.

Climate change and nature recovery as the primary guiding principles for all plans and decisions should be the ‘golden thread’ running through the entire NPF4. In practice, this should mean a fundamental rebalancing of the planning system and planning policy towards net-zero and nature crisis objectives in the determination of all relevant applications, both in terms of the planning balance and the timing of decisions. But that rebalance is not evident in the current draft.

If the phrase ‘primary guiding principles for all plans and decisions’ is to have a meaningful impact, The Scottish Government must also direct all decision-makers, including themselves, to radically reform their approach to the planning balance.

A change of approach not seen since the 1940s Planning Acts is required, and quickly, if the word emergency is to have any meaning. We cannot have a repeat of the current situation where the presumption in favour of sustainable development in the SPP is continually challenged and/or overlooked in local policy and decision making. Should the current application of the presumption in favour of sustainable development continue, achieving net-zero and renewable energy targets will not be possible.

23. Policy 1: Plan-led approach to sustainable development. Do you agree with this policy approach?

SR **broadly agrees** with the principle of the plan-led approach to sustainable development but has reservations with how this is articulated in Policy 1. Planning should be broadly consistent at national and local levels and local plans must take account of and should properly reflect and be delivery mechanisms for The Scottish Government’s energy policy and the key role renewable energy plays in achieving our legally binding target of reaching net-zero by 2045 and the binding interim targets for 2030 and 2040.

We highlight the need for Policy 1 to be made much more explicit, with commitments related to the declared climate emergency and net-zero in particular specified. At present this policy is too conceptual, will be interpreted in different ways by different people and is advisory rather than mandatory (“should seek” rather than “must”).

It will not deliver the radical change that NPF4 is intended to deliver. Policy 1 is more ambiguous and provides weaker support than the existing presumption in favour of development contributing to sustainable development contained in SPP2014 which it will replace. This is a concern and a retrograde step given that the presumption was only recently clarified by the Court of Session after years of differing interpretations.

There is already evidence in the form of responses to NPF4 in appeals and Public Local Inquiries that Local Planning Authorities see NPF4 as supporting the status quo and not the radical change envisaged by The Scottish Government. There are examples of Local Planning Authorities commenting that no detail is provided on what is meant by ‘rebalancing’ and how this will work in practice, leaving this open to interpretation and that there is nothing

that indicates any change in approach to planning decisions. The fact that Local Planning Authorities see NPF4 as 'business as usual' demonstrates that the draft policy framework is not sufficient.

24. Policy 2: Climate emergency. Do you agree that this policy will ensure the planning system takes account of the need to address the climate emergency?

SR welcomes and supports Policy 2 and its assertion that "When considering all development proposals significant weight should be given to the Global Climate Emergency."

Whilst the statement is clear, there is no guidance anywhere in Part 3 – National Planning Policy setting out how planners should achieve this in the planning balance. It is essential that clarity is provided on what "significant weight should be given to the Global Climate Emergency" means in practice.

Policy 2 is too heavily focused on avoiding adverse emissions impacts at the expense of setting out positive criteria to prioritise the types of development needed to achieve our legally binding target of reaching net-zero by 2045 and the binding interim targets for 2030 and 2040. For example, the requirement only for the contribution (whether adverse or beneficial) of development to emissions reduction to be "taken into account" is weak and likely to lead to inconsistent application.

It is unclear how this policy is intended to relate to the application and interpretation of Policy 19: Green Energy. Clarity is needed on the relationship between Policy 2 and Policy 19.

Due to the significant redrafting required to ensure Policy 2 supports continued expansion of renewable, low carbon and net-zero energy technologies as a key contributor the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040, **we have included our recommendations on redrafting as an appendix to this response.**

25. Policy 3: Nature crisis. Do you agree that this policy will ensure that the planning system takes account of the need to address the nature crisis?

SR **partially agrees** with the approach of Policy 3 and welcomes the recognition that development plans should facilitate biodiversity enhancement to help address the nature crisis.

We support parts (a) and (b) but recommend the subsequent parts require redrafting as it is unclear how the requirements within these parts relate to existing requirements in the EIA and Appropriate Assessment process. If this is not clarified there is a risk of creating a more complex and onerous system rather than establishing a streamlined system focused on nature recovery.

It must be a key principle that only one Environmental Impact Assessment (EIA) is required throughout the planning process to facilitate this streamlined approach.

The ambiguous tests in Policy 3 have the potential to undermine EIA proportionality and generate unnecessary conflicts by opening up long debates regarding the scope of "potential" as opposed to "likely significant" impacts and the extent to which any such impacts can be minimised by individual developments rather than by communities and society at large.

Further debates could ensue as part d) also does not explain how individual development proposals will be expected to evidence that they would enhance biodiversity. If such an approach is to be successful, much more work is needed to identify and agree on how this will be measured and evaluated. Without a robust approach to measurement and evaluation, there is a significant risk that the intention of this policy will be undermined by debate over how it should be applied and implemented.

Due to the significant redrafting required to ensure Policy 3 supports continued expansion of renewable, low carbon and net-zero energy technologies as a key contributor the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040, **we have included our recommendations on redrafting as an appendix to this response.**

26. Policy 4: Human rights and equality. Do you agree that this policy effectively addresses the need for planning to respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality?

SR fully supports all actions that ensure human rights and equality, but the aspirations set out in the two parts are comprehensively covered by equalities law and statutory guidance.

This policy gives no usable advice on planning as it says nothing other than that planning should comply with the law and statutory policy while doing nothing additional to promote them.

The purpose of the NPF4 is to give meaningful advice to planners and as this Policy 4 does not do this, it should be removed.

27. Policy 5: Community wealth building Do you agree that planning policy should support community wealth building, and does this policy deliver this?

SR **mostly agrees** with the aspirations of Policy 5 relating to community wealth building but there is no established definition of community wealth building.

Part b) of this draft policy proposes that development within the national and major development categories *'should contribute to community wealth building initiatives'*. This would apply to all renewable energy projects of 50MW or greater but as there is no definition of community wealth building, there is no way to establish if a proposal meets the tests set out in this section.

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

Explicitly linking Policy 5 to Outcome (d) would go some way to addressing the lack of definition and provide a more workable planning test.

Due to the significant redrafting required to ensure Policy 5 supports continued expansion of renewable, low carbon and net-zero energy technologies as a key contributor the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040, **we have included our recommendations on redrafting as an appendix to this response.**

28. Policy 6: Design, quality and place. Do you agree that this policy will enable the planning system to promote design, quality and place?

SR interprets the intention of Policy 6: Design, quality and place as being to advise on housing, business parks and small buildings, such as sheds, where they are the primary development.

As this is open to interpretation, we are concerned that criteria aimed at the built environment will be applied in ways never intended to other developments such as renewable energy. To prevent such misinterpretation, this policy should be amended to clarify the development types to which this policy should and should not be applied.

Such clarification will prevent development types for which Policy 6 is clearly of limited relevance being held up due to this policy being applied without due consideration. Clarity on exceptions is also needed for infrastructure projects in rural areas where the majority of Policy 6 is not relevant.

29. Policy 7: Local living. Do you agree that this policy sufficiently addresses the need to support local living?

SR **agrees** that Policy 7 relating to local living sufficiently addresses the need to support local living and the principles of creating 20-minute neighbourhoods across Scotland.

To deliver on the potential opportunities local living can provide to communities Policy 7 must enable low-carbon transport and low-carbon heat opportunities.

We recommend that an additional point is added to Policy 7 that plans should support the emergence of local energy cooperatives. Such support should be focused on enabling local groups to meet their energy needs and strengthen their community through owning and operating renewable energy generation such as rooftop solar.

30. Policy 8: Infrastructure First. Do you agree that this policy ensures that we make best use of existing infrastructure and take an infrastructure-first approach to planning?

SR **mostly disagrees** that Policy 8 ensures that we make best use of existing infrastructure and take an infrastructure-first approach to planning.

The planning system is a critical enabler of the infrastructure required to meet Scotland's population needs and address environmental challenges. It is vital that a plan-led, coordinated and efficient approach is adopted to deliver the level of renewable energy and other low carbon infrastructure needed to achieve Scotland's net-zero target by 2045.

Taking an infrastructure-first approach and setting this out through an NPF policy with wide applicability should be strongly supported, as this would help to frontload and prioritise infrastructure considerations throughout all aspects of the planning system.

NPF4 should provide clear directions to both influence infrastructure development and underpin consistent and robust consenting decisions. This policy should therefore include criteria to embed a strategic approach to planning for and deploying energy infrastructure to help achieve Scotland's net-zero target. The policy needs to be clear that it applies to all infrastructure and, in line with the recommendations of the Infrastructure Commission for Scotland (e.g. recommendation 3 on rolling National Infrastructure Needs Assessments, which has been accepted by The Scottish Government), it should include implementation measures and actions at national as well as Local Development Plan (LDP) levels.

Policy 8 needs to be more explicit that an infrastructure-first approach means prioritising the identification of infrastructure requirements to meet needs, including strategic needs at the national level, and then planning (spatially and through policy frameworks to deliver this type,

quantum and distribution of infrastructure in an efficient, coordinated and effective way. Planning to meet infrastructure needs means that identified and assessed requirements must then be afforded significant weight in the determination of consenting applications for such infrastructure.

Placement of the infrastructure-first policy within the Liveable Places chapter and the focus within the draft policy on delivery through LDPs, unfortunately, gives a false impression that infrastructure-first relates primarily to urban development and priming sites for housing, rather than to all infrastructure including in relation to energy.

To address this and emphasise that an infrastructure-first approach must underpin all planning processes and decisions, the policy should be moved to become a Universal Policy and should include linkages to relevant National Developments.

31. Policy 9: Quality homes. Do you agree that this policy meets the aims of supporting the delivery of high quality, sustainable homes that meet the needs of people throughout their lives?

SR **agrees** with the approach of Policy 9 relating to quality homes and the principle of high-quality affordable homes that contribute to a Just Transition for Scotland.

Quality homes must be low-carbon future-proofed and include low carbon heating and on-site generation such as solar PV combined with home energy storage.

Over the lifetime of the NPF4, home energy and heating systems will become more complex for example with solar coupled with other low carbon heating technologies such as heat pumps, combi-boilers, and hydrogen to make heating systems affordable for the consumer. Hybrid systems, for example, solar and heat pumps, allow homeowners to have a cost-effective, affordable, and more efficient energy system.

It is essential that planning policy relating to Quality homes supports the changes taking place within the low-carbon heating sector.

32. Policy 10: Sustainable transport. Do you agree that this policy will reduce the need to travel unsustainably, decarbonise our transport system and promote active travel choices?

SR **agrees** with the approach of Policy 10 relating to sustainable transport. Our members note that our travel infrastructure must incorporate renewable energy generation to support low emissions and electric vehicles, for example solar panels on public buildings and car park roofs.

33. Policy 11: Heat and cooling. Do you agree that this policy will help us achieve zero emissions from heating and cooling our buildings and adapt to changing temperatures?

SR **mostly agrees** that Policy 11 will help us achieve zero-emissions from heating and cooling our buildings and adapt to changing temperatures, but we are concerned that the current wording of this policy lacks clarity and risks creating uncertainties and loopholes.

Redrafting is also needed to avoid overlap between sub-paragraphs which should be moved into the supporting text rather than being included in the policy.

We recommend the rewording of this policy should be as follows to set out a clear hierarchical and logical approach:

- Development proposals, including retrofit, should be designed and constructed to connect to existing heat networks.
- Where there is no existing heat network, but one is planned, development should be designed to allow connection at a later date.
- In all other cases, the development should provide a low or zero-emissions heating system.

34. Policy 12: Blue and green infrastructure, play and sport. Do you agree that this policy will help to make our places greener, healthier, and more resilient to climate change by supporting and enhancing blue and green infrastructure and providing good quality local opportunities for play and sport?

While we are supportive of the intention of Policy 12, we are concerned that part d) may have unintended consequences for achieving our legally binding target of reaching net-zero by 2045 and the binding interim targets for 2030 and 2040.

Renewable energy development and electricity infrastructure (such as power lines) are not necessarily incompatible with the uses of regional and country parks, and they have the potential to improve access.

We recommend that renewable energy and grid infrastructure developments be exempt from Policy 12.

35. Policy 13: Sustainable flood risk and water management. Do you agree that this policy will help to ensure places are resilient to future flood risk and make efficient and sustainable use of water resources?

No comment.

36. Policies 14 and 15 – Health, wellbeing and safety. Do you agree that this policy will ensure places support health, wellbeing and safety, and strengthen the resilience of communities?

As drafted, Policy 14, part b) requires all EIA, major and national developments, irrespective of their environmental, design or operational characteristics, to be accompanied by a Health Impact Assessment (HIA).

This inappropriately conflates a wide range of development types, thresholds and reasons for classification which should not be bundled together as automatically requiring the submission of a HIA in addition to existing application requirements.

The required scope of HIA is also undefined and the 2017 EIA Regulations already note in Schedule 4 that human health is one of a number of factors that need to be considered in EIA Reports. There is no need therefore for this to be replicated in NPF4. Adding a further assessment requirement for all EIA Development without specifying how this should be applied could lead to duplication.

While recognising that HIAs may be necessary in some cases, part b) of this policy should stop after '*...likely to generate significant health effects*', thus removing a mandatory requirement for HIAs for national, major and EIA development.

This approach would still allow these classes of development to be accompanied by HIAs, where justified and proportionate and taking account of case specifics, rather than using development classifications as automatic triggers.

In doing so, part b) should clearly define the scope of HIA and explain its relationship with EIA. This could usefully include highlighting the existing requirement under the EIA Regulation to assess any likely significant effects on human health.

With regard to Policy 14, part d), wording should be added stating that with regard to wind farm developments, noise assessments should be carried out using ETSU-R-97 as the industry standard for noise assessment.

- 37. Policy 16 – land and premises for business and employment. Do you agree that this policy ensures places support new and expanded businesses and investment, stimulate entrepreneurship and promote alternative ways of working in order to achieve a green recovery and build a wellbeing economy?**

No comment.

- 38. Policy 17: Sustainable tourism. Do you agree that this policy will help to inspire people to visit Scotland, and support sustainable tourism which benefits local people and is consistent with our net-zero and nature commitments?**

No comment.

- 39. Policy 18: Culture and creativity. Do you agree that this policy supports our places to reflect and facilitate enjoyment of, and investment in, our collective culture and creativity?**

No comment.

- 40. Policy 19: Green energy Do you agree that this policy will ensure our places support continued expansion of low carbon and net-zero energy technologies as a key contributor to net-zero emissions by 2045?**

SR **does not agree** that this policy will ensure our places support continued expansion of low carbon and net-zero energy technologies as a key contributor to net-zero emissions by 2045.

There is a fundamental mismatch between The Scottish Government's energy policy, particularly the draft Onshore Wind Policy Statement, and NPF4. Policy 19 requires significant redrafting and should be renamed 'Renewable Energy' rather than using the misnomer title 'Green Energy'.

Policy 19 fundamentally lacks a development management test. Expressing policy simply in terms of acceptability of effects provides no real test at all. All planning decisions ultimately involve determining whether a given development is acceptable or not. Policy should assist by setting out how decision-makers go about reaching that conclusion.

Unless the policy is expanded to include a proper development management test, recognising the status of the climate emergency and the national importance of renewable energy developments, then it would simply function in a very similar way to the current SPP and would represent a 'business as usual' approach.

We welcome the statement in part a) that "Local development plans should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved". However, part a) lacks any implementation or enforcement mechanisms and does not provide a steer to ensure the adoption of consistent or even compatible approaches across local development plans (LDPs).

Given that LDP Examinations can only consider unresolved objections rather than review plan soundness (i.e. the extent to which Policy 19 part a) is actually implemented), as drafted it is likely to have limited practical effect.

Part a) needs to be expanded to ensure LDPs positively identify a range of opportunities for renewable energy development, without also seeking to restrict the environmental capacity for development beyond reference to existing statutory designations.

Part a) should also make it clear that Planning Authorities may decide to commission landscape sensitivity studies to inform themselves and all stakeholders of the relative sensitivity of different landscape units or areas to different types and scales of renewables development.

Landscape sensitivity studies may inform project assessments and may provide information to help assess the value of landscapes and the acceptability of impacts, but project assessments of landscape impacts and subsequent decisions must be based on the characteristics (siting, design, etc) of proposals themselves.

The studies must therefore not be applied in a deterministic manner, and it should be recognised they form only one part of a wider assessment evidence base. Project assessments and decision making should take account of plan-level evidence where relevant whilst recognising these can only envisage matters at a point in time and do not themselves determine the acceptability of individual developments.

Any such landscape sensitivity study should recognise the evolving global onshore wind industry and that deployment of tall turbines (>200m) will be required to achieve the Onshore Wind Policy Statement target of 12GW.

As drafted, there is a clear tension between part b), which provides support "in principle" for all renewable development, and d) and e) which provide only qualified support for wind farms subject to the absence of "unacceptable" environmental impacts. There is also no clarity regarding how "in principle" support under part b) interacts with identification of national need for renewables development under National Development 12 or how both considerations should be applied together and weighed in decision-making.

The existing draft development management tests in parts d) and e) say no more than that development will be acceptable unless unacceptable, which gives planners no useful guidance on how to determine consenting applications for projects.

Part d) should be rewritten to state that, apart from in relation to wind farms within National Parks and National Scenic Areas, the Global Climate Emergency advised on in Policy 2 and the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040, will be given significant weight in deciding development proposals for all renewable energy development.

By their nature, localised significant effects will occur on the majority of commercial-scale renewable energy developments, and NPF4 must acknowledge that this in itself is not a reason to refuse consent. Consent should be granted for renewable energy development, with such consent only being refused where any adverse impacts of what is proposed are severe and would significantly and demonstrably outweigh the need for and the benefits of the development.

Where other policies of this NPF advise on particular topics or areas of recognised importance these must be given weight in decision-making, but the test of acceptability of renewable, low carbon and net-zero development will in all cases be that set out in Policy 19.

Part e) may have been intended to provide clear support for repowering but it fails to do so and is simply a repetition of part d) which applies to new development.

Both types of development are supported "in principle", but no direction is provided as to how this should be applied in decision making when balanced against other factors and there is no recognition of the difference between repowering and development of new sites.

As drafted, part e) also does not recognise the potential for repowering to increase energy generation capacity without necessarily generating new or different significant environmental impacts. Without further clarity, part e) does not provide a supportive planning framework for repowering and is likely to lead to inconsistency, subjectivity and delays in decision making.

Part e) should be amended to state that repowering proposals will be determined following the approach in part d) (amended as above), but positive weight will additionally be given to the existence of a wind farm on the same or neighbouring land.

The acknowledgement in part g) that wind farm sites should be suitable for use in perpetuity is welcomed. However, this is quickly undermined by the subsequent statement of explicit support for time-limited consents, seemingly on acceptability grounds.

Part j) relating to development proposals for solar arrays is unnecessary if part d) is amended to apply to all renewable energy development. Further, the final sentence is overly restrictive with the construction methods proposed. This type of detail should be left to a condition of any consent as opposed to a direction from national policy. This paragraph should be deleted.

Policy 19 goes on to list various considerations (19 (k)) and states that these will vary relative to the scale of a proposal and area characteristics. The considerations largely replicate those within the current SPP at paragraph 169.

The operation of part k) requires clarification, including confirmation that the considerations should be factored into decision making rather than just design by applicants. The flat list of generic considerations listed coupled with a lack of integration with the 'in principle' support given under part b) does not provide a clear and predictable consenting routemap.

The opening paragraph of part k) should therefore be amended to state that the determination of applications for renewable energy development proposals under part d) (amended as above) will start with 'in principle' support and the identification of the need for development, including with reference to Policy 2 – Climate Emergency and any national need established through National Developments where relevant. When balancing the Climate Emergency and the identified need for and benefits of development proposals with any likely significant effects, decision-makers should focus on whether any significant effects would give rise to severe adverse impacts.

Due to the significant redrafting required to ensure Policy 19 supports continued expansion of renewable low carbon and net-zero energy technologies as a key contributor the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040, **we have included our recommendations on redrafting as an appendix to this response.**

41. Policy 20: Zero waste. Do you agree that this policy will help our places to be more resource efficient, and to be supported by services and facilities that help to achieve a circular economy?

No comment.

42. Policy 21: Aquaculture. Do you agree that this policy will support investment in aquaculture and minimise its potential impacts on the environment?

No comment.

43. Policy 22: Minerals. Do you agree that this policy will support the sustainable management of resources and minimise the impacts of extraction of minerals on communities and the environment?

SR **does not agree** that this policy will support the sustainable management of resources and minimise the impacts of extraction of minerals on communities and the environment.

As drafted, the requirement in part d) for proposals not to result in “any adverse impacts”, including on the natural environment is imprecise and impractical given the intrusive nature of minerals extraction. This should be amended to “significant adverse impacts” in line with EIA requirements.

As currently written, borrow pits covered in part e) are subject to the requirements of part d), much of which is not applicable to borrow pits.

Part e) should be amended to distinguish between borrow pits that are kept open in the long-term and those which are opened temporarily for construction purposes. Part d) should also be amended to clarify that it does not apply to borrow pits opened temporarily for construction purposes.

44. Policy 23: Digital infrastructure. Do you agree that this policy ensures all of our places will be digitally connected?

No comment.

45. Policies 24 to 27 – Distinctive places. Do you agree that these policies will ensure Scotland’s places will support low carbon urban living?

SR could only agree with Policies 24 to 27 if they were supported by sufficient renewable energy generation, heating and transport.

46. Policy 28: Historic assets and places. Do you agree that this policy will protect and enhance our historic environment, and support the re-use of redundant or neglected historic buildings?

SR acknowledges that Policy 28 will protect the historic environment but in doing so will render any development which impacts on it almost impossible.

The proposed guidance surrounding Cultural Heritage is overly restrictive, causes issues and is more difficult to satisfy than that in SPP. As currently drafted, this applies to Scheduled Monuments, GDLs and undesignated assets.

We note that Policy 28 in relation to scheduled monuments suggests in part (h): *“development proposals which affect a scheduled monument should only be supported where they avoid direct impact on scheduled monuments and any adverse impacts upon their setting, unless exceptional circumstances can be demonstrated...Where it has been satisfactorily demonstrated that there are acceptable circumstances, impact on the monument or its setting should be minimised and mitigated as far as possible...”*

We highlight that this proposed policy contrasts with the current SPP at paragraph 145 which addresses scheduled monuments and states:

“Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances”. [underlining added]

Therefore, the current SPP policy recognises that a direct impact is not necessarily adverse, and also recognises that indirect impacts on the setting, need to be of a nature and magnitude that affect the integrity of the setting (i.e. something more than just an adverse effect on the setting). This draft policy does not provide any guidance on the matter of integrity and only refers to “*any adverse impact*”.

We highlight that the “exceptional circumstances” test is unquestionably difficult to satisfy and therefore the lowering of the threshold for when it is engaged is a fundamentally problematic policy change. It is difficult to foresee any circumstances in which a wind farm development could be justified on an exceptional basis. If exceptional circumstances need to be engaged in relation to any direct impact and/or any adverse impacts on setting, then it would be an approach whereby probably most renewable energy developments would fail and indeed many other types of development within Scotland.

Due to the significant redrafting required to ensure Policy 28 supports continued expansion of renewable, low carbon and net-zero energy technologies as a key contributor to the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040, **we have included our recommendations on redrafting as an appendix to this response.**

47. Policy 29: Urban edges and the green belt. Do you agree that this policy will increase the density of our settlements, restore nature and promote local living by limiting urban expansion and using the land around our towns and cities wisely?

Policy 29 extends well beyond the stated core purpose of Green Belts as settlement management tools. Compared with SPP2014 this results in a far wider range of non-urban and infrastructure development types being brought into the ambit of more onerous Green Belt policy tests.

Parts b) and c) set out significantly enhanced Green Belt protections, including bringing renewables development within the ambit of potentially requiring sequential assessment and an “essential locational justification”, the scope of which is not defined.

It is not appropriate to require sequential assessments for renewable energy development as specific sites are not allocated. The Scottish Government has made clear that there is no cap on deployment and this restrictive approach is not compatible with Policy 2 - Climate Emergency.

The 6th 'exceptions' bullet point regarding essential infrastructure appears to require any renewables developments to be within an “area of search”, despite no reference to the designation of such areas under Policy 19 - Green Energy or elsewhere within NPF4 and no previous reference to this designation within the parameters for wind farm spatial frameworks set out in SPP2014.

Further, the 6th bullet point does not provide specific criteria for repowering of existing wind farms within or partially within the Green Belt, unless repowering is intended to be covered by the 7th bullet point which allows the “intensification of established uses”, but this is not clear.

This approach ignores the historic presence of wind farms in Green Belt locations, does not recognise wind farm development can be compatible with the core purpose of Green Belts (settlement management) and fails to recognise that the principle of the development will already have been established.

As drafted, this policy is, therefore, unimplementable and would frustrate any and all renewable energy development proposals within the Green Belt.

SR supports Solar Energy UK's (SEUK) calls for explicit language to be present within the NPF4 which supports solar developments in green belts as low impact, biodiversity complimenting technologies. Solar works well when near large urban centres where the most cost-efficient and available grid connections are usually found.

Large areas of land suitable for solar deployment are covered by Scotland's 11 green belt designations. Several straddle local authority boundaries and at present, local authorities are taking different approaches, making national clarity important.

This hinders solar deployment as many developers see the lack of consistency around green belts as a planning risk, particularly where neighbouring local authorities take opposing approaches. The draft NPF4 requires greater clarity in planning policy at national level for decision-makers at all levels to afford solar energy developments much more significant weight in the planning balance to reflect the need to tackle the climate emergency.

48. Policy 30: Vacant and derelict land. Do you agree that this policy will help to proactively enable the reuse of vacant and derelict land and buildings?

SR **mostly agrees** that Policy 30 will help to proactively enable the reuse of vacant and derelict land and buildings.

However, we note that the policy does not include specific mention of renewable energy and low carbon heat as routes to bring vacant and derelict land back into use. This is at odds with the Recommendations from the Vacant and Derelict Land Task Force made in September 2020.

We recommend that Policy 30 is redrafted to reflect the recommendations made in the Task Force's report Transforming Scotland's Approach to Vacant and Derelict Land and specifically includes renewable energy and low carbon heat in the policy text.

49. Policy 31: Rural places. Do you agree that this policy will ensure that rural places can be vibrant and sustainable?

SR **mostly disagrees** that Policy 31 will ensure that rural places can be vibrant and sustainable. Only part (h) of this policy considers energy generation from renewable sources.

This policy should recognise that onshore wind, solar and other renewable energy generation will be required throughout Scotland and will inevitably change some aspects of rural places. It is our recommendation that this should be considered acceptable in principle.

50. Policy 32: Natural places. Do you agree that this policy will protect and restore natural places?

The relationship between Policy 3 - Nature Crisis and Policy 32 - Natural Places is unclear, with overlapping, and inconsistent tests set out.

This issue is exemplified by the requirement in Policy 32 b) to avoid "unacceptable impact on the natural environment including biodiversity objectives". This criterion lacks definitions of any of the key terms and details regarding its intended implementation.

The policy, therefore, has the potential to result in subjective judgements which would undermine the ability to deploy renewable energy capacity at the pace and scale required to meet the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040. Applied in tandem with Policy 3, Policy 32 b) also introduces ambiguity regarding the expectations that any development proposal needs to meet.

To avoid inconsistencies, Policy 3 - Nature Crisis and Policy 32 - Natural Places should be rationalised to set out a single acceptability test in respect of likely significant adverse impacts and a single clear and realistic requirement for development proposals to contribute to biodiversity enhancement. Our proposed changes to the text of Policies 3 and 32 are intended to achieve this.

Part (i) relates to development proposals for areas identified as Wild Land (per NatureScot's Wild Land Areas Map 2014). The policy wording is a fundamental change from the policy approach in the current SPP and rather than addressing issues with the current SPP, the proposed new policy exacerbates the existing issues.

Part (i) states that support should only given where:

- *"the proposed development cannot be reasonably located outside of the wild land area; or*
- *it is for small scale development directly linked to a rural business, croft or required to support a fragile population in a rural area; and*
- *a site based assessment of any significant effects on the quality of the area is undertaken, and use of siting, design or other mitigation minimises adverse impacts".*

Under the first bullet point, in effect, a developer would be required to undertake a sequential appraisal showing that there was no other available site within Scotland in which a proposed development could be reasonably located. This sets out a test that cannot be satisfied.

There are currently several SR members that have onshore wind proposals wholly located within Wild Land Areas and are therefore facing a very difficult new policy provision as a result of the draft NPF4.

This is a fundamental policy issue, as Policy 32 currently undermines the objectives of Policy 19 and The Scottish Government's wider energy policy, particularly the proposed Onshore Wind Policy Statement.

Due to the significant redrafting required to ensure Policy 32 does not fundamentally undermine the continued expansion of renewable, low carbon and the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040, **we have included our recommendations on redrafting as an appendix to this response.**

51. Policy 33: Peat and carbon rich soils. Do you agree that this policy protects carbon rich soils and supports the preservation and restoration of peatlands?

SR **partially agrees** that Policy 33 will protect carbon rich soils and supports the preservation and restoration of peatlands.

As an industry we are fully supportive of The Scottish Government's ambitions to protect our carbon rich soils and restore our peatlands to an active state due to the vast carbon sink opportunities that they provide and their role in supporting nature recovery.

As we have previously highlighted to The Scottish Government and NatureScot, however, within the planning system peat, peatland and carbon rich soils are often erroneously treated as synonymous. There is also no consistency in how peat, peatlands and carbon rich soils are defined and treated by different stakeholders within the planning system.

These issues are detailed in the report "*Carbon-rich soils, deep peat, and priority peatland habitat - Expert views on project level assessment*", commissioned by Natural Power and endorsed by SR. We recommend that this report is used to clarify how peat, peatlands and carbon rich soils are defined within the NPF4 to prevent the perpetuation of the existing issues and ensure each of these unique attributes is addressed appropriately.

In collaboration with our members and NatureScot we have reviewed how onshore wind farms developed on peat, peatlands and carbon rich soil have resulted in industry paying for protection, restoration, and management on the sites. We have clear evidence that the development of a wind farm on such sites is an effective mechanism for leveraging private finance into the improvement of our peat, peatlands, and carbon rich soils.

SR fully recognises the need to protect important peatland resources, but this should and must not undermine the deployment of renewable energy developments at the pace and scale needed to meet the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040.

Section c), second bullet point states that renewable energy proposals should "maximise the function of the peatland". As drafted neither the definition nor practical implications of this test are clear, for example, whether it relates to maximising carbon savings and/or to hydrological or ecological qualities, and if the latter then what "maximise" means in practice. This test therefore cannot be satisfied.

Due to the redrafting required to ensure Policy 33 does not undermine the restoration of our peat and peatlands by cutting off private finance for their restoration or undermine the deployment of renewable energy developments at the pace and scale needed to meet the legal requirement to achieve net-zero carbon emissions by 2045, plus the binding interim targets for 2030 and 2040, **we have included our recommendations on redrafting as an appendix to this response.**

52. Policy 34 – Trees, woodland and forestry: Do you agree that this policy will expand woodland cover and protect existing woodland?

SR **mostly disagrees** with the Policy 34 approach. However, as with Policy 28: Historic Assets, this policy goes too far and will over-protect trees, woodland, and forestry at the expense of critical development needed to deliver net-zero.

For example, the advice that development will not be supported if it has any adverse impact on hedgerows and trees of high biodiversity value is too stringent and will not allow for a needs case with mitigation proposals.

SR recommends that Policy 34 is redrafted to recognise that there will be cases where the best environmental option may not be to plant or replant trees, expand woodland cover, and protect existing woodland. **We have included our recommendations on redrafting as an appendix to this response.**

53. Policy 35: Coasts. Do you agree that this policy will help our coastal areas adapt to climate change and support the sustainable development of coastal communities?

Policy 35 - Coasts is too narrow in scope as it only considers adaptation and coastal protection.

Both the limited introductory text and policy criteria fail to provide a supportive framework for offshore renewables development including associated onshore coastal infrastructure. Policy 35 is therefore inconsistent with Policy 8 Infrastructure First and Policy 19: Green Energy.

Offshore wind will be the backbone of our energy system by 2045 and Policy 35 lacks any consideration of coastal infrastructure needs or strategic planning requirements of offshore wind such as offshore-onshore transmission, port capacity and O&M facilities and does not address consenting requirements for offshore and coastal infrastructure.

Policy 35 should be extended to include coverage of offshore and coastal infrastructure needs and associated planning considerations, including for offshore renewables. The policy should acknowledge the need and confirm expectations for upgraded and new offshore-onshore transmission infrastructure and port capacity.

Part 4 - Delivering our spatial strategy

54. Do you agree with our proposed priorities for the delivery of the spatial strategy?

SR **does not agree** with the proposed priorities for the delivery of the spatial strategy.

The statement that “We will collectively work with key partners to ensure that our final approved list of designated national developments are supported and delivered” is not supported by any meaningful advice to planners in Part 3 – National Planning Policy on how National Development should be treated in the planning balance.

55. Do you have any other comments on the delivery of the spatial strategy?

In response to the delivery of the spatial strategy we highlight that a further increase in planning fees would be unwelcome (p. 114).

Following the recent change in application fees, our members have observed no change in how well-equipped determining authorities are to process applications.

It is welcomed that there are public announcements from The Scottish Government Energy Consents Unit that they are continuing to increase internal resources, however, The Scottish Government and Local Authority planning departments continue to be under-resourced to deal with the current and anticipated workload.

SR members are in part open-minded to a fee increase, provided there are apparent improvements in the service as well as more consistent prescribed timescales for determinations.

As an alternative to fee increases, SR members would be more supportive of a restructuring of pre-application fees to ensure statutory consultees for planning applications, such as NatureScot, SEPA and Historic Environment Scotland are better resourced to respond to pre-application consultation meaningfully.

Part 5 - Annexes

56. Annex A. Do you agree that the development measures identified will contribute to each of the outcomes identified in section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997?

In response to Question 56 we draw attention to our detailed response to Policy 19: Green Energy. SR believes that Question 56 relating to Annex A is too broad for any meaningful answer to be provided.

Our members are interested in the outcomes identified in parts (e) and (f). In response to part (e), we do not agree since the development management policies effectively prevent the majority of the development required to address the global climate emergency. Furthermore, these policies will prevent The Scottish Government being compliant with the legally binding target of reaching net-zero by 2045 and the binding interim targets for 2030 and 2040.

In response to part (f), the policies directly addressing the nature crisis set out overlapping and inconsistent policy tests. Policies 3 and 32 need to be rationalised and the tests revised. One overarching policy would be enough and avoid conflict and repetition.

57. Annex B. Do you agree with the minimum all-tenure housing land requirement (mathlr) numbers identified above?

No comment.

58. Annex C. Do you agree with the definitions set out above? Are there any other terms it would be useful to include in the glossary?

The draft NPF4 includes many undefined or ambiguous terms which are likely to cause confusion and inconsistent application in decision making, with associated legal risks.

The following policy terms within Draft NPF4 are undefined or unclear and thus in need of further clarity:

- “Nature Positive Development”- **Part 1 National Spatial Strategy (page 6)** – key concept which is repeated 8 times but not referenced within Policy 3 itself or otherwise defined.
- “strong alignment” (**page 15**) of terrestrial and marine planning - failure to clarify how this will be achieved/how marine and terrestrial development will be “aligned”, nor does draft NPF4 set out any policies to allow integrated planning.
- “Community wealth building” – **Policy 5 (page 71)** – this concept is repeated 17 times in the document but is not defined at any point.
- “In principle support”- **Policy 19 Green Energy (page 90)**: unclear how this would be applied in decision making or how it interacts with National Development 12.
- “Unacceptable” - **Policy 19 Green Energy (page 90)**: unclear how unacceptable impacts would be defined or by whom within a decision-making process.
- **Policy 35 Coasts** Part b) includes an unclear policy test for coastal development to be “supportable in the long term” (**page 111**). Further, the requirement in part c) for development not to “result in the need for further coastal protection measures” is undefined.

Integrated Impact Assessments

59. Environmental Report. What are your views on the accuracy and scope of the environmental baseline set out in the environmental report?

No comment.

60. Environmental Report. What are your views on the predicted environmental effects of the draft NPF4 as set out in the environmental report? Please give details of any additional relevant sources.

It is of concern that only a partial HRA process has been carried out in respect of some National Developments. Table 5 of the HRA Screening Record confirms the development types included within National Development 12 – Strategic Renewable Electricity Generation & Transmission Infrastructure “have a high likelihood of causing likely significant effects on European Sites...” but then proceeds to screen out National Development 12 from requiring HRA Stage 2 – Appropriate Assessment solely on the grounds of non-spatial definition.

The explicit identification of LSE without then even attempting to undertake HRA Appropriate Assessment raises potentially significant legal risks for any proposals coming forward under the National Development (i.e. all >50MW projects). The Scottish Government is therefore requested to confirm this HRA has been subject to a full legal review.

It is understood why National Development 12 has been screened out on non-spatial grounds, but this itself points to the limited value of adopting such a generic approach to National Developments. Rather than National Development 12 being able to confirm national need safe in the knowledge of HRA for the designation having been satisfied and thus for the National Development to be afforded primacy in decision making, instead it is possible that the weight to be afforded to national need could be challenged on the grounds that, until a HRA for the designation is completed, the decision-making benefits which flow from National Development status cannot be relied upon.

The Scottish Government are requested to review the implications of designating non-spatial National Developments. To remain HRA compliant and maintain primacy in decision making National Development 12 should retain a spatial focus by also applying specifically to repowering of existing wind farm sites and the development of offshore wind farms within leasing areas granted by Crown Estates Scotland once these have been subject to strategic level environmental assessments. In both cases a proportionate HRA Appropriate Assessment can be undertaken (not least as development locations relative to European Sites are known) and the principle of development will already have been established.

To avoid introducing legal risks in the consenting of renewable energy developments it is imperative further HRA work is carried out in respect of the identified high likelihood of LSE from National Development 12. This must be completed prior to the finalisation of NPF4.

61. Environmental Report. What are your views on the potential health effects of the proposed national developments as set out in the environmental report?

No comment.

62. Environmental Report. What are your views on the assessment of alternatives as set out in the environmental report?

No comment.

63. Environmental Report. What are your views on the proposals for mitigation, enhancement and monitoring of the environmental effects set out in the environmental report?

No comment.

64. Society and Equalities Impact Assessment. What are your views on the evidence and information to inform the society and equalities impact assessment?

No comment.

65. Society and Equalities Impact Assessment. Do you have any comments on the findings of the equalities impact assessment?

No comment.

66. Society and Equalities Impact Assessment. Do you have any comments on the findings of the children's rights and wellbeing impact assessment?

No comment.

67. Society and Equalities Impact Assessment. Do you have any comments on the fairer Scotland duty and the draft NPF4?

No comment.

68. Society and Equalities Impact Assessment. Do you have any comments on the consideration of human rights and the draft NPF4?

No comment.

69. Society and Equalities Impact Assessment. Do you have any comments on the islands impact assessment?

No comment.

70. Business and Regulatory Impact Assessment. Do you have any comments on the partial business and regulatory impact assessment?

No comment.

END