

This Supplementary Report is an update to Members following the adoption of NPF 4 on 13 February 2023 and its materiality to the application.

Reference No: 22/01298/S37

Applicant: The Scottish Government on behalf of Scottish Hydro Electric Transmission Plc

Proposal: Construction of approximately 13.3 km of 275 kV Over Head Line (OHL) from between a proposed substation at Creag Dhubh to the existing Scottish Power Energy Networks (SPEN) 275 kV OHL that runs from Dalmally to Inverarnan.

Site Address: Land South Of Dalmally and East of Cladich

SUPPLEMENTARY REPORT NO. 1

1. INTRODUCTION

This Section 37 proposal was originally presented to Members on the 28.9.22 with an officer recommendation that no objection be lodged. The Committee determined, on behalf of the Council, as Planning Authority, to object to this proposal for the following reason;

The proposal will have adverse landscape and visual impacts (including cumulative) within an Area of Panoramic Quality, and in particular from the Duncan Ban Monument, and is therefore inconsistent with the provisions of: LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality; and SG LDP ENV 16(a) – Development Impact on Listed Buildings; of the Argyll and Bute Local Development Plan.

The Energy Consents Unit was notified of this decision accordingly. As a result of the objection from the Planning Authority, in terms of the Electricity Act, if that objection is not withdrawn the Scottish Ministers must cause a Public Inquiry to be held. The case is currently with the DPEA and a Reporter has been appointed. The appeal reference is TRL-130-1 and a link to the DPEA website is provided below.

[Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://scotland.gov.uk/dpea/cases/22/01298/S37)

Since Members determined to object on 28.9.22 Officers consider that there has been a substantial and material change in circumstances which merits the matter being brought back to Members. National Planning Framework 4 (NPF4) has become part of the statutory planning framework with it being formally adopted on 13.2.23.

2. RE-CONSULTATION

General Background

As the Planning Authority's decision to object to the current was taken prior to the NPF4 being adopted and forming part of the development plan (as referenced in Section 25 of the Planning Act 1997), Officers considered it expedient, to give the Members the opportunity to consider whether they wish to continue to object to the proposals.

The case is currently with the DPEA and no decision has been made to allow or refuse the proposal. The implications of NPF 4 on the merits of the proposal will be a matter which will require to be considered by the Reporter before making a decision. It was therefore considered appropriate to allow members the opportunity to express their own views on this matter.

This report therefore seeks Members' views on whether the adoption of NPF 4 and its contents would lead to the previous recommendation being altered.

3. STATUS OF NPF4

Clearly the status and importance of NPF4 as part of the decision making process has changed since the Council made a decision to object to the proposal. NPF 4 has from 13.2.23 replaced National Planning Policy 3 (NPF3) and Scottish Planning Policy 2014 (SPP). It has become the national element of the statutory development plan – for all parts of Scotland. NPF4 should now be given significant weight in the decision-making process.

4. ASSESSMENT OF PROPOSAL AGAINST NPF4

A link to the adopted version of NPF 4 is provided below for Members ease of reference:

[National Planning Framework 4 \(www.gov.scot\)](https://www.gov.scot/publications/national-planning-framework-4/pages/1-1-introduction.aspx)

The Spatial Strategy in NPF4 sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that that Scotland's environment is a national asset which supports our economy, identity, health, and wellbeing. It sets out that we have already taken significant steps towards decarbonising energy and land use, but choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The Spatial Strategy reflects legislation in setting out that decisions require to reflect the long-term public interest.

However, in doing so it is clear that we will need to make the right choices about where development should be located ensuring clarity is provided over the types of infrastructure that needs to be provided and the assets that should be protected to ensure they continue to benefit future generations. The Spatial Priorities support the planning and 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.

Eighteen "National Developments" support this strategy. National developments will be a focus for delivery, as well as exemplars of the Place Principle, placemaking and a Community Wealth Building (CWB) approach to economic development.

The type of development subject to this application is identified as a national development of "*Strategic Renewable Electricity Generation and transmission Infrastructure*". Specific

commentary in the importance of the delivery of nationally important transmission infrastructure is provided at Page 104. This clarifies that:

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.

Page 104 of NPF 4 further clarifies that:

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....

There is in principle substantial policy support for the current proposals with NPF 4 as they have been identified of national importance in the delivery of Scotland's Spatial Strategy and national grid improvements necessary to transmit renewable energy. However, any project identified as a national development also requires to be considered at a project level against the other policies of NPF 4 applicable to the proposal to ensure evaluation against the objectives of NPF 4 as a whole is undertaken. This includes consideration against the provisions of the Development Plan, of which National Planning Framework 4 is now a part.

Within NPF 4 there are specific policies which Officers consider to be most directly applicable to the current proposals in terms of considering whether the proposal complies with NPF 4. These are set out below;

NPF4 - Policy 1 – Tackling the Climate and Nature Crisis

The intention of policy 1 is to “*encourage, promote and facilitate development that addresses the global climate emergency and nature crisis*”. Planning Authorities are advised that “*When considering all development proposals significant weight will be given to the global climate and nature crises*”.

Members are requested to have regard to and consider the stated objectives of Policy 1 in reaching a recommendation.

NPF4 - Policy 11: Energy – The intention of Policy 11 is 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 utilisation and storage (CCUS)”.

Policy 11 sets out that development proposals for all forms of renewable energy (including new and replacement transmission and distribution infrastructure such as the current proposals) will be supported.

This policy continues to set out that proposals will only be supported where they demonstrate how, through project design and mitigation, the impact on a range of considerations has been addressed. This allows for consideration of matters related to impacts on communities and individual dwellings in relation to amenity; landscape and visual impact; public access; aviation and defence interests; telecommunications; traffic; historic environment; biodiversity (including birds); impacts on trees; decommissioning; site restoration; and cumulative effects.

While the weight to be given to each of the considerations in Policy 11 is a matter for the decision maker, NPF4 is clear that significant weight will require to be placed on the contribution of the proposal to providing new nationally important electricity grid infrastructure associated with the transmission of renewable energy. In relation to landscape and visual impacts it advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable.

This support is not however to the exclusion of other factors, a balance still requires to be struck in terms of the impact of development. NPF4 must be read as a whole, and detailed consideration given to linked policies, such as Policy 4: Natural Places, considered below. Project design and mitigation needs to show how impacts (both individual and cumulative) on numerous receptors, including the natural environment have been addressed.

NPF4 Policy 4: Natural Places – The intention of Policy 4 is to protect, restore and enhance natural assets, making the best use of nature-based solutions. The policy outcome is that natural places are protected and restored, and natural assets are managed in a sustainable way that supports and grows their essential benefits and services. Of relevance to this proposal is policy 4(a) which sets out that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported.

This policy seeks to “*protect, restore and enhance natural assets making best use of nature-based solutions*”. It is further clarified at (d) that;

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.

Officers remain of the view that landscape impacts remain limited and acceptable. Such impacts as occur have to be weighed against other policies of NPF 4 and also the specific identification of electricity grid infrastructure upgrades as being an important aspect in meeting the objectives of Policy 1 and in respect of the objectives of NPF 4 policy 11 outcomes.

It should also be noted that neither NatureScot nor the Council’s Biodiversity Officer raised objections to the proposals on impact upon natural environment as the mitigation set out in the EIAR was considered to satisfactorily address these matters.

It is Officers’ opinion that the proposals are considered acceptable in respect of NPF 4 Policy 4 objectives.

NPF Policy 7 – Historic Assets and Places

In this instance Members have expressed concerns in their objection to the impacts of the development on not only landscape but also to the setting of the Duncan Ban Monument which is a Category B Listed building.

NPF 4 Policy 7 seeks to “*protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places*”.

It is further clarified in Policy 7 that:

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 Historic Environment Records

As set out in the original Committee Report, the Council's Conservation advisor was of the opinion that any harm caused to the setting of the Duncan Ban Monument did not justify objecting to the proposal.

In respect of the balance of judgement in considering NPF 4 and its policies, Officers consider that the support for the proposals has strengthened within NPF 4 (Policies 1 and 11 in particular as previously referenced), and therefore Officers consider that the weight of policy support for the proposals has increased due to the adoption of NPF4 and this outweighs any impact on the setting of the Listed Building.

5. Conclusion

Officers consider that following the adoption of NPF 4 on 13.02.23 more weight should be given to the policies within it which support the delivery of nationally important energy transmission and grid infrastructure to assist in the transition to net zero and address the climate emergency.

NPF 4 Policies 1 and 11 provide support for the current proposals as Nationally Important Development. This in the opinion of Officers strengthened the overall policy framework in support for the proposals since Members previously determined to object to the development on 28.09.22.

Officers therefore consider it appropriate to give Members the opportunity to reconsider the current Objection in the light of this new and more supportive statutory planning policy framework set out in NPF4.

Recommendation

Members are invited to re-consider their decision to object to the proposals in light of the enhanced status of NPF4 and instruct Officers accordingly on this matter.

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**Date: 07.03.23
Date: 07.03.23**

Fergus Murray
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