

Chapter 04:

Legal and Planning

Policy Framework

Environmental Impact Assessment
Report for:

Westfield Substation Extension

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4. Legal and Planning Policy Framework

4.1 Introduction

- 4.1.1 This chapter sets out the key planning legislation, policies and other material considerations applicable to the Proposed Development, which have informed the siting, design and environmental impact assessment processes. Consideration is given to the following matters in turn:
- Relevant statutory provisions;
 - The Development Plan; and
 - Other material considerations, including local planning guidance and relevant national policies, advice and guidance.
- 4.1.2 The purpose of this chapter is to identify all legislative and policy requirements and considerations relevant to the technical assessments provided in **Chapters 6–11** of this EIA Report.
- 4.1.3 This Chapter also refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant UK and Scottish provisions.
- 4.1.4 This chapter is factual in nature and does not assess the Proposed Development's accordance with relevant planning policies. A separate Planning Statement explains the rationale for the Proposed Development and assesses in detail how it accords with relevant Development Plan policies and other material considerations.
- 4.1.5 It should be noted that the technical assessments presented in **Chapters 6–11** have also been prepared in accordance with a wide range of topic-specific legislation, non-planning policies, technical guidance and standards, as detailed within a dedicated section of each chapter.

4.2 Relevant Statutory Provisions

- 4.2.1 The planning legislation of relevance to the proposals are:
- The Electricity Act 1989 (The Electricity Act);
 - The Town and Country Planning (Scotland) Act 1997 as amended (The Principal Act);
 - The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations) as amended;
 - The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 as amended;
 - The Construction Design and Management Regulations 2015; and
 - Other relevant subject specific legislation, as identified within individual technical assessment chapters of the EIA Report for the Proposed Development.

UK Energy Legislation and Policy

- 4.22 Planning Circular 3/2022 (Development Management Procedures) indicates some of the broad range of considerations which would be considered material in the determination of a planning application. Annex A confirms some of these considerations to be Scottish Government and UK Government Policy.
- 4.23 Through these policies relating to the climate emergency and renewable energy, there is substantial support in place for the Proposed Development in contributing to climate change mitigation and increased renewable energy production. Therefore, although not part of the formal Development Plan, these national climate and renewable policies (which are identified and briefly summarised below) form key material considerations and should be afforded due weight in the determination of this planning application.

Energy Act 2023

- 4.24 The Energy Act 2023 was passed in October 2023 and is the largest piece of energy legislation in the UK. The Act includes several provisions that are relevant to the Proposed Development.
- 4.25 The Energy Act 2023 is a landmark UK legislation designed to transition to a cleaner, more secure, and affordable homegrown energy system. It aims to unlock £100 billion in private investment, support 480,000 jobs by 2030, and meet net-zero commitments

Net Zero Strategy: Build Back Greener (updated 2022)

- 4.26 The Net Zero Strategy (Build Back Greener), was published on 19 October 2021 and last updated in April 2022. It sets out a series of policies and commitments designed to enable the UK to reach net zero by 2050, including:
- Fully decarbonise the power system by 2035;
 - Deliver four carbon capture, usage, and storage (CCUS) clusters by 2030, capturing 20–30 MtCO₂ per year across the economy;
 - targeting £40 billion of private investment (specifically through the UK Infrastructure Bank) and up to £90 billion by 2030 to unlock green growth; and
 - Adherence to legally binding five-year carbon budgets to track progress toward the 2050 goal.

Transitioning to a Net Zero Energy System: Smart Systems and Flexibility Plan (2021)

- 4.27 This outlines a vision for a smart and flexible electricity system in the UK, essential for achieving net-zero emissions. It focuses on leveraging smart technologies and flexibility to integrate low-carbon energy sources like renewables.
- 4.28 The plan, a joint effort by the UK government and Ofgem, emphasizes the need for consumers to shift energy consumption patterns and for the grid to utilize smart technologies for storage and demand-side response, including powerful computers in substations, to analyse data and reconfigure the network to handle increased electricity flow, especially from renewable sources.

- 4.2.9 By optimizing substation capacity, the plan aims to facilitate the integration of more renewable energy into the system.

Climate Change Act 2008

- 4.2.10 The Climate Change Act 2008 (amended in 2019) set long-term statutory targets for the UK to achieve greenhouse gas reductions of 100% by 2050.
- 4.2.11 The Seventh Carbon Budget (covering 2038–2042) was formally legislated in the UK on 24 June 2026. This budget establishes a legally binding target to reduce greenhouse gas emissions by approximately 87% from 1990 levels during the period from 2038 to 2042.

Progress in Reducing Emissions - 2025 Report to Parliament

- 4.2.12 The Climate Change Committee's 2025 report to UK Parliament highlight major progress in decarbonising electricity via renewables and EVs, but stresses urgent need for action in buildings (heat pumps), industry, and land use, recommending cheaper electricity, better policy for adaptation, and significant investment in grid infrastructure to handle renewables and electrification, stating the Net Zero target is deliverable but requires consistent, enhanced government effort, with adaptation efforts currently too slow.

The Clean Power 2030 Action Plan (2024)

- 4.2.13 The Clean Power 2030 Action Plan (published December 2024) identifies electrical substations as a critical component of the urgent, "once-in-a-generation" upgrade required for the UK's energy infrastructure. To accelerate the expansion and upgrade of transmission and distribution networks, the plan outlines specific regulatory and planning reforms aimed at easing the deployment of these facilities. The government plans to engage with the Ministry of Housing, Communities and Local Government (MHCLG) to provide further flexibilities for the consenting of electrical substations in order to reduce delays in the planning process. An improved planning environment is designed to speed up the delivery of approximately twice as much new transmission network infrastructure by 2030 as was built in the previous decade.
- 4.2.14 Great Britain's electricity network must undergo unprecedented expansion, as the economy electrifies, to deliver decarbonisation, energy affordability and energy security, and support economic growth. To connect new generation and meet future demand, around twice as much new transmission network infrastructure will be needed in Great Britain by 2030 as has been delivered in the past decade

British Energy Security Strategy (2022)

- 4.2.15 The UK's British Energy Security Strategy, launched in 2022 and aims to boost energy independence, security, and affordability by rapidly scaling domestic, clean energy sources like wind, solar, nuclear, and hydrogen, while reducing reliance on volatile global markets and Russian fossil fuels. Key pillars include massive investment in renewables (offshore wind, solar), developing nuclear and hydrogen, improving energy efficiency, and streamlining approvals, all under the new Department for Energy Security and Net Zero to meet 2050 net-zero targets.
- 4.2.16 The Strategy states that accelerating our domestic supply of clean and affordable electricity also requires accelerating the connecting network infrastructure to support it.

National Energy System Operator - Pathway to 2030 (2022)

- 4.217 This is a plan for Great Britain to achieve a secure, affordable, and low-carbon electricity system by 2030, focusing on massive renewable energy expansion (wind/solar), grid modernization, demand flexibility, and significant grid connection reforms to unblock stalled projects. It outlines two main strategies, emphasizing increased flexibility, digital infrastructure, and a massive scale-up of clean power to reduce reliance on gas and meet net-zero goals, requiring urgent action and investment in storage and skills.
- 4.218 The plan identifies a critical need to significantly upgrade Great Britain's transmission infrastructure and supports the UK-wide 50GW and Scottish 11GW offshore wind targets by 2030, necessitating over £54 billion in network investment to connect renewable energy.

Transitioning to a Net Zero Energy System: Smart Systems and Flexibility Plan (2021)

- 4.219 This outlines a vision for a smart and flexible electricity system in the UK, essential for achieving net-zero emissions. It focuses on leveraging smart technologies and flexibility to integrate low-carbon energy sources like renewables.
- 4.220 The plan, a joint effort by the UK government and Ofgem, emphasizes the need for consumers to shift energy consumption patterns and for the grid to utilize smart technologies for storage and demand-side response, including powerful computers in substations, to analyse data and reconfigure the network to handle increased electricity flow, especially from renewable sources.
- 4.221 The plan states that significant volumes of additional generation and demand will be added to our electricity system over the next few decades, and we will need major upgrades to our energy networks to transport the generation to consumers.

Overarching National Policy Statement for energy (EN-1)

- 4.222 This is a UK government document which came into force in January 2026 (revised) and provides the primary policy framework for examining and consenting nationally significant energy infrastructure projects.
- 4.223 It accelerates the UK's transition to a 95% clean electricity system by 2030, prioritizing urgent, large-scale, low-carbon infrastructure. It establishes a "*presumption in favour of consent*" for projects aligned with the Centralised Strategic Network Plan (CSNP), positioning energy infrastructure as a Critical National Priority (CNP) to meet net-zero 2050.
- 4.224 The Statement declares an "*urgent need*" for massive electricity transmission network upgrades to meet net-zero targets, classifying these reinforcements as "*Critical National Priority*" (CNP) infrastructure. The policy emphasizes that "*demand for electricity is likely to increase significantly... and could more than double by 2050*".

National Policy Statement for Renewable Energy Infrastructure (EN-3)

- 4.225 The National Policy Statement for Renewable Energy Infrastructure (EN-3) is a UK government document that provides the primary basis for planning decisions (development consent) for nationally significant renewable energy projects in England and Wales. The 2025 revised version,

which came into force on January 6, 2026, was updated to align with Net Zero targets and speed up infrastructure deployment.

- 4.226 The Statement states that Electricity generation from renewable sources is an essential element of the transition to Clean Power 2030 Mission, net zero and meeting our statutory targets for the sixth carbon budget (CB6). Our analysis suggests that demand for electricity is likely to increase significantly over the coming years and could more than double by 2050. This could require a fourfold increase in low carbon electricity generation, with most of this likely to come from renewables.

National Policy Statement for Electricity Networks Infrastructure (EN-5)

- 4.227 The National Policy Statement for Electricity Networks Infrastructure (EN-5) is the primary planning guidance for deciding on "*nationally significant*" electricity grid projects in England and Wales. The revised version officially came into force on 6 January 2026. It emphasizes the urgent need for new network infrastructure to support 2030 Clean Power targets, directing decision-makers to balance environmental, social, and cost factors.
- 4.228 The Statement states that a "*significant amount of new network infrastructure is required in the near term*" to achieve net-zero targets and the 2030 clean power mission. It establishes that, because "*without the development of the necessary networks... the Clean Power 2030 Mission cannot be achieved*".

Scottish Government Legislation and Policy

Climate Change (Scotland) Act 2009

- 4.229 The Climate Change (Scotland) Act 2009 established Scotland's pioneering legal framework for tackling climate change, setting mandatory targets (initially 80% reduction by 2050, later Net Zero by 2045), creating carbon budgets, requiring public bodies to act sustainably, and mandating adaptation planning, all underpinned by advice from an independent body (the Scottish Committee on Climate Change) and regular government reporting to Parliament.
- 4.230 The Climate Change (Scotland) Act 2009 was subsequently amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 to set a more ambitious target of net-zero emissions by 2045. The 2019 Act also set interim targets for 2020, 2030 and 2040. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 further amended the 2009 Act, removing the interim targets and replacing them with a system of targets based on carbon budgets which are to be set every five years, while still retaining the 2045 net zero emissions target.

Green Industrial Strategy (2024)

- 4.231 Scotland's Green Industrial Strategy (GIS) highlights grid modernization, including substations, as crucial for its net-zero goals, focusing on unlocking massive private investment (billions) by upgrading transmission networks and strengthening connections to support offshore wind, hydrogen, and other clean energy growth, ensuring a future-ready system for economic benefits and energy independence. The strategy aims to increase clean energy investment.

- 4.232 The document states that “we are working with the UK Government to enable a faster, more efficient, and strategic approach to designing and regulating the net zero energy system, in particular for accelerating grid connections and network build.” and “timely grid connections and strengthened grid infrastructure will be key to securing renewables project delivery and investor and supply chain confidence in Scotland”.

Draft Energy Strategy and Just Transition Plan (2023)

- 4.233 Scotland's January 2023 "Draft Energy Strategy and Just Transition Plan" outlined a vision for a clean, affordable energy system by 2045, focusing on massive renewable expansion, increasing energy exports, reducing fossil fuels, and ensuring a fair transition for workers and communities through significant investment in local projects, job creation, and tackling fuel poverty, all while seeking public input to achieve net-zero goals and economic benefits. Key goals included adding 20 GW of renewables by 2030 and 5 GW of hydrogen by 2030, alongside supporting vulnerable households.

Scotland's Energy Strategy Position Statement (2021)

- 4.234 The Position Statement was published in March 2021 and outlines the Scottish Government's vision for the energy system in Scotland,
- 4.235 The Statement confirms the Scottish Government's commitment to achieving net-zero greenhouse gas emissions by 2045, with a 75% reduction by 2030. It outlines a green, fair recovery from COVID-19, focusing on accelerating renewable energy (especially offshore wind), decarbonising heat in buildings, establishing a hydrogen economy, and ensuring a just transition for the workforce.

The Climate Emergency (2019)

- 4.236 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared by the Scottish Government in April 2019 and by the UK Parliament in May 2019. The declaration of Climate Emergency needs to be viewed in the context in which it was declared (advice from the Climate Change Committee) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).
- 4.237 This declaration was followed by the passage of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 4.238 The Paris Agreement is a legally binding international treaty on climate change. It was adopted by 195 Parties at the UN Climate Change Conference (COP21) in Paris, France, on 12 December 2015. It entered into force on 4 November 2016. Its overarching goal is to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels. However, in recent years, world leaders have stressed the need to limit global warming to 1.5°C by the end of this century.

A Vision for Scotland's Electricity and Gas Networks 2019-2030 (2019)

- 4.239 The document outlines how Scotland's energy infrastructure must transform to meet ambitious Energy Strategy targets for 2030 and beyond.
- 4.240 The vision is built on three fundamental principles to ensure the energy transition is effective and fair:

- Whole System View: Coordinating heat, transport, and electricity to ensure efficient decarbonisation;
- Inclusive Transition: Protecting vulnerable consumers and ensuring the benefits of low-carbon energy are universal; and
- Smarter Local Models: Supporting innovative, community-led energy systems that reward local flexibility.

4.2.41 Electricity Network objectives include building a secure and resilient high-voltage network.

Securing a green recovery on a path to net zero: climate change plan 2018–2032 - update

4.2.42 The "Securing a green recovery on a path to net zero: climate change plan 2018–2032 - update" outlines Scotland's 2020 strategy to meet a 75% emission reduction by 2030 and net-zero by 2045.

4.2.43 It aligns COVID-19 recovery with climate goals, featuring over 100 policies across sectors like transport, energy, and buildings to ensure a just, green transition

The Scottish Energy Strategy: The Future of Energy in Scotland (2017)

4.2.44 The Scottish Energy Strategy ('SES') was published in December 2017 and sets out the Scottish Governments vision for the future energy system in Scotland up to 2050.

4.2.45 The SES states that the UK Government holds a number of key powers that will be vital to our net zero transition, including fiscal and pricing elements of emissions trading, decisions on the future of the gas grid, investment in electricity network infrastructure, regulation on energy networks, vehicle standards and regulation of renewable energy investment.

4.2.46 The strategy also highlights the importance of developing smart grid systems and local energy markets to enhance flexibility and resilience in the energy system.

4.3 Development Plan

4.3.1 Under Section 25 of the Principal Act, planning applications must be determined in accordance with the statutory Development Plan applicable to the site of a Proposed Development, unless material considerations indicate otherwise.

4.3.2 The statutory Development Plan for Fife Council (FC) comprises:

- National Planning Framework 4 (NPF4) – adopted 13 February 2023; and
- Fife's Local Development Plan – FIFEplan (adopted September 2017).

4.3.3 Section 24(3) of the Town and Country Planning (Scotland) Act 1997 provides 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.

- 4.3.4 FC is currently preparing a new Local Development Plan (LDP2), which will replace FIFEplan. The Council are currently gathering evidence and undergoing consultations. LDP2 is scheduled for adoption in 2028/2029.
- 4.3.5 The Council also have a number of Supplementary Planning Documents (SPD). Those of relevance to the proposal are as follows:
- Low Carbon Fife Supplementary Guidance (2019);
 - Minerals Supplementary Guidance (2018);
 - Making Fife's Places Supplementary Guidance (2018); and
 - Trees and Development Guidance (adopted date unknown).
- 4.3.6 The relevant Development Plan policies are identified and summarised below.

National Planning Framework 4

- 4.3.7 From 13 February 2023, Scotland's fourth National Planning Framework (NPF4) forms part of the statutory Development Plan.
- 4.3.8 Annex B (National Developments Statement of Need) of NPF4 identifies 18 national developments that will support the delivery of the spatial strategy. These are significant developments of national importance, which are to be considered as a national development for consent handling purposes. This includes 'Strategic Renewable Electricity Generation and Transmission Infrastructure', which is outlined under Section 3 of Annex B, and states that this national development supports renewable electricity generation, repowering, and expansion of the electricity grid.

Relevant Policy

- 4.3.9 Policy 1 (Tackling the climate and nature crises) seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.
- 4.3.10 Policy 2 (Climate mitigation and adaptation) seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. It states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and adapt to current and future risks from climate change.
- 4.3.11 Policy 3 (Biodiversity) states that National Development, or for development that requires an EIA 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.
- 4.3.12 Policy 4 (Natural places) seeks to protect, restore and enhance natural assets making best use of nature-based solutions. Development proposals that affect a site designated as a local nature conservation site or landscape area in the Local Development Plan will only be supported under certain circumstances.

- 4.3.13 Policy 5 (Soils) seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.
- 4.3.14 Policy 6 (Forestry, woodland and trees) seeks to protect and expand forests, woodland and trees.
- 4.3.15 Policy 11 (Energy) states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported including enabling works, such as grid transmission and distribution infrastructure. 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. 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 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;*
 - *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*
 - *xii. 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.”*
- 4.3.16 Policy 12 (Zero Waste) states that development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- 4.3.17 Policy 13 (Sustainable transport) outlines that proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. 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.

- 4.3.18 Policy 14 (Design, quality and place) states that development proposals will be supported where they are consistent with the six qualities of successful places, as of which are expanded upon at Annex D within NPF4.
- 4.3.19 Policy 18 (Infrastructure first) seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.
- 4.3.20 Policy 22 (Flood risk and water management) seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- 4.3.21 Policy 23 (Health and safety) seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.
- 4.3.22 Policy 25 (Community Wealth Building) states that Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported.
- 4.3.23 Policy 29 (Rural Development) states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

FIFEplan

- 4.3.24 The relevant FIFEplan (2017) policies are identified and summarised below.
- 4.3.25 Part A of Policy 1 (Development Principles) states that the principle of development will be supported if it is either:
- *“within a defined settlement boundary and compliant with the policies for the location; or*
 - *in a location where the proposed use is supported by the Local Development Plan.”*
- 4.3.26 Part B of Policy 1 states that development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant (relevant policy points identified only):
- *“Mitigate against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure;*
 - *Avoid the loss of valuable cultural, tourism, and community resources;*
 - *In the case of proposals in the countryside or green belt, be a use appropriate for these locations; and*
 - *Protect sport and recreation facilities and the amenity of the local community and businesses.”*
- 4.3.27 Part C of Policy 1 states that development proposals must be supported by information or assessments to demonstrate that they will comply with the following relevant criteria and supporting policies, where relevant:

- *“Provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal;*
- *Provide measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland;*
- *Provide green infrastructure as required in settlement proposals and identified in the green network map;*
- *Provide sustainable urban drainage systems;*
- *Meet the requirements of any design briefs or development frameworks prepared or required for the site;*
- *Provide a layout and design that demonstrates adherence to the six qualities of successful places;*
- *Provide for energy conservation and generation in the layout and design; and*
- *Contribute to achieving the area’s full potential for electricity and heat from renewable sources.”*

4.328 Policy 3 (Infrastructure and Services) states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Development proposals will not be supported where they would result in:

- *“the loss of existing or proposed open space, including allotments, unless –*
- *equivalent or better alternative provision will be provided in a location that is convenient for users; or*
- *the Council accepts there is local overprovision.”*

4.329 Policy 7 (Development in the Countryside) outlines that development in the countryside will only be supported where it:

- *“is required for agricultural, horticultural, woodland, or forestry operations;*
- *will diversify or add to the above land-based businesses to bring economic support to the existing business;*
- *is for the extension of established businesses;*
- *is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council’s employment land supply requirements;*
- *is for facilities for access to the countryside;*
- *is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; or*
- *is for housing in line with Policy 8 (Houses in the Countryside).”*

4.330 In all cases, development must:

- *“be of a scale and nature compatible with surrounding uses;*

- *be well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and*
- *be located and designed to protect the overall landscape and environmental quality of the area.”*

4.3.31 Policy 10 (Amenity) states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to.

1. Air quality, with particular emphasis on the impact of development on designated Air Quality Management Areas (see below);
2. Contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area;
3. Noise, light, and odour pollution and other nuisances, including shadow flicker from wind turbines;
4. Traffic movements;
5. The loss of privacy, sunlight, and daylight;
6. Construction impacts;
7. The visual impact of the development on the surrounding area;
8. The loss of outdoor sports facilities, open space, green networks, protected trees, and woodland;
9. Impacts on the operation of existing or proposed businesses and commercial operations; and
10. Impacts on operation of existing or proposed waste management facilities.

4.3.32 Where potential amenity issues are identified in the relevant settlement proposals tables or are identified as part of the assessment of the impact of a development proposal, the relevant mitigation measures will be required to be implemented by the developer to an agreed timetable and specification.

4.3.33 Policy 11 (Low Carbon Fife) states that planning permission will only be granted for new development where it has been demonstrated that:

- *“The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020;*
- *Construction materials come from local or sustainable sources;*
- *Water conservation measures are in place;*
- *Sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and*
- *All development should encourage and facilitate the use of sustainable transport appropriate to the development.”*

- 4.3.34 Policy 12 (Flooding and the Water Environment) outlines that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively:
- *“Increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere;*
 - *Reduce the water conveyance and storage capacity of a functional flood plain;*
 - *Detrimentially impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use; and*
 - *Detrimentially impact on future options for flood management.”*
- 4.3.35 Policy 13 (Natural Environment and Access) states that development proposals will only be supported where they protect or enhance natural heritage and access assets including:
- *“designated sites of international and national importance, including Natura 2000 sites and Sites of Special Scientific Interest (see Site Appraisal Process below);*
 - *designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Sites, and Local Landscape Areas;*
 - *woodlands (including native and other long established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value;*
 - *biodiversity in the wider environment;*
 - *protected and priority habitats and species;*
 - *landscape character and views;*
 - *carbon rich soils (including peat);*
 - *green networks and greenspaces; and*
 - *core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation.”*

4.4 National Planning Guidance, Advice and Circulars

- 4.4.1 National planning policy is supported by numerous Scottish Government Planning Circulars, Planning Advice Notes (PAN), Advice Sheets, Ministerial/Chief Planner Letters to Planning Authorities, as well as guidance documents prepared by Key Agencies of the Scottish Government.
- 4.4.2 Annex A to Scottish Government Planning Circular 3/2022: Development Management Procedures confirms that amongst other considerations, the types of documents listed below are all potential material considerations in the determination of a planning application depending on the individual context of the case.
- 4.4.3 Scottish Government PAN, which set out detailed advice in relation to relevant planning issues are:
- PAN 79: Water and Drainage (2006);
 - PAN 3/2010: Community Engagement (2010);
 - PAN 1/2011: Planning and Noise (2011);

- PAN 1/2013: Environmental Impact Assessment Regulations (2017); and
- Planning Guidance: Biodiversity (2025).

4.5 Summary

- 4.5.1 This chapter has set out the relevant statutory provisions and policy context against which the Proposed Development will be assessed from an environmental impact perspective. Policy assessments relevant to each EIA discipline are presented in **Chapters 6–11**.
- 4.5.2 The EIAR has considered all relevant policy in full and demonstrates that where adverse impacts are identified these can be appropriately mitigated.
- 4.5.3 The Applicant has also considered and sought to integrate the principles set out within other relevant planning guidance into the development design.
- 4.5.4 A separate Planning Statement, which does not form part of the EIAR, provides a detailed assessment of the proposal against the Development Plan and other material considerations.