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27 November 2025

Dear Esme,

Thank you for your letter of 3 November regarding the implementation of NPF4 in the context of Electricity Act consents.

Scottish Ministers are clear that a just transition must support Scotland's ambitions for restoring and regenerating biodiversity and improving the health and quality of our natural environment. Protecting and restoring nature is central to our efforts in addressing the interlinked crises of climate change and biodiversity loss. As you are aware our recently published Scottish Biodiversity Strategy articulates ambition for Scotland to be Nature Positive by 2030, and to have restored and regenerated biodiversity across the country by 2045.

The likely impacts of a development proposal requiring consent under the Electricity Act 1989 must be considered in accordance with Schedule 9 of the Act. Furthermore, impacts on the environment, including on biodiversity, must also form part of the statutory assessment, where required, under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. These regulations require the assessment to identify, describe and assess the direct and indirect significant effects of the proposed development, on the environment, including biodiversity.

NPF4 is a significant consideration in assessment of Electricity Act proposals. There is an expectation from Scottish Ministers that in the siting and design of proposals which require section 36 or section 37 consent, developers will seek to find support from as many of the

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policies within NPF4 as is possible. This would include the policy principles relating to biodiversity.

Regarding the use of planning conditions under Section 36 and 37 of the Electricity Act 1989, you will be aware that there are legal parameters governing the use of conditions—specifically, that they must relate to the development in question and be necessary, relevant, enforceable, precise, and reasonable in all other respects. It remains the case that the weight to be applied to all material considerations and the need for conditions to be attached to any consent is a matter for the Minister taking the decision to consider on a case-by-case basis.

Scottish Government Planning guidance on biodiversity emphasises the significant benefits to be gained where proposals are designed with nature in mind from the outset, and that opportunities for safeguarding and enhancing biodiversity should be considered from the very earliest stages of formulating a development proposal, as a core part of the siting and design process. Whilst I note your comment regarding a future update to our guidance, reference is already made at paragraph 1.6 of the document which is clear that NPF4 directly informs decisions under other consenting regimes. This includes decisions under the Electricity Act.

As your letter relates to matters concerning NPF4 and the determination of applications under the Electricity Act I have shared your letter with the Head of the Energy Consents Unit, who has agreed this response.

Yours sincerely



Dr Fiona Simpson, MRTPI
Chief Planner and Director