



*Jones Lang LaSalle*

# *Bhlaraidh Extension Wind Farm grid connection works*

Bhlaraidh Extension Wind Farm to Fort Augustus Substation 132 kV Overhead Line

**Planning Statement**

November 2022

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# 1. Introduction

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## 1.1. Background and Overview

- 1.1.1. JLL is instructed by Scottish Hydro Electric Transmission plc (the Applicant), operating and known as Scottish and Southern Electricity Networks Transmission (SSEN Transmission), to provide planning advice in relation to the construction and operation of a 132 kV overhead line (OHL) between the consented Bhlaraidh Extension Wind Farm and Fort Augustus Substation. In this Planning Statement, the Applicant and SSEN Transmission are used interchangeably unless the context requires otherwise.
- 1.1.2. The requirement for the new 132 kV OHL is to enable renewable energy produced by the Bhlaraidh Extension Wind Farm<sup>1</sup>, which was granted consent under section 36 of the Electricity Act 1989, as amended, in August 2022 for up to 15 turbines with a potential installed capacity of up to 84 Megawatt (MW), to connect to the National Grid. The Applicant, under their licence obligations, is obliged to provide the Wind Farm with a connection to the National Grid.
- 1.1.3. The Applicant is applying to The Scottish Ministers under Section 37 of the Electricity Act 1989 (1989 Act) for ‘consent to install and keep installed above ground an electric line, approximately 14.5 km of single circuit 132 kV OHL to be supported by trident H wood poles, between a proposed on-site substation at Bhlaraidh Extension Wind Farm’ (approximate grid reference 237598, 819319) and the Fort Augustus substation (approximate grid reference 234270, 810070).
- 1.1.4. Ancillary development required to facilitate construction and operation of the OHL, would include tree felling and vegetation clearance, temporary measures to protect road and water crossings, upgrades to existing access tracks and existing access points, new temporary access routes (i.e. Trackway, where required), permanent stone hardstanding areas and associated access track and working areas around infrastructure to facilitate construction. The Applicant is also seeking deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 for the Proposed Development and ancillary works.
- 1.1.5. In addition to the proposed works outlined above, two sections of underground cable (UGC) are proposed; approximately 3 km to connect into the Bhlaraidh Extension Wind Farm on-site substation and approximately 2 km to connect into Fort Augustus substation. These works fall within the Applicant’s Permitted Development rights (class 40(1)(a)) as a Statutory Undertaker.
- 1.1.6. Further details of the Proposed Development and its location are described in Chapter 2 of this Planning Statement and in detail within Chapter 3 of the Environmental Appraisal (EA) Report.

## 1.2. SSEN Transmission Licence Duties and Obligations

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<sup>1</sup> The Bhlaraidh Extension Wind Farm received consent under section 36 of the Electricity Act 1989 from The Scottish Ministers on 30<sup>th</sup> August 2022 under reference EC00001900 and is therefore not considered as part of this assessment.

- 1.2.1. SSEN Transmission is a wholly owned subsidiary of the SSE plc group of companies. SSEN Transmission owns and maintains the electricity transmission network across the north of Scotland and holds a license under the 1989 Act. It has the following duties under Section 9 of the 1989 Act, which are relevant to the needs case.
- to develop and maintain an efficient, co-ordinated, and economical system of electricity transmission; and
  - to facilitate competition in the supply and generation of electricity.
- 1.2.2. It has separate duties in relation to the environment when developing a transmission project for which Section 37 consent is required and these are referred to in section 1.4 below.
- 1.2.3. SSEN Transmission also has obligations to offer non-discriminatory terms for connection to the electricity transmission system. As such, the SSEN Transmission has a legal duty to provide connections for new electricity generators wishing to connect to the transmission network in its licence area under the terms of its statutory and licence obligations. SSEN Transmission is obliged to make its electricity transmission network available for these purposes and ensure the system is fit for purpose through appropriate reinforcements to accommodate the contracted capacity.

### 1.3. Application Approach and Content

#### Electricity Act 1989

- 1.3.1. The application for consent will be made to the Scottish Ministers under Section 37 of the 1989 Act along with a request for a direction that planning permission be deemed to be granted under section 57 (2) of the Town and Country Planning (Scotland) Act 1997 (1997 Act).
- 1.3.2. Accordingly, the purpose of this Planning Statement is to provide an assessment of the Proposed Development against the relevant national and local planning and energy policies and other material considerations. The Planning Statement should be read alongside the accompanying Development Plan Policy Schedule (Appendix 1).

#### Environmental Impact Assessment

- 1.3.3. The Proposed Development is considered to constitute ‘Schedule 2’ development under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations).

*“The carrying out of development (other than Schedule 1 development) to provide any of the following – ...*

*(2) an electric line installed above ground –*

*(a) with a voltage of 132 kilovolts or more”.*

- 1.3.4. A Screening Request (ECU00003379) was made to the Energy Consents Unit (ECU) in November 2021 to seek confirmation on whether the Proposed Development is classed as EIA Development. A

Screening Opinion received on 9 March 2022 confirmed that the Section 37 application would not require to be accompanied by a full Environmental Impact Assessment Report.

- 1.3.5. The Applicant recognises that the Proposed Development may give rise to some environmental effects. As such, whilst a formal EIA is not required, a voluntary EA has been undertaken, including a number of environmental studies, the results of which are detailed in this EA. The comments and advice received as part of the Screening Opinion informed the assessments carried out and information presented within this EA.

## 1.4. Purpose of Planning Statement

- 1.4.1. The Proposed Development requires to be considered under the terms of the 1989 Act, and in particular the Schedule 9 duties require to be addressed.
- 1.4.2. Paragraph 3 (1) to the 1989 Act requires that in formulating development proposals, licence holders (i.e. the Applicant)
- “(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and*
- (b) do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects”.* (Paragraph 3 (1)(a) & (b))
- 1.4.3. Paragraph 3(2) of Schedule 9 provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals. These matters are those set out in Paragraph 3 (1)(a) above.
- 1.4.4. In addition, the Secretary of State shall have regard to *“(b)the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph.”*
- 1.4.5. Moreover Paragraph 3(3) states that in exercising any relevant functions a licence holder shall avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any waters.
- 1.4.6. The information that is contained within the individual topic sections of the EA Report for the Proposed Development addresses the environmental receptors identified in Schedule 9, to assist Scottish Ministers in their duties.
- 1.4.7. Chapter 10 of EA Report titled ‘Schedule of Mitigation’ identifies necessary mitigation measures that would be implemented to address any potential effects of the Proposed Development on the natural and historical environment, in accordance with Paragraph 3 (1)(b) to Schedule 9 of the 1989 Act.
- 1.4.8. These duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be. Therefore, the approach required in this case is fundamentally different to the conventional approach for planning decisions under section 25 of the 1997 Act. There is no

primacy of the Development Plan in an application for an electricity consent under the 1989 Act. Development Plan policies are relevant to understanding in a local context, the generic duties under Schedule 9 to the 1989 Act and are also material considerations in the decision-making process.

## **1.5. Duration of Section 37 Consent and Deemed Planning Planning Permission**

- 1.5.1. Section 58(1)(a) of the Town and Country Planning (Scotland) Act 1997 provides that deemed planning permission lapses if development has not begun within a period of 3 years. Section 58(1)(b) of that Act enables Scottish Ministers to direct that a longer period is allowed before planning permission lapses. Scottish Government policy on other projects of this nature has been to that due to the constraints, scale and complexity of constructing overhead lines, and the variables around renewable energy connections feeding into the line, a 5 year time scale for the commencement of the Development is appropriate.
- 1.5.2. The Applicant therefore requests that a direction is made by Scottish Ministers, under section 58(1)(b) of the Town and Country Planning (Scotland) Act 1997, that a period of 5 years is applied to any future planning permission.

## **1.6. Structure of the Report**

- 1.6.1. This Planning Statement comprises the following:
- This Chapter sets out an introduction and the background to the Proposed Development;
  - Chapter 2: Provides a brief description of the location and Proposed Development;
  - Chapter 3: Provides an assessment of National Planning & Energy Policy considerations.
  - Chapter 4: Identifies the relevant Development Plan for the area and assesses the Proposed Development against the relevant policies;
  - Chapter 5: Provides the overall conclusion of this Planning Statement.



## 2. Location & Description of the Proposed Development

### 2.1. Site Location

- 2.1.1. The Proposed Development is located within The Highland Council (THC) local authority area. The location of the Proposed Development is illustrated in Figure 1.1 of the EA Report and is provided as Appendix 2 to this Planning Statement.
- 2.1.2. The Bhlaraidh Extension Wind Farm grid connection works would extend from the consented Bhlaraidh Wind Farm substation travelling south via UGC for approximately 3 km where it will switch, via a cable sealing end (CSE) wood pole structure, to overhead line for a further 14.5 km, and return to UGC for the final section for approximately 2 km into Fort Augustus substation.
- 2.1.3. The route of the overhead line will pass through some areas of woodland and forestry.
- 2.1.4. The finalised alignment for the Proposed Development and UGC elements was arrived at following an extensive Routing Exercise to determine the most suitable route considering technical, economic and environmental factors. This process follows 4 stages: Stage 0: Routeing Strategy Development; Stage 1: Corridor Selection; Stage 2: Route Selection; and Stage 3: Alignment Selection, with each stage being an iterative process and increasing levels of details at each stage to arrive at the most suitable option which is taken forward as the preferred alignment. Chapter 2 of the EA describes this process in detail.
- 2.1.5. The OHL route is illustrated in Figure 1.2 Proposed Development of the EA Report.

### 2.2. Proposed Development

- 2.2.1. The Proposed Development will comprise 14.5 km of 132kV OHL, supported by trident H wood poles erected 2.5 m apart with supporting crossarm steelwork linking the poles at the top. The proposed wooden pole would have a nominal height range of 10-15 m, depending on ground conditions and topography.
- 2.2.2. The OHL would be composed of a combination of suspension poles, angle / tension poles and terminal poles (at the sealing end structure):
- Approximately 14.5 km of 132 kV OHL, to be supported by trident H wood poles, between a location around 3 km to the south-west of the Bhlaraidh Extension Wind Farm on-site substation (approximate grid reference 237598, 819319) and a location around 2 km to the north-west of Fort Augustus substation (approximate grid reference 234270, 810070); and
  - Sealing end structures to transfer the OHL connection to UGC.
- 2.2.3. Between each H pole, three aluminium alloy conductors in a horizontal formation would be strung to form a single circuit. The spacing between individual poles would be approximately 70-100 m.
- 2.2.4. The installation of the wooden poles would involve; excavation of suitable area and backfilling following installation, adding hardcore backfill around pole foundations as required, installing conductors on the poles, and remedial works to reinstate the site.

- 2.2.5. Cable sealing end structures would be utilised to allow connection of the OHL to the underground cable. The CSE structures would each comprise a small platform accommodating the sealing end equipment and downloads mounted on wood poles. Cables would emerge from below ground and would be affixed to the structures to reach the platforms. The cables would be enclosed in protective boxing and anti-climb measures would be installed on the structures for safety reasons.
- 2.2.6. These elements form part of the application made under section 37 of the Electricity Act 1989.
- 2.2.7. Ancillary development required to facilitate the construction and operation of the Proposed Development would include:
- New and upgraded access tracks (approx. 20 m of new tracks to southern CSE);
  - tree felling and vegetation clearance;
  - temporary measures to protect road and water crossings; and
  - working areas around infrastructure to facilitate construction.
- 2.2.8. The Applicant is also seeking deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) for the proposed development and these ancillary works.
- 2.2.9. Chapter 3 and Figure 3.1a of the EA Report provides a more detailed description of the Proposed Development.
- 2.2.10. In addition to those elements requiring Section 37 consent and deemed planning permission, approximately 5 km of UGC will be required as noted above. These works would be undertaken under the Applicant's Permitted Development rights (Class 40(1)(a) as a Statutory Undertaker, and as such are not included within the planning assessment.

### **2.3. Limits of Deviation (LOD)**

- 2.3.1. The location of the pole positions and new access track are determined on the basis of environmental and technical considerations i.e. engineering analysis of ground conditions. Further investigation of sub-surface and geotechnical conditions are required prior to finalising the design, and therefore the design may be altered following micro siting.
- 2.3.2. To provide a balance between providing certainty in the location of the Proposed Development and any environmental impacts, and the need for some flexibility over individual pole or access track locations, a horizontal LoD<sup>2</sup> has been defined for the Proposed Development.
- 2.3.3. A horizontal LoD of up to 100m is proposed either side of the proposed alignment. An LoD of 30m is proposed for the short section of new access track. The LoD is illustrated in Figure 3.1 of the EA Report.

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<sup>2</sup> Limit of Deviation, an area which defines the practical limits within which micro-siting of infrastructure can occur within the terms of the s37 consents which are to be sought. The purpose of Limits of Deviation is to allow flexibility within a s37 consent for the final micro-siting of individual elements to respond to localised ground conditions, topography, engineering and environmental constraints.

2.3.4. The vertical LoD for the OHL will be 15m above ground level as this is the maximum height of the type of structures proposed.

## 2.4. Construction Phasing and Practices

2.4.1. It is proposed to construct the Proposed Development in four phases as follows:

- Phase 1 – enabling works;
- Phase 2 – construction works;
- Phase 3 – commissioning; and
- Phase 4 – re-instatement.

2.4.2. The full extent of works associated with each phase is provided in Section 3.7 of Chapter 3 of the EA Report.

2.4.3. It is anticipated that construction of the Proposed Development would take place over a 22 month period, following the granting of consents, although detailed programming of the works would be the responsibility of the Principal Contractor in agreement with the Applicant.

2.4.4. The detailed construction phasing and programme would be subject to change as the design progresses and also due to necessary consents and wayleaves being agreed.

2.4.5. Construction activities would in general be undertaken during daytime periods only. This would involve work between approximately 07.00 to 19.00 in summer and 07.30 to 17.00 (or within daylight hours) in winter. Any variation in these working hours would be agreed in advance with THC.

2.4.6. Construction of the Proposed Development would give rise to regular numbers of staff transport movements, with small work crews travelling to work site areas. It is anticipated that the Principal Contractor would identify a single main compound area, with a safe area for parking away from the public highway. The obtaining of any necessary planning consent or other authorisations required for the site compound would be the responsibility of the Principal Contractor.

2.4.7. Construction access would utilise existing forestry or estate tracks where possible. Vehicle movements may be required to upgrade accesses and tracks; deliver the foundation and pole components and conductor materials to site; transportation of the workforce; delivery and setup of the mobile welfare facility units; and deliver and collect materials and construction plant from the main site compound and to individual pole locations.

2.4.8. The Principal Contractor would prepare a Construction Traffic Management Plan (CTMP) in consultation with SSEN Transmission and the local roads authority. To address potential impacts from construction traffic and describe all mitigation and signage measures that are proposed on public road accesses, a CTMP would be prepared pre-construction in consultation with THC and Transport Scotland. The CTMP implemented for the works would be reviewed throughout the project and updated as necessary.

- 2.4.9. Local roads which would be utilised during construction by general construction traffic are shown on Figure 3.1. Figure 3.1 denotes primary access, comprising public roads, and secondary access, comprising site access options utilising existing access tracks or outlining routes for ATV and / or Trackway panels.
- 2.4.10. Traffic management measures would be required, whilst some upgrading of existing access tracks may be necessary.

## 3. National Planning & Energy Policy

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### 3.1. Introduction

3.1.1. This section of the Planning Statement provides an assessment of the Proposed Development against the following key material considerations of relevance:

- National Planning Framework (NPF 3)
- Emerging National Planning Framework 4 (Emerging NPF 4)
- Scottish Planning Policy
- Scottish Energy Strategy: The future of energy in Scotland
- Scotland's Electricity and Gas Networks: Vision to 2030
- Control of Woodland Removal Policy.

### 3.2. National Planning Framework

- 3.2.1. The Scottish Government published the NPF 3 on 23rd June 2014 and sets out the Scottish Government's central purpose *"to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth"*.
- 3.2.2. In the Ministerial Foreword to the NPF 3 it is noted that the *"NPF3 brings together the plans and strategies in economic development, regeneration, **energy**, environment, **climate change**, transport and digital infrastructure to provide a coherent vision of how Scotland should evolve over the next 20 to 30 years"*.
- 3.2.3. NPF 3 is a long-term strategy for Scotland and is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure.
- 3.2.4. Together, NPF3 and Scottish Planning Policy (considered below) applied at the strategic and local levels, are intended to help the planning system deliver the Government's vision and outcomes for Scotland and to contribute to the Government's central purpose.
- 3.2.5. The Proposed Development is most closely related to the NPF 3's Vision for Scotland to achieve 'A Low Carbon Place' due to its importance in supporting the connection of a consented onshore wind farm to the electricity network. The Proposed Development will also assist in ensuring security of supply and is identified as a national development<sup>3</sup> by NPF 3, which is discussed further below.
- 3.2.6. NPF 3 acknowledges that good progress has been made in diversifying Scotland's energy generation capacity. The Proposed Development will contribute to this in terms of the ability to

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<sup>3</sup> The category of national developments are development or classes of development designated as such in the National Planning Framework under section 3A(4)(b) of the Town and Country Planning (Scotland) Act 1997 (as amended)

support the local renewable energy network. Maintaining security of supplies remains a key objective for the Scottish Government.

- 3.2.7. The Proposed Development will facilitate the connection of a wind farm and the generation of renewable energy which can be exported to the grid and centres of demand.
- 3.2.8. NPF3 supports the upgrade, maintenance and enhancement of the electricity grid network. Paragraph 3.28 states that:
- “Electricity grid enhancements will facilitate increased renewable electricity generation across Scotland. An updated national development focusing on enhancing the high voltage transmission network supports this, and will help to facilitate offshore renewable energy developments.”*
- 3.2.9. The importance of the Proposed Development is therefore recognised in NPF 3.
- 3.2.10. Paragraph 3.28 continues noting that *“The environmental impacts of this type of infrastructure require careful management.”* Mitigation is identified as an important part in the delivery of these important pieces of infrastructure. The Applicant recognises the importance of mitigating the impact of the Proposed Development as part of its duties under Schedule 9 of the Electricity Act 1989, and in this regard has made changes during the design development to reduce insofar as possible the extent of forestry required to be removed to reduce impacts on the local area. The Applicant has sought to balance a number of sensitivities and constraints to ensure minimal impacts on the wider environment.
- 3.2.11. The application is accompanied by an EA Report which provides an assessment of the Proposed Development and ancillary works on a range of environmental receptors. The EA Report demonstrates that with the necessary mitigation in place the Proposed Development and ancillary works are acceptable in environmental terms. A Schedule of Mitigation is included within Chapter 10 of the EA which sets out in full the measures taken to address any potential for environmental impacts.

#### **Delivery: National Developments - Outcomes**

- 3.2.12. NPF 3 identifies 14 national developments that are needed to help to deliver the Scottish Government’s spatial strategy. As part of the Low Carbon Place strategy the Scottish Government recognises the need for a range of infrastructure, including new developments and refurbishment or enhancement of existing facilities. Delivery in this regard will be assisted by three national developments one of which is ‘A High Voltage Energy Transmission Network’. The Proposed Development would fall within this category and under the following class of national development:
- “Development consisting of a new and/or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts, and supporting pylons.”*
- 3.2.13. National development status establishes the need for a project however it does not grant development consent. Planning permission and any other necessary assessments and consents will still be required. NPF 3 sets out detailed descriptions of the components of each national development to assist planning authorities.

- 3.2.14. An ‘Enhanced High Voltage Energy Transmission Network’ is needed to facilitate renewable electricity development and its export. The Proposed Development would directly support and facilitate the export of renewable energy to the electricity grid. The Scottish Government through NPF 3 supports the provision of new infrastructure in this regard.
- 3.2.15. In terms of the specific need case for this type of national development, NPF 3 states that *“these classes of development are needed to support the delivery of an enhanced high voltage electricity transmission grid which is vital in meeting national targets for electricity generation, statutory climate change targets, and security of energy supplies”*.
- 3.2.16. The Proposed Development would facilitate the connection of an already consented wind farm development thereby realising Scotland’s renewable energy capabilities which are identified in NPF 3 and supporting the move towards a low carbon economy.
- 3.2.17. The Proposed Development has a direct relationship with achieving this aim and as such can draw support from NPF 3.

### **3.3. Emerging National Planning Framework 4**

- 3.3.1. On 10th November 2021, the Scottish Government published its draft ‘Scotland 2045 - Fourth National Planning Framework’ (NPF 4) which sets out their spatial strategy, relevant policies and identified national developments and will become part of the development plan once approved and adopted.
- 3.3.2. In delivering the spatial strategy the Draft NPF 4 recognises that places can be planned and developed to be sustainable, liveable, productive and distinctive. The national policies are grouped together under these four themes. The spatial strategy also identifies six overarching spatial principles. Of most relevance is, ‘just transition’ which states *“meeting our climate ambition will require a rapid transformation across all sectors of our economy and society.”*
- 3.3.3. Eighteen national developments are proposed to support the delivery of the spatial strategy including ‘Strategic Renewable Electricity Generation and Transmission Infrastructure’ which supports renewable electricity generation, repowering, and expansion of the electricity grid across Scotland. The Proposed Development would fall within this category. It states: *“The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond.”*
- 3.3.4. National developments continue to include the Proposed Development, specifically in this case *“b) New and/or replacement high voltage electricity lines and interconnectors of 132kv or more;”*.
- 3.3.5. In terms of the need for these national developments, it states that *“Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas.”*
- 3.3.6. The climate emergency has a prominent position in the draft NPF 4. Draft Policy 2a states when considering all development proposals *“significant weight should be given to the Global Climate Emergency.”* Draft Policy 19 relates to ‘Green Energy’ and states *“The planning system should*

*support all forms of renewable energy development and energy storage, together with new and replacement transmission and distribution infrastructure.” Policy 19b adds “Development proposals for all forms of renewable energy..., together with enabling works such as transmission...infrastructure... should be supported in principle.”*

- 3.3.7. The primary requirement for this project is to facilitate the connection of the Bhlaraidh Extension Wind Farm to the National Grid. SSEN Transmission has an obligation under the Electricity Act 1989 to provide connections for new electricity generators wishing to connect to the transmission network in its licence area under the terms of its statutory and licence obligations.
- 3.3.8. The Proposed Development draws significant and direct support from the emerging NPF4.
- 3.3.9. It is important to note that at the time of writing NPF 4 is not approved policy, therefore, NPF 3 and Scottish Planning Policy will remain in force as the extant policy guidance until NPF 4 is formally adopted by Scottish Ministers. The Scottish Government intends to set out a revised draft of NPF 4 for the Scottish Parliament’s consideration and approval before the end of 2022, anticipated to be November 2022, and to progress its adoption by ministers thereafter. Therefore, whilst the Proposed Development aligns with the proposed aims and objectives of the emerging NPF 4, this has limited weight in the assessment of the Proposed Development until it is formally adopted.

### **3.4. Scottish Planning Policy**

- 3.4.1. A new Scottish Planning Policy (SPP) was published on 23rd June 2014. An erratum was published on 18th December 2020 as a result of changes to paragraphs 28, 29,30, 32, 33 and 125 of SPP. The changes relate to sustainable development and housing land supply.
- 3.4.2. The purpose of the SPP is to set out national planning policies which reflect Scottish Government Ministers’ priorities for the operation of the planning system and for the development and use of land.
- 3.4.3. SPP is relevant to understanding the national context, the generic duties under Schedule 9 to the 1989 Act and are also material considerations in the decision-making process.
- 3.4.4. Para. 11 sets out NPF 3 and SPP’s single vision for Scotland’s planning system:

*“We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world”.*

- 3.4.5. To achieve this vision, SPP sets out the four planning outcomes which are described above in para. 3.2.5, in relation to NPF 3.



### Planning Outcomes

- 3.4.6. Outcome 2 A Low Carbon Place: Delivering Heat and Electricity is of most relevance to the Proposed Development. The Proposed Development supports the delivery of electricity in a number of ways. By its nature, the Proposed Development will facilitate the transmission of electricity in the region. The Proposed Development also supports the increase in renewable energy generation in the area by enabling connection to the grid.
- 3.4.7. The planning system has an important role to play in supporting a transition to a low carbon economy. Strategic development plans should support national priorities for the construction of strategic energy infrastructure including transmission and distribution networks. There is no Strategic Development Plan within the Highland region, but this aim is supported in The Highland Wide Local Development Plan.
- 3.4.8. SPP notes that the planning system should support the transformational change to a low carbon economy and support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity. The Proposed Development would directly support and contribute to this aim.

### Presumption in Favour of Development that contributes to Sustainable Development

- 3.4.9. SPP “introduces a presumption in favour of development that contributes to sustainable development” and states that:
- “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the cost and benefits of the proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”* (paragraph 28).
- 3.4.10. As has been set out above, the Proposed Development forms part of a strategically important category of national development which is recognised in NPF 3. It would facilitate the connection and energisation of an already consented wind farm supporting a sustainable future in terms of energy generation, contributing indirectly to the Scottish Government’s central purpose and national outcomes.
- 3.4.11. In Development Management practice, SPP notes that “*where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration... The same principles should be applied where a development plan is more than five years old*”.
- 3.4.12. In this case, The Highland wide Local Development Plan is in excess of five years old. While the primacy of the Development Plan is not applicable in this case, this should still be considered material to the decision maker in that the ‘presumption’ is engaged. The Proposed Development would contribute to the delivery of sustainable energy generation. As such it can draw support from this aspect of SPP.

- 3.4.13. SPP also seeks to protect the natural environment and notes that the environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation, and sustainable economic activity. SPP notes that the planning system should facilitate positive change while maintaining and enhancing distinctive landscape character.
- 3.4.14. The Proposed Development provides a new single circuit 132kV OHL connection, which will facilitate the generation of renewable energy and connection to the electricity grid. The Proposed Development has been designed to avoid and minimise environmental impacts and mitigate the likely significant environmental effects that are predicted, wherever possible. The proposed mitigation is presented at Chapter 10 Schedule of Mitigation of the EA Report.
- 3.4.15. The route selection process described within Chapter 2 of the EA Report, details how the route has been designed to avoid the most sensitive landscape and visual receptors and to minimise potential significant effects wherever possible. This includes mitigation in the form of an UGC section for approximately 2 km into Fort Augustus substation to mitigate likely landscape and visual impacts on the local community. The route selection process also resulted in changes to the final design to minimise the extent of forestry removal.
- 3.4.16. Terrestrial Ecology and Ornithology are considered in chapters 5 and 6 of the EA Report respectively. The impact assessment on terrestrial ecology concludes that following the application of mitigation, no significant residual effects are predicted. Following the implementation of mitigation proposed there are no predicted significant effects on ornithology interests.
- 3.4.17. SPP recognises that “*the historic environment is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places.*” The siting and design of development has to take account of all aspects of the historic environment. Chapter 8 of the EA Report considers Cultural Heritage and the routeing of the OHL has been developed taking account of the cultural heritage assets within the area.
- 3.4.18. No significant effects are predicted for designated sites of cultural heritage interest. There is a potential for direct effects on two undesignated assets as a result of construction. In this regard, mitigation is proposed to avoid the use of Inverwick bridge (Site 2) by construction traffic. Indirect, visual impacts on all three Designated sites assessed are predicted to be minimal and of Minor significance due to screening provided by topography and/or intervening vegetation.
- 3.4.19. The Proposed Development would support the delivery of clean, renewable energy generation meeting national planning policy objectives. The national importance of the Proposed Development is a significant material consideration in the determination of the Section 37 application and for Scottish Ministers in meeting their schedule 9 duties.

### **3.5. Scottish Energy Strategy: The future of energy in Scotland**

- 3.5.1. Scotland's first Energy Strategy, published in December 2017, sets out the Scottish Government's vision for the future energy system in Scotland. A series of updates have been published since this, over 2018, to take account of updated analysis, UK Government energy policy and EU exit.

- 3.5.2. It articulates six energy priorities for a whole-system approach that considers both the use and the supply of energy for heat, power and transport. Those of most relevance to the Proposed Development include:
- System security and flexibility
  - Renewable and low carbon solutions
- 3.5.3. The Strategy sets a target for the Scottish energy system by 2030 to secure the equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources.
- 3.5.4. The Proposed Development supports just one part of Scotland’s energy strategy. In simple terms, it will enable the transmission of clean energy to the electricity grid, realising the potential for renewable energy generation.
- 3.5.5. The Energy Strategy notes that *“Scotland should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of our homes and businesses during as our energy transition takes place”*. There are many elements to achieving this, which the Proposed Development would form part of.
- 3.5.6. An April 2018 update relating to Targets, Priorities and Actions states that *“Scottish Government analysis shows that renewable electricity – which has already outperformed our interim 2015 target of 50% – could rise to over 140% of Scottish electricity consumption, ensuring its contribution to the wider renewable energy target for 2030”*
- 3.5.7. The importance of securing grid connections for renewable energy generation is of significant importance to realise Scotland’s potential and can draw support from Scotland’s energy strategy.

### **3.6. A Vision for Scotland's Electricity and Gas Networks**

- 3.6.1. The Scottish Government’s ‘Vision for Scotland’s Electricity and Gas Networks’ document was published in March 2019. The vision statement highlights that, *“By 2030 Scotland’s energy system will have changed dramatically in order to deliver Scotland’s Energy Strategy targets for renewable energy and energy productivity...Our electricity and gas networks will be fundamental to this progress across Scotland, and there will be new ways of designing, operating and regulating them to ensure that they are used efficiently.”*
- 3.6.2. With regards to electricity transmission, the document supports (page 5):
- “A secure and resilient transmission network for Scotland, engineered to reflect the changing dynamics of the electricity system, and with a System Operator able to access the technical services needed to maintain stability.*
- New transmission infrastructure that ensures we can meet Scotland’s renewable energy ambitions”*
- 3.6.3. With respect the electricity network the vision for 2030 is that there will have been the necessary substantial investment in new capacity for our electricity networks and a strategic focus on security of supply and resilience when designing these networks and the systems that they connect to.

- 3.6.4. The Proposed Development can draw support from the Vision for Scotland's Electricity and Gas Networks to 2030 and more specifically the vision for the electricity network. The Proposed Development will facilitate the connection of a new renewable energy generation station
- 3.6.5. The document notes that 'Renewable generators, such as wind farms, have the capability to support voltage, even when it isn't windy; we need to make effective use of this capability...' The grid connection project would support this capability.
- 3.6.6. The approval of the grid connection for Bhlairaidh Extension wind farm would help achieve the Applicant's licence obligations to develop and maintain an efficient, coordinated and economic electricity system in Scotland.

### 3.7. Control of Woodland Removal Policy

- 3.7.1. The Scottish Government's Control of Woodland Removal Policy (CWRP) was published in 2009 and includes a presumption in favour of protecting woodland. The policy acknowledges that any significant environmental impacts of woodland removal associated with development would be incorporated within assessments made, in the case of Section 37 applications, under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.
- 3.7.2. The Proposed Development is not EIA development, however the EA Report provides an assessment of potential environmental impacts in relation to forestry at Chapter 9. The alignment of the Proposed Development runs through a range of forest and woodlands which includes areas listed within the Ancient Woodland Inventory (AWI) and Native Woodland Survey of Scotland (NWSS) as well as areas of commercial conifer. These designated areas are illustrated in Figure 9.1 of the EA Report. The Proposed Development requires the removal of woodland for the safe and resilient construction and operation of a new 132 kV single circuit overhead line through woodland and forestry. A total of 55.98 ha of woodland removal is required.
- 3.7.3. For woodland removal associated with development, the Scottish Ministers, in the case of deemed planning permission for applications made under the 1989 Act, have the power to enforce any requirements relating to the planning permission.
- 3.7.4. The CWRP notes that "*Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance.*"
- 3.7.5. The CWRP sets out criteria for determining the acceptability of woodland removal. Examples are provided where woodland removal, without a requirement for compensatory planting, would most likely be appropriate. These include where it would contribute significantly to:
- enhancing priority habitats and their connectivity;
  - enhancing populations of priority species;
  - enhancing nationally important landscapes, designated historic environments and geological Sites of Special Scientific Interest (SSSI);
  - improving conservation of water or soil resources; or
  - public safety.

- 3.7.6. The routing process (described in Chapter 2: The Routing Process and Alternatives of the EA Report) sought to avoid woodland where possible, while taking account of other environmental, technical and cost constraints. Total avoidance of woodland however was not possible.
- 3.7.7. The width of the operational corridor has been adjusted to accommodate full height conifer trees and lesser stature native broadleaves. Although the impact on designated areas has been reduced through the design process, through avoidance or reduction in the operating corridor width, a total of 37.17 ha of these designated woodlands (of which 17.49 ha is Plantations on Ancient Woodland Sites - PAWS) would require removal. Additionally, an area 0.75 ha of recently planted native woodlands which form part of the Bhlaraidh Wind Farm Habitat Management Plan (HMP) would require removal. The remaining 18.06 ha of the total 55.58 ha for removal consists of commercial conifer woodland, mixed broadleaves and unplanted woodland. There is a commitment that where possible the operating corridor will be reduced further for the designated woodland areas at the detailed design stage.
- 3.7.8. The EA Report concludes that the effects of woodland removal are not significant by area in this locality and can be managed through revision of felling and replanting plans. However, while AWI and NWSS are considered to be important forestry resources, it is recognised that PAWS is either conifer plantation or recently felled conifer plantation and within the context of the area in which the Proposed Development lies, the loss is not significant.
- 3.7.9. In order to address the potential significant effects on forest land-use management, the Applicant has committed to the development of OHL Woodland Reports for each forest ownership (Appendices 9.2 and 9.3). The OHL Woodland Reports identify all areas of felling required to form the operational corridor and access corridors. In addition, the OHL Woodland Reports will aim to reduce the risk of future wind throw by identifying felling to stable forest edges (outside of the operational corridor). The delivery of the felling identified in the OHL Woodland Reports will require working jointly with the forest owner to deliver felling and restocking outwith the operational corridor.
- 3.7.10. Chapter 5 of the EA Report deals with ecology and ancient woodland and semi-natural woodland habitat. Overall the effects on qualifying interests of the designation as a result of construction of the Proposed Development is likely to be of low magnitude and therefore be of a minor adverse impact and therefore not significant
- 3.7.11. The Applicant is committed to seeking to reduce the ecological (biodiversity) effects which would arise through the loss of ancient woodland and semi-natural woodland habitat. This is proposed through the sensitive management of the operational corridor and by avoiding felling or retaining scrub/understorey layers in areas where existing tree cover doesn't breach safety clearances.
- 3.7.12. The CWRP requires to be considered on balance and in the context of other legislative and policy considerations to which an electricity licence holder must consider. As a holder of a licence under the Electricity Act, the Applicant has a statutory duty *'to develop and maintain an efficient, co-ordinated and economical system of electricity distribution'*. Alongside this duty, section 38 of the 1989 Act, 'Preservation of Amenity and Fisheries' notes that Schedule 9 of the Act shall have effect. Schedule 9 'Preservation of Amenity and Fisheries' Part 3 (1) requires a licence holder, in

formulating relevant proposals, to have regard to, inter alia, *‘the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest...’*

- 3.7.13. This part of the 1989 Act requires that licence holders shall have regard to the desirability of preserving a number of identified receptors and shall do what it reasonably can, to mitigate any effect of the proposals. The Applicant has demonstrated through the EA process the extent of design development and mitigation proposed that has sought to avoid areas of woodland where possible, while balancing its ‘duty’ under the Act. Further detailed design at construction stage would look to reduce the impact on designated areas further.
- 3.7.14. Although, there is no specific mention in the CWRP of exceptions for certain projects or persons, it is considered that the obligations placed on statutory undertakers, as set out above, would constitute the interest of public safety.
- 3.7.15. The Proposed Development is considered to be acceptable in the context of the control of woodland policy and wider obligations of a licence holder. The importance of the Proposed Development as a strategic piece of national infrastructure is also deemed to carry significant weight. Compensatory planting will be undertaken in an area at least equivalent to that of required deforested areas.
- 3.7.16. The OHL grid connection meets the acceptability criteria given in Annex C of the CWRP, as the proposed change in land use would contribute significantly to helping Scotland mitigate or adapt to climate change by facilitating appropriate development of renewable energy projects. Additionally, there is a public safety need for the removal of the full operational corridor, to ensure the safe operation and maintenance of the line should it be granted planning permission.

### **3.8. Conclusions**

- 3.8.1. The Proposed Development has been considered against the terms of the relevant national planning and energy policy. The Proposed Development is identified as a national development within NPF 3 and will support the Scottish Government’s strategy to Achieve a Low Carbon Economy. There is support for the proposal at a national level.
- 3.8.2. The Applicant has undertaken an EA of the Proposed Development and its ancillary works which has assessed its impact on various environmental receptors. SPP looks to protect the natural and built environment and those matters are dealt with in the EA Report. The EA Report confirms that once operational the Proposed Development would have no significant residual effects following a schedule of mitigation.
- 3.8.3. The Proposed Development represent an important piece of infrastructure which is supported at the national level. The importance of the Proposed Development in national planning terms is a significant material consideration which should be given significant weight in the determination of the application.
- 3.8.4. In summary, the Proposed Development would facilitate the export of renewable energy generation to the National Grid. The Applicant has undertaken an EA to assess the Proposed Development. Whilst the Proposed Development lies in proximity to internationally and nationally important sites, no likely significant effects have been identified in respect of these important designated sites. No

unacceptable environmental effects have been identified and the Proposed Development is considered to be acceptable subject to proposed mitigation measures. Due regard has been given to the preservation of natural heritage, cultural heritage, ecology, ornithology and features of special interest, and following mitigation measures, no significant residual effects are anticipated.

- 3.8.5. In designing the Proposed Development, the Applicant has had regard to the Schedule 9 duties. The outcome of this is set out in the EA Report. The Applicant has committed to the identified and recommended mitigation measures, which will minimise adverse effects on the environment.

## 4. Development Plan Policy

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### 4.1. Introduction

4.1.1. This Chapter assesses the Proposed Development against the statutory Development Plan applicable to the area in which the site is located. The Development Plan comprises:

- The Highland Wide Local Development Plan (“HwLDP”) (Adopted April 2012);
- Inner Moray Firth Local Development Plan (IMFLDP) (Adopted July 2015); and
- Relevant Supplementary Guidance: Trees, Woodlands and Development SG (adopted January 2013); Flood Risk and Drainage Impact Assessment SG (adopted January 2013) and Onshore Wind Energy Supplementary Guidance (adopted 2016 with Addendum December 2017).

4.1.2. The IMFLDP is considered of limited relevance to the Proposed Development, particularly with respect to individual policies, given its main focus is on directing development within settlement areas. The IMFLDP does identify Special Landscape Areas. The Application Site is not located within an SLA. The closest being the Loch Ness and Duntelchaig SLA (2.5 km from the Proposed Development). Further consideration of this area was scoped out of the EA, since it is considered very unlikely that there would be potential for significant effects on this area or its special qualities, particularly given distance and landform between them.

### 4.2. The Highland Wide Local Development Plan

4.2.1. The HwLDP sets out THC’s vision statement and spatial strategy for the area alongside the policies against which development will be assessed. The Proposed Development has been considered in the context of the HwLDP, and the most relevant policies are identified and considered below.

#### Vision and Key Objectives

4.2.2. The vision and key objectives have been informed by the key challenges facing The Highland area and Chapter 5 of the HwLDP sets out the overall vision.

4.2.3. *“By 2030, Highland will be one of Europe’s leading regions. We will have created sustainable communities, balancing population growth, economic development and the safeguarding of the environment across the area and have built a fairer and healthier Highlands.”*

4.2.4. The overall vision is further defined into a series of land use aims specific to the Inner Moray Firth Area. Whilst not specific to transmission infrastructure, the HwLDP identifies the need for the Inner Moray Firth to have increased jobs, to safeguard and enhance its special places, diversify its economy and resolve infrastructure constraints. These objectives are set alongside the need to protect outstanding natural assets, including landscapes, geology, habitats and species of national and international importance.

4.2.5. The Vision and Spatial Strategy for the Inner Moray Firth Area is identified in plan form on page 23 of the HwLDP. Whilst the plan is diagrammatic rather than geographically precise, the vision identifies



the need for electricity grid reinforcement. The Proposed Development will allow connection of renewable energy installations, in line with the HwLDP vision, with associated positive benefits for the local economy. The EA assesses the impacts of the Proposed Development in the context of the duties under Schedule 9 to the 1989 Act.

- 4.2.6. In addition to the Schedule 9 duties, the Proposed Development has been considered in the context of the HwLDP.
- 4.2.7. THC’s Pre Application Advice letter dated July 2021 identified a list of policies which were considered likely to be relevant to the consideration of the Proposed Development. This list has been considered, in addition to policies the Applicant also considers to be relevant.
- 4.2.8. The policies from the HwLDP which are considered in this assessment are identified in Table 4.1 below. The Policy Schedule contained within Appendix 1 of this Planning Statement sets out the full text of the identified policies.

Table 4.1 Development Plan Policies

<b>Policy Reference</b>	<b>Policy Heading</b>
Policy 69	Electrical Transmission Infrastructure
Policy 28	Sustainable Design
Policy 29	Design Quality and Place-Making
Policy 30	Physical Constraints
Policy 31	Developer Contributions
Policy 36	Development in the Wider Countryside
Policy 51	Trees and Development
Policy 52	Principle of Development in Woodland
Policy 55	Peat and Soils
Policy 56	Travel
Policy 57	Natural, Built and Cultural Heritage
Policy 58	Protected Species
Policy 59	Other Important Species
Policy 60	Other Important Habitats and Article 10 Features
Policy 61	Landscape
Policy 62	Geodiversity
Policy 63	Water Environment
Policy 64	Flood Risk
Policy 66	Surface Water Drainage
Policy 72	Pollution
Policy 74	Green Networks
Policy 77	Public Access
Policy 78	Long Distance Routes

## Policy Assessment

**4.3. Policy 69 Electrical Transmission Infrastructure**

- 4.3.1. Policy 69 is the policy of greatest relevance to the Proposed Development given that it is specific to electricity transmission infrastructure. The policy acknowledges the significance and importance of proposals for electricity transmission infrastructure and provides support for proposals which are assessed as not having an unacceptable significant impact on the environment including natural, built and cultural heritage features, taking into consideration mitigation measures.
- 4.3.2. The need for the Proposed Development is driven by the requirement to support renewable energy generation in the local area and to facilitate connection to the electricity transmission grid.
- 4.3.3. An assessment of environmental effects has been undertaken and the results are presented in the EA Report which is submitted with the application under section 37 of the 1989 Act and section 57 of the 1997 Act. It provides a summary of the environmental considerations and where necessary the mitigation proposed. The impact on the environment is assessed within the EA Report and under the relevant policy headings below. In summary, the Proposed Development is not considered to result in unacceptable significant residual effects to the environment and is deemed to be in accordance with and can draw support from policy 69.

**4.4. Policy 28 Sustainable Design**

- 4.4.1. Policy 28 is an all-encompassing policy which considers a variety of criteria which proposals require to be assessed against. The policy seeks that all development is designed in the context of sustainable development and climate change, however it is not specific to electricity transmission infrastructure, and the policy includes several criteria more directly relevant to urban development proposals.
- 4.4.2. It is notable that the policy was drafted to fulfil the requirements of the Climate Change (Scotland) Act 2009 and promote sustainability. The Proposed Development can draw support from this general theme given its purpose is to enable renewable energy to connect to the transmission network which would contribute significantly to helping Scotland mitigate or adapt to climate change by facilitating appropriate development of a renewable energy project.
- 4.4.3. The policy requires appropriate impact assessment to be undertaken where there is potential for significant adverse effects. The EA Report addresses this requirement and should be referenced in respect the topic areas listed within the policy criteria.
- 4.4.4. The majority of relevant criteria listed within policy 28 are more appropriately considered under the topic specific policies considered below. The remaining criteria of relevance include:

**Impact on Individual and Community Residential Amenity**

- 4.4.5. A landscape and visual impact assessment (LVIA) has been undertaken and the results are presented in Chapter 4 of the EA Report.

- 4.4.6. Four visualisation locations are included in the landscape and visual impact assessment to provide representative impressions of the views which could be obtained by receptors. No significant visual effects would be experienced by building-based receptors as a result of the Proposed Development, during construction or operation, due to screening from landform and trees, sensitivity of receptors, visual context, and its limited perceptibility introduced adjacent to existing OHLs.

#### Impact on non-renewable resources

- 4.4.7. Policy 28 includes a criterion which states that proposals will be considered for the extent to which they impact upon non-renewable resources such as mineral deposits, prime quality agricultural land or approved routes for road and rail links. The Proposed Development and ancillary works are not located within prime quality agricultural land. There is no evidence that the Proposed Development would sterilise future access to mineral resources or interfere with approved routes for road and rail links.
- 4.4.8. The remaining relevant aspects of the criteria listed under policy 28 are addressed under the more specific policy headings. The nature of the Proposed Development is such that there will be some impacts to the environment, however these can be managed and mitigated to ensure there are no unacceptable effects. The Proposed Development is not significantly detrimental in terms of the relevant criteria, supports the requirements of the Climate Change Act and complies with policy 28.

### **4.5. Policy 29 Design Quality and Place-Making**

- 4.5.1. Policy 29 requires any application to make a positive, net contribution to the architectural and visual quality of the place within which it is proposed. The main thrust of this policy is not considered relevant to the consideration of the Proposed Development insofar as it relates to residential development. Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals.
- 4.5.2. The design of the Proposed Development has sought to minimise the impact on the landscape. No significant landscape effects would be experienced to landscape character, during construction or operation, due to the largely wooded context and presence of existing OHLs in the landscape. Effects are anticipated to be higher during construction, due to construction activities, tree felling and the increased perception of activity within the landscape, but these would reduce in the long-term during operation.

### **4.6. Policy 30 Physical Constraints**

- 4.6.1. The EA has considered the Proposed Development in the context of the surrounding environment and areas of constraint. The Proposed Development is considered to be capable of being accommodated in the locality subject to mitigation measures being put in place. As such the proposal is considered to be in accordance with policy 30.

### **4.7. Policy 31 Developer Contributions**

- 4.7.1. The Proposed Development would not result in a need for new or improved public services, facilities, or infrastructure. In terms of impacts on the local road network, it is not anticipated that

there would be a significant effect on the local road network. The Applicant would undertake a preconstruction road survey and commit to make good any impacts following completion of construction.

#### **4.8. Policy 36 Development in the Wider Countryside**

4.8.1. Policy 36 is a broad multi-criteria policy that applies to development proposals in the wider countryside. The policy is not specific to electricity transmission infrastructure, and therefore has less relevance to the consideration of development than policy 69. The Policy lists the range of matters which development outside of settlement envelopes will be assessed against including:

- siting and design
- sympathetic design to existing patterns of development in the area
- compatibility with landscape character and capacity;
- avoidance of incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics
- avoidance, where possible, the loss of locally important croft land; and
- ability to address drainage constraints without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

4.8.2. With respect to siting and design, the Proposed Development site layout has been developed following an extensive route and alignment selection exercise. Chapter 2 'Route Process and Alternatives' of the EA sets out the process by which the alignment of the OHL was selected. The chapter outlines the reasonable alternatives studied by the Applicant, which are relevant to the Proposed Development and its specific characteristics and describes the main reasons for the option chosen, taking into account the effects of the Proposed Development on the environment. The final alignment and siting and design is deemed the most suitable taking into account environmental, technical and economic considerations, which are fundamental principles by which the Applicant must undertake its obligations as a licence holder under the Electricity Act 1989.

4.8.3. Chapter 4 of the EA deals with landscape matters and notes that there would be no significant landscape effects as a result of the Proposed Development and associated works, since the Proposed Development would not alter the character of the landscape, as it would be barely perceptible alongside an existing OHL. Construction impacts would be contained by woodland for much of the route, however would be more perceptible in some of the more open areas such as within the Beaully-Denny OHL corridor; and along the glen floor near Dundreggan, but these would be temporary and would not result in long term impact on the landscape.

4.8.4. The Proposed Development is not considered to impact land used for crofting.

4.8.5. Drainage requirements would be capable of being delivered by the Applicant. The details of these will be provided by the Principal Contractor and detailed within the Construction Traffic Management Plan.

#### **4.9. Policy 51 ‘Trees and Development’ & Policy 52 Principle of Development in Woodland**

- 4.9.1. Policy 51 provides support for development which promotes protection to trees and woodlands and acknowledges that the acceptable developable area of a site is influenced by tree impact and adequate separation distances.
- 4.9.2. In addition to the support for the protection of woodland in Policy 51, Policy 52 seeks that an Applicant demonstrates the need to develop a wooded site and to show that the site has capacity to accommodate the development. The policy provides a strong presumption in favour of protecting woodland resources offering support only where the Proposed Development offers clear and significant public benefit. Policy 52 states that where woodland is removed, compensatory planting will usually be required.
- 4.9.3. In the case of major development, Policy 52 states that the Council will consider proposals against their socio-economic impact on the forestry industry within the locality, the economic maturity of the woodland, and the opportunity for the proposals to co-exist with forestry operations. There is a stronger presumption against development where it affects inventoried woodland, designated woodland or other important features.
- 4.9.4. The Proposed Development constitutes national development which is supported by national policy in the public interest. Route selection has been undertaken to minimise the need for felling, as described in Chapter 2 of the EA “Route Selection and Alternatives”. Information on felling and forestry management is provided in Chapter 9 and associated appendices and addresses the impact of the Proposed Development upon forestry and woodland.
- 4.9.5. Consideration of the impacts associated with felling to enable construction and operation of the Proposed Development was considered within Chapter 3 under the Control of Woodland Removal Policy and as such is not repeated here. While the Proposed Development will result in the removal of 37.17 ha of designated woodland (of which 17.49 is PAWS) this has sought to be reduced to a minimum. Compensatory planting is proposed to mitigate that loss and to ensure no net loss of woodland. Appendix 9.4 of the EA Report presents a Compensatory Planting Management Strategy. A fully detailed scheme will be developed, and will be agreed in due course with the consenting authority. The EA Report confirms the extent of woodland removal is not significant in this locality and can be managed through revision of felling and replanting plans. However, while AWI and NWSS are considered to be important forestry resources, it is recognised that PAWS is either conifer plantation or recently felled conifer plantation and within the context of the area in which the Proposed Development lies, the loss is not significant.
- 4.9.6. The proposal is a strategically important development which will enable renewable energy to be exported to the grid. This is considered to be an important material consideration which requires to be balanced with the impact on woodland and forestry. As required by the policy, the Applicant has demonstrated the need to develop the OHL in this area to facilitate a wind farm grid connection.
- 4.9.7. The alignment of the Proposed Development has been arrived at following a detailed assessment and route selection process. The location of the alignment is largely driven by the need to connect the consented Bhlaraidh Extension Wind Farm. In this regard, the Proposed Development is

considered to meet the acceptability criteria in Annex C of the Control of Woodland Removal Policy, as the proposed change would contribute significantly to helping Scotland mitigate or adapt to climate change by facilitating appropriate development of renewable energy projects, thereby resulting in public benefits.

- 4.9.8. On balance, considering the context in which the Proposed Development is located, the Proposed Development is not considered to conflict with the objectives of Policies 51 and 52 and where an impact is predicted, the appropriate level of compensatory planting will be provided in accordance with policy 52.

#### **4.10. Policy 55 Peat and Soils**

- 4.10.1. Policy 55 requires that development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils. Peatland is located within the development area, and the Proposed Development avoids areas of peatland where possible, as described within Chapter 2 of the EA Report.
- 4.10.2. Chapter 7 of the EA Report addresses hydrology, hydrogeology, geology and soils and includes an assessment of peat resources. The majority of the Proposed Development is not located within an area designated as priority peatland. Areas of priority peatland are recorded within small areas in the northern extent of the Proposed Development and between the Inverwick Forest and Inchnacardoch Forest. A programme of peat depth probing has been completed to ensure that the areas of deepest peat are avoided by the proposed OHL, where possible (with changes made to the alignment following these works). The exercise has confirmed that there are no areas of extensive deep peat.
- 4.10.3. A Peat Landslide Hazard Risk Assessment has been undertaken and concludes that much of the proposed alignment is underlain by areas of negligible to low peat slide risk. Small areas of medium and high risk areas were identified but are a consequence of thin peat on very steep slopes and are very localised. The Risk Assessment concludes that these do not pose a significant risk to either the Proposed Development or the access tracks. These areas would be avoided as the proposed Limit of Deviation can be used to micro-site the proposed works to avoid these areas during the construction phase of the development.
- 4.10.4. A detailed Peat Management Plan is not considered a requirement given the limited extent of peat present. Prior to commencement of the development a CEMP (Construction and Environmental Management Plan) will be developed which will include procedures and method statements for the management and safeguarding of soils and peat where encountered
- 4.10.5. The Proposed Development would not impact upon the value of the soils and geology.

#### **4.11. Policy 56 Travel**

- 4.11.1. Policy 56 is of limited relevance to the Proposed Development as it relates to development proposal that involve travel generation focusing on sustainable modes of travel, parking provision and other matters better related to a travel generating development. The Proposed Development, once operational would not be a travel generating use. Any potential effects would relate to the construction phase.

- 4.11.2. A Transport Assessment (TA) has been prepared which considers the effect of the Proposed Development on the surrounding transportation network with specific reference to vehicles required to access the site during the construction phase. The assessment considers the Development Proposals; Traffic Generation; and Road Network Mitigation.
- 4.11.3. The TA has considered the types of traffic that would be travelling to and from the Proposed Development during construction, this would be vehicles transporting workers, construction plant and machinery and construction material such as wood poles. It also considers conservative estimates of the number of vehicle movements expected.
- 4.11.4. Section 4 of the TA sets out road network mitigation and the Principle Contractor would develop a detailed Construction Traffic Management Plan (CTMP) once appointed which would incorporate these.
- 4.11.5. The Contractor will ensure that a road condition survey is undertaken prior to the commencement of construction works; this will form the baseline and will be provided to the road authorities for approval prior to works commencing.
- 4.11.6. As such, any potential effects on the road network are considered to be capable of being managed through the CTMP.
- 4.11.7. Once operational, maintenance of the infrastructure would be relatively minor requiring approximately one to two vehicles visit per week. Therefore, the operational implications are not considered as part of the Transport Assessment.
- 4.11.8. The proposed development is in accordance with Policy 56 insofar as it is relevant.

#### **4.12. Policy 57 Natural, Built and Cultural Heritage**

- 4.12.1. Policy 57 of the HwLDP requires that all development proposals be assessed taking into account the level of importance and type of heritage features at the local/regional, national, and international level, the form and scale of the development, and any impact on the feature and its setting.
- 4.12.2. Chapters 5 and 6 of the EA Report deal with ecological and ornithological natural heritage features. No significant adverse effects are predicted on these resources subject to the proposed mitigation. Further more detailed considered is given below under policy 58, 59 & 60.
- 4.12.3. Chapter 8 of the EA Report addresses Cultural Heritage and Archaeology. The following cultural features were identified within the EA Report:
- 2 scheduled monuments within the 3 km study area (SM4567 Levishie Cottage, fort and earthwork and SM11875 Dundreggan farm, motte);
  - 1 listed buildings within the 2 km study area (LB14996 Glenmoriston, Torgyle Bridge over River Moriston); and

- 2 undesignated sites within the 200 m study area (Site 1: Dyke at NH 36995 16175, part of recorded site MHG22910 Glenmoriston, Enclosure and Site 2: Bridge at NH 32397 13542, not previously recorded.)

- 4.12.4. No significant effects are predicted for designated sites of cultural heritage interest.
- 4.12.5. There is a potential for direct effects on the two undesignated assets as a result of construction. In respect of Site 1 a proposed pole location, Pole 42, is set almost directly on the archaeological feature. A working corridor along the route of the Proposed Development would effectively remove any above ground structure for the full width of the corridor. The feature is of Local interest and as such the impact is considered low to imperceptible..
- 4.12.6. In terms of Site 2, mitigation is proposed to avoid the use of Inverwick bridge (Site 2) by construction traffic.
- 4.12.7. Indirect visual impacts on all three Designated sites assessed are predicted to be minimal and of Minor significance due to screening provided by topography and/or intervening vegetation.
- 4.12.8. The EA concludes that following mitigation, there will be no significant adverse effects on nearby heritage features as a result of the Proposed Development. While there would be direct impacts on one undesignated heritage asset, this is deemed acceptable in the context of this strategic piece of infrastructure. Overall, there would be no unacceptable impacts identified on built or cultural heritage assets and the Proposed Development is considered to be in accordance with Policy 57.

### **4.13. Policy 58 Protected Species; Policy 59 Other Important Species; Policy 60 Other Important Habitats and Article 10 Features**

- 4.13.1. Policy 58 requires appropriate surveys to be undertaken to establish the presence of protected species.

#### Terrestrial ecology

- 4.13.2. Chapter 5 of the EA Report considers the effects of the Proposed Development on terrestrial ecological features. Protected species surveys recorded signs of badger, otter and pine marten within the Study Area. No other protected species were recorded.
- 4.13.3. To comply with statutory obligations, a professional ecologist or EcoW would undertake a pre-construction survey to ascertain the presence and level of activity of all protected mammal species in the area, with particular focus on confirmed and potential shelters identified.
- 4.13.4. In addition, the Applicant has developed species specific 'Species Protection Plans' (SPPs) which would outline procedures to be followed where there is potential for protected species to be present.
- 4.13.5. The EA identified a potential minor adverse effect on badger as a result of disturbance, accidental mortality and / or injury to individuals. As such, in addition to the implementation of best practice methods detailed within the SPPs and the CEMP and pre-construction surveys, sett entrances



within proximity to construction works will be marked out and exclusion zones established prior to the commencement of works.

- 4.13.6. The EA concludes that subject to the mitigation proposed no significant adverse effects are predicted on ecological receptors as a result of the Proposed Development.

#### Ornithology

- 4.13.7. Ornithology is addressed in Chapter 8 of the EA Report.
- 4.13.8. The EA notes that the enabling and construction works, forestry felling, the installation of temporary access routes and the installation and operation of the Proposed Development all have the potential to impact upon ornithological features. The EA identifies the following potential effects on ornithology; habitat loss, habitat modification, displacement of birds, impacts on nearby SPAs and collision risks. However following mitigation, no significant residual effects are predicted.
- 4.13.9. The EA identifies a number of Valued Ornithological Receptors (VORs) within the study area.
- 4.13.10. Four statutory sites with international designations for ornithological features were identified within 20 km of the Proposed Development: West Inverness-shire Lochs SPA; Loch Knockie and nearby Lochs SPA; North Inverness Lochs SPA; and Glen Affric to Strathconon SPA. No designated feature of an SPA and Ramsar site within 20 km of the Proposed Development were recorded within the Study Area. The EA concludes that the Proposed Development would not result in a significant effect on the SPA's subject to best practice measures set out within SPPs and General Environment Management Plans (GEMPs).
- 4.13.11. Black grouse surveys identified two lek locations within the study area. Disturbance to displaying males may result in reduced breeding success for black grouse. Best practice guidance indicates that disturbance within a zone of 500-750m of a lek site should be avoided. The effects would be temporary and reversible. Due to the potential for affecting more than 1 % of the regional population, the risk of unmitigated displacement due to disturbance during the construction phase is predicted to be of minor (adverse) magnitude and significant for this species.
- 4.13.12. The EA identifies specific mitigation for black grouse including pre-construction black grouse surveys, adjusting the construction programme to avoid the peak lekking period and limiting use of the access to avoid disturbance. Specific mitigation is also proposed relating to potential effects on greenshank, details within the Confidential Appendix 6.4.
- 4.13.13. General ornithological mitigation measures including the implementation of a GEMP and Species Protection Plans (SPPs) are proposed as well as a CEMP. In addition, the EA recommends that construction should be avoided during breeding bird season to minimise disturbance. Where this is not possible, pre-construction surveys will be undertaken to identify protected species and suitable mitigation will be implemented i.e. buffer zones.
- 4.13.14. The EA Report concludes that there are no significant effects, following mitigation, of the Proposed Development on ornithological interests.

4.13.15. The Proposed Development has been considered in the context of policies 58, 59 and 60 for both ornithology and terrestrial ecology and is deemed to be in accordance with these policies.

#### 4.14. Policy 61 Landscape

4.14.1. Policy 61 seeks that new developments are designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. The policy also references the sustainable design principles mentioned in Policy 28, which has been considered above.

4.14.2. Chapter 4 of the EA Report addresses the potential effects on landscape resource as a result of the Proposed Development. There are no designated or protected landscapes within the study area.

4.14.3. In terms of assessing and defining the baseline landscape, the proposed development would cut across four individual Landscape Character Types (LCTs) identified within the study area (see Figure 4.2: Landscape Character, Designations and Protected Areas with ZTV):

- LCT 220 – Rugged Massif – Inverness;
- LCT 222 – Rocky Moorland Plateau – Inverness;
- LCT 225 – Broad Steep-Sided Glen; and
- LCT 226 – Wooded Glen – Inverness.

4.14.4. LCT 225 (Broad Steep-Sided Glen) has been scoped out of the LVIA for the Proposed Development, since it is considered very unlikely that there would be potential for significant effects.

4.14.5. No significant landscape effects would be experienced to landscape character as a result of the Proposed Development, during construction or operation, due to the wooded character of the landscape and the presence of existing OHLs, and other built features such as wind turbines and dam infrastructure that affect the sensitivity of the landscape to change. Effects are anticipated to be higher during construction, due to construction activities, tree felling and the increased perception of activity within the landscape, but these would reduce in the long term during operation.

4.14.6. The route selection exercise sought to utilise existing access tracks and operational corridors where possible to reduce the extent of new infrastructure in the landscape.

4.14.7. The EA concludes that the overall landscape effect of the operation of the Proposed Development is not significant.

4.14.8. The Proposed Development is deemed to be in accordance with Policy 61.

#### 4.15. Policy 62 Geodiversity

4.15.1. The HwLDP describes geodiversity as, “*the variety of rocks, minerals, fossils, landforms, sediments and soils together with the natural processes which form alter them*” (Pg. 115). The HwLDP also identifies a number of geological designations within Highland including National Nature Reserves, Sites of Special Scientific Interest, un-notified Geological Conservation Review Sites and Local Geodiversity Sites.

- 4.15.2. Chapter 7 considers geology and soils. One Geological Conservation Review Site was identified in the study area; the Fort Augustus Geological Conservation Review (GCR) site. The GCR is designated for important superficial deposits and is located approximately 650 m northeast of the existing Fort Augustus substation. No elements of the Proposed Development cross the GCR and therefore it was scoped out of further assessment.
- 4.15.3. With careful management of soils and adoption of the best practice measures as set out in the EA, their value would not be impaired as a result of the Proposed Development. The local geology is not considered sensitive, and with the safeguards proposed the geology at site would not be impaired.
- 4.15.4. The impact of the Proposed Development on the value of the soils and geology is considered negligible and the Proposed Development is considered to accord with Policy 62.

#### **4.16. Policy 63 Water Environment**

- 4.16.1. Policy 63 states that the Council will support proposals for development that do not compromise the objectives of the Water Framework Directive (2000/60/EC).
- 4.16.2. Chapter 7 of the EA Report addresses “hydrology, hydrogeology, geology and soils’ and Chapter 5 addresses terrestrial ecology.
- 4.16.3. The EA notes that best practice safe guards and mitigation by design have been considered as part of the assessment of effects. Measures to prevent potential pollution impacts of the Proposed Development will be set out in a CEMP. Such mitigation will ensure the Proposed Development will not lead to pollutants being discharged to nearby watercourses or groundwater.
- 4.16.4. The above measures would significantly reduce the likelihood of pollutants, including suspended solids, being discharged to nearby watercourses or groundwater (including River Moriston SAC and Loch Ness Drinking Water Protection Area (DWPA)).
- 4.16.5. The EA Report concludes with the application of best practice measures as outlined in the CEMP, there would be no unacceptable impacts on the water environment. The Proposed Development is in accordance with Policy 63.

#### **4.17. Policy 64 Flood Risk**

- 4.17.1. Policy 64 states that development proposals should avoid areas susceptible to flooding and promote sustainable flood management. It states that development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with SPP through the submission of suitable information which may take the form of a Flood Risk Assessment.
- 4.17.2. SEPA river flood mapping highlights that there is low to high likelihood of flooding along the main rivers near the Proposed Development. The majority of the areas denoted to be at risk of flooding are generally confined to the watercourse channel, and do not encroach onto the Proposed Development. No new, upgraded or permanent watercourse crossings are proposed as part of the Proposed Development.

- 4.17.3. Small isolated areas of surface water flooding are also identified. Surface water flooding is not considered to present a development constraint and potential effects can be mitigated by good site design.
- 4.17.4. The Proposed Development would be classed as essential infrastructure as defined by SPP in terms of development which may be suitable in a medium to high flood risk area.
- 4.17.5. The Principal Contractor will identify a construction compound and exact access routes to site and prepare a detailed method statement for these, all of which will have regard to areas of known and potential flood risk, and will seek to avoid these areas.
- 4.17.6. The flood risk to the Proposed Development will be mitigated against and flood risk downstream would not rise. The EA addresses flood risk matters and proposes the necessary mitigation where there may be risk of flooding. The Proposed Development is considered to comply with Policy 64.

#### **4.18. Policy 66 Surface Water Drainage**

- 4.18.1. Principles, design standards and best practice measures for the management and control drainage will be adopted by the Principal Contractor, this will include sustainable urban drainage measures. The CEMP will also outline measures to ensure that the works minimise the risk to surface water and will include a project specific drainage plan. The drainage plan would detail the passive measures that would be deployed to treat both the quality and quantity of water shed from the works area in accordance with Sustainable Drainage Systems (SuDS) techniques.
- 4.18.2. The Proposed Development meets the terms of Policy 66 in that the proposed development will incorporate SuDs measures, the detail of which will be determined by the Principal Contractor.

#### **4.19. Policy 72 Pollution**

- 4.19.1. Policy 72 of the HwLDP addresses pollution and requires that proposals that may result in significant noise, air, water or light pollution will only be approved where a detailed assessment report on the levels, character and transmission of potential pollution is provided by the applicant.
- 4.19.2. The policy also states that there will be an 'expectation' that Major Developments will follow a robust project environmental management process, following the approach outlined in the Council's Guidance Note "Construction Environmental Management Process for Large Scale Projects" or a similar approach.
- 4.19.3. The key measures to prevent pollution impacts to watercourses in the area will be set out in a CEMP. This will ensure good practice is followed to avoid impacts.

##### Noise

- 4.19.4. Noise sources during the construction phase would include a minor increase in traffic flows and noise from the construction plant. The effects of noise and vibration will be managed through the CEMP which will include a Construction Noise Management Plan.

4.19.5. There would be no significant effects from noise or vibration associated with the Proposed Development.

#### Light

4.19.6. The temporary construction compound would likely be equipped with lighting installations for use during low light conditions and sensor-controlled security lighting. Any effect would be temporary and not expected to be significant.

4.19.7. No light sources are required during normal operation of the Proposed Development.

4.19.8. Subject to proposed mitigation, the Proposed Development would not result in significant effects on pollution from each of the above noted sources. The Proposed Development is thereby deemed to be in accordance with Policy 72.

### **4.20. Policy 74 Green Networks**

4.20.1. Policy 74 requires that green networks are protected and enhanced and notes that development in areas identified for the creation of green networks should seek to avoid fragmentation. The focus on new green networks is around the regional centre and sub-regional centres identified in the Highland wide Local Development Plan and identified on Figure 10 of the Plan. The Proposed Development is not located within an area identified for the creation of a green network, nor are there any existing green networks as defined by the policy.

4.20.2. The Proposed Development would not impact the delivery of new green networks.

### **4.21. Policy 77 Public Access**

4.21.1. The overhead line would cross a Core Path (CP IN16.16, identified as R5 on Figure 4.3 of the EA) at its most southern end as it transitions to UGC.). R5 may require to be used for construction access.

4.21.2. If this is required, an Outdoor Access Plan would be produced to detail arrangements for such cases, in accordance with Policy 77. This would be determined by the Principle Contractor and would be appended to the CEMP.

4.21.3. As standard, signage would be erected at suitable locations to warn of construction traffic. The Applicant will endeavour to ensure the core path or an alternative route is available for the duration of construction period, in line with policy 77.

4.21.4. The Proposed Development is considered to be in accordance with Policy 77.

### **4.22. Policy 78 Long Distance Routes**

4.22.1. Policy 78 seeks to safeguard and enhance long distance routes as identified in the Plan. The National Cycle Route would not be impacted in terms of accessibility by the Proposed Development. As such the Proposed Development would accord with Policy 78.

### **4.23. Inner Moray Firth Local Development Plan**

- 4.23.1. The Inner Moray Firth Local Development Plan (IMFLDP) was formally adopted by THC in July 2015. The IMFLDP joins the HwLDP and Supplementary Guidance as part of the Development Plan that will be used to determine planning applications in the area.
- 4.23.2. The IMFLDP is considered of limited relevance to the Proposed Development, particularly with respect to individual policies, given its main focus is on directing development within settlement areas.
- 4.23.3. The Plan identifies Special Landscape Areas (SLA) which are protected for their regional landscape importance. The closest SLA is the Loch Ness and Duntelchaig SLA (2.5 km from the Proposed Development). Further consideration of this area was scoped out of the LVIA, since it is considered very unlikely that there would be potential for significant effects on this area or its special qualities, particularly given distance and landform between them.
- 4.23.4. The Proposed Development is deemed to be in accordance with the IMFLDP, insofar as it is relevant.

#### **4.24. Emerging Highland-wide Local Development Plan**

- 4.24.1. The Highland Council started the process of reviewing the HwLDP with a Main Issues Report (MIR) consultation in 2016. In December 2017 the Scottish Government published a Planning Bill outlining potential changes to the Scottish planning system. The Planning (Scotland) Act 2019 was passed by the Scottish Parliament in June 2019. This includes changes to the content of Local Development Plans and how they are prepared, and a broadening of the issues covered by national policy namely Scottish Planning Policy. In light of these changes, the Council have taken the decision to postpone the review of the HwLDP until the implications of the Planning Act and subsequent secondary legislation is issued and the changes are more clearly understood.
- 4.24.2. A review of the HwLDP will be undertaken under the new arrangements for Local Development Plans. Formal work was due to start in spring/summer 2022 however this has not commenced. It is anticipated that work will commence following publication of NPF 4, which is due to be laid before the Scottish Parliament in November 2022.
- 4.24.3. The MIR (2016) refers to the potential to review the existing policy 69 relating to Electricity Transmission Infrastructure. A more comprehensive policy is proposed outlining expectations for the preparation and assessment of proposals for electricity infrastructure. The MIR goes on to note that national development as defined by NPF 3 will be supported in principle.
- 4.24.4. The emerging LDP is therefore of limited relevance to the consideration of the Proposed Development.

#### **4.25. Supplementary Guidance**

##### ■ Trees, Woodlands and Development SG (adopted January 2013)

- 4.25.1. The purpose of this Supplementary Guidance (SG) is to ensure that applicants seeking planning permission effectively consider and subsequently manage existing trees and woodlands, as well as identifying opportunities for planting and management of new trees and woodlands.

- 4.25.2. The Proposed Development involves routing through some areas of woodland, and this is considered and addressed in Chapter 9 of the EA Report and against the relevant policies at outlined above. The SG has been considered alongside the policy assessment above and as such is not repeated here.
- **Flood Risk and Drainage Impact Assessment SG (adopted January 2013)**
- 4.25.3. Flood Risk has been considered in Chapter 7 of the EA Report. The Proposed Development has avoided areas susceptible to flooding insofar as possible and proposes management and mitigation measures to ensure the Proposed Development does not give rise to flooding.
- **Onshore Wind Supplementary Guidance (adopted 2016, addendum December 2017)**
- 4.25.4. The Highland Council Onshore Wind Energy Supplementary Guidance (OWESG) details the policy and guidance on measures to be considered for the design and assessment of onshore wind farms. In general terms, the SG is not deemed relevant to the assessment of the Proposed Development as it relates primarily to onshore windfarms.
- 4.25.5. Section 5.2 of the OWESG includes the Loch Ness Landscape Sensitivity Study which identifies Key Views, Key Routes and Gateways as well as Landscape Character Area sensitivities and guidance. These aspects have been considered in a standalone appendix to the EA Report in relation to the Proposed Development, as requested by THC in their pre-application advice.
- 4.25.6. A review of the Key Views, Key Routes and Gateways set out within the OWESG Loch Ness Landscape Sensitivity Study has identified that, for the majority, the Proposed Development is not likely to have any potential effects. Very limited, non-significant effects have been identified for one Key View (the A887 T Views West) and three Key Routes (the A82 T, the A887 T Glen Moriston and Great Glen Way). Overall, the Proposed Development is not considered likely to result in any notable adverse effects on the Key Views, Key Routes or Key Gateways detailed within the OWESG.

## 4.26. Planning Guidance

- **Construction Environmental Management Process for Large Scale Projects**

- 4.26.1. This guidance is designed to assist with environmental management in large scale construction projects, meeting in full the policy requirements as set out in the Highland Council's Development Plan. The guidance does not form part of the Development Plan but is a material consideration. The Applicant is familiar with the preparation of a CEMP and this is referred to within the EA Report and reference where relevant in this Planning Statement. A site-specific CEMP will be developed, detailing measures to manage, control and monitor potential effects of the Proposed Development. The Applicant has already undertaken the relevant environmental studies and developed a schedule of mitigation (Chapter 10 of the EA Report) in line with the guidance.

## 4.27. Development Plan Conclusions

- 4.27.1. The objectives and policies of the Development Plan have a strong accord with the environmental requirements of other national policy and legislation that are relevant to the

determination of the section 37 consent application. The HwLDP recognises the importance of electricity transmission infrastructure.

- 4.27.2. The detailed assessment of the Proposed Development against the policies of relevance suggests no conflict with the aims and objectives of the HwLDP, nor the IMFLDP. Notwithstanding this, it is noted that the HwLDP is now more than five years old, and as such the presumption in favour of development that contributes to sustainable development as set out in SPP is engaged. The proposed development would facilitate the connection of a consented onshore wind farm to the electricity grid thereby realising this renewable energy resource within Highland and contributing to sustainable development.
- 4.27.3. The design and layout of the Proposed Development has sought to minimise impacts on the environment and most sensitive receptors. The EA Report demonstrates that there are no significant adverse effects predicted as a result of the proposed development subject to the proposed mitigation set out within the EA.
- 4.27.4. Policy 69 of the HwLDP is the primary policy of relevance and provides support for proposals that will not result in an unacceptable significant environmental impact and overall once operational there would be no unacceptable impacts as a result of the Proposed Development.
- 4.27.5. Given the Proposed Development's wider benefits in supporting the delivery of the region's renewable energy resources the Proposed Development can draw support from the overarching aims of the Development Plan.



## 5. Conclusions

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### 5.1. Electricity Act 1989

- 5.1.1. The Proposed Development requires to be considered under the terms of the 1989 Act, in particular the Schedule 9 duties..
- 5.1.2. Paragraph 3(2) of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals. The information that is contained within the individual topic sections of the EA Report for the Proposed Development addresses these and demonstrate the Applicant's extensive consideration of matters referred to under Paragraph 3(2) to Schedule 9.
- 5.1.3. It is considered that the detailed work undertaken for the EA has confirmed that the Proposed Development is environmentally acceptable, and that the Applicant has had due regard to those matters listed at Paragraph 3(1)(a) Electricity Acts 1989:
- "...preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest..."*
- 5.1.4. In addition, the Applicant has identified measures to mitigate potential effects on the assets listed and this has been set out and demonstrated within the individual chapters of the EA Report and those measures have been consolidated within Chapter 10 Schedule of Mitigation. Following the implementation of the proposed mitigation, no significant effects are predicted as a result of the Proposed Development.
- 5.1.5. On this basis, the Applicant has fulfilled the obligations under Schedule 9 of the Electricity Act.
- 5.1.6. These duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be. Therefore, the approach required in this case is fundamentally different to the conventional approach for planning decisions under s.25 of the 1997 Act. As has been explained, there is no primacy of the Development Plan in an Electricity Act application. Development Plan policies are relevant to understanding in a local context, the generic duties under Schedule 9 to the Electricity Act and have been considered alongside these.
- 5.1.7. In addition to the Schedule 9 duties of the 1989 Act, the Applicant has obligations under the 1989 Act to offer non-discriminatory terms for connection to the electricity transmission system. As such, the Applicant has a legal duty to provide connections for new electricity generators wishing to connect to the transmission network in its licence area under the terms of its statutory and licence obligations. The Proposed Development would facilitate this requirement and has been carefully sited and designed to ensure compliance with the Schedule 9 duties.

### 5.2. National Planning and Energy Policy and Guidance

- 5.2.1. The Proposed Development would contribute to delivering a national development project and would support the delivery of renewable energy generation through a secure connection to the electricity grid.
- 5.2.2. No significant adverse effects are predicted as a result of the Proposed Development following the application of proposed mitigation. Due regard has been given to the preservation of natural heritage, cultural heritage, ecology and features of special interest and mitigation has been employed to reduce, avoid or minimise any potential effects that have been identified through the EA.
- 5.2.3. The Proposed Development and ancillary works can draw significant support from NPF 3 and SPP and can be delivered with no unacceptable impacts on the environment.
- 5.2.4. The Proposed Development can draw further support from the relevant energy policy considered at Chapter 3.
- 5.2.5. The Proposed Development has been considered against the terms of the Control of Woodland Removal Policy. While there will be a requirement for some woodland removal as result of the Proposed Development, the impact is not assessed to be significant given the context. Furthermore, the applicant is committed to compensatory planting to endure no net loss of woodland.

### **5.3. Development Plan**

- 5.3.1. The Proposed Development and ancillary works have been assessed against the terms of the Development Plan for the area within Chapter 4 above. The Proposed Development is not considered to conflict with the aims and objectives of the Development Plan as a whole or the supporting policies and is considered to accord with the Plan.
- 5.3.2. The Proposed Development would help realise the potential of Scotland's renewable energy resource through the facilitation of an electricity grid connection for a consented onshore wind farm, support for which is provided in the Development Plan. As such, in planning terms the Proposed Development can draw support from the Development Plan.

### **5.4. Overall Conclusions**

- 5.4.1. The Proposed Development has been assessed against the Schedule 9 duties set out in the Electricity Act 1989, as well as national and local planning and energy policy documents. The Proposed Development has been demonstrated to being acceptable through the EA process and further through examination of the various considerations as set out within this Planning Statement.
- 5.4.2. Support for the Proposed Development is clear at a national and local level in policy terms and the Applicant has clearly demonstrated consideration of the Schedule 9 duties in the design and layout of the Proposed Development.

# Appendix 1 – Planning Policy Schedule

## Policy 69 Electricity Transmission Infrastructure

“Proposals for overground, underground or sub-sea electricity transmission infrastructure (including lines and cables, pylons/ poles and vaults, transformers, switches and other plant) will be considered having regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption. Subject to balancing with this consideration, and taking into account any proposed mitigation measures, the Council will support proposals which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features. In locations that are sensitive, mitigation may help to address concerns and should be considered as part of the preparation of proposals. This may include, where appropriate, underground or sub-sea alternatives to overground route proposals. Where new infrastructure provision will result in existing infrastructure becoming redundant, the Council will seek the removal of the redundant infrastructure as a requirement of the development.”

## Policy 36 Development in the Wider Countryside

Outwith Settlement Development Areas, development proposals will be assessed for the extent to which they:

- are acceptable in terms of siting and design;
- are sympathetic to existing patterns of development in the area
- are compatible with landscape character and capacity;
- avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics
- avoid, where possible, the loss of locally important croft land; and
- would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy. In considering proposals, regard will also be had to the extent to which they would help, if at all, to support communities in Fragile Areas (as defined by Highlands & Islands Enterprise) in maintaining their population and services by helping to re-populate communities and strengthen services.

Within Fragile Areas, proposals that will lead to the change of use or loss of a lifeline rural facility such as a village shop, whether or not that facility is outwith the settlement development area, will be required to provide information as why the facility/use is no longer feasible including evidence that it has been marketed for that purpose at a reasonable price/rent for a minimum period of 3 months.

Renewable energy development proposals will be assessed against the Renewable Energy Policies, the non statutory Highland Renewable Energy Strategy and where appropriate, Onshore Wind Energy: Supplementary Guidance.

All proposals should still accord with the other general policies of the plan.

Development proposals for housing in the wider countryside will be determined against the relevant sections of the Housing in the Countryside and Siting and Design: Supplementary Guidance.

### **Policy 51 ‘Trees and Development’**

“The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. Where appropriate a woodland management plan will be required to secure management of an existing resource.

The Council will secure additional tree/hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development. In communal areas a factoring agreement will be necessary.

The Council’s Trees, Woodland and Development Supplementary Guidance will be adopted as statutory supplementary guidance. The guidance will identify the main principles for the protection and management of trees and woodland in relation to new development. It will:

- identify key relevant legislation and regulation;
- establish the key factors for assessment of development sites in relation to the presence of trees;
- give guidance on preparation of tree protection, management, planting and landscape plans;
- for developments involving a significant element of woodland, give advice on the need for a woodland management plan;
- provide advice for development within existing woodland on the potential for woodland removal and need for compensatory planting;
- generally support well planned developments which are designed to create and coexist with significant areas of new woodland”.

### **Policy 52 ‘Principle of Development in Woodland’**

“The applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a strong presumption in favour of protecting woodland resources.

Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.

The Council will consider major development proposals against their socio economic impact on the forestry industry within the locality, the economic maturity of the woodland, and the opportunity for the proposals to coexist with forestry operations.

For housing proposals within existing woodland, applicants must pay due regard to its integrity and longer term management.

In all cases there will be a stronger presumption against development where it affects inventoried woodland, designated woodland or other important features (as defined in Trees, Woodland and Development Supplementary Guidance).

All proposals affecting woodland will be assessed against conformity with the Scottish Government's Policy on Control of Woodland Removal.

The current Highland Forest and Woodland Strategy will be considered as a material consideration. It is the intention that future reviews of the strategy will be adopted as supplementary guidance.

The Highland Forest and Woodland Strategy reflects the strategic directions of the Scottish Forest Strategy developing its priorities for action at the regional level and through its key principles seeks to:

- ensure sustainability;
- increase the community benefit from forestry and woodlands;
- identify opportunities for forest and woodland expansion compatible with other interests;
- improve existing forests and woodland to enhance forestry's contribution to the economy and environment of Highland;
- work with partners to address economic and infrastructure issues;
- retain and enhance the level of funding for forestry in Highland".

## **Policy 28 Sustainable Design**

The Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland.

Proposed developments will be assessed on the extent to which they:

- are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity);
- are accessible by public transport, cycling and walking as well as car;
- maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy and heat;
- are affected by physical constraints described in Physical Constraints on Development: Supplementary Guidance;
- make use of brownfield sites, existing buildings and recycled materials;
- demonstrate that they have sought to minimise the generation of waste during the construction and operational phases. (This can be submitted through a Site Waste Management Plan);
- impact on individual and community residential amenity;
- impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality agricultural land, or approved routes for road and rail links;
- impact on the following resources, including pollution and discharges, particularly within designated areas:

- habitats
  - freshwater systems
  - species
  - marine systems
  - landscape
  - cultural heritage
  - scenery
  - air quality;
- demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;
  - promote varied, lively, and well-used environments which will enhance community safety and security and reduce any fear of crime;
  - accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups; and
  - contribute to the economic and social development of the community.

Developments which are judged to be significantly detrimental in terms of the above criteria will not accord with this Local Development Plan. All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:-

- conserve and enhance the character of the Highland area;
- use resources efficiently;
- minimise the environmental impact of development;
- enhance the viability of Highland communities.

Compatibility should be demonstrated through the submission of a Sustainable Design Statement where required to do so by the Guidance.

All developments must comply with the greenhouse gas emissions requirements of the Sustainable Design Guide.

In the relatively rare situation of assessing development proposals where the potential impacts are uncertain, but where there are scientific grounds for believing that severe damage could occur either to the environment or the wellbeing of communities, the Council will apply the precautionary principle.

Where environmental and/or socio-economic impacts of a proposed development are likely to be significant by virtue of nature, size or location, The Council will require the preparation by developers of appropriate impact assessments. Developments that will have significant adverse effects will only be supported if no reasonable alternatives exist, if there is demonstrable over-riding strategic benefit or if satisfactory overall mitigating measures are incorporated.

## Policy 29 Design Quality and Place-Making

New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located, where appropriate, and should consider the incorporation of public art as a means of creating a distinct sense of place and identity in line with the Council's Public Art Strategy for the Highlands. Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals.

The design and layout of new residential development proposals should focus on the quality of places and living environments for pedestrians rather than movement of vehicles, and should incorporate all of the six qualities of successful places. Further guidance on this policy topic will be provided in the Council's Residential Layout: Supplementary Guidance.

Where relevant, the Council will judge proposals in terms of their contribution to place-making. Proposals should have regard to the historic pattern of development and landscape in the locality and should, where relevant, be an integral part of the settlement. The Council will examine proposals to ensure that people of all abilities can move safely and conveniently within the development and, where appropriate, to facilities in other parts of the settlement.

## Policy 30 Physical Constraints

Developers must consider whether their proposals would be located within areas of constraints as set out in Physical Constraints: Supplementary Guidance. The main principles of the guidance are:

- to provide developers with up to date information regarding physical constraints to development in Highland; and
- to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.

Where a proposed development is affected by any of the constraints detailed within the guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation measures to be provided.

## Policy 31 Developer Contributions

For development proposals which create a need for new or improved public services, facilities or infrastructure, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Such contributions will be proportionate to the scale and nature of the development proposed and may be secured through a Section 75 obligation or other legal agreement as necessary. Other potential adverse impacts of any development proposal will normally be addressed by planning condition but may also require a contribution secured by agreement.

The principles that guide the preparation of the Developer Contributions:

Supplementary Guidance are:



- Fair and proportionate developer contributions for all developments on sites allocated in either the Highland wide Local Development Plan or one of the area local development plans or in terms of windfall development;
- Developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been identified that relates directly to the proposed development;
- Flexibility in approach to ensure that development can be brought forward in difficult economic circumstances while ensuring that the development has no net detriment;
- Facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.

### **Policy 55 ‘Peat and Soils’**

“Development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils.

Unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by social, environmental or economic benefits arising from the development proposal.

Where development on peat is clearly demonstrated to be unavoidable then The Council may ask for a peatland management plan to be submitted which clearly demonstrates how impacts have been minimised and mitigated.

New areas of commercial peat extraction will not be supported unless it can be shown that it is an area of degraded peatland which is clearly demonstrated to have been significantly damaged by human activity and has low conservation value and as a result restoration is not possible.

Proposals must also demonstrate to the Council’s satisfaction that extraction would not adversely affect the integrity of nearby Natura sites containing areas of peatland”.

### **Policy 56 Travel**

Development proposals that involve travel generation must include sufficient information with the application to enable the Council to consider any likely on- and off- site transport implications of the development and should:

- be well served by the most sustainable modes of travel available in the locality from the outset, providing opportunity for modal shift from private car to more sustainable transport modes wherever possible, having regard to key travel desire lines;
- in particular, the Council will seek to ensure that opportunities for encouraging walking and cycling are maximised;
- be designed for the safety and convenience of all potential users;

- incorporate appropriate mitigation on site and/or off site, provided through developer contributions where necessary, which might include improvements and enhancements to the walking/cycling network and public transport services, road improvements and new roads; and
- incorporate an appropriate level of parking provision, having regard to the travel modes and services which will be available and key travel desire lines and to the maximum parking standards laid out in Scottish Planning Policy or those set by the Council.

When development proposals are under consideration, the Council's Local Development Strategy will be treated as a material consideration.

The Council will seek to ensure that locations with potential for introducing bus priority measures are protected from development.

The Council will seek the implementation and monitoring of Green Travel Plans in support of significant travel generating developments.

Development proposals that are likely to affect the operation of any level crossing will be considered in accordance with the relevant part of the supplementary guidance associated with Policy 30: Physical Constraints.

Where site masterplans are prepared, they should include consideration of the impact of proposals on the local and strategic transport network. In assessing development proposals, the Council will also have regard to any implications arising from the relevant Core Paths Plan and will apply the terms of Policy 77: Public Access.

### **Policy 57 'Natural, Built and Cultural Heritage'**

"All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting, in the context of the policy framework detailed in Appendix 2. The following criteria will also apply:

1. For features of local/regional importance we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource.
2. For features of national importance we will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.
3. For features of international importance developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative

reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers).

Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.

Note: Whilst Appendix 2 groups features under the headings international, national and local/regional importance, this does not suggest that the relevant policy framework will be any less rigorously applied. This policy should also be read in conjunction with the Proposal Map.

The Council intends to adopt the Supplementary Guidance on Wild Areas in due course. The main principles of this guidance will be:

- to provide mapping of wild areas;
- to give advice on how best to accommodate change within wild areas whilst safeguarding their qualities;
- to give advice on what an unacceptable impact is; and
- to give guidance on how wild areas could be adversely affected by development close to but not within the wild area itself.

In due course the Council also intends to adopt the Supplementary Guidance on the Highland Historic Environment Strategy. The main principles of this guidance will ensure that:

- Future developments take account of the historic environment and that they are of a design and quality to enhance the historic environment bringing both economic and social benefits;
- It sets a proactive, consistent approach to the protection of the historic environment”.

## **Policy 58 ‘Protected Species’**

“Where there is good reason to believe that a protected species may be present on site or may be affected by a proposed development, we will require a survey to be carried out to establish any such presence and if necessary a mitigation plan to avoid or minimise any impacts on the species, before determining the application.

Development that is likely to have an adverse effect, individually and/or cumulatively, on European Protected Species (see Glossary) will only be permitted where:

- There is no satisfactory alternative;
- The development is required for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and

- The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Development that is likely to have an adverse effect, individually and/or cumulatively, on protected bird species (see Glossary) will only be permitted where:

- There is no other satisfactory solution; and
- The development is required in the interests of public health or public safety.

This will include but is not limited to avoiding adverse effects, individually and/or cumulatively, on the populations of the following priority protected bird species:

- Species listed in Annex 1 of the EC Birds Directive;
- Regularly occurring migratory species listed in Annex II of the Birds Directive;
- Species listed in Schedule 1 of the Wildlife and Countryside Act 1981 as amended;
- Birds of conservation concern.

Development that is likely to have an adverse effect, individually and/or cumulatively (see glossary), on other protected animals and plants (see Glossary) will only be permitted where the development is required for preserving public health or public safety.

Development proposals should avoid adverse disturbance, including cumulatively, to badgers and badger setts, protected under the Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004”.

### **Policy 59 ‘Other Important Species’**

“The Council will have regard to the presence of and any adverse effects of development proposals, either individually and/or cumulatively, on the Other Important Species which are included in the lists below, if these are not already protected by other legislation or by nature conservation site designations:

- Species listed in Annexes II and V of the EC Habitats Directive;
- Priority species listed in the UK and Local Biodiversity Action Plans;
- Species included on the Scottish Biodiversity List.

We will use conditions and agreements to ensure detrimental effect on these species is avoided”.

### **Policy 60 ‘Other Important Habitats and Article 10 Features’**

“The Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora. (Article 10 Features). The Council will also seek to create new habitats which are supportive of this concept.

The Council will have regard to the value of the following Other Important Habitats, where not protected by nature conservation site designations (such as natural water courses), in the assessment of any development proposals which may affect them either individually and/or cumulatively:

- Habitats listed in Annex I of the EC Habitats Directive;
- Habitats of priority and protected bird species (see Glossary);
- Priority habitats listed in the UK and Local Biodiversity Action Plans;
- Habitats included on the Scottish Biodiversity List.

The Council will use conditions and agreements to ensure that significant harm to the ecological function and integrity of Article 10 Features and Other Important Habitats is avoided. Where it is judged that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats, the Council will seek to put in place satisfactory mitigation measures, including where appropriate consideration of compensatory habitat creation”.

### **Policy 61 Landscape**

New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This will include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue. The Council would wish to encourage those undertaking development to include measures to enhance the landscape characteristics of the area. This will apply particularly where the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place. In the assessment of new developments, the Council will take account of Landscape Character Assessments, Landscape Capacity Studies and its supplementary guidance on Siting and Design and Sustainable Design, together with any other relevant design guidance.

Note: The principles and justification underpinning the Council’s approach to sustainable developments are contained in the supplementary guidance: “Sustainable Design”. The key principles underlying this guidance are set out in Policy 28: Sustainable Design.

### **Policy 62 Geodiversity**

Development proposals that include measures to protect and enhance geodiversity interests of international, national and regional/local importance in the wider countryside, will be supported. The Council will also support improvement of accessibility and interpretation as an educational or geo-tourism resource, where it is possible to integrate sympathetically development, geodiversity and other existing interests.

### **Policy 63 Water Environment**

The Council will support proposals for development that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection and improvement of Scotland’s water environment. In assessing proposals, the Council will take into account the River Basin Management Plan for the Scotland River Basin District and associated Area Management Plans and supporting information on opportunities for improvements and constraints. (see Figure 8).

## Policy 64 Flood Risk

“Development proposals should avoid areas susceptible to flooding and promote sustainable flood management.

Development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with Scottish Planning Policy (SPP) through the submission of suitable information which may take the form of a Flood Risk Assessment.

Development proposals outwith indicative medium to high flood risk areas may be acceptable. However, where:

- better local flood risk information is available and suggests a higher risk;
- a sensitive land use (as specified in the risk framework of Scottish Planning Policy) is proposed, and/or;
- the development borders the coast and therefore may be at risk from climate change;

A Flood Risk Assessment or other suitable information which demonstrates compliance with SPP will be required.

Developments may also be possible where they are in accord with the flood prevention or management measures as specified within a local (development) plan allocation or a development brief. Any developments, particularly those on the flood plain, should not compromise the objectives of the EU Water Framework Directive.

Where flood management measures are required, natural methods such as restoration of floodplains, wetlands and water bodies should be incorporated, or adequate justification should be provided as to why they are impracticable”.

## Policy 66 Surface Water Drainage

All proposed development must be drained by Sustainable Drainage Systems (SuDS) designed in accordance with The SuDS Manual (CIRIA C697) and, where appropriate, the Sewers for Scotland Manual 2nd Edition. Planning applications should be submitted with information in accordance with Planning Advice Note 69: Planning and Building Standards Advice on Flooding paragraphs 23 and 24. Each drainage scheme design must be accompanied by particulars of proposals for ensuring long-term maintenance of the scheme.

## Policy 72 Pollution

Proposals that may result in significant pollution such as noise (including aircraft noise), air, water and light will only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated.

Where the Council applies conditions to any permission to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Major Developments and developments that are subject of Environmental Impact Assessment will be expected to follow a robust project environmental management process, following the approach set out in the Council's Guidance Note "Construction Environmental Management Process for Large Scale Projects" or a similar approach.

## **Policy 74 Green Networks**

Green networks should be protected and enhanced. Development in areas identified for the creation of green networks should seek to avoid the fragmentation of the network and take steps to improve its connectivity, where this is appropriate.

The detailed identification of green networks around regional and sub regional centres (see Figure 10) will be carried out by the Council using the methodology described in the document "Green Networks: Supplementary Guidance". Pending identification by the Council of green networks, both within the study areas and elsewhere, developers should identify, protect and enhance the existing network of green spaces and green corridors which link built-up areas to the surrounding countryside, using the methodology in the supplementary guidance. The main principles of the guidance are to:

- help promote greenspace linkages and to safeguard and enhance wildlife corridors in and around new and existing developments;
- set out a methodology for identifying the Highland Green Network;
- enable new development to take advantage of the outstanding landscape in the area while also preserving areas of significant landscape value; and
- set out mechanisms for delivery of projects to maintain and enhance the existing green network.

## **Policy 77 Public Access**

Where a proposal affects a route included in a Core Paths Plan or an access point to water, or significantly affects wider access rights, then The Council will require it to either:

- retain the existing path or water access point while maintaining or enhancing its amenity value; or
- ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats.

For a proposal classified as a Major Development, the Council will require the developer to submit an Access Plan. This should show the existing public, non motorised public access footpaths, bridleways and cycleways on the site, together with proposed public access provision, both during construction and after completion of the development (including links to existing path networks and to the surrounding area, and access point to water).

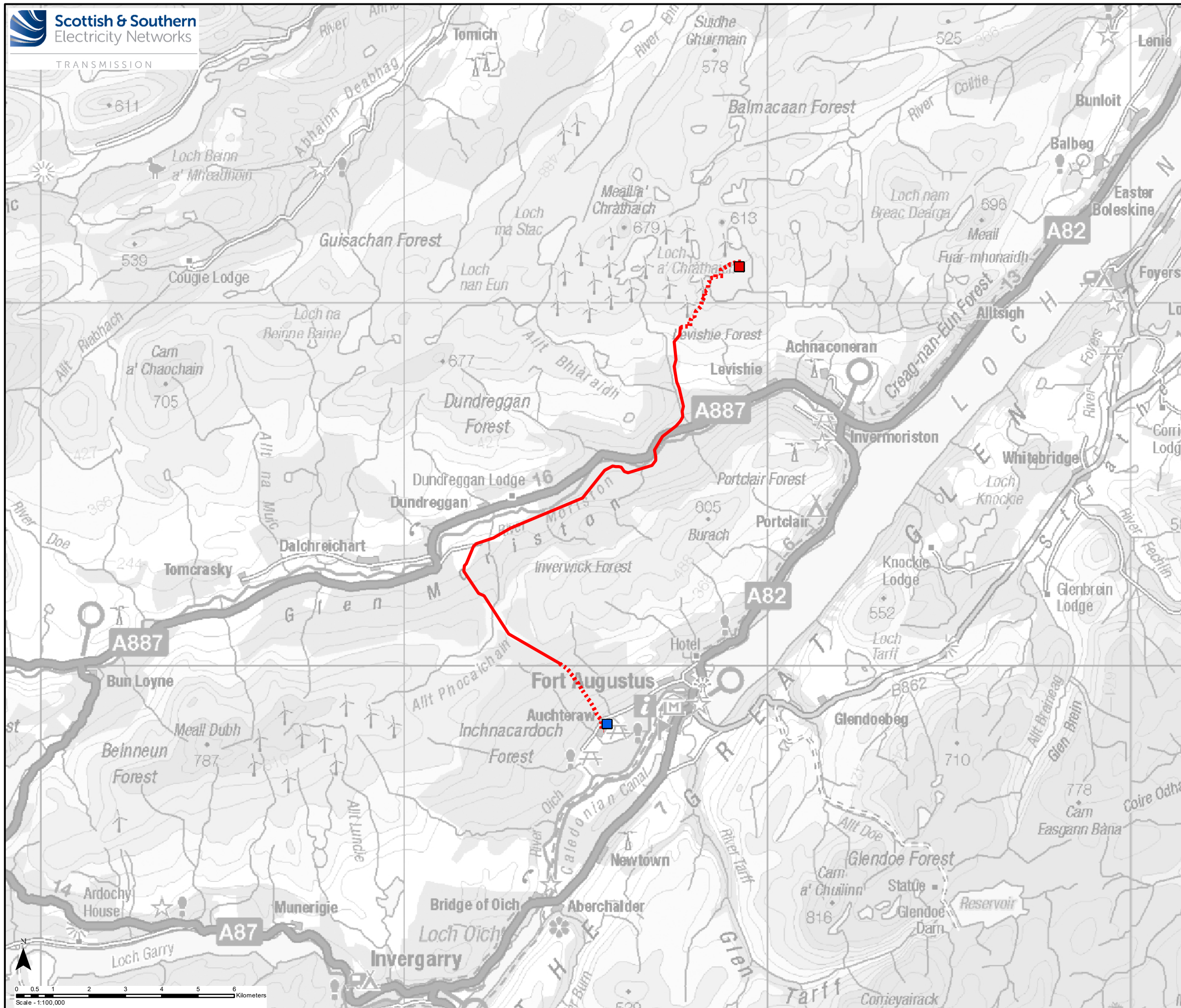
## **Policy 78 Long Distance Routes**

The Council, with its partners, will safeguard and seek to enhance long distance routes (as indicated on Figure 11), and their settings. Consideration will be given to developing/improving further strategic

multi user routes both inland and along the coast with due regard to the impact on the Natural Heritage features along these routes.

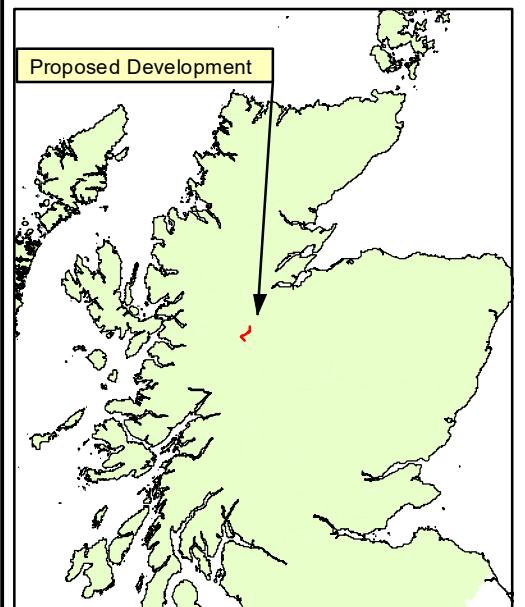


## Appendix 2 - Route / Site Plan



**Key**

- Consented Bhlaraidh Extension Wind Farm Substation
- Fort Augustus Substation
- Proposed 132kV Overhead Line
- ⋯ Proposed Underground Cable

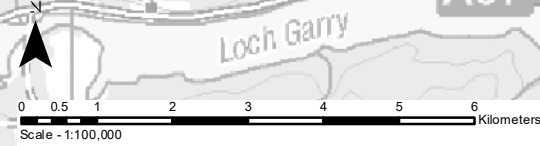


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Project No: LT295  
Project: Bhlaraidh Extension Wind Farm Grid Connection Works: Environmental Appraisal

Title: Figure 1.1 - Location Plan

Drawn by: LV Date: 31/10/2022  
Drawing: 120009-D-EA1.1-1.0.0





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