

Loch Kemp Storage - EIA Report

Appendix 6.1: Fourth National Planning Framework (NPF4) Policies Relevant to the Proposed Development

November 2023

ash



ash design + assessment
Suite 2/3, Queens House
19 St Vincent Place
Glasgow, G1 2DT

Tel: 0141 227 3388
Fax: 0141 227 3399

Email: info@ashglasgow.com

Web: www.ashdesignassessment.com

Appendix 6.1 Fourth National Planning Framework (NPF4) Policies Relevant to the Proposed Development

NPF4 Policies	Policy Wording
Policy 1: Tackling the climate and nature crisis	When considering all development proposals significant weight will be given to the global climate and nature crises.
Policy 2: Climate mitigation and adaptation	<p>a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.</p> <p>b) Development proposals will be sited and designed to adapt to current and future risks from climate change.</p> <p>c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.</p>
Policy 3: Biodiversity	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> 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 longterm retention and monitoring should be included, wherever appropriate; and v. local community benefits of the biodiversity and/or nature networks have been considered. <p>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.</p> <p>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.</p>

<p>Policy 4: Natural places</p>	<p>a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.</p> <p>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.</p> <p>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.</p> <p>g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:</p> <ul style="list-style-type: none"> 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. <p>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.</p>
<p>Policy 5: Soils</p>	<p>a) Development proposals will only be supported if they are designed and constructed:</p> <ul style="list-style-type: none"> I. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

	<p>II. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.</p> <p>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:</p> <ol style="list-style-type: none"> 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 <p>In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.</p> <p>c) Development proposals on peatland, carbonrich soils and priority peatland habitat will only be supported for:</p> <ol style="list-style-type: none"> 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. <p>d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:</p> <ol style="list-style-type: none"> 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	<p>a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.</p> <p>b) Development proposals will not be supported where they will result in:</p> <ol style="list-style-type: none"> I. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition; II. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

	<p>III. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;</p> <p>IV. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.</p> <p>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.</p> <p>d) Development proposals on sites 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.</p>
Policy 11: Energy	<p>a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:</p> <ul style="list-style-type: none"> I. wind farms including repowering, extending, expanding and extending the life of existing wind farms; II. enabling works, such as grid transmission and distribution infrastructure; III. energy storage, such as battery storage and pumped storage hydro; IV. small scale renewable energy generation technology; V. solar arrays; VI. proposals associated with negative emissions technologies and carbon capture; and VII. proposals including co-location of these technologies. <p>b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.</p> <p>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.</p> <p>d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.</p> <p>e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:</p> <ul style="list-style-type: none"> I. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker; II. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable; III. public access, including impact on long distance walking and cycling routes and scenic routes; IV. impacts on aviation and defence interests including seismological recording; V. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised; VI. impacts on road traffic and on adjacent trunk roads, including during construction; VII. impacts on historic environment; VIII. effects on hydrology, the water environment and flood risk; IX. biodiversity including impacts on birds; X. impacts on trees, woods and forests; XI. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;

	<p>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</p> <p>XIII. cumulative impacts.</p> <p>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.</p> <p>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.</p> <p>f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity.</p>
Policy 12: Zero waste	<p>a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.</p> <p>b) Development proposals will be supported where they:</p> <ol style="list-style-type: none"> I. reuse existing buildings and infrastructure; II. minimise demolition and salvage materials for reuse; III. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life; IV. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials; V. use materials that are suitable for reuse with minimal reprocessing. <p>c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:</p> <ol style="list-style-type: none"> I. provision to maximise waste reduction and waste separation at source, and II. measures to minimise the cross contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities. <p>d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:</p> <ol style="list-style-type: none"> I. there are no unacceptable impacts(including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets; II. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable; III. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised; IV. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise; V. a restoration and aftercare scheme(including appropriate financial mechanisms) is provided and agreed to ensure the site is restored; VI. consideration has been given to co-location with end users of outputs. <p>e) Development proposals for new or extended landfill sites will only be supported if:</p> <ol style="list-style-type: none"> I. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and II. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided. <p>f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.</p>

	<p>g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated(e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:</p> <ul style="list-style-type: none"> I. is consistent with climate change mitigation targets and in line with circular economy principles; II. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified; III. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility(for example through carbon capture and storage) IV. complies with relevant guidelines published by Scottish Environment Protection Agency(SEPA); and V. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.
<p>Policy 13: Sustainable transport</p>	<p>a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:</p> <ul style="list-style-type: none"> I. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy. II. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery. III. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems). <p>b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:</p> <ul style="list-style-type: none"> I. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation; II. Will be accessible by public transport, ideally supporting the use of existing services; III. Integrate transport modes; IV. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards; V. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking; VI. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles; VII. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and VIII. Adequately mitigate any impact on local public access routes. <p>c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.</p> <p>d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.</p>

	<p>e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.</p> <p>f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.</p> <p>g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.</p> <p>While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.</p>
<p>Policy 14: Design, quality, and place</p>	<p>a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.</p> <p>b) Development proposals will be supported where they are consistent with the six qualities of successful places:</p> <ul style="list-style-type: none"> Healthy: Supporting the prioritisation of women’s safety and improving physical and mental health. Pleasant: Supporting attractive natural and built spaces. Connected: Supporting well connected networks that make moving around easy and reduce car dependency Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity. Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions. Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time. <p>Further details on delivering the six qualities of successful places are set out in Annex D.</p> <p>c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.</p>
<p>Policy 18: Infrastructure first</p>	<p>a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.</p> <p>b) The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.</p> <p>Where planning obligations are entered into, they should meet the following tests:</p>

	<ul style="list-style-type: none"> - be necessary to make the proposed development acceptable in planning terms - serve a planning purpose - relate to the impacts of the proposed development - fairly and reasonably relate in scale and kind to the proposed development <p>– be reasonable in all other respects</p> <p>Planning conditions should only be imposed where they meet all of the following tests. They should be:</p> <ul style="list-style-type: none"> - necessary - relevant to planning - relevant to the development to be permitted - enforceable - precise - reasonable in all other respects
<p>Policy 22: Flood risk and water management</p>	<p>a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:</p> <ol style="list-style-type: none"> I. essential infrastructure where the location is required for operational reasons; II. water compatible uses; III. development of an existing building or site for an equal or less vulnerable use; or. IV. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice. <p>The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.</p> <p>In such cases, it will be demonstrated by the applicant that:</p> <ul style="list-style-type: none"> • all risks of flooding are understood and addressed; • there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes; • the development remains safe and operational during floods; • flood resistant and resilient materials and construction methods are used; and • future adaptations can be made to accommodate the effects of climate change. <p>Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:</p> <ul style="list-style-type: none"> • the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and • that the proposal does not create an island of development and that safe access/ egress can be achieved. <p>b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.</p> <p>c) Development proposals will:</p> <ol style="list-style-type: none"> I. not increase the risk of surface water flooding to others, or itself be at risk. II. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing bluegreen infrastructure. All proposals should presume no surface water connection to the combined sewer; III. seek to minimise the area of impermeable surface. <p>d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water</p>

	<p>purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.</p> <p>e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.</p>
--	--