



# PLANNING THE ENERGY TRANSITION SEMINAR

06 MARCH 2024 GLASGOW

## SPONSORS & SUPPORTERS



# A time of change – major shifts in planning policy

Chaired by Megan Amundson, Senior Policy  
Manager – Onshore Wind & Consenting, Scottish  
Renewables

# Richard Baldwin

## Head of Consents & Environment

### SSEN Transmission



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# Delivering a Network for NetZero

Richard Baldwin

Head of Consents & Environment

March 2024

# PATHWAY TO 2030

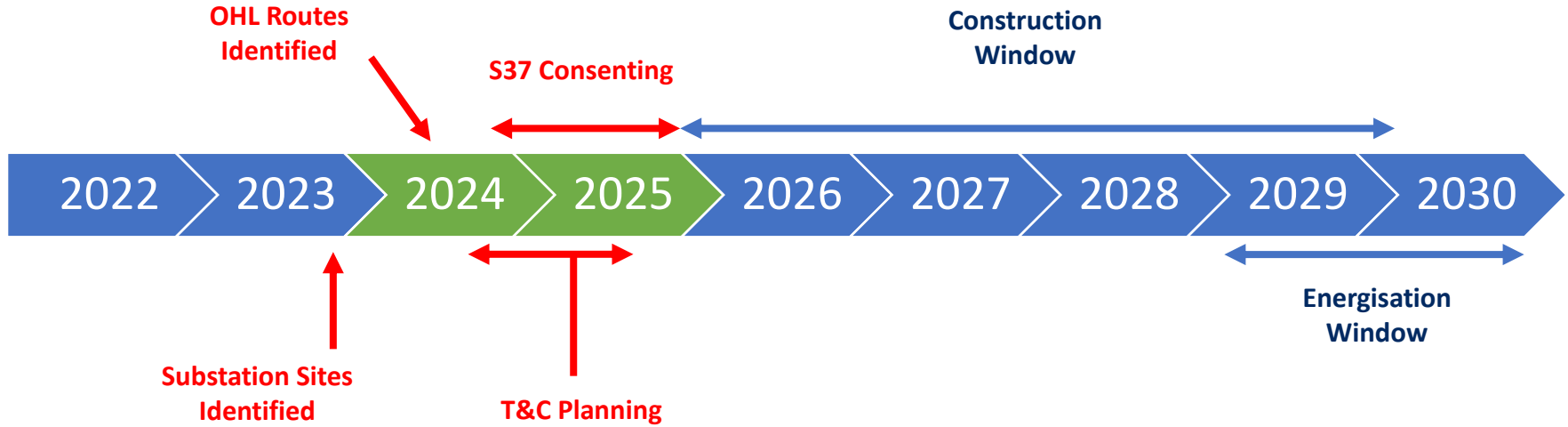
- In-flight Investments
- Pathway to 2030 Investments

- New Infrastructure (Routes shown here are for illustrative purposes)
- Upgrade/Replacement of Existing Infrastructure
- Existing Network

All new reinforcements remain subject to detailed consultation and environmental assessments to help inform route and technology options

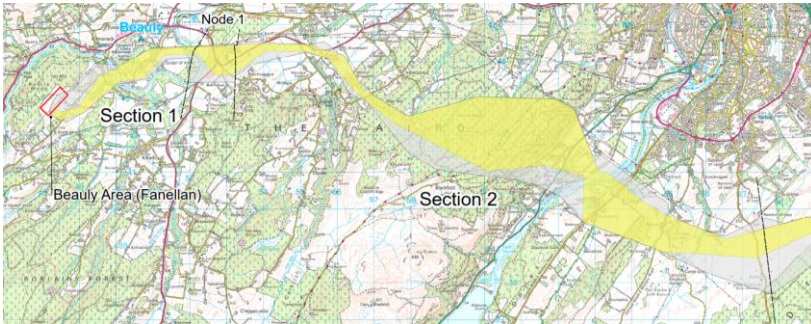
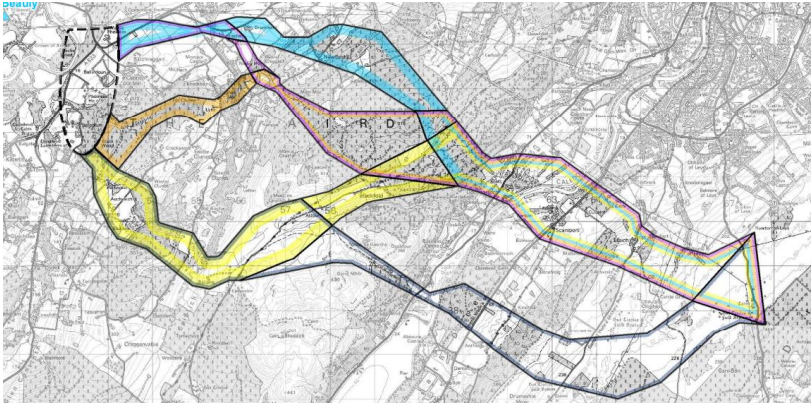


# Delivery programme

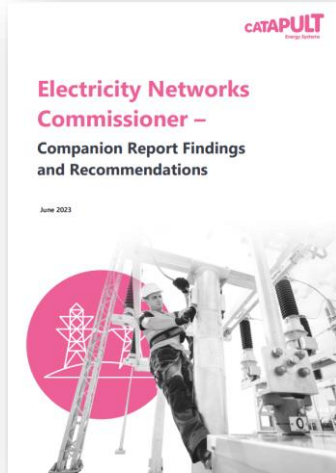


\*representation of the timescales across the onshore ASTI Schemes.

# The last 12 months (on the ground)



# Last 12 Months (in Policy)



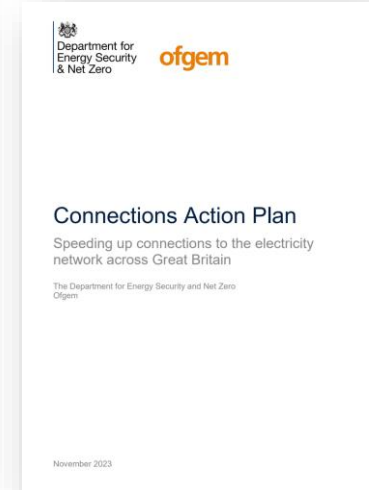
June 23



Nov 23



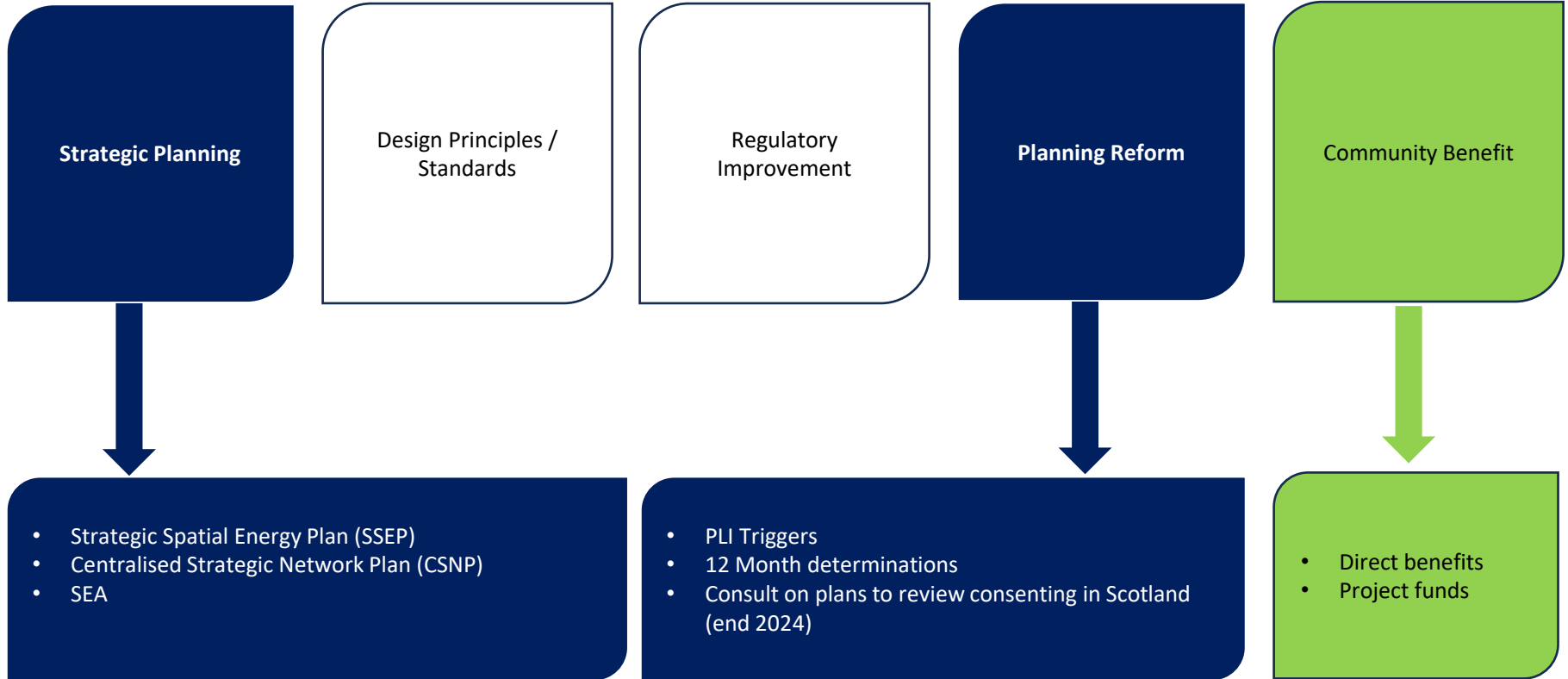
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Nov 23



# Key themes



# Need for short term action....

Pre-application

Determination Guidance

**Prioritisation**

Consultation Process

PLI

Resourcing

Stakeholder Awareness/Buy-in

Thank you



# Jo Wotton

## Associate Director – Environmental Planner LUC



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# Scottish Renewables: Planning the Energy Transition Seminar

6<sup>th</sup> March 2024

## Onshore Wind Sector Deal: EIA Task and Finish Group

Prepared by LUC

Jo Wotton

Associate Director, Environmental Planning



Overview to the OWSD commitments and the OWSD EIA TFG

Preparation of “*Standard Scope and Format for EIA Reports*”: Quick wins and other considerations

Focus groups and wider consultation process (industry, consultees, government)

Programme and next steps

# Onshore Wind Sector Deal for Scotland and Planning Objective



## Onshore Wind Sector Deal for Scotland

September 2023



*“The onshore wind sector deal sets out commitments from the Scottish Government and the onshore wind industry to deliver upon our collective ambition of 20 GW of onshore wind in Scotland by 2030 whilst delivering maximum benefit to Scotland.”*

### Planning Objective:

*“We will reduce the time it takes to determine Section 36 applications for onshore wind projects by increasing skills and resources and by **streamlining approaches to scoping Environmental Impact Assessment Reports (EIARs) by using template formats and associated guidance.**”*

## OWSD Planning Objective: Collaborative Action

### Collaborative Action:

- Set up a working group “to develop a **recommended standard scope and format** for EIARs for onshore wind farms, designed to reduce the burden on consultees and other stakeholders”.
- Focus on proportionality to identify potentially **significant** environmental effects.
- Scoping of EIARs at a time when sufficient information is known to allow for an informed focus on potentially significant effects.
- Consider information requirements for repowering/life extensions and reflect within standard scope/format for EIARs.
- Guidance on standard scope / format due for completion Q2 2024.



## OWSD Planning Objective: **Sector Action**

### **Sector Action:**

- Proactively engage with consultees to improve scoping of the environmental information required in EIARs, focusing on potentially significant environmental effects.
- From Q3 2024, ensure the EIARs for Section 36 applications are based as far as is possible on the agreed templates, scopes and formats.

## OWSD Planning Objective: **Government Action**

### **Government Action:**

*“From 2025, we will aim to determine Section 36 applications for new sites, and for the repowering of existing operational sites, within 12 months where there is no public inquiry, or 24 months if there is a public inquiry. Further, we will aim to determine applications for the life extension of operational wind farms within five months, and other Section 36C applications within nine months where there is no public inquiry. We will track when these timelines are not achieved and the reason for this, publishing this data annually.”*

# OWSD EIA TFG Members

## Consultees:

- SEPA
- HES
- NatureScot

## Developers:

- SPR
- RES

## Legal experts:

- Marcus Trinick, KC
- Eversheds

## Consultants and EIA Practitioners:

- LUC
- Ramboll
- RSK
- Savills

# ***“Standard Scope and Format for EIA Reports”*** **EIA TFG initial thoughts...**

## **Quick wins**

- Consolidate introductory chapters and remove planning chapter as standard.
- Are all assessments required? Remove socio-economics, ‘other issues’, and others?
- Remove some standard supporting report information (e.g. ecology legislation appendix).

## **Other considerations**

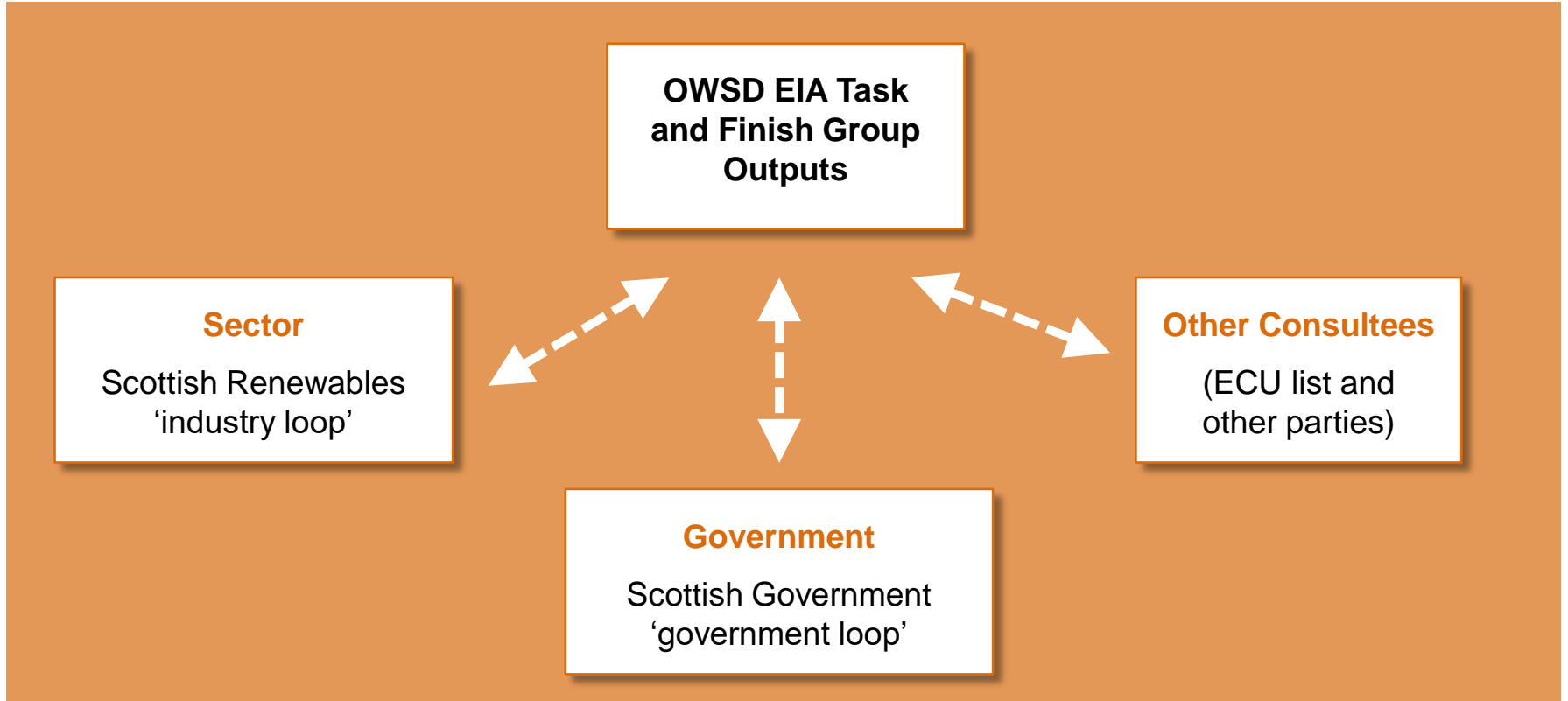
- Need to retain flexibility within guidance / format / structure / template.
- Standardise scoping reports and only provide detail where deviating from this – scope later?
- Importance of ECU and consultee ‘buy in’.
- Compliance with EIA Regulations.

## OWSD EIA TFG Expert Focus Groups

### Focus groups:

- LVIA
- Historic Environment
- Ecology and Ornithology
- Hydrology and Peat
- Noise
- Traffic and Transport
- Climate Change
- Planning and EIA Report Presentation / Format etc.

# Task and Finish Group Outputs: Consultation Process



# Programme and Next Steps



Q4 2023:	establish Task and Finish Group	<b>COMPLETE</b>
Q1/Q2 2024:	expert focus groups and wider consultation	<b>ONGOING</b>
Q2 2024:	develop “ <i>standard scope and format</i> ” of EIA Reports	
Q3 2024:	use of “ <i>agreed templates, scopes and formats</i> ” for EIA Reports	

# Suzie Saunders

## Senior Policy Analyst

### ScottishPower Renewables



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A large white wind turbine stands in a lush green field under a clear blue sky with light clouds. Another smaller turbine is visible in the distance on the horizon.

# A time of change – major shifts in planning policy

Suzie Saunders, Senior Planning and Environmental Policy Analyst

Notes: This is the original version (as it was originally presented).



## Planning (Scotland) Act 2019

2019 asp 13

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 20th June 2019 and received Royal Assent on 25th July 2019

An Act of the Scottish Parliament to make provision about how land is developed and used.

**PART 1**  
DEVELOPMENT PLANNING  
*Development planning*

**1 Purpose of planning**  
(1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.  
(2) After Part 1 insert—

**"PART 1ZA**  
PURPOSE OF PLANNING

**1ZA Purpose of planning**  
(1) The purpose of planning is to manage the development and use of land in the long term public interest.  
(2) Without limiting the generality of subsection (1), anything which—  
(a) contributes to sustainable development, or  
(b) achieves the national outcomes (within the meaning of Part 1 of the Community Empowerment (Scotland) Act 2015),  
is to be considered as being in the long term public interest.  
(3) This section applies only to the Scottish Ministers' and planning authorities' exercise of functions under Parts 1A and 2."



## National Planning Framework 4



 Scottish Government  
Riaghaltas na h-Alba



## Onshore Wind Sector Deal for Scotland

September 2023

 Scottish Government  
Riaghaltas na h-Alba

## Implementing the NPF4



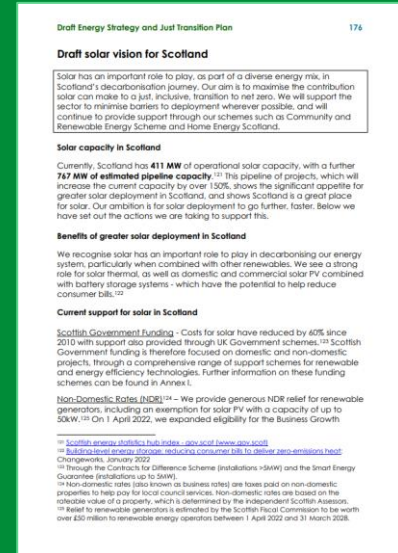
- Consents
- Local Development Plans

## Onshore Sector Deal



- Determination Timescales
- EIA Streamlining

## Other Planning Changes



- Solar Vision
- Resourcing
- Masterplan consents

## Proactive not reactive:

- Incremental changes must deliver our ambitions today (2030)
- We need to proactively build the system we need tomorrow (beyond 2030)
- We cannot neglect the present in favour of the future, or future in favour of the present.

# DCO?



## **Megan Amundson**

Senior Policy Manager – Onshore Wind & Consenting, Scottish Renewables

## **Richard Baldwin**

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## **Jo Wotton**

Associate Director – Environmental Planning, LUC

## **Suzie Saunders**

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# **The devil's in the detail – community benefit, biodiversity net gain and socio-economic benefits**

Chaired by Morag Watson, Director of Policy,  
Scottish Renewables

# David Bell

## Managing Director

### David Bell Planning



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# SR Energy Transition Seminar NPF4 – after one year

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06 March 2024

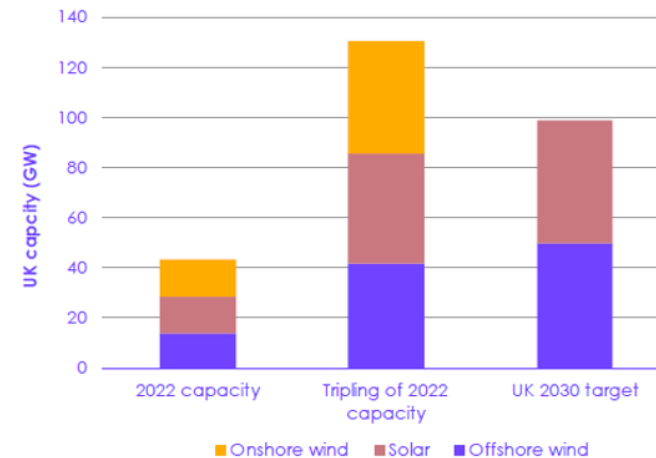


# Renewable Energy Policy Framework

## Climate Change Committee - Report on COP28: Key Outcomes and Next Steps for the UK (January 2024)

- > COP28, Dubai 2023 “The stocktake calls on parties to take actions towards achieving, at a global scale, a tripling of renewable energy capacity and doubling of energy efficiency improvements by 2030.” (UN)
- > 2023 hottest year on record.
- > CCC - Achieving the 2030 NDC will require the rate of emission reductions outside of the electricity sector to quadruple from that of recent years.
- > CCC - UK targets for offshore wind and solar PV are broadly consistent with COP28 calls to triple renewable energy capacity by 2030. However, a tripling of total renewable energy capacity (on 2022 levels) would also require growth in onshore wind.

Figure 2.2: The tripling of Renewable Energy Capacity in a UK Context<sup>8</sup>



# Post NPF4 Decisions, Onshore Wind & BESS

Development / NPF4 Issue	Localised Impacts	Design Mitigation	Wild Land	Local Landscape Areas	Max Net Economic Impact	Cultural Heritage	National Park / NSA Matters	Policy Incompatibilities	Policy Strength of NPF4	NatureScot Objections	Grid Constraints	Right dev in the Right Place	Eskdalemuir Seismic Array	NPF4 Policy 6 Impacts on Ancient Woodland	NPF4 Policy 3 Biodiversity
<b>Wind Farms</b>															
Achany	X		X												
Meal Buidhe								X							
Clash II					X				X						X
Sheirdrim						X			X						
Kirkan				X	X			X	X			X			
Shepherd's Rig				X				X							X
Clauchrie			X												
Sanquhar II									X						X
Glendye	X			X	X				X	X	X	X			X
Kintradwell	X	X		X				X							
Chleansaid	X														
Corriegarth Ext					X				X						
Faw Side	X	X		X									X		
Cairn Duhie															
Lethen				X		X	X								
<b>Battery Storage</b>															
Devilla									X					X	X
Lower Blackhill															X

## 2. NPF4 – Key Policy Topics

### Policy 11 (Energy)

- Landscape & Visual – localised impacts and the role of design mitigation
- Maximisation of Net Economic Impact

### Policy 3 (Biodiversity)

- Significant biodiversity enhancement

### Policy 4 (Natural places)

- Local Landscape Areas
- National Parks
- Wild Land Areas
- NatureScot objections

### Policy 7 (Historic assets and places)

- Cultural Heritage impacts

**Overall strength of NPF4 policy support in the planning balance**



## Other Key Issues

1. **Caithness & Sutherland in Highland – Candidate World Heritage Site**
2. **Planning conditions to secure maximisation of socio-economic benefits**
3. **Implications of a new National Park in Scotland**
4. **Retaining right to a Public Inquiry**
5. **Timescales for determinations**
6. **Are we on track to deliver 20 GW of onshore wind by 2030?**



# Delivery of 20 GW of Onshore Wind by 2030?

## BVG Report – update of pipeline as of August 2023

The BVG Report sets out that with the application of filters considered in the model, then the expected onshore wind operating capacity by 2030 would be around 18.8 GW (page 9 of the BVG Report).

**Actions to increase delivery include:**

**Reinstating projects removed by the limits of 150 m tip height.** The Report acknowledges the much more limited availability in the market for turbines of that relatively low tip height;

An action is suggested to **reduce the default planning determination duration times**, however this would be very much dependent upon the allocation of additional resources in the planning system and there is no evidence of that happening at the present time; and

A further action is to **assume repowering of all onshore wind developments at end of their life and assuming an uplift on original capacity of 100%**. Again, this assumption has its limitations and there is also no evidence that widespread repowering is going to be undertaken on such a basis and grid will constrain. Extensions of operational life is likely to remain an attractive option in many cases.

Status of Onshore Wind Projects	OWPS (GW)	BVG Report (GW)	Difference 2022 v 2023 (GW)	Comments
In the Planning / Process	5.53	6.80	+ 1.27	Footnote on page 6 of OWPS applies. Not all projects will receive consent.
Awaiting Construction	4.56	6.14	+ 1.58	The figures are subject to some duplication – e.g. where some projects have consent but are also subject say to applications for tip height increases.
Under Construction	1.17	0.96	- 0.21	
<i>Sub Total</i>	11.26	13.09	+ 1.83	
Operational Onshore Wind in Scotland	8.70	9.32	+ 0.62	A number of projects will reach the end of their operational life. Not all will necessarily be repowered or life extended.  A proportion of the operational capacity will have passed its notional design life by 2030 and will be under consideration for decommissioning or repowering.
<i>Total</i>	19.96	22.41	+ 2.45	

# Thank You

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# Shona Glenn

## Development Director

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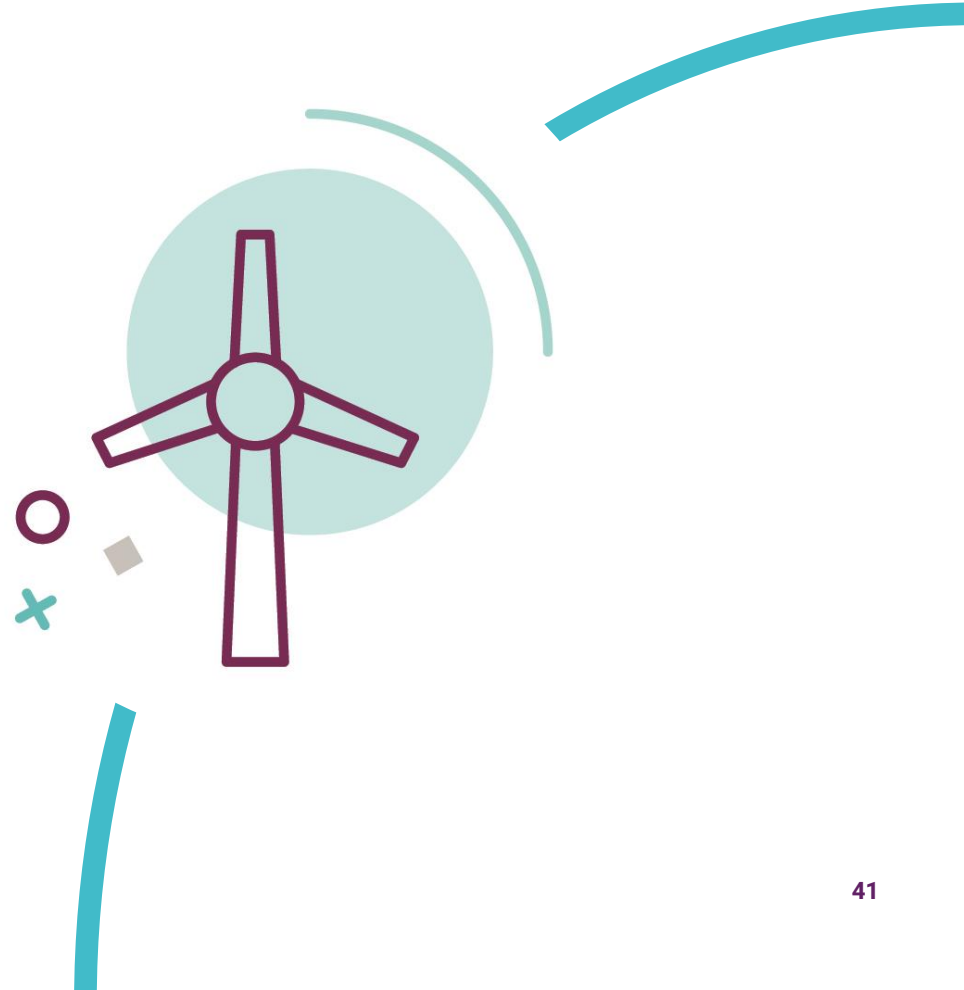
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# “Maximising” Net Economic Benefits

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6<sup>th</sup> March 2024

Shona Glenn





# “Maximising” Impact

Some ideas work better in the real world...

- **Effort**
- **Innovation**
- **Collaboration**

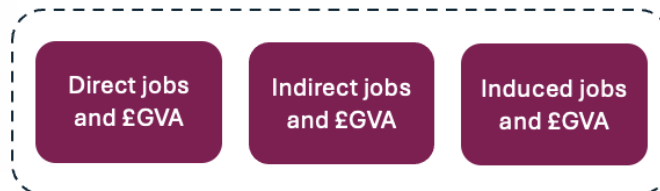




# Current Approach to Measuring Impact



## Construction Phase



Economic benefits

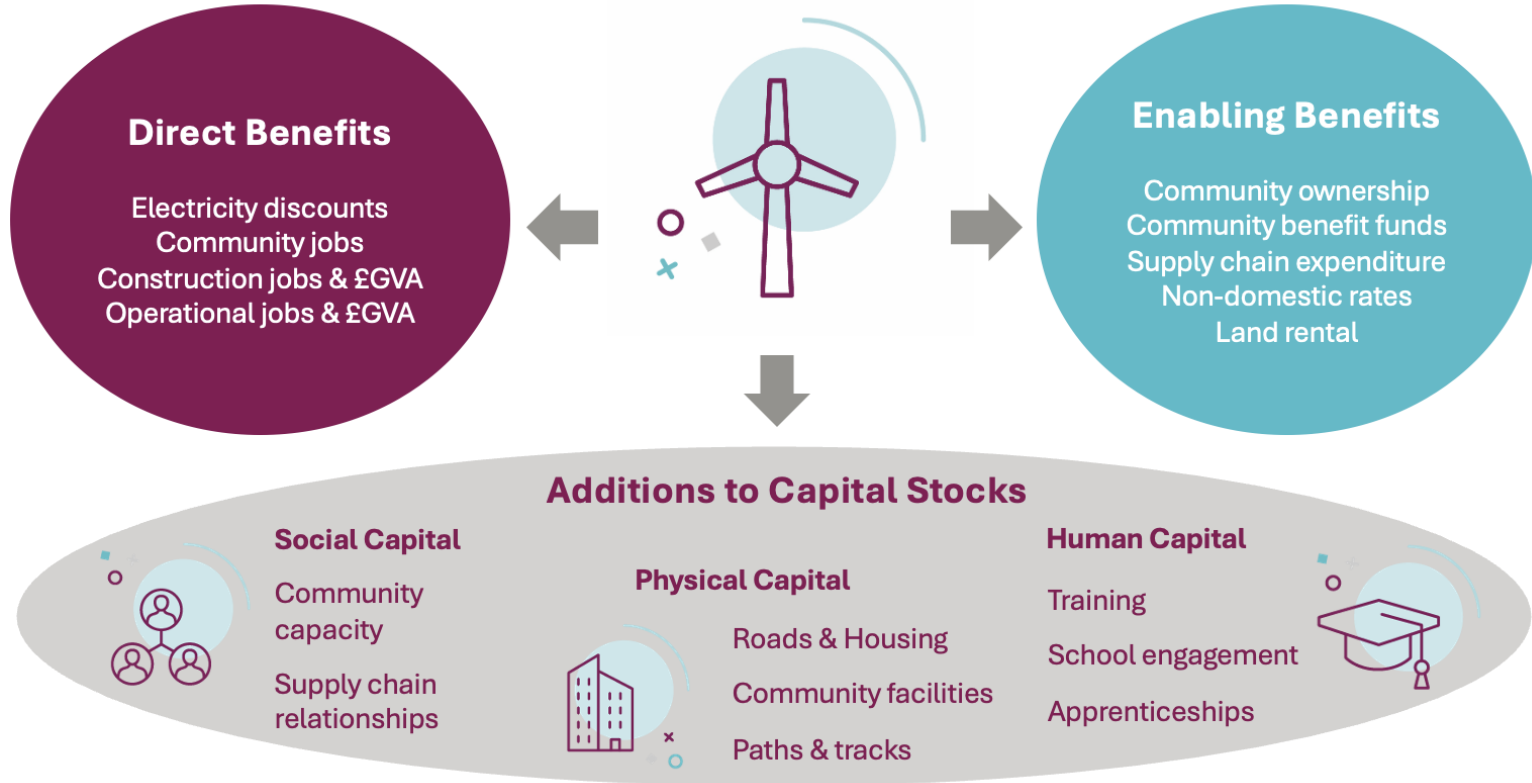
Community benefits

## Operational Phase





# The Impacts of Renewables Projects





# Evidencing Benefits

## Tailor the evidence to fit the benefit

### Direct Benefits

- Controlled directly by you
- Adhere to standard industry best practice
- Demonstrate commitment to ongoing innovation and continuous improvement

### Enabling Contributions

- Delivered by others in the future
- Establish conditions for success
- Demonstrate adherence to relevant guidance and industry best practice

### Capital Formation

- Creating the conditions needed to unlock future impacts
- Establish meaningful and effective relationships with strategic delivery partners
- Demonstrate ongoing commitment to collaboration



# Maximising Impact: Six Tests

## How will you know if you've got it right?

- 1. Rapid deployment** - is the project being rolled out at an optimal time-scale, consistent with achieving the 2030 deployment target?
- 2. High local supply chain content** – have all reasonable steps been taken to maximise the value of supply chain expenditure secured by local businesses?
- 3. Continued innovation** – are there novel elements within the design and/or implementation of the project designed to enhance local benefits and support the process of continuous improvement?
- 4. Bespoke approach to workforce development** – have all reasonable efforts been made to ensure training and employment opportunities are accessible to local people?
- 5. Fair community benefits** – has an affordable package of benefits been developed in accordance with best practice principles?
- 6. Infrastructure contributions** - are arrangements in place to ensure that on completion of construction local infrastructure is restored to a condition at least as good as it was as before construction started?



# Shona Glenn

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# Finley Becks-Phelps

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# Fraser Mitchell

## Partner

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6 March 2024

# Scottish Renewables

The devil is in the detail – community benefit, biodiversity net gain and socio-economic benefits

Fraser Mitchell - Partner



SHEPHERD+ WEDDERBURN

# Planning reform and the legal framework

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- Change on a range of matters under the **Planning (Scotland) Act 2019**, including the development plan, but not the legal framework (although there are a few exceptions...)
  - **Section 25 of the Town and Country Planning (Scotland) Act 1997:-**
    - *“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan”*
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# Development Plan

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- ***What is the development plan?***
  - National Planning Framework 4
  - Local Development Plan

- **Section 24(3) of the 1997 Act**

*“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”*



# National Planning Framework 4

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- **Planning (Scotland) Act 2019** made no change to the **Electricity Act 1989** (*although a consultation is now underway to change the threshold for section 36 applications*)
  - **National Planning Policy 4** is a policy which is relevant to the determination of a **section 36 application**
  - **Key policies: Policy 1 (Tackling the climate and nature crises), Policy 3 (Biodiversity), Policy 11 (Energy), and Policy 25 (Community wealth building)**
-

# How is NPF4 to be used?

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- **National Planning Framework 4**
    - *“The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to the policies on a case by case basis.”*
  - **Case law (*City of Edinburgh Council v Secretary of State for Scotland*)**
    - “There may be some points in the plan which support the proposal but there may be some considerations pointing in the opposite direction. He will require to assess all of these and then decide whether in light of the whole plan the proposal does or does not accord with it”
-

# Biodiversity

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- **Policy 3**
    - ***“Development proposals for national or major developments, 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 that they are in a demonstrably better state than without intervention.”***
  - **What does it mean?!**
-

# Community Benefit

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- *Tesco Stores Ltd v Secretary of State for the Environment and Others* [1995] UKHL J1019-1
  - **Policy 16(b)** – a Statement of Community Benefit (only applies to housing proposals)
  - **Policy 25** - *“Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.”*
    - **A promotional tool?**
-





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