Chapter 5 Statutory and Policy Framework

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List of Abbreviations

Abbreviation	Description
CCUS	Carbon Capture Utilisation and Storage
EIAR	Environmental Impact Assessment Report
kV	kilovolt
LDP	Local Development Plan
MW	Megawatt
ND	National Development
NPF4	National Planning Framework 4
PAN	Planning Advice Note
SBLDP	Scottish Borders Local Development Plan
SG	Supplementary Guidance
SNH	Scottish Natural Heritage
SPP	Scottish Planning Policy
UK	United Kingdom

Glossary

Abbreviation	Definition
The Applicant	Fred. Olsen Renewables Limited
EIA Regulations	The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Environmental Impact Assessment	Environmental Impact Assessment (EIA) is a means of drawing together by the developer, in a systematic way, a description of the development and information relating to of the likely significant environmental effects arising from a proposed development.
Environmental Impact Assessment Report	A document reporting the findings of the EIA and produced in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Natural Power	The lead consultant EIA co-ordinator is: Natural Power Consultants Limited
Proposed Development	The proposed Lees Hill Renewable Energy Park as described in Chapter 4 (Volume 2) of this EIAR.
Proposed Development Site	The project development area within the site boundary as shown in Figure 1.2, Volume 3a.

5. Statutory and Policy Framework

5.1. Introduction

5.1.1. This Chapter sets out the detailed project description of the Proposed Development as summarised in Chapter 1: Introduction including specifications of turbines, access tracks and electrical infrastructure. The Chapter also describes the general construction methodology, timescales and typical construction equipment likely to be used. Activities associated with the operational and decommissioning phases are also described within this Chapter.

5.1.2. This Chapter of the Environmental Impact Assessment Report (EIAR) describes the legislative and policy background relevant to the Proposed Development. The Chapter refers to energy and planning policy at a national and local level. It provides an objective summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIAR in order to ensure that it provides the appropriate information for the consideration of the Application.

5.1.3. This Chapter does not include an assessment of the accordance of the Proposed Development against planning policy: a separate Planning and Sustainable Place Statement has been prepared to support the application and should be referred to for a detailed planning policy appraisal.

5.2. The Statutory Framework

The Electricity Act 1989

5.2.1. The Proposed Development will have an installed capacity of over 50 megawatts (MW). In Scotland, onshore renewable energy developments that have capacity to generate over 50 MW require consent from the Scottish Ministers under the Electricity Act 1989 (the Electricity Act). In such cases, the Planning Authority is a statutory consultee in the development management process and procedures.

5.2.2. In an application under Section 36 of the Electricity Act, the Development Plan does not have primacy in the decision-making process. The provisions of Schedule 9 of the Electricity Act are relevant to the assessment of the Proposed Development.

5.2.3. Schedule 9, Sub-paragraph 3(2), requires the Scottish Ministers to have regard to:

"(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of the sub-paragraph".

5.2.4. The duties referred to in Schedule 9 sub-paragraph 3 (1) (a) and (b) of the Electricity Act do not apply to the Applicant as the Applicant is not an electricity generation licence holder and holds no exemption to the requirement for such a licence, but the matters set out in Sub paragraph 3(1)(a) to which the Scottish Ministers must have regard are:

"…. the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest".

5.2.5. At sub-paragraph 3(3), the Scottish Ministers [are required to…] "*avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters*".

5.2.6. The provisions of Schedule 9 of the Electricity Act set out a number of features to which regard must be had by the Scottish Ministers and such features have been fully taken into account in the iterative design process and assessed in terms of the EIA process.

The Town & Country Planning (Scotland) Act 1997

5.2.7. The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (the 1997 Act) as amended by The Planning etc. (Scotland) Act 2006 and by the Planning (Scotland) Act 2019 (the 2019 Act).

5.2.8. Section 57(2) of the 1997 Act provides:

"On granting a consent under section 36 or 37 of the Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Scottish Ministers may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to any conditions (if any) as may be specified in the direction".

5.2.9. 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".

5.2.10. Section 57(2) of the 1997 Act makes no reference to the provisions of section 25 which requires regard to be had to the provisions of the Development Plan. The Courts have confirmed that section 57(3) does not apply section 25 to a decision to make a direction to grant deemed planning permission pursuant to section 57(2)[1].

5.2.11. The Scottish Ministers will determine the application having considered the statutory duties in Schedules 8 and 9 of the Electricity Act, so far as relevant, and all relevant considerations or matters, one of which will be relevant aspects of the statutory Development Plan.

5.3. Renewable Energy Policy: Summary

5.3.1. In recent years, United Kingdom (UK) and Scottish Government policies have focussed increasingly on concerns about climate change. Each tier of Government has developed targets, policies and actions to deal with the climate crisis and generate more renewable energy and electricity.

5.3.2. The UK Government retains responsibility for the overall direction of energy policy, although some elements are devolved to the Scottish Government. The UK Government has published a series of policy documents setting out how targets can be achieved. Onshore wind generation, located in Scotland, is identified as an important technology to achieve these various goals.

5.3.3. The Scottish Government has published a number of policy documents and its own targets. The most relevant policy, legislative documents and more recent statements published by the Scottish Government include:

- The Scottish Energy Strategy (December 2017);
- The Scottish Government's declaration of a Climate Emergency (April 2019);
- The Scottish Climate Change Plan Update (December 2020);
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the legally binding net zero target for 2045 and interim targets for 2030 and 2040;
- The Scottish Government's 'Programme for Government' (September 2023);
- The Onshore Wind Policy Statement (December 2022); and
- The Draft Energy Strategy and Just Transition Plan (January 2023).

1 William Grant & Sons Distillers Limited, Court of Session [2012] CSIH 28 PETITION OF WILLIAM GRANT & SONS DISTILLERS LIMITED FOR JUDICIAL REVIEW (scotcourts.gov.uk).[Accessed 12/03/24]

5.3.4. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009 and requires that "The Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the "net-zero emissions target"). The target year is 2045 and the Act also sets out challenging interim targets. It requires that:

"The Scottish Ministers must ensure that the net Scottish emissions account for the year—

(a) 2020 is at least 56% lower than the baseline,

(b) 2030 is at least 75% lower than the baseline, and

(c) 2040 is at least 90% lower than the baseline."

5.3.5. It is important to note that these targets are minimum targets, they are not maximums or aspirations. The targets legally bind the Scottish Ministers and have largely been legislated to set the framework for Scotland's response to the Climate Emergency.

5.3.6. The Proposed Development relates to the generation of electricity from renewable energy sources and comes as a direct response to national planning and energy policy objectives.

5.3.7. The Proposed Development would make a contribution to the attainment of emissions reduction, renewable energy and electricity targets at both the Scottish and UK levels. Detailed reference to the renewable energy policy framework is provided in the Planning and Sustainable Place Statement.

5.4. National Planning Framework 4

Introduction

5.4.1. National Planning Framework 4 (NPF4) as a Revised Draft was laid before the Scottish Parliament on 8th November 2022, accompanied by an Explanatory Report setting out how the Scottish Government considered responses to the initial draft and explaining responses to scrutiny and consultation thereof. Revised Draft NPF4 was approved by the Scottish Parliament, without amendments, following a vote on 11th January 2023. NPF4 came into force at 9am on 13 February 2023.

5.4.2. Section 13, of 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 to consist of the provisions of:

- The National Planning Framework; and
- Any Local Development Plan (LDP).

5.4.3. Strategic Development Plans no longer form part of the Development Plan.

5.4.4. NPF4 therefore forms part of the statutory Development Plan. A key provision of the 2019 Act is that in the event of any incompatibility between the provisions of NPF4 and a provision of an LDP then whichever of them is the later in date will prevail. That will include where a LDP is silent on an issue that is now provided for in NPF4.

5.4.5. Section 13 of the 2019 Act amends Section 24 of the 1997 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".

5.4.6. As explained, for the purposes of Section 36 decision making, Section 25 of the 1997 Act is not engaged, however NPF4 forms a significant material consideration in the overall decision-making process.

The National Spatial Strategy: Delivery of Sustainable Places

5.4.7. 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".

5.4.8. The principles are stated as playing a key role in delivering the United Nations Sustainable Development Goals and the Scottish Government's National Performance Framework[2].

5.4.9. 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"*.*

5.4.10. 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".

5.4.11. The National Spatial Strategy in relation to 'sustainable places' is described (page 7) 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".

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

5.4.13. 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".

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

5.4.14. 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.

National Developments

5.4.15. NPF4 sets the approach to planning and development to help achieve a net zero, sustainable Scotland by 2045. It continues the planning policy approach of identifying 'national developments' which refers to the allocation of national development status to certain classes of development. There are three categories of national development proposed namely 'liveable places, productive places and sustainable places'.

5.4.16. Page 97 of NPF4 sets out that 18 National Developments (NDs) 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".

5.4.17. 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".

5.4.18. Annex B of NPF4 sets out the various NDs and its related Statements of Need. 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".

5.4.19. Page 103 of NPF4 describes ND3 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."

5.4.20. 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."

5.4.21. Reference is made to the designation and classes of development which would qualify as ND3, and it states in this regard:

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

(a) on and off-shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;

(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132 kV or more; and

(c) new and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations".

5.4.22. The Proposed Development, having a capacity which exceeds the 50 MW threshold set for a ND means it has national development status as per these provisions of NPF4. The Proposed Development is of national importance for the delivery of the national Spatial Strategy.

5.4.23. The Strategy requires a "*large and rapid increase*" in electricity generation from renewables and the National Spatial Strategy makes it clear (NPF4, page 6) that *"we must make significant progress*" by 2030.

National Planning Policy

5.4.24. The following policies within NPF4 are relevant to the Proposed Development.

Policy 1 'Tackling the climate and nature crises'

5.4.25. Policy 1 states: *"when considering all development proposals significant weight will be given to the* global *climate and nature crisis".*

Policy 3 'Biodiversity'

5.4.26. Policy 3 seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks with an outcome of ensuring biodiversity is enhanced and better connected. Policy 3 states:

"LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) 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:

i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;

ii. wherever feasible, nature-based solutions have been integrated and made best use of;

iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;

iv. 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; and

v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) 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 that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration".

Policy 4 'Natural Places'

5.4.27. Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions and states:

"LDPs will identify and protect locally, regionally, nationally and internationally important natural assets, on land and along coasts. The spatial strategy should safeguard them and take into account the objectives and level of their protected status in allocating land for development. Spatial strategies should also better connect nature rich areas by establishing and growing nature networks to help protect and restore the biodiversity, ecosystems and natural processes in their area.

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

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

ii. 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. All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or

ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

i. will support meeting renewable energy targets; or,

ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration".

Policy 5 'Soils'

5.4.28. Policy 5 seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development and states:

"LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use.

a) Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;

iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;

iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbon rich soils and priority peatland habitat will only be supported for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;

iii. Small-scale development directly linked to a rural business, farm or croft;

iv. Supporting a fragile community in a rural or island area; or

v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

i. the baseline depth, habitat condition, quality and stability of carbon rich soils;

ii. the likely effects of the development on peatland, including on soil disturbance; and

iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:

i. the extracted peat is supporting the Scottish whisky industry;

ii. there is no reasonable substitute;

iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of part of at least 1 metre across the whole site, including drainage features;

iv. the time period for extraction is the minimum necessary; and

v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration".

Policy 6 'Forestry, Woodland and Trees'

5.4.29. Policy 6 seeks to protect and expand forests, woodland and trees and states:

"LDPs should identify and protect existing woodland and the potential for its enhancement or expansion to avoid habitat fragmentation and improve ecological connectivity, helping to support and expand nature networks. The spatial strategy should identify and set out proposals for forestry, woodlands and trees in the area, including their development, protection and enhancement, resilience to climate change, and the expansion of a range of types to provide multiple benefits. This will be supported and informed by an up to date Forestry and Woodland Strategy.

a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:

i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;

ii. Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

vi. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

d) Development proposals on site which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design".

Policy 7 'Historic Assets and Places'

5.4.30. Policy 7 has a stated intent to protect and enhance historic assets and places. It states:

"a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within the Historic Environment Records.

d) Development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced.

h) Development proposals affecting Scheduled Monuments will only be supported where:

i. direct impacts on the Scheduled Monument are avoided;

ii. significant adverse impacts on the integrity of the setting of a Scheduled Monument are avoided; or

iii. exceptional circumstances have been demonstrated to justify the impact on a Scheduled Monument and its setting and impacts on the monument or its setting have been minimised.

i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.

l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.

o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures."

Policy 11 'Energy'

5.4.31. Policy 11 has a stated intent: "*To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement* transmission *and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisations and storage (CCUS)*".

5.4.32. The desired outcome of this policy is stated as an "*Expansion of renewable, low carbon and zero* emissions *technologies*".

5.4.33. LDPs are directed to seek to realise their area's full potential for electricity and heat from renewable, low carbon and zero emissions sources by identifying a range of opportunities for energy development.

5.4.34. Policy 11 'Energy' states:

"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;

vi. 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 Park 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 some impacts are to be expected from 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;

vii 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."

5.5. National Planning Guidance

5.5.1. Planning Advice Notes (PANs) set out detailed advice from the Scottish Government in relation to a number of land use planning topics. Relevant PANs are summarised in Table 5.1 below.

Table 5.1 Relevant PANs

Title	Summary Content of PAN
PAN 1/2013 Environmental Impact Assessment (as amended)	Provides information on the role local authorities and consultees play as part of the EIA process, and how the EIA can inform development management.
PAN 60 (2000) Planning for Natural Heritage	Advises developers on the importance of discussing their proposals with the planning authority and Scottish Natural Heritage (SNH) (now NatureScot) and use of the EIA process to identify the environmental effects of

	development proposals and seek to prevent, reduce and offset any adverse effects in ecology and biodiversity.
PAN 75 (2005) Planning for Transport	The objective of PAN 75 is to integrate development plans and transport strategies to optimise opportunities for sustainable development and create successful transport outcomes.
PAN 1/2011 Planning and Noise	This PAN provides advice on the role of the planning system in helping to prevent and/ or mitigate any potential adverse effects of noise. It promotes the principles of good acoustic design and promotes a sensitive approach to the location of new development
PAN 51 Planning, Environmental Protection and Regulation (Revised 2006)	Describes the role of the planning system in relation to the environmental protection regimes.

5.6. The Local Development Plan & Relevant Policies

5.6.1. The LDP covering the site is the Scottish Borders Local Development Plan (SBLDP) which was adopted on 12 May 2016.

5.6.2. The SBLDP is under review and a proposed replacement LDP (known as LDP2) was presented to the Council in September 2020. LDP2 was the subject of public consultation which ended on 25 January 2021. LDP2 is intended to guide development in the Scottish Borders for the period 2021-26. The Plan has been through Examination (to address outstanding objections) and is likely to be adopted in 2024.

5.6.3. Relevant policies of the SBLDP (i.e. the current adopted LDP of 2016) are set out below.

5.6.4. The policies from the SBLDP relevant to the consideration of the Proposed Development and for the purposes of a comprehensive policy assessment are as follows:

- Policy PMD1 Sustainability;
- Policy PMD2 Quality Standards;
- Policy ED9 Renewable Energy Development;
- Policy ED10 Protection of Prime Quality Agricultural land & Carbon Rich Soil
- Policy HD3 Protection of Residential Amenity;
- Policy EP1 International Nature Conservation Sites and Protected Species;
- Policy EP2 National Nature Conservation and Protected Species;
- Policy EP3 Local Biodiversity;
- Policy EP4 National Scenic Areas;
- Policy EP5 Special Landscape Areas;
- Policy EP7 Listed Buildings;
- Policy EP8 Archaeology;
- Policy EP9 Conservation Areas;
- Policy EP10 Gardens and Designed Landscapes;
- Policy EP13 Trees, Woodlands & Hedgerows;
- Policy EP15 Development Affecting the Water Environment; and
- Policy IS5 Protection of Access Routes.

5.6.5. Relevant Supplementary Guidance (SG) with statutory status comprises that entitled 'Renewable Energy' (July 2018). This SG sets out a Spatial Framework as per the former Scottish Planning Policy (SPP) and provides further guidance on criteria referenced within LDP policy ED9. The SG is therefore incompatible with NPF4 insofar as it contains a Spatial Framework and refers to SPP. The SG also makes reference to the Council's Landscape Capacity Study which was updated in 2016.

5.6.6. Policy ED9 is the 'lead' policy with regard to dealing with onshore wind developments.

5.6.7. The supporting text set out at page 55 of the SBLDP (paragraph 1.1 *et seq*) sets the context of the policy and highlights that increasing the proportion of power generated from renewable energy sources plays a vital role in reducing greenhouse gas emissions. It adds that the generation of renewable energy also supports the transformation of the change to creating a low carbon economy and, furthermore, helps to increase the sale of economic growth.

5.6.8. The SBLDP adds that the aim of the policy ED9 is to support renewable energy, to guide development to appropriate locations and to advise on the factors to be taken into account in considering individual proposals. Reference is also made to the wider national level policy context in terms of renewable energy and electricity targets.

Policy PMD1 – Sustainability

Policy PMD1 states:

"*In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan's policies and which developers will be expected to incorporate into their developmen*ts:

a) The long term sustainable use and management of land;

b) The preservation of air and water quality;

c) The protection of natural resources, landscapes, habitats, and species;

d) The protection of built and cultural resources;

e) The efficient use of energy and resources, particularly non-renewable resources;

f) The minimisation of waste, including waste water and encouragement to its sustainable management;

g) The encouragement of walking, cycling, and public transport in preference to the private car;

h) The minimisation of light pollution;

i) The protection of public health and safety;

j) The support to community services and facilities;

k) The provision of new jobs and support to the local economy; and

l) The involvement of the local community in the design, management and improvement of their environment."

Policy PMD2 – Quality Standards

5.6.9. Policy PMD2 states:

"*All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:*

Sustainability

a) In terms of layout, orientation and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources,

including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction has been met, with at least half of this target met through the use of low or zero carbon technology;

b) It provides digital connectivity and associated infrastructure;

c) It provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance;

d) It encourages minimal water usage for new developments;

e) It provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities;

f) It incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance; and

g) It considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking and Design

h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and /or innovative design;

i) It is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building;

j) It is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where extension or alteration, the existing building;

k) It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form;

l) It can be satisfactorily accommodated within the site;

m) It provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings;

n) Its incorporate, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths;

p) It incorporates, where required, access for those with mobility difficulties;

q) It ensures there is no adverse impact on road safety, including but not limited to the site access;

r) It provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns;

s) It incorporates adequate access and turning space for vehicles including those used for waste collection purposes. Green Space, Open Space & Biodiversity;

t) It provides meaningful open space that wherever possible, links to existing open spaces and it is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance;

u) It retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Policy ED9: Renewable Energy Development

5.6.10. Policy ED9 states:

"The Council will support proposals for both large scale and community scale renewable energy development including commercial wind farms, single or limited scale wind turbines, biomass, hydropower, biofuel technology, and solar power where they can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to relevant environmental, community and cumulative impact considerations.

The assessment of applications for renewable energy developments will be based on the principles set out in Scottish Planning Policy (2014), in particular, for onshore wind developments, the terms of Table 1: Spatial Frameworks. Renewable energy developments, including wind energy proposals, will be approved provided that there are no relevant unacceptable significant adverse impacts or effects that cannot be satisfactorily mitigated. If there are judged to be relevant significant adverse impacts or effects that cannot be satisfactorily mitigated, the development will only be approved if the Council is satisfied that the wider economic, environmental and other benefits of the proposed outweigh the potential damage arising from it.

Supplementary Guidance

The Council will produce statutory Supplementary Guidance on wind energy and renewable energy. This shall be submitted to Ministers within 12 months of adoption of the plan. The guidance will accord with Scottish Planning Policy (2014), and will set out the detailed policy considerations against which all proposals for wind energy and other forms of renewable energy will be assessed, based on those considerations set out at paragraph 169. The guidance on wind energy will contain the onshore spatial framework as required by Scottish Planning Policy (2014), identifying areas where wind farms will not be acceptable, areas of significant protection, and areas with potential for wind farm development, and indicating the minimum scale of onshore wind development that the framework applies to.

Consideration of Wind Energy Proposals

The assessment of wind energy proposals will include the following considerations:

- *The onshore spatial framework which identifies those areas that are likely to be most appropriate for onshore wind turbines;*
- *Landscape and visual impact to include effects on wild land, and taking into account the report on Landscape Capacity and Cumulative Impact (July 2013) as an initial reference point, the landscape and visual impact assessment for a proposal (which should demonstrate that it can be satisfactorily accommodated in the landscape, and should properly address the issues raised in the 2013 report), and other relevant landscape, visual and cumulative impact guidance, for example that produced by Scottish Natural Heritage;*

- *All cumulative impacts, including cumulative landscape and visual impact, recognising that in some areas the cumulative impact of existing and consented development may limit the capacity for further development;*
- *Impacts on communities and individual dwellings (including visual impact, residential amenity, noise and shadow flicker);*
- *Impacts on carbon rich soils (using the carbon calculator), public access, the historic tourism and recreation, aviation and defence interests and seismological recording, telecommunications and broadcasting installations, and adjacent trunk roads and road traffic;*
- *Effects on the natural heritage (including birds), and hydrology, the water environment and flood risk;*
- *Opportunities for energy storage;*
- *Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
- *The scale of contribution to renewable energy generation targets, and the effect on greenhouse emissions;*
- *The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration; and*
- *The need for a robust planning obligation to ensure that operators achieve site restoration."*

Policy ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils

5.6.11. Policy ED10 states:

"*Development, except proposals for renewable energy development, which results in the permanent loss of prime quality agricultural land or significant carbon rich soil reserves, particularly peat, will not be permitted unless: a) the site is otherwise allocated within this plan b) the development meets an established need and no other site is available c) the development is small scale and directly related to a rural business*

Proposals for renewable energy development, including proposals for wind energy development, will be permitted if they accord with the objectives and requirements of policy ED9 on renewable energy development."

Policy EP1 - International Nature Conservation Sites and Protected Species

5.6.12. Policy EP1 states:

"*Development proposals which will have a likely significant effect on a designated or proposed Natura sites, which includes all Ramsar sites are only permissible where:*

a) An appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or

b) There are no alternative solutions, and

c) There are imperative reasons of overriding public interest including those of social or economic nature

d) Where a development proposal is sited where there is likely presence of an EPS [European Protected Species], the planning authority must be satisfied that:

e) There is no satisfactory alternative, and

f) The development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment, and

g) The development is not detrimental to the maintenance of the population of a EPS at a favourable conservation status in its natural range."

Policy EP2 - National Nature Conservation and Protected Species

5.6.13. Policy EP2 states:

"*Development proposals which are likely to have a significant adverse effect, either directly or indirectly, on a Site of Special Scientific Interest or habitat directly supporting a nationally important species will not be permitted unless:*

a) The development will not adversely affect the integrity of the site, and the development offers substantial benefits of national importance, including those of a social or economic nature, that clearly outweigh the national nature conservation of the site;

b) The developer will be required to detail mitigation, either on or off site, of any damage that may be caused by development permissible under the exception criteria."

Policy EP3 – Local Biodiversity

5.6.14. Policy EP3 states:

"*Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation. 5.28 Any development that could impact on local biodiversity through impacts on habitats and species should:*

a) Aim to avoid fragmentation or isolation of habitats; and

b) Be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; and

c) Compensate to ensure no net loss of biodiversity through use of biodiversity offsets as appropriate; and

d) Aim to enhance the biodiversity value of the site, through use of an ecosystem approach, with the aim of creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance."

Policy EP4 - National Scenic Areas

5.6.15. Policy EP4 states:

"*Development that may affect National Scenic Areas will only be permitted where:*

a) The objectives of designation and the overall landscape value of the site and its surrounds will not be compromised; or

b) Any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits or national importance."

Policy EP5 - Special Landscape Areas

5.6.16. Policy EP5 states:

"*In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant*

adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance."

Policy EP7 - Listed Buildings

5.6.17. Policy EP7 states:

"The Council will support development proposals that conserve, protect, and enhance the character, integrity and setting of Listed Buildings.

Internal or external alterations and extensions to Listed Buildings, or new developments with their curtilage, must meet the following criteria:

a) Be of the highest quality;

b) Respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design;

c) Maintain, and should preferably enhance, the special architectural or historic quality of the building; and

d) Demonstrate an understanding of the building's significance.

All applications for Listed Building Consent or applications affecting the setting of Listed Buildings will be required to be supported by Design Statements.

New development that adversely affects the setting of a Listed Building will not be permitted."

Policy EP8 - Archaeology

5.6.18. Policy EP8 states:

"*A. National Archaeological Sites*

Development proposals which would destroy or adversely affect the appearance, fabric or setting of the Scheduled Monuments or other nationally important sites will not be permitted unless:

a) The development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site; and

b) There are no reasonable alternative means of meeting the development need.

B. Battlefields

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

C. Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposals will clearly outweigh the heritage value of the asset.

In all the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council."

Policy EP9 - Conservation Areas

5.6.19. Policy EP9 states:

"*The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes*."

Policy EP10 – Gardens and Designed Landscapes

5.6.20. Policy EP10 states:

"*The Council will support development that safeguards or enhances the landscape features character or setting of:*

sites listed in the Inventory of Gardens and Designed Landscapes; or

sites included in historic gardens and designed landscapes records."

Policy EP13 – Trees, Woodlands & Hedgerows

5.6.21. Policy EP13 states:

"*The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.*

Any development that may impact on the woodland resource should:

a) Aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and

b) Adhere to any planning agreement sought to enhance the woodland resource."

Policy EP15 - Development Affecting the Water Environment

5.6.22. Policy EP15 states:

"*Development proposals that seek to bring improvement to the quality of the water environment will be supported. Where a proposal would result in a significant adverse effect on the water environment through impact on its natural or physical characteristics, or its use for recreation or existing river engineering works, it will be refused. Decision making will be guided by an assessment of:*

a) Pollution of surface or underground water, including water supply catchment areas, as a result of the nature of any surface or waste water discharge or leachate, including from the disturbance of contaminated land;

b) Flood risk within the site or the wider river catchment;

c) Proposals for river engineering works that may be required for fisheries management, flood defence or erosion control; and

d) Compliance with current best practice on Sustainable Urban Drainage (SUDS) including avoidance of flooding, pollution, extensive canalisation and culverting of watercourses."

Policy HD3 - Protection of Residential Amenity

5.6.23. Policy HD3 states:

"*Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:*

a) The principle of the development, including where relevant, any open space that would be lost; and

b) The details of the development itself particularly in terms of:

I. The scale, form and type of development in terms of its fit within a residential area;

II. The impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development;

III. The generation of traffic or noise; and

IV. The level of visual impact."

Policy IS5 - Protection of Access Routes

5.6.24. Policy IS5 states:

"*Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by the Council, can be provided by the developer."*

5.7. Conclusions

5.7.1. This chapter has set out the legislative background, a summary of the national energy policy framework, and the national and local planning policies and guidance relevant to the consideration of the Proposed Development. It provides an objective summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIAR in order to ensure that it provides the appropriate information for the consideration of the application for consent.

5.7.2. The policy appraisal for the Proposed Development is contained in a separate Planning and Sustainable Place Statement.

5.8. Statement of Competence

5.8.1. The author David C Bell BSc (Hons) Dip UD MCIHT MRTPI is a Chartered Town Planner with over 30 years' experience of planning and development practice in the private sector, advising on a range of developments in the UK and overseas. Mr Bell is a recognised leading expert in energy and infrastructure planning specialising in onshore and offshore wind, solar, battery storage developments and overhead line projects and substations. He advises on feasibility studies, planning and section 36 and 37 applications and planning Appeals and frequently acts in the capacity of expert witness in Public Inquiries. Mr Bell's experience covers practice in Scotland, England and Wales.