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Dr Fiona Simpson
Director of Planning, Architecture and Regeneration
Scottish Government

Dear Dr Simpson

Application of NPF4 Policy 3 in Energy Consent Decisions

It is our understanding that the Scottish Government intends Policy 3 of NPF4 to be a material consideration in the determination of energy consents applications. This would mean that ministers would consider the policy in determining all applications, deciding what weight should be given to it in each case. The draft Environment Strategy, which was recently consulted on, supports this and states, *“Our Fourth National Planning Framework (NPF4) strategy and policies support development that helps to secure positive effects for biodiversity, including for onshore energy development.”* (p41)

However, we are writing to express concern that in practice, biodiversity enhancement, as set out in NPF4’s Policy 3 (Biodiversity) is not being consistently considered as relevant to the determination of energy consents applications.

We recognise that all applications must be assessed on their individual merits and that policies must be balanced in decision-making. We are not asking you to comment on any individual application. Discussions with the Energy Consents Unit (ECU), along with a review of recent decision trends, suggest that the ECU is not treating Policy 3 as relevant to energy consent applications and is avoiding the inclusion of planning conditions to secure biodiversity enhancements. This raises serious questions about the commitment of the Scottish Government to applying NPF4 as a whole and achieving the policy outcomes it is intended to deliver, in relation to biodiversity enhancement. This also represents a missed opportunity to show that the transition to renewable energy can deliver wider environmental benefits.

Policy 3 sets out clearly that national and major developments must demonstrate significant biodiversity enhancement in addition to mitigation. We request clear direction from you on whether Policy 3 should be considered in the determination of all energy consents and whether conditions can be used to secure biodiversity enhancement measures.

The updating of the [2023 draft Biodiversity Planning Guidance](#) presents a timely opportunity to clarify that biodiversity enhancement is a requirement under Policy 3, including for energy consent applications.

Issuing updated guidance to this effect would help provide much-needed clarity for developers, authorities and communities.

Yours sincerely,

Esmé Clelland

Convenor of LINK Planning Group

Head of Planning and Development, RSPB Scotland



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