Strathy Wood Wind Farm Grid Connection

Planning Statement

November 2024

Scottish & Southern Electricity Networks

TRANSMISSION

DAVID BELL PLANNING
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1. Introduction and Overview

1.1 Introduction

1.1.1 Scottish Hydro Electric Transmission plc ("the Applicant") who, operating and known as Scottish and Southern Electricity Networks Transmission ("SSEN Transmission") has submitted an application under section 37 of the Electricity Act 1989 ("the 1989 Act") along with a request that Ministers issue a direction that planning permission is deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997 for consent to construct and operate approximately 4.5 kilometres (km) of new 132 kilovolt (kV) overhead line (OHL), herein after referred to as the Proposed Development, to connect the consented Strathy Wood Wind Farm to the electricity transmission network at Connagill 275/132 kV substation via a 'T' onto the existing Strathy North Wind Farm 132 kV trident 'H' wood pole OHL.

1.1.2 The Applicant is also seeking deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) for ancillary development required to facilitate its construction and operation. The ancillary development will include the installation of a cable sealing end (CSE) compound, temporary and permanent access tracks, forestry and vegetation clearance and temporary working measures/ areas.

1.1.3 The Proposed Development would initially export electricity generated by the consented Strathy Wood Wind Farm for a period of approximately 11 months. Thereafter, the OHL would be utilised as 'shared infrastructure' with the consented Strathy South Wind Farm.

1.1.4 This Planning Statement considers the case for approval in land use planning policy terms at the national (National Planning Framework 4 (NPF4)) and local (The Highland Council) level, with reference to the statutory Development Plan and national planning and energy policy, all of which supports the delivery of electricity infrastructure that will assist in the delivery of the Government's legally binding 'net zero' commitments and which will ensure security of supply to customers.

1.2 Site Location and Description

1.2.1 The Proposed Development is located approximately 6.5 km south of Strathy, Sutherland in the administrative area of the Highland Council. The Proposed Development is located between a cable sealing end compound (CSE) in the vicinity of the Strathy Wood substation to a 'T' onto the existing Strathy North 132 kV OHL near Dallangwell, as shown on **Figure 1.1** within Volume 2 of the EIA Report.

1.2.2 A considerable amount of other existing and proposed electrical infrastructure and renewable energy generation exists in the wider locale of the Site. Including the operational Strathy North Wind Farm, its on-site substation (Strathy North Substation) and existing 132 kV trident wood pole OHL to connect Strathy North Wind Farm to the National Grid at Connagill 275/132 kV substation.

1.2.3 The Site is located within the 4,000 sq km Flow Country World Heritage Site (FCWHS) which was inscribed on 26th July 2024. The FCWHS was inscribed for purely natural criteria being the most expansive and best example of blanket bog in the world inscribed only for its globally important natural ecosystems.

1.2.4 The site also sits within the Caithness and Sutherland Peatlands Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar and West Halladale Site of Special Scientific Interest (SSSI).

1.3 Background to the Proposed Development

1.3.1 The Applicant is the electricity transmission license holder across the north of Scotland and has a duty under Section 9 of the 1989 Act to:

- Develop and maintain an efficient, coordinated and economical system of electricity transmission and;
- To facilitate competition in the generation and supply of electricity.

1.3.2 The Proposed Development is therefore required to fulfil the statutory and licence obligations on the Applicant as the transmission licence holder. These obligations relate to developing the transmission network to provide adequate transmission capacity and to provide connections to customers who wish to connect to and use the transmission system to participate in the national wholesale electricity market.

1.3.3 The Applicant has obligations to offer non-discriminatory terms for connection to the electricity transmission system and, as such, has a legal duty to provide connections for new electricity generators wishing to connect to the transmission network in its licence area.

1.3.4 The consented Strathy Wood Wind Farm is located within land that is currently commercial forestry known as Strathy Forest, located approximately 8.5 km to the south of the village of Strathy. The consented wind farm comprises up to 13 turbines of a maximum height of 180 metres (m), with an installed capacity of approximately 62.4 megawatts (MW)[1]. Strathy Wood Wind Farm was approved by Scottish Ministers in December 2021 (ECU00005239). Since consented the developer has reduced the number of turbines to be constructed to 11.

1.3.5 In addition, the Proposed Development would also serve to form part of the connection to the transmission network for the consented Strathy South Wind Farm. Strathy South Wind Farm is located within a conifer plantation approximately 12 km to the south of the village of Strathy and consists of up to 39 turbines of a maximum height of up to 200 m and an installed capacity of approximately 208 MW[2]. Strathy South Wind Farm was approved by Scottish Ministers in November 2023 (ECU00002133).

1.3.6 Prior to these consents, in 2013, the Applicant sought consent for the construction of two parallel 132 kV trident wood pole OHLs; one to connect the consented Strathy North Wind Farm to the grid, and the other to provide a connection to the then proposed Strathy South Wind Farm. The connections were collectively referred to as the Strath Halladale to Dallangwell 132 kV connection. Consent was granted in 2014 for the Strathy North Wind Farm connection, and this was constructed and completed in 2015. The second consent was not constructed due to delays in consenting Strathy South Wind Farm and the section 37 consent for this route has now lapsed.

1.3.7 The point of connection consented in 2013 for Strathy South Wind Farm was to the Strathy North Wind Farm substation, near Dallangwell. The Developer later opted to change the point of connection to the Strathy South Wind Farm substation.

1.3.8 The Strathy South Wind Farm 'Southern Section' Grid Connection would connect the consented Strathy South Wind Farm on-site substation to the Strathy Wood Wind Farm on-site substation via underground cable. From the Strathy Wood Wind Farm on-site substation, both Strathy Wood and Strath South Wind Farm grid connections would then share the OHL infrastructure proposed as part of the current Proposed Development.

[1] Details as per the Strathy Wood Wind Farm Determination letter dated 08 December 2021
[2] Details as per the Strathy South Wind Farm Determination letter dated 24 November 2021

1.3.9 As a result of the combined generating capacity of the two wind farms, the shared connection would be unable to utilise the existing Strathy North trident 'H' wood pole 132 kV OHL to Connagill 275/132 kV substation. Instead, a new section of double circuit 132 kV steel lattice towers is required to continue the connection from Dallangwell (at the Strathy North 'T') to Connagill 275/132 kV substation, this is referred to as the Strathy South Wind Farm 'Northern Section' Grid Connection. This would be subject to a separate section 37 consent being sought by the Applicant.

1.3.10 Both Strathy Wood and Strathy South wind farms require connection to the electricity transmission network at Connagill 275/132 kV substation by September 2026 and April 2027 respectively.

1.3.11 Furthermore, in addition to the Proposed Development and the additional OHL to be consented separately as detailed above, the Applicant has received requests to provide new transmission infrastructure to connect other proposed wind farms in the area; all proposed to connect into Connagill 275/132 kV substation. These wind farms include Melvich Wind Energy Hub (comprising 12 turbines with 57.6 MW capacity plus 42 MW of battery storage) and Kirkton Energy Park (comprising 11 turbines with 52.8 MW plus 20 MW of battery storage). These grid connections, together with the Strathy Wood and Strathy South wind farm grid connections are collectively referred to as the 'Connagill Cluster Grid Connections'[3]. To facilitate the grid connections, a new switching station, known as Strathy Switching Station will also be required. Again, this will be subject to a separate consent, to be progressed via a Town and Country Planning application to the Highland Council (THC).

1.3.12 These additional grid connections, which form the wider Connagill Cluster Grid Connections, are considered within the cumulative assessments for the Proposed Development.

1.4 The Proposed Development

1.4.1 A full description of the Proposed Development is provided in Chapter 3 of the EIA Report. In summary the Proposed Development comprises:

> Installation and operation of approximately 4.5 km of new double circuit 132 kV OHL supported by steel lattice towers; and

> Installation and operation of two trident wood poles (H Poles) and downlead spans of up to 18 m from each pole, for the "T" in connection into the existing trident 'H' wood pole 132 KV OHL.

1.4.2 The Proposed Development would commence from a cable sealing end (CSE) compound in the vicinity of the Strathy Wood Substation. From that point, approximately 4.5 km of 132 kV double circuit OHL supported by steel lattice towers would run in a northerly direction where it would 'T' into the existing Strathy North trident 'H' pole 132 kV OHL circuit. Two trident 'H' wood poles would be constructed to complete the 'T' in connection with the existing Strathy North trident 'H' wood pole 132 kV.

1.4.3 In addition, ancillary works would be required as part of the Proposed Development, or to facilitate its construction and operation, for which deemed planning permission is sought as part of the application for section 37 consent, include:

> The construction of a CSE compound to facilitate the transition between OHL and UGC to be situated at approximate Ordnance Survey (OS) grid reference NC 82363 56167 which is positioned in the vicinity of the consented Strathy Wood substation;

[3] The proposed Armadale Wind Farm was originally included within the Connagill Cluster Grid Connections project. However, in May 2024 the developer of the proposed Armadale Wind Farm withdrew the section 36 application and consequently no longer require a grid connection. As such, this project has been removed from the Connagill Cluster Grid Connections.

- The formation of access tracks (permanent and temporary) and the installation of culverts to facilitate access and ongoing maintenance where required;
- Working areas around infrastructure (i.e. around individual tower foundations) to facilitate construction;
- Tree felling and vegetation clearance to facilitate construction and operation of proposed access tracks, to comply with the Electricity Safety, Quality and Continuity Regulations (ESQCR) 2002; and
- Temporary measures to protect water crossing (e.g scaffolding and temporary bridges).

1.4.4 Other associated works are required to facilitate construction of the Proposed Development or are works which are required as a consequence of its construction and operation. These works are listed below but do not form part of the description of the Proposed Development and are therefore not included in the application for statutory consents.

1.4.5 The associated works are:

- Borrow pits and quarries which would be required to source stone for the construction of access tracks. Separate planning applications for these works would be sought by the Principal Contractor;
- Temporary construction compounds which would be required to facilitate construction of the Proposed Development. The final location and design of temporary site compounds would be confirmed by the Principal Contractor and separate planning consents would be sought as required; and
- Modification of the existing distribution network in some areas to accommodate the new OHL. These works are likely to comprise the diversion of short sections of underground cables within the vicinity of the Proposed Development and would be undertaken by Scottish Hydro Electric Power Distribution (SHEPD). Consents would be sought by SHEPD as required.

Limit of Deviation

1.4.6 A Limit of Deviation (LoD) defines the maximum extent within which a development can be built. A prescribed horizontal LoD is required for each of the key components of the project to allow flexibility in the final siting of individual towers, poles, and access tracks to reflect localised land, engineering and environmental constraints. The LoDs for the different elements of the Proposed Development are:

- OHL (Wood Pole and Steel Lattice Tower) – 100 m LoD (50 m either side of the centre line);
- CSE Compound – 50 m LoD from the edge of the CSE compound; and
- Access Tracks (new permanent and new temporary) – 50 m LoD (25 m either side of the centre line). There are instances however where the LoD for the access track would need to be extended to the edge of the boundary of the OHL LoD. This is to account for the possible movement of the OHL within their respective LoDs that the access would need to serve.

1.4.7 A vertical LoD, i.e. the maximum height of a tower above ground level, is also sought to allow an increase or decrease of 3 m on the proposed pole or tower height presented in A**ppendix 3.1** within Volume 4 of the EIA Report.

It is anticipated that the construction period for the Proposed Development would take approximately 12 months.

1.4.8 A Construction Environmental Management Plan (CEMP) will be prepared and implemented by the Principal Contractor for the works following the Contractor's appointment. It is anticipated that this requirement would be controlled via an appropriately worded condition to any arising consent.

1.4.9 Further detailed description of the construction, reinstatement, operation and decommissioning (if required) of the Proposed Development is provided in Chapter 3 of the EIA Report.

1.5 The Statutory Framework

The Electricity Act 1989

1.5.1 As the Transmission License holder in the North of Scotland, the Applicant has a duty under section 9 of the 1989 Act to facilitate competition in the generation and supply of electricity. The Applicant is obliged to offer non-discriminatory terms for connection to the transmission system both for new generation and for new sources of electricity demand.

1.5.2 In response to the statutory duties and licence obligations upon it, the Applicant requires to ensure that the transmission system is developed and maintained in an economic, coordinated and efficient manner in the interests of existing and future electricity consumers.

1.5.3 It is also the Applicant's duty to consider the possible environmental impacts of new electric lines and to do what can 'reasonably be done' to mitigate adverse impacts, in line with section 38 of, and Schedule 9 to, the 1989 Act. In terms of its statutory duties and licence obligations, the Applicant must therefore balance technical, cost (economic) and environmental factors.

1.5.4 The application is made to the Scottish Ministers under section 37 of the 1989 (the Electricity Act) together with a request that Ministers issue a direction confirming that the development benefits from deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). The Highland Council (THC) is the relevant planning authority under the 1989 Act.

1.5.5 An EIA Screening Opinion under Regulation 8 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (hereafter referred to as the "EIA Regulations") was previously sought from Scottish Ministers by the Applicant in June 2019 for a trident 'H wood pole' connection. The screening determined that the Proposed Development should be EIA Development under the terms of the EIA Regulations.

1.5.6 An EIA Scoping Report was subsequently submitted in April 2020 and a Scoping Opinion was provided by the Scottish Ministers in December 2020.

1.5.7 Given the change in technology type proposed (from trident 'H' wood pole to steel lattice tower), as well as the time that has lapsed, the Applicant sought a further Scoping Opinion under Regulation 12 of the EIA Regulations in January 2024. The Scoping Opinion was issued on 27th August 2024 and clearly sets out the information required to support an application.

1.5.8 The Scottish Ministers are obliged to consider whether the Applicant has provided sufficient information to enable them to address its duties under sub-paragraph 3(1) of Schedule 9 of the 1989 Act. The duty on the Ministers is to have regard to the matters specified in Schedule 9, it is not a development management test.

1.5.9 Applications made under Section 37 of the 1989 Act need to have regard to the provisions of Schedule 9 which relates to the preservation of amenity and fisheries.

1.5.10 Schedule 9, Sub-paragraph 3(2) of the 1989 Act, requires a licence holder and the Scottish Ministers to have regard to:

"(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of the sub-paragraph."

1.5.11 The matters referred to in Schedule 9 sub-paragraph 3 (1) (a) and (b) of the 1989 Act apply to the Applicant as a licence holder. The matters set out in Sub paragraph 3(1)(a) to which regard must be had are:

"…. 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; "

1.5.12 Sub Paragraph 3 (1) (b) requires relevant parties to:

"…..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"

1.5.13 At sub-paragraph 3(3), the Applicant is [required to…] *"avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters."*

1.5.14 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material consideration.

The Town & Country Planning (Scotland) Act 1997

1.5.15 Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended[4]) (the "1997 Act") provides that:

"*On granting a consent under section 36 or 37 of the Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Scottish Ministers may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to any conditions (if any) as may be specified in the direction*".

1.5.16 Section 25 of the 1997 Act states that:

"*Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise*".

1.5.17 Section 57(2) of the 1997 Act makes no reference to the provisions of section 25 which requires regard to be had to the provisions of the Development Plan. The Courts have confirmed that section 57(3) does not apply section 25 to a decision to make a direction to grant deemed planning permission pursuant to section 57(2)[5].

1.5.18 The Scottish Ministers will determine the application having regard to the statutory duties in Schedules 8 and 9 of the 1989 Act, and to material considerations. The statutory Development Plan and national policy are nevertheless both important material considerations in the determination of applications under section 37 of the 1989 Act.

1.5.19 Accordingly, the purpose of this Planning Statement is to provide an assessment of the Proposed Development in the context of relevant national and local planning and energy policies and other material considerations. As such it is important to establish:

[4]As amended by the Planning etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019.

[5] William Grant & Sons Distillers Limited, Court of Session [2012] CSOH 98.

- What are the relevant energy and national planning policy considerations relevant to the Proposed Development?
- What Development Plan policies are relevant to the proposal which provide a local policy framework for the consideration of environmental effects arising from the development?

1.6 Key Facts

1.6.1 Key facts relevant to this application are:

- The Proposed Development is identified as a National Development (ND) under the provisions of National Planning Framework 4 (NPF4) ND3 under the class of development noted at (b) as "*new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kV or more"*.
- ND3 supports renewable electricity generation, repowering, and expansion of the electricity grid. The Socio-economic assessments as part of a wider 'needs case' form an integral part of the justification for development of Scotland's 'Strategic Renewable Electricity Generation and Transmission Infrastructure.' This infrastructure is designated as a National Development and explicitly supported by NPF4 under the provisions set out in Policy 11(a)(ii) (Energy)).
- The Statement of Need for the Proposed Development as contained in NPF4 is as follows:

  "*A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.*

  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. Delivery of this national development will be informed by market, policy and regulatory developments and decisions.

  Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience across Scotland. The Proposed Development will facilitate capturing renewable energy potential in Highland as well as delivering wider social and economic benefits."
- The Proposed Development is for expansion of the transmission network to ensure transmission of a consented 62.4 MW of renewable energy generated from the consented Strathy Wood Wind Farm. The Proposed Development would eventually also serve to form part of the connection to carry a further 208 MW of renewable energy generated from the consented Strathy South Wind Farm). The consented wind farms are an important material consideration which should be afforded significant weight.
- The Proposed Development will deliver nationally important network and grid infrastructure required to deliver the Government's legally binding targets for net zero emissions and renewable energy electricity generation targets and policy objectives.
- The Proposed Development will be delivered in such a way that it is environmentally acceptable and will include a co-ordinated scheme of environmental mitigation to ensure the long-term protection of the local and wider environment and to deliver development which is sustainable.

1.7 Structure of Planning Statement

1.7.1 This Statement seeks to address the pertinent land use planning policy matters relevant to the determination of the application, to aid decision makers in their assessment and conclusions on the proposal.

1.7.2 This Statement is structured as follows:

- **Chapter 2** sets out the up-to-date position with regard to the renewable energy policy and emissions reduction legislative framework and includes reference to the Scottish Government's Draft Energy Strategy and Just Transition Plan;
- **Chapter 3** sets out the benefits of the Proposed Development;
- **Chapter 4** appraises the Proposed Development against the most up to date element of the Development Plan, namely the relevant provisions of NPF4;
- **Chapter 5** appraises the Proposed Development against the relevant provisions of the Local Development Plan and related guidance; and
- **Chapter 6** examines the planning balance and presents overall conclusions.

2. The Renewable Energy Policy & Legislative Framework

2.1 Introduction

2.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements and obligations, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and greenhouse gas emissions (GHG) reduction law is based. This underpins what can be termed the need case for renewable energy and associate transmission infrastructure from which the Proposed Development can draw a high level of support.

2.1.2 The Proposed Development requires to be considered against a background of material UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice. These taken together provide very strong support for onshore wind in principle.

2.1.3 It is evident that there is clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally, to combat the global climate crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets.

2.1.4 The Proposed Development increases grid capacity and security of supply would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting emissions reduction to combat climate change in the current Climate Emergency.

2.1.5 UK and Scottish Government renewable energy policy and associated renewable energy and electricity targets are important considerations. It is important to be clear on the current position as it is a fast-moving topic of public policy. The context of international climate change commitments is set out. This is followed by reference to key UK level statutory and policy provisions and then a detailed description of relevant Scottish Government statutory and policy provisions is set out.

2.2 International Commitments

The Paris Agreement (2016)

2.2.1 In December 2015, 196 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2^0C above pre-industrial levels and to pursue efforts to limit global warming to 1.5^0C.

2.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links to the Climate Change Committee's (CCC) advice to both the UK and Scottish Governments on 'net zero' targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK). This is referred to below.

2.2.3 The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.

United Nations - Intergovernmental Panel on Climate Change

2.2.4 The Intergovernmental Panel on Climate Change (IPCC) is the United Nations Body for assessing the science related to climate change.

2.2.5 The IPCC prepares comprehensive assessment reports about the state of scientific, technical, and socio-economic knowledge on climate change, its impacts and future risks and options for reducing the rate at which climate change is taking place. IPCC reports are commissioned by the worlds' Governments and are an agreed basis for COP[6] negotiations.

2.2.6 The IPCC's Special Report on Warming of 1.5°C, published in 2018, was a key piece of evidence for the CCC's recommendation to the UK Government for a 2050 net zero greenhouse gas emission target. The IPCC's reports since 2018 have provided an up-to-date estimate of how close global temperatures are to 1.5°C of warming above pre-industrial levels and the remaining volume of global cumulative carbon dioxide that could be emitted to be consistent with keeping global warming below any particular threshold (such as the 1.5°C and 2°C levels referred to in the Paris Agreement).

2.2.7 The IPCC's 6th Assessment Report was published in March 2023. The Summary for Policymakers Report (page 10) states that it is likely that warming will exceed 1.5°C during the 21st Century and make it harder to limit warming 2°C. It states (page 12):

"*Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards (high confidence). Deep, rapid and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades, and also to discernible changes in atmospheric composition within a few years (high confidence)*".

2.2.8 Page 24 of the report states "There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (very high confidence)".

United Nations Statement, July 2023

2.2.9 The UN issued a statement on 27 July 2023 with regard to increasing global temperatures. The UN Secretary General Antonio Guterres stated that it was "*virtually certain that July 2023 will be the warmest on record*".

2.2.10 The Secretary General stated "*Climate change is here. It is terrifying. And it is just the beginning. The era of global warming has ended, and the era of global boiling has arrived*."

2.2.11 The statement refers to climate conditions in the month of July 2023 as being remarkable and unprecedented, and that there is virtual certainty that the month of July as a whole will become the warmest July on record and the warmest month on record. In addition, the statement sets out that ocean temperatures are at their highest ever level recorded for this time of year [July].

2.2.12 The statement also refers to the net zero goal and the Secretary General stated "*The need for new national emissions targets from G20 members and urged all countries to push to reach net zero emissions by mid-century*."

COP 28, Dubai 2023

2.2.13 The United Nations Climate Change Conference (COP28) closed on 13 December 2023. The UN press release of the same date states that the agreement reached "Signals the 'beginning of the end' of the fossil fuel era by laying the ground for swift, just and equitable transition, underpinned by deep emissions cuts and scaled up finance."

[6] United Nations Framework Convention on Climate Change, Conference of the Parties (COP).

2.2.14 The statement adds:

"*The stocktake recognises the science that indicates global greenhouse gas emissions need to be cut 43% by 2030, compared to 2019 levels, to limit global warming to 1.5°C. But it notes parties are off track when it comes to meeting their Paris Agreement goals*.

The stocktake calls on parties to take actions towards achieving, at a global scale, a tripling of renewable energy capacity and doubling of energy efficiency improvements by 2030. The list also includes accelerating efforts towards the phase down of unabated coal power, phasing out inefficient fossil fuel subsidies, and other measures that drive the transition away from fossil fuels in energy systems, in a just, orderly and equitable manner, with developed countries continuing to take the lead." (underlining added)

2.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

2.3.1 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared by the Scottish Government in April 2019 and by the UK Parliament in May 2019. The declaration of Climate Emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

2.3.2 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.

2.3.3 The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.

2.3.4 The CCC has produced six four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 2.1** below. Essentially, they are five yearly caps on emissions.

2.3.5 These legally binding 'carbon budgets' act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037.

Table 2.1: Carbon Budgets and Progress[7]

Budget	Carbon budget level	Reduction below 1990 levels	Progress on Budgetary Period
1st carbon budget (2008 – 2012)	3,018 $MtCO_2e$	26%	-27%
2nd carbon budget (2013 – 2017)	2,782 $MtCO_2e$	32%	-42%
3rd carbon budget (2018 – 2022)	2,544 $MtCO_2e$	38% by 2020	48.7%[8]
4th carbon budget (2023 – 2027)	1,950 $MtCO_2e$	52% by 2025	n/a
5th carbon budget (2028 – 2032)	1,725 $MtCO_2e$	57% by 2030	n/a
6th carbon budget (2033 – 2037)	965 $MtCO_2e$	78% by 2035	n/a
7th carbon budget (2038 – 2042)	To be set in 2025	-	n/a
Net Zero Target	100%	By 2050	

2.3.6 The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK "*decisively on the path to net zero by 2050 at the latest, with a trajectory that is consistent with the Paris Agreement*" (CB6, page 13).

2.3.7 Page 23 of CB6 refers to the devolved nations and sets out that UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland. Key points from CB6 include:

> The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and doubling or even trebling by 2050.

> CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.

> The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.

2.3.8 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world's most ambitious climate change target into law (by the Carbon Budget Order 2021 (the Order)[9]) to reduce emissions by 78% by 2035 compared to 1990 levels. This effectively brings forward the UK's previous commitment of an 80% reduction by 2050 by 15 years.

[7] Source: CCC.

[8] This figure is a provisional estimate and will not be confirmed by HM Government until later in 2024.
[9] The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

The UK Energy White Paper (December 2020)

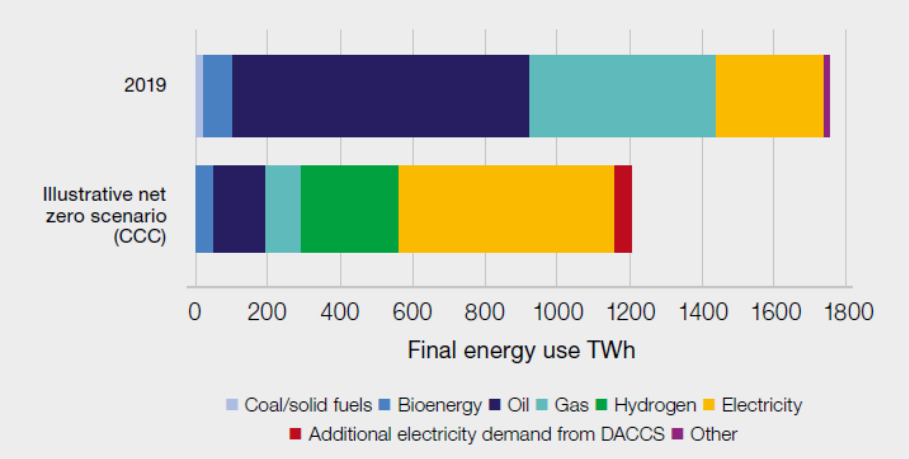
2.3.9 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020, represents a sea change in UK policy, and highlights the importance of renewable electricity.

2.3.10 It sets out that "*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050". A key objective is to "accelerate the deployment of clean electricity generation through the 2020s*" (page 38).

2.3.11 Electricity demand is forecast to double out to 2050, which will "*require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target*" (page 42).

2.3.12 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 2.1**.

Figure 2.1: Illustrative UK Final Energy Use in 2050[10]



2.3.13 Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that "*onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios*" (page 45).

The British Energy Security Strategy (April 2022)

2.3.14 The British Energy Security Strategy ("the Strategy") was published by the UK Government on 07 April 2022. The Strategy focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states *inter alia*:

"*this government will reverse decades of myopia and make the big call to lead again in a technology the UK was the first to pioneer, by investing massively in nuclear power….*

Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables….

[10] Source: Energy White Paper page 9 (2020).

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies."

2.3.15 Reducing Scotland's and the wider UK's dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.

CCC – Report to Parliament 2023

2.3.16 The CCC published its report to Parliament 'Progress in Reducing Emissions' in June 2023. It sets out (page 13) that despite the UK Government having issued the CBDP, "*policy development continues to be too slow and our assessment of the CBDP has raised new concerns. Despite new detail from Government, our confidence in the UK meeting its medium-term targets has decreased in the past year*".

2.3.17 The CCC adds that:

"*At COP26, the UK made stretching 2030 commitments in its Nationally Determined Contribution (NDC) – now only 7 years away. To achieve the NDC goal of at least a 68% fall in territorial emissions from 1990 levels, the rate of emissions reduction outside the power sector must almost quadruple. Continued delays in policy development and implementation mean that the NDCs achievement is increasingly challenging*".

2.3.18 Key messages include (pages 14 and 15):

> A lack of urgency – the CCC note that the net zero target was legislated in 2019 but there remains a lack of urgency over its delivery. It states, "*the net zero transition is scheduled to take around three decades, but to do so requires a sustained high intensity of action. This is required all the more, due to the slow start to policy development so far. Pace should be prioritised over perfection*".

> Planning policy needs radical reform to support net zero – the CCC state that in this regard that: "*In a range of areas, there is now a danger that the rapid deployment of infrastructure required by the Net Zero transition is stymied or delayed by restrictive planning rules. The planning system must have an overarching requirement that all planning decisions must be taken given full regard to the imperative of Net Zero*".

CCC - Report on COP28: Key Outcomes and Next Steps for the UK (January 2024)

2.3.19 The CCC issued a report and related Statement11 in January 2024 with reference to COP28 and next steps for the UK. The Statement set out that:

"*2023 was the hottest year on record, with worsening extreme weather events across the world. With global greenhouse gas emissions at an all-time high, COP28 took important steps to try to change the direction of travel.*

The UK played an important role in this hard-fought COP28 outcome. We may be further into the decarbonisation journey than many nations, but the obligation on every country is now to push even harder. This also frames the economic challenge for the UK. We must rapidly replace fossil fuels with low-carbon alternatives to get back on track to meet our 2030 goal."

2.3.20 In terms of next steps for the UK, the Statement sets out that:

[11] CCC Statement 'COP28 outcomes must lead to acceleration of action in the UK' (30 January 2024).

"*In June 2023, the Committee noted a significant delivery gap to the UK's Nationally Determined Contribution (NDC) of reducing emissions by 68% by 2030. The agreements made at COP28 require a sharper domestic response and time is now short for the gap to be bridged.*

Achieving the 2030 NDC will require the rate of emission reductions outside of the electricity sector to quadruple from that of recent years. Addressing these gaps in a transparent way remains one of the most important ways for the UK to show climate leadership."

2.3.21 The related Outcomes Report, in addressing next steps for the UK sets out the following points (page 5) *inter alia*:

> "*The Global Stocktake undertaken at COP28 marks the first formal assessment of progress of the Paris Agreement process and it reinforced the growing momentum in renewables and other low carbon technology deployment.*

> *Countries were called upon to support a trebling of renewables globally….. Alongside this was the crucial brokering of recognition of the need to transition away from all fossil fuels to achieve a net zero energy system by 2050.*

> *The UK can continue to lead by example and support actions elsewhere to accelerate the pace of the low carbon transition and develop resilience to climate impacts. It must demonstrate delivery towards to its ambitious 2030 and 2035 targets on the path to Net Zero*."

2.3.22 Section 1.2.2 of the Outcomes Report specifically addresses 'next steps for the UK'. Reference is made to opportunities for climate leadership and in terms of energy there is a clear statement (page 21) which refers to a number of actions that will be important for ensuring domestic action is consistent with the language the UK signed up to at COP28. This includes *inter alia*:

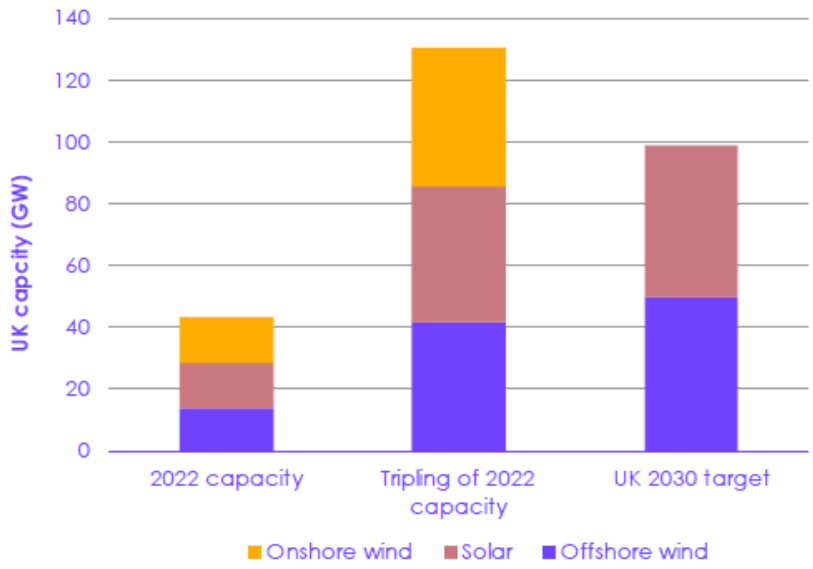
> Delivering rapid deployment of renewables. The report states that solar and onshore wind is progressing too slowly due to barriers around planning and consenting and access to network connections, despite being the cheapest form of generation.

> In terms of the UK's 2030 NDC, the report states that the UK must continue to focus on addressing delivery gaps to the 2030 NDC. Reference is made to the CCC's 2023 Progress Report which established that if the UK is to achieve its 2030 NDC then the rate of emissions reduction "*outside electricity supply must almost quadruple from 1.2% annual reductions to 4.7%*".

> In terms of the tripling of renewable energy capacity by 2030, the Outcomes Report sets out (page 23) that the UK Government only has renewables deployment targets for offshore wind (aiming for up to 50 GW by 2030) and solar PV (aiming for up to 70 GW by 2035).

2.3.23 **Figure 2.2** below contrasts the level of deployment implied by a tripling of 2022 levels with UK targets.

Figure 2.2: The tripling of Renewable Energy Capacity in a UK Context[12]



2.3.24 The CCC report makes it clear (page 23) that:

"*UK targets for offshore wind and solar PV are broadly consistent with COP28 calls to triple renewable energy capacity by 2030. However, a tripling of total renewable energy capacity (on 2022 levels) would also require growth in onshore wind.*"

2.3.25 The CCC also highlight that their 2023 Progress Report (referred to above) showed that the Government is currently off-track to meeting its renewables targets. It states that in order to support the ambitions agreed at COP28 "*and to meet the target of a decarbonised electricity supply by 2035, the Government must increase efforts to deliver against its existing targets on time*". (page 23)

Labour Government & Commitment to Renewables

2.3.26 The recent UK Government change at Westminster and a Labour administration for the UK is of relevance in terms of the new UK Government policy regarding the approach to net zero. The Labour Party Manifesto states that it has "a national mission for clean power by 2030" and it explicitly states that this is achievable "and should be prioritised". The Manifesto sees the clean energy transition as a huge opportunity to generate growth and also to tackle the cost-of-living crisis. This objective is set out as Labour's "second mission" for the UK.

2.3.27 The policy detail has yet to be seen, however from the information available it is clear that the new administration will accelerate the pace of renewable development in order to achieve net zero. Energy policy is reserved to Westminster and although the Scottish Government has progressed its own energy policy in parallel with its full devolved authority over the planning system in Scotland, UK Government policy is an important material consideration.

2.3.28 The Department for Energy Security and Net Zero issued a Statement on 8th July 2024 which included a reference to double UK onshore wind capacity from its current level of approximately 15 GW to a planned capacity of 30 GW by 2030.

[12] Source: CCC, COP28: Key Outcomes and next steps for the UK, page 24, (January 2024).

2.4 Climate Change & Renewable Energy Policy: Scotland

The Scottish Energy Strategy (2017)

2.4.1 The Scottish Energy Strategy (SES) was published in December 2017. The SES sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically 50% energy from renewable sources to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding 'net zero' targets so it is out of date in that respect.

2.4.2 The SES refers to "*Renewable and Low Carbon Solutions*" as a strategic priority (page 41) and states "*we will continue to champion and explore the potential of Scotland's huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets*".

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

2.4.3 Against this backdrop, the Scottish Government has set legal obligations to decarbonise and reduce emissions. Most notably, the Scottish Government has a statutory target to achieve "net zero" by 2045, with interim targets of 75% by 2030 and 90% by 2040, further supported by annual targets. It is clear that to have any hope of achieving the net zero target, much needs to happen by 2030.

2.4.4 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. However, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the 2009 Act and has set the even more ambitious targets.

2.4.5 The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy made a Statement to the Scottish Parliament on 18 April 2024 with regard to the report to the Scottish Parliament prepared by the CCC, 'Progress in reducing emissions in Scotland' (March 2024). The Statement focussed on the implications the CCC report contains for Scottish emission reduction targets as set out in legislation, namely as set out in the Climate Change (Scotland) Act 2009. The Statement sets out that the Scottish Government will bring forward expedited legislation to address matters raised by the CCC and this is expected to be a change to the 2030 emissions reduction target. This is further referenced below.

2.5 Scottish Emission Reduction Targets

Current Progress against Emission Reduction Targets

2.5.1 The Scottish Government publishes an annual report that sets out whether each annual emissions reduction target has been met. **Table 2.2** below sets out the annual targets for every year to Net Zero.

2.5.2 In their 2024 Progress in Reducing Emissions in Scotland report, the CCC stated that Scotland has missed its annual emission reduction targets eight times and Table 2.2 shows that in the years since 2018 where data is available, Scotland has only met its emissions reduction target once. This was in 2020, during which lockdown restrictions severely reduced commercial, industrial and transport emissions.

Table 2.2: Scotland's Annual Emission Reduction Targets to Net Zero

Year	Original % Reduction Target	New Targets (2023)	% Actual Emissions Reduction	Year	Original % Reduction Target
2018	54	-	50	2032	78
2019	55	-	51.5	2033	79.5
2020	**56**	**48.5**	**58.7**	2034	81
2021	57.9	51.1	49.9	2035	82.5
2022	59.8	53.8	-	2036	84
2023	61.7	56.4	-	2037	85.5
2024	63.6	59.1	-	2038	87
2025	65.5	61.7	-	2039	88.5
2026	67.4	64.4	-	**2040**	**90 (Interim)**
2027	69.3	67.0	-	2041	92
2028	71.2	69.7	-	2042	94
2029	73.1	72.3	-	2043	96
2030	**75**	**75**	**Interim Target**	2044	98
2031	*76.5*		-	***2045***	***100% Net Zero***

2.5.3 Notwithstanding as noted above, the Scottish Government has stated that they are to move away from annual targets, the targets set out in the above Table clearly illustrate the speed and scale of change that is required up to and beyond 2030. If there is a continuous growing shortfall each year, then it will be increasingly difficult to attain targets.

2.5.4 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and although the 2020s is a critical decade, all the indicators are that the 2030s will be even more critical, because of slower-than-planned action to date.

CCC Report to Scottish Parliament – Progress in reducing emissions in Scotland (March 2024)

2.5.5 The CCC produced a report to the Scottish Parliament entitled 'Progress in reducing emissions in Scotland' in March 2024. The related press release of the same date states that Scotland's 2030 climate goals are no longer credible. It states:

"*Continued delays to the updated Climate Change Plan and further slippage in promised climate policies mean that the Climate Change Committee no longer believes that the Scottish Government will meet its statutory 2030 goal to reduce emissions by 75%. There is no comprehensive strategy for Scotland to decarbonise towards Net Zero.*

The Scottish Government delayed its draft Climate Change Plan last year despite the 2030 target being only six years away. This has left a significant period without sufficient actions or policies to reach the target; the required acceleration in emissions reduction in Scotland is now beyond what is credible."

2.5.6 The CCC calls in the report for Scotland's Climate Change Plan to be published urgently in order that the CCC can assess it and identify the actions which will deliver on its future targets.

2.5.7 The press release states that there is a path to Scotland's post-2030 targets, but stronger action is needed to reduce emissions across the economy.

2.5.8 The main report (page 10) states that "*The Scottish Government should build on its high ambition and implement policies that enable the 75% emissions reduction target to be achieved at the earliest date possible*."

2.5.9 Page 18 of the report addresses electricity supply, and it states that there has been some progress in delivering renewable electricity generation in Scotland. Reference is made to the Government aim to develop 8-11 GW of offshore wind and 20 GW on onshore wind capacity, both by 2030. The report notes that "*The growth in onshore wind capacity has slowed, however, and is slightly off track to deliver its 2030 target, which will require operational capacity to more than double.*"

2.5.10 Page 40 states that in terms of onshore wind, Scotland must increase the deployment rate by more than a factor of 4 to an average annual rate of 1.4 GW.

Statement to Scottish parliament (18 April 2024)

2.5.11 In light of the CCC Report, the Cabinet Secretary made a statement to the Scottish Parliament on 18 April 2024 entitled 'Climate Change Committee Scotland Report – Next Steps: Net Zero Secretary Statement'.

2.5.12 The key points in the statement include:

- The Scottish Government has an "*unwavering commitment to ending our contribution to global emissions by 2045 at the latest, as agreed by Parliament on a cross-party basis*".
- The Cabinet Secretary states that she is "*announcing a new package of climate action measures which we will deliver with partners to support Scotland's transition to net zero*" and the Statement goes out to reference these specific measures.
- The Statement states sets out that in terms of the policies for these measures that "*they sit alongside extensive ongoing work that will be built upon through our next Climate Change Plan and Green Industrial Strategy*."
- The Cabinet Secretary states that, "*The Climate Change Committee is clear that the 'UK is already substantially off track for 2030' and achieving future UK carbon budgets 'will require a sustained increase in the pace and breadth of decarbonisation across most major sectors'. Indeed, we do see climate backtracking at UK level*."

2.5.13 The Cabinet Secretary added:

- "*And with this in mind, I can today confirm that, working with Parliament on a timetable, the Scottish Government will bring forward expedited legislation to address matters raised by the CCC and ensure our legislative framework better reflects the reality of long term climate policy making*."

2.5.14 The last reference in the Statement (as set out above) is key, namely that the Scottish Government intends to work with Parliament to amend existing legislation. This is anticipated to be a change from the current 75% emissions reductions target by 2030 to a lower figure and possibly to a system of carbon budgets, consistent with the approach taken at a UK level.

2.5.15 A further key point in the Statement is that the Scottish Government has reiterated its commitment to achieving net zero by 2045. It would seem therefore that the proposed approach to dealing with the position set out by the CCC in relation to the 2030 target being unachievable, is to amend the emissions reduction target for 2030 such that it better reflects reality and move to a carbon budget approach to measuring emissions reduction which would bring the Scottish Parliament in line with the Welsh and UK approaches. There is as yet, no clarity on what the new target will be, however it will remain a 'stepping stone' en route to achieving the net zero legally binding target by 2045.

2.6 The Draft Energy Strategy and Just Transition Plan

2.6.1 The Scottish Government published a new Draft 'Energy Strategy and Just Transition Plan' entitled 'Delivering a fair and secure zero carbon energy system for Scotland' on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period ended in April 2023. As a draft document it can only be afforded limited weight. The draft document is however consistent with the adopted policy set out in NPF4 and the identification of the 2020s as a crucial decade for the large-scale delivery of renewable energy projects supporting urgent transition to net zero.

2.6.2 The Ministerial Foreword states:

"*The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generate economic opportunities, and builds a just transition*…

The delivery of this draft Energy Strategy and Just Transition Plan will reduce energy costs in the long term and reduce the likelihood of future energy cost crises….

It is also clear that as part of our response to the climate crisis we must reduce our dependence on oil and gas and that Scotland is well positioned to do so in a way that ensures we have sufficient, secure and affordable energy to meet our needs, to support economic growth and to capture sustainable export opportunities….

For all these reasons, this draft Strategy and Plan supports the fastest possible just transition for the oil and gas sector in order to secure a bright future for a revitalised North Sea energy sector focused on renewables."

2.6.3 The Foreword adds that the draft Strategy sets out key ambitions for Scotland's energy future including:

- More than 20 GW of additional renewable electricity on and offshore by 2030.
- Accelerated decarbonisation of domestic industry, transport and heat.
- Generation of surplus electricity, enabling export of electricity and renewable hydrogen to support decarbonisation across Europe.
- Energy security through development of our own resources and additional energy storage.
- A just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.

2.6.4 The draft Strategy states (page 7, Executive Summary) that the vision for Scotland's energy system is:

"…*that by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve a wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.*

In order to deliver that vision, this Strategy sets out clear policy positions and a route map of actions with a focus out to 2030".

2.6.5 A fundamental part of the Strategy is expanding the energy generation sector. The Executive Summary states (page 8) that Scotland's renewable resources mean that:

"….*we can not only generate enough cheap green electricity to power Scotland's economy, but also export electricity to our neighbours, supporting jobs here in Scotland and the decarbonisation ambitions of our partners.*

We are setting an ambition of more than 20 GW of additional low-cost renewable electricity generation capacity by 2030, including 12 GW of onshore wind….

An additional 20 GW of renewable generation will more than double our existing renewable generation capacity by 2030……"

2.6.6 The draft Strategy specifically addresses energy networks (page 36) and states "*Significant infrastructure investment in Scotland's transmission system is needed to ameliorate constraints and enable more renewable power to flow to centres of demand*."

2.6.7 It states that National Grid ESO has identified the requirement for over £21 billion of investment in GB electricity transmission infrastructure to meet 2030 targets and that over half of this investment will involve Scottish transmission owners SPEN and SSEN (the Applicant).

2.6.8 The draft Strategy adds that: "*the Scottish Government is working closely with network companies to support timely delivery of this infrastructure*".

2.6.9 Reference is made to the ambitious business plans of transmission businesses which "*reflect the scale and pace of delivery required to meet Scottish Government ambitions*".

2.6.10 Chapter 5 of the Strategy refers to 'creating the conditions for a net zero energy system'. It states (page 125) that "*As we transition to a net zero energy system, renewables and other zero carbon technologies… will need to provide all the services required to ensure a secure energy system*".

2.6.11 The Chapter goes on to reference in this regard energy markets and network regulation and with regard to network investment (page 126), it states that the Government is working closely with the network companies "*to support timely delivery of required electricity network infrastructure*".

2.6.12 It further adds with regard to constraint costs that the Government will continue to work with National Grid ESO, transmission owners and Ofgem "*to explore opportunities to accelerate planned network investment to relieve constraints*".

2.6.13 Therefore, a key aspect of the Energy Strategy in terms of network investment is the need for speed of delivery of infrastructure to ensure not only that need can be met, but that there can be energy security and resilience within the wider energy system.

2.7 Conclusions on the Renewable Energy Policy & Legislative Framework

2.7.1 The Applicant's position is that the Proposed Development is strongly supported by the current renewable energy policy and legislative framework.

2.7.2 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper than before and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the legally binding target of net zero by 2045 will not be met.

2.7.3 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.

2.7.4 The CCC has stated (June 2023) that there is declining confidence in the UK meeting its target obligations. Following COP28 the CCC has advised that the agreements made at COP28 require a sharper domestic response and "*time is now short for the gap to be bridged*".

2.7.5 Any amendments that may be made to Scottish statute to reflect the CCC's advice (in relation to the 2030 emissions reduction target not being credible) does not dilute the Applicant's position that the Proposed Development can make a valuable contribution to targets and would deliver important benefits. Whilst emission reduction targets may be adjusted at the interim stage (2030) in terms of attaining net zero, all this means is that there is a change to the trajectory, but the overall target of net zero remains unchanged. Indeed, as set out in the Cabinet Secretary's Statement referenced above, the Government retains its "unwavering" commitment to attaining that legally binding target for net zero.

2.7.6 Decisions through the planning system must be responsive to this changed position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance.

2.7.7 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the urgent challenge of Net Zero and the need to substantially increase renewable energy capacity.

2.7.8 Overall, the Draft Energy Strategy forms part of the new policy approach alongside NPF4. These documents confirm the Scottish Government's policy objectives and related targets, reaffirming the crucial role that new electricity infrastructure will play in response to the climate crisis which is at the heart of all these policies.

2.7.9 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper than before and it is essential that rapid progress is made through the 2020s.

3. The Benefits of the Proposed Development

3.1 The Benefits: Summary

3.1.1 This Chapter summarise the benefits that would arise from the Proposed Development:

Renewable Energy Transmission

> The Proposed Development is required to connect the consented Strathy Wood Wind Farm to the national grid infrastructure enabling the transmission of 62.4 MW of consented renewable energy. It would eventually serve to form part of the connection to the electricity transmission network for the consented Strathy South Wind Farm enabling the transmission of a further 208 MW. The Proposed Development would enable the delivery of renewable generation which is defined as "essential infrastructure" in NPF4[13].

> The Proposed Development is consistent with the core aims of NPF4 National Development 3 which seeks to deliver additional generation from renewables and delivery enhanced transmission capacity to achieve a net zero economy and support network resilience in rural areas.

Security of Supply

> The British Energy Security Strategy has been referenced. It provides an increase to the requirements for both the scale and the urgency of delivery of new low carbon generation capacity, by refocussing the requirement for low-carbon power for reasons of national security of supply and affordability, as well as for decarbonisation.

> With this context, the delivery of grid infrastructure improvements to deliver significant benefits to consumers through decarbonisation, security of supply and enhanced capacity to transmit renewable energy is clear.

> The Proposed Development, if consented, would provide a valuable contribution to security of supply for Highland, Scotland and for the wider Great Britain (GB) area. The Proposed Development would connect 62.4 MW of consented renewable energy to the transmission grid (also serving to form part of the connection of a further 208 MW of consented renewable energy to the transmission network), on a new purpose built efficient and safe OHL.

Economic & Community Socio -Economic Benefits / Local Supply Chain Opportunities

> The Applicant has in place Sustainable Procurement Codes and Supplier Guidance to oblige suppliers and contractors to maximise local employment and economic gain and social benefits as a result of the investment in new energy infrastructure in their area which measures to be put in place to maximise opportunities for local people and businesses close to the site and in the wider region.

> A further obligation is that suppliers and contractors are expected to "*have in place education and employability programmes which promote the development of employee skills as well as local employment…"*

> The Applicant's guidance as a basic commitment in this regard requires 'decent work and economic growth' alongside addressing environmental obligations, with a key objective to ensure the economic value is shared with particular focus on local supply chains.

[13] NPF4 Annex F, page 148.

Biodiversity Enhancement

> The greatest threat to biodiversity is climate change, and delivering an enhanced grid transmission network with enhanced capacity for renewable energy is a critical step to meet net zero.

> The Proposed Development is consistent with the Applicant's commitment in all projects to deliver 10% net biodiversity gain.

4. Appraisal against NPF4

4.1 Introduction

4.1.1 NPF4 was approved by resolution of the Scottish Parliament on 11th January 2023 and came into force on 13th February 2023.

4.1.2 A Chief Planner's Letter was issued on 8th February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contains advice intended to support consistency in decision making ahead of new style Local Development Plans being in place.

4.1.3 The Letter confirms with regard to the Development Plan that from 13th February, NPF3 and Scottish Planning Policy (SPP) no longer represent Scottish Ministers' planning policy and should not form the basis for or be a consideration to be taken into account when determining planning applications.

4.2 Development Management

4.2.1 Section 13 of the Planning (Scotland) Act 2019 Act (the "2019 Act") amends Section 24 of the 1997 Act regarding the meaning of the statutory Development Plan, such that for the purposes of the 1997 Act, the Development Plan for an area is taken as consisting of the provisions of:

> The National Planning Framework; and

> Any Local Development Plan (LDP).

4.2.2 Therefore, the statutory Development Plan covering the Site consists of NPF4 and the Highland Wide Local Development Plan (HwLDP) (2012) along with Caithness and Sutherland Local Development Plan (CaSPlan) (2018). The latter provides area specific proposals and policies only and as such the HwLDP is the relevant element of the Local Development Plan for determining the current submission.

4.2.3 The publication of NPF4 coincided with the implementation of certain parts of the 2019 Act. A key provision is that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. That will include where an LDP is silent on an issue that is now provided for in NPF4.

4.2.4 The Chief Planner's Letter of 8 February 2023 states with regard to Supplementary Guidance associated with LDPs which were in force before 12th February 2023 (the date on which Section 13 of the 2019 Act came into force) that they will continue to be in force and be part of the Development Plan.

4.3 How NPF4 is to be used

4.3.1 Annex A (page 94) of NPF4 explains how it is to be used. It states:

"*The purpose of planning is to manage the development and use of land in the long-term public interest … Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places*."

4.3.2 Annex A states that NPF4 is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It adds:

"*It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals*[14]*. NPF4 includes a long-term spatial strategy to 2045*."

4.3.3 NPF4 contains a spatial strategy and Scottish Government development management policies to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan[15] (IIP).

4.3.4 NPF4 therefore for the first time, introduces centralised development management policies which are to be applied Scotland wide. It also provides guidance to Planning Authorities with regard to the content and preparation of LDPs.

4.3.5 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and discrimination and also, of particular relevance to the Proposed Development, "*meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity*".

4.4 The National Spatial Strategy – Delivery of Sustainable Places

4.4.1 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to the Spatial Strategy starts by stating (page 3):

"*The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change*."

4.4.2 The principles are stated as playing a key role in delivering the United Nation's Sustainable Development Goals and the Scottish Government's National Performance Framework[16].

4.4.3 The Spatial Strategy is aimed at supporting the delivery of:

- 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";
- 'Liveable Places': "where we can all live better, healthier lives"; and
- 'Productive places': "where we have a greener, fairer and more inclusive wellbeing economy".

4.4.4 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, *inter alia*:

"*Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030…Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment*."

4.4.5 The new Energy Strategy and Just Transition Plan for Scotland (as referenced in NPF4) was published as a consultative draft on 10th January 2023 (see below).

[14] The 17 UN Sustainable Development Goals are set out at page 95 of NPF4 and include *inter alia* 'affordable and clean energy' and 'climate action'.

[15] The Scottish Government's five-year Infrastructure Investment Plan (2021-22 to 2025-26) was published in February 2021. It set out a vision for Scotland's future infrastructure in order to support and enable an inclusive net zero emissions economy.

[16] The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

4.4.6 The National Spatial Strategy in relation to 'sustainable places' is described (page 7) as follows:

"*Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.*

Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.

Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation."

4.4.7 Six National Developments (NDs) support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.

4.4.8 A summary description of this ND is provided at page 7 of NPF4 as follows:

"*Supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply*".

4.4.9 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing greenhouse gas emissions. It states:

"*The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment*."

4.4.10 A key point in this statement is that the climate emergency and nature crisis are expressly stated as forming the foundations of the national spatial strategy. Recognising that tackling climate change and the nature crisis is an overriding imperative which is key to the outcomes of almost all policies within NPF4.

4.5 National Developments

Overview

4.5.1 Page 97 of NPF4 sets out that 18 National Developments have been identified. These are described as:

"*significant developments of national importance that will help to deliver the spatial strategy … National development status does not grant planning permission for the development and all relevant consents are required*".

4.5.2 It adds that:

"*Their designation means that the principle for development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors. … In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies*".

4.5.3 Annex B of NPF4 sets out the various NDs and related Statements of Need. It explains that NDs are significant developments of national importance that will help to deliver the Spatial Strategy. It states (page 99) that:

"*The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes*".

National Development 3 "Strategic Renewable Electricity Generation and Transmission Infrastructure"

4.5.4 Page 103 of NPF4 describes ND3 and it states:

"*This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.*

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

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. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."

4.5.5 The location for ND3 is set out as being all of Scotland and in terms of need it is described as:

"*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*."

4.5.6 The designation of classes of development confirms that the Proposed Development is National Development being of a scale or type that otherwise would have been classified as major by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (b) *new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kV or more"*.

4.5.7 The Proposed Development will further the delivery of the national Spatial Strategy. The Strategy requires a "*large and rapid increase*" in electricity generation and the delivery of an enhanced transmission network to enable this, it is recognised (NPF4, page 6) that "*we must make significant progress*" by 2030.

4.5.8 The Proposed Development is required to enable transmission of a consented wind farm generation project (Strathy Wood and Strathy North Wind Farms) to the grid, which will make a valuable contribution to targets within this key timescale and that is a very important material consideration.

4.6 National Planning Policy

4.6.1 Part 2 of NPF4 (page 36) addresses national planning policy by topic with reference to three themes formulated with the aim of delivering sustainable, liveable and productive places.

4.6.2 In terms of planning, development management and the application of the national level policies, NPF4 states:

"*The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies*".

4.6.3 In terms of "sustainable places" the relevant policies to the Proposed Development include the following:

- Policy 1: Tackling the Climate and Nature Crisis;
- Policy 3: Biodiversity;
- Policy 4: Natural Places;
- Policy 5: Soils;
- Policy 6: Forestry, Woodland and Trees;
- Policy 7: Historic Assets and Places;
- Policy 11: Energy; and
- Policy 22: Flood Risk and Water Management.

4.6.4 These policies are addressed below.

4.6.5 The Chief Planner's Letter of 8th February 2023 provides advice in relation to applying NPF4 policy. It states that the application of planning judgement to the circumstances of an individual situation remains essential for all decision making, informed by principles of proportionality and reasonableness. It states:

"*It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement*."

4.6.6 The Letter adds:

"*It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between the provision of NPF and the provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible*".

4.7 NPF4 Policy 1: Tackling the Climate and Nature Crisis

Policy 1 & Principles

4.7.1 The intent of Policy 1 is "*to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis*".

4.7.2 **Policy 1** directs decision makers that *"when considering all development proposals significant weight will be given to the global climate and nature crises."*

4.7.3 This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker. Significant weight should therefore be attributed to the Proposed Development which provides an essential grid connection to a consented wind farm given it would be consistent with the intent of Policy 1 and would make a positive contribution by helping to attain its outcome of net zero.

4.7.4 The Chief Planner's Letter of 8th February 2023 refers to Policy 1. It states:

"*This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises*."

4.7.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight, but it is for the decision maker to decide if it is for or against the proposal. The Proposed Development's contribution is positive and therefore the significant weight in this case is for the Proposed Development.

4.7.6 The term "Tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action. Furthermore, NPF4 (page 8) refers to cross cutting outcomes and states with regard to Policy 1 that the policy gives significant weight "*to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions*".

The Application of Policy 1

4.7.7 Given the nature of the Proposed Development, it would make a valuable contribution in relation to targets. It will directly further the policy intent and outcomes of Policy 1 and should be afforded significant positive weight in terms of tackling the climate and nature crises. The specific emission and carbon saving benefits associated with the wind farm and the provision of that connection to the electricity transmission network to which is the purpose of the Proposed Development (set out in Chapter 3 above) also need to be recognised in the context of NPF4 Policy 11 (Energy) which requires the contribution that a development would make to targets to be taken into account.

4.7.8 A further important point is the need to recognise that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is enabling a connection to a valuable contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "net zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

4.7.9 The Reporter's comments on this particular policy in the Sanquhar II Wind Farm Inquiry Report[17] are informative. At paragraph 2.48 of the Supplementary Report, the Reporter addresses NPF4 Policy 1 and states that:

"*tackling the nature crisis is required to be given significant weight alongside the climate crisis. There is no indication that one strand should be given greater priority over the other. That does not necessarily mean that an individual proposal must be shown to respond to both crises in equal measure, however. The two matters are also inextricably linked, with the nature crisis being, in part, exacerbated by climate change*."

4.7.10 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development.

[17] Sanquhar II Wind Farm, Section 36 Decision dated 31 August 2023, Supplementary Report of Inquiry dated 20 February 2023 (Case Reference WIN-170-2006) and Scottish Ministers' Decision dated 31 August 2023.

4.8 NPF4 Policy 11: Energy

Policy 11 & Principles

4.8.1 For the consideration of energy transmission proposals, Policy 11 'Energy' (page 53) is the lead policy. Policy 11's intent is set out as:

"*to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low carbon and zero emission technologies including hydrogen and carbon capture utilisation and storage.*"

4.8.2 Policy Outcomes are identified as: *"expansion of renewable, low carbon and zero emission technologies".*

4.8.3 Policy 11 is as follows:

"a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;

ii. enabling works, such as grid transmission and distribution infrastructure;

iii. energy storage, such as battery storage and pumped storage hydro;

iv. small scale renewable energy generation technology;

v. solar arrays;

vi. proposals associated with negative emissions technologies and carbon capture; and

vii. proposals including co-location of these technologies.

b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.

c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.

e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:

i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;

ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;

iii. public access, including impact on long distance walking and cycling routes and scenic routes;

iv. impacts on aviation and defence interests including seismological recording;

v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;

vi. impacts on road traffic and on adjacent trunk roads, including during construction;

vii. impacts on historic environment;

viii. effects on hydrology, the water environment and flood risk;

ix. biodiversity including impacts on birds;

x. impacts on trees, woods and forests;

xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;

xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and

xiii. cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity".

4.8.4 The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, through encouragement, promotion and facilitation, all of which the Proposed Development will help to deliver in providing the essential grid connection for a consented Wind Farm.

4.8.5 The wording of Policy 11 Paragraph (a)(ii) makes it clear that the policy supports new and replacement grid transmission and distribution infrastructure.

The application of Policy 11

4.8.6 **Paragraph c) of Policy 11** requires socio-economic benefits to be maximised, rather than just taken into account. However, it is also important to note in regard to community benefit, guidance issued via the Chief Planners letter of 20th September 2024 which provides clarity on the application of Policy 11(c) and the role of community benefits alongside policy considerations on maximising economic impact. The Chief Planner states explicitly *that "We are, however, clear that these are voluntary agreements that sit independent of our planning and consenting systems, and NPF4 Policy 11 (c) does not alter this"*.

4.8.7 With regard to maximising socio-economic benefits, the Applicant has adopted a 'Sustainable Procurement Code' and a related 'Sustainable Procurement Code – Supplier Guidance' and these are relevant to take into account. The Sustainable Procurement Code is applied to development projects that the Applicant progresses, and its principal purpose is to ensure that the Applicant's key values are supported, managed and where possible improved.

4.8.8 The Code sets out various obligations on suppliers and contractors covering climate action and in relation to providing affordable clean energy. The Code also addresses environmental obligations and also sets out a clear commitment to "decent work and economic growth" (page 10). A key objective is to ensure that economic value is shared. Amongst the various specific obligations on the Applicant and suppliers is reference to local supply chains. In that regard, page 10 sets out that:

"*SSE has committed to being a global leader for a just energy transition to net zero, with a guarantee of fair work and commitment to paying fair tax and sharing economic value*".

4.8.9 Furthermore, within the obligations on suppliers and contractors are provisions that require the formation of "*constructive local relationships so that communities have the opportunity to directly benefit from significant capital investments… and to have measures in place to maximise opportunities for local people and businesses close to SSE sites and the wider region*".

4.8.10 A further obligation is that suppliers and contractors are expected to "*have in place education and employability programmes which promote the development of employee skills as well as local employment, including graduate programmes and apprenticeships*".

4.8.11 As regards Local Supply Chains *"SSE is committed to ensuring that real economic and social benefits flow to local businesses as a result of its investment in new energy infrastructure. It aims to promote sustainable domestic employment, increased local content and more competitive domestic supply chains. It does this through engagement with its suppliers as well as government regulators and trade unions".*

4.8.12 The related Supplier Guidance document sets out with specific regard to local supply chains that suppliers and contractors are:

> Required to have measures in place to maximise opportunities for local people, supply chains and economies surrounding SSE sites. There may be a requirement to provide evidence of site-specific plans to SSE;

> Encouraged to work closely with SSE to promote and support the development of competitive domestic and local supply chains;

> Required to provide details of spend with local suppliers and subcontractors, when requested by SSE ("local" is defined as either, within a 50-mile radius of the site or the Local Authority area, unless otherwise defined);

> Required to provide reporting of attributed spend with Small Medium Enterprises (SMEs).

4.8.13 Specific reference to both of the Codes and these obligations would be set out in any invitation to tender for construction works for the Proposed Development. Therefore, there is clear evidence that beyond the capital spend for the project and the direct, indirect and induced employment and economic benefits that would result, that the Applicant has policies and measures in place that seek to maximise the opportunity for socio-economic benefits as a result of the project.

4.8.14 It should also be noted appointed contractors are required to inform the Applicant of the supply chain engaged, within Highland and indeed further afield.

4.8.15 Critically the provision of this essential grid connection for Strathy Wood Wind Farm and linking to Strathy South Wind Farm in due course, will ensure the delivery of the wider socio-economic benefits and commitments to be provided as part of the delivery of this important renewable energy generation project for Highland and Scotland.

4.8.16 **Paragraph d) of Policy 11** states that development proposals that impact on international and national designations "*will be assessed in relation to Policy* 4". Policy 4 also deals with impacts in relation to local landscape designations. Therefore, the matter of the impacts of the Proposed Development in relation to such national and local designations is examined further below with specific regard to the provisions of Policy 4.

4.8.17 **Paragraph e) of Policy 11** states that project design and mitigation "will demonstrate how" impacts are addressed. These are listed in the quotation of the policy above and are addressed in turn below.

Impacts on Communities and Individual Dwellings

4.8.18 There are four key residential receptors identified within the study area. None of the built receptors are assessed as negatively impacted upon as a result of the Proposed Development once operational. Short term significant visual effects are predicted for one built receptor; Bowside Cottage (also known as Gamekeepers Cottage) during construction. This is due to the fact that construction activity would be seen from the south facing windows of the building in the context of the wind turbines at Strathy North and Strathy Wood, the existing access track, and traffic moving on it, at distances exceeding 400 m

Noise and Shadow Flicker

4.8.19 The consideration of shadow flicker is not relevant to the consideration of the Proposed Development as this requirement pertains to wind farms and not OHL connections.

4.8.20 Construction noise and vibration would be short term and intermittent and could be controlled through the implementation of a Noise Management Plan, which would be developed as part of the Construction Environment Management Plan (CEMP) prepared by the Principal Contractor. The Noise Management Plan would be agreed with The Highland Council as Local Authority, and all construction activities would be undertaken in accordance with good practice guidelines set out in BS 5228-1 and BS 5228-2. As such and given the remoteness of construction activity for much of the Proposed Development, no detailed assessment of construction noise and vibration associated with plant noise or traffic was carried out as part of the EIA.

4.8.21 The Applicant has given consideration to the National Grid Technical Guidance Note TGN(E)322 (2021) and given the nature of the Proposed Development, its remoteness and distance from residential dwellings, no operational noise effects are expected, so no detailed assessment of operational noise was carried out as part of the EIA.

Landscape and Visual Considerations

4.8.22 Before examining the landscape and visual effects of the Proposed Development, Part e(ii) of Policy 11 makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy and transmission infrastructure. This is a very different starting point compared to the position in the former SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to appropriate design mitigation, they should generally be acceptable.

Overview of Design Approach

4.8.23 The need for the Proposed Development has arisen in response to a commitment and requirement on the Applicant to provide a grid connection to a renewable energy developer who has gained consent for the Strathy Wood Wind Farm.

4.8.24 A series of development considerations were identified and assessed, and these are reported in Chapter 2 of the EIA Report.

4.8.25 The Applicant's detailed Routeing Guidance was applied to determine the optimum design and draws on the Holford Rules but broader key decision making principles to reflect contemporary practice and ensure that environmental, land, technical and economic considerations are appraised at each stage.

4.8.26 The design as proposed reflects key issues arising within consultation on each design development stage. A number of design options were considered early in the design process including the use of trident wood poles for both the Strathy Wood and Strathy South Wind Farm grid connections individually. As part of an assessment to rationalise connections in the areas, the Applicant considered consolidating the two grid connections onto shared infrastructure. Two technology solutions were considered, either a single steel structure OHL to carry both connections, or two separate parallel trident wood pole OHLs each carrying separate connections.

4.8.27 Analysis of these options considered the environmental, technical and economical constraints and concluded that combining the connections onto one OHL was the optimal solution. This was primarily due to the trident 'H' wood pole OHL being unable to carry the capacity of the consented Strathy South Wind Farm on their standard conductor types. The use of steel lattice towers would enable conductors to carry a much larger capacity and have the additional benefit of providing an opportunity for futureproofing.

4.8.28 Detailed route and alignment exercises have been undertaken which confirmed the rationalisation approach to consolidate the Strathy Wood and Strathy South wind farm grid connections onto shared infrastructure in this section, provides an optimal solution for the wider Connagill Cluster Grid Connections. This process included examination of the connection through sensitive designated sites, which due to technical and safety reasons could not be avoided, as further detailed in Chapter 2 of the EIA Report. Extensive work was carried out by the Applicant to ensure that OHL within the designated sites, was positioned in less sensitive habitats in order to be less impactful.

4.8.29 The proposed route and alignment was considered by the Applicant to represent the best design and alignment option for the development in terms of engineering, environmental and cost considerations.

Landscape Character

4.8.30 An assessment of landscape and visual impact and is reported in Chapter 6 of the EIA Report.

4.8.31 The assessment of potential landscape effects has considered the Landscape Character Types (LCTs) identified by NatureScot and designated and protected landscapes. There would be Moderate Adverse (significant) direct and indirect temporary effects on LCT 134 (Sweeping Moorland and Flows) during construction due to the loss of landcover to temporary working areas and access tracks, and an increase in the level of activity from that associated with the Strathy North and Strathy Wood Wind Farms and forest extraction operations.

4.8.32 There would be no significant landscape effects on this LCT during operation.

Designated Landscapes

4.8.33 The assessment concluded that there would be no significant effects on either the Farr Bay, Strathy and Portskerra Special Landscape Area (SLA) or the East Halladale Flows Wild Land Area (WLA) as a result of the Proposed Development during construction or operation.

Visual Effects

4.8.34 The visual assessment has considered views from visual receptors in and around buildings, on access tracks and at recreational locations.

4.8.35 Receptors at Bowside Cottage (also known as Gamekeepers Cottage) would experience Moderate Adverse (and significant) effects during construction due to the fact that construction activity would be seen from the south facing windows of the building in the context of the wind turbines at Strathy North and Strathy Wood, the existing access track, and traffic moving on it, at distances exceeding 400 m. Mo significant effects are expected to this built receptor during operation.

4.8.36 There would be no significant visual effects during construction or operation for all other build receptors assessed.

4.8.37 Users of Scottish Hill Track 334 - Strath Halladale (Trantlebeg) to Strathy would experience Moderate Adverse (and significant) effects during both construction and operation for both south-bound and north-bound travellers. For south-bound travellers, the temporary and permanent works would be seen in the context of the wind turbines at Strathy North and Strathy Wood from approximately 1 km north of Bowside until passing the southern end of the scheme, when users of the track would be heading away from Proposed Development. For north bound travellers, the temporary and permanent works would be seen from the approach to the Baillie bridge through Strathy Wood Wind Farm at the southern end of the Study Area until passing Bowside there would be continuous visibility of towers and conductors, generally in close proximity to the track for approximately 5 km until just north of Bowside when users of the track would be heading away from the works.

4.8.38 There would be no significant visual effects during construction or operation for all other route / recreational receptors assessed.

Cumulative Effects

4.8.39 The cumulative landscape and visual assessment considered the potential landscape and visual effects of the Proposed Development when added to two cumulative baseline scenarios, as described in Chapter 6 of the EIA Report.

4.8.40 No significant effects greater than those effects assessed for the Proposed Development in isolation have been identified as a result of the addition of the Proposed Development to either scenario.

Public Access

4.8.41 Access along or crossing recreational routes, including Scottish Hill Track 334 – Strath Halladale (Trantlbeg) to Strathy would be managed during construction via an Outdoor Access Plan (OAP). This would form part of the CEMP and signage would be erected at suitable locations to warn recreational users of construction traffic. A draft OAP is included in Appendix 11.2 within Volume 4 of the EIA Report.

Aviation, Defence Interests and Telecommunications

4.8.42 The Proposed Development would not give rise to any negative effects in this regard.

Impacts on Road Traffic and Trunk Roads

4.8.43 Chapter 11 of the EIA Report considers the effects of the Proposed Development in terms of transport and access.

4.8.44 The Proposed Development would lead to a temporary increase in traffic volumes on the road network within the study area during the construction phase.

4.8.45 No link capacity issues are expected on any of the roads assessed due to the additional movements associated with the Proposed Development. The effects of construction traffic are temporary in nature and transitory.

4.8.46 A series of mitigation measures and management plans are proposed to help mitigate and offset the impacts on traffic flows, as set out in Chapter 11. The control of these elements can be secured via an appropriately worded condition to the issue of an approval.

Historic Environment

4.8.47 Chapter 10 of the EIA Report reports on the cultural heritage assessment undertaken for the Proposed Development. There are no designated heritage sites in the near surrounding areas which would have significant visibility of the Proposed Development

4.8.48 Four non-designated heritage assets were identified within or just outside the defined Limits of Deviation for the Proposed Development, all of which are identified as being of regional heritage importance (medium sensitivity). The potential for unidentified archaeological remains is considered to be low to negligible.

4.8.49 The Proposed Development has been designed to avoid heritage assets where possible, however, an unavoidable direct impact, considered to be moderate, and significant, has been predicted for one heritage asset, Site 4c, Bowside Hut Circle at Dallangwell, south of Uidh nan Con Luatha. Reduction of this impact to a not significant level is recommended through avoidance of laying or dragging cables across the feature and if this proves not practicable, then the application of matting or temporary earth banking to be laid over the structure and that, even with this protection in place, no plant, vehicles or other machinery to cross the structure. Archaeological monitoring of works by an Archaeological Clerk of Works (ACoW) is also recommended during the construction stage to ensure that the mitigation is carried out correctly.

4.8.50 Protection of all four heritage assets from accidental damage during the construction phase is recommended in the form of identifying and clearly marking off with some form of barrier and appropriate signage to prevent temporary parking and laydown of materials during construction. In addition, awareness of site workers to the significance and sensitivity of the archaeological exclusion zones should be raised through on-site toolbox talks.

4.8.51 These mitigation measures should be carried out by, or under the supervision of, a qualified archaeologist or ACoW using the baseline information provided in the EIA Report. The archaeologist should also be on call in case of any unanticipated archaeological discoveries or concerns.

4.8.52 Following the application of mitigation measures, the residual effect is considered to be reduced to negligible, and not significant.

Soils, Geology and Water

4.8.53 Chapter 9 of the EIA Report presents the assessment of potential effects on geology (including soils and peat) and the water environment (hydrology and hydrogeology) resulting from the construction and operational phases of the Proposed Development.

4.8.54 Subject to adoption of best practice construction techniques and a site-specific CEMP, no significant adverse effects on geology (including soils and peat) and the water environment have been identified. The CEMP includes provision for drainage management plans, to be agreed with statutory consultees and which would be used to safeguard water resources and manage flood risk. A commitment to deploy Sustainable Urban Drainage Systems (SUDS) in these plans has been made. Pollution Prevention Plans would also be put in place during construction.

4.8.55 The design of the Proposed Development has been informed by a detailed programme of peat depth probing as required by NPF 4 and it has been shown that wherever possible areas of deep peat have been avoided, as set out in Appendix 9.1 Peat Landslide Hazard Risk Assessment and Appendix 9.2: Outline Peat Management Plan within Volume 4 of the EIA Report. A project site specific peat management plan has been prepared which confirms that soils disturbed by the development are limited in volume and that these soils can readily be beneficially reused in restoration works.

4.8.56 A programme of baseline and construction phase water quality monitoring is proposed to confirm that the Proposed Development does not have a significant effect on geology and the water environment.

Biodiversity

Ecology

4.8.57 Chapter 7 of the EIA Report presents the assessments of the potential effects on terrestrial ecology (non-ornithological) from the Proposed Development. Given the nature of the Proposed Development, most of the impacts on terrestrial ecology features will arise from construction, with direct habitat losses restricted to the footprints of the towers, poles, CSE compound and the new sections of permanent access track.

4.8.58 The Proposed Development will directly impact approximately 2.57 ha of habitat within the Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and Ramsar and its component West Halladale Site of Special Scientific Interest (SSSI). These designations are made up of internationally important habitats supporting rate plants, otter and freshwater pearl mussel populations. The Proposed Development only affects a very small proportion (circa 0.002%) of the Caithness and Sutherland Peatlands SAC / Ramsar (and its component West Halladale SSSI) alongside an existing access track at the very edge of the designation and the effect is assessed as Minor Adverse (and not significant).

4.8.59 A Shadow Habitats Regulations Assessment (HRA) has been undertaken for the Proposed Development (Appendix 7.6 within Volume 4 of the EIA Report). Likely significant effects (LSE) could not be ruled out at the screening stage, although a shadow appropriate assessment has concluded that the Proposed Development would have no adverse effects on integrity of the SAC/Ramsar (either alone or in combination with any other plans or projects).

4.8.60 The Proposed Development passes over upland habitats typical of the landscape, which are dominated by mire and wet heath communities that are Annex I habitats (for which the SAC / Ramsar has been designated) and some of which are Ground Water Dependent Terrestrial Ecosystems (GWDTE) that are reliant on ground water influences. However, due to the nature of the Proposed Development (which would utilise mostly an existing access track upgraded for the consented Strathy Wood and Strath South Wind Farms for construction and operation) permanent habitat losses outside the boundary of the SAC / Ramsar designated site are also very minor and estimated at 1.77 ha in total. As part of the design process towers have been micro-sited to avoid / minimise impacts on GWDTEs that would be most vulnerable to indirect permanent habitat changes.

4.8.61 Effects on non-designated habitats are assessed as Minor Adverse (and not significant).

4.8.62 The Proposed Development is not predicted to result in adverse effects on protected species in the Study Area. Embedded mitigation relevant to identified ecological receptors include the development and implementation of a site-specific CEMP which will be used in conjunction with the Applicants' General Environmental Management Plans (GEMPs) and Species Protection Plans (SPPs). In addition, an Environmental Clerk of Works (ECoW) will be appointed to undertake pre-construction surveys to protected species and oversee construction works to minimise any potential effects on nature conservation interests.

4.8.63 No significant cumulative effects with any of the other wind farms and grid connections (consented and proposed) that for part of the Connagill Cluster Grid Connections have been identified.

4.8.64 An overarching Habitat Management Plan (HMP) strategy is being developed in consultation with NatureScot for the Connagill Cluster Grid Connection projects, in conjunction with the surrounding associated wind farms. Where possible the HMP will seek to build on the wind farm led HMPs to provide landscape scale planning rather than being development focused to address the cumulative habitat losses of peatland, including within the boundaries of the Flow Country World Heritage Site and Caithness and Sutherland Peatlands SAC/Ramsar.

The Flow Country World Heritage Site

4.8.65 The Proposed Development would directly impact habitats within the Flow Country World Heritage Site (WHS) which was inscribed on 26th July 2024 on the basis of its internationally important blanket bog, oligotrophic and dystrophic loch, mire, heath and peat bog habitats. Its boundary is largely contiguous, though not identical, with the Caithness and Sutherland Peatlands SAC / Ramsar designated site boundary. The Proposed Development affects only a very small proportion of the WHS, and the overall effect is assessed as minor adverse (and not significant). A separate World Heritage Site Assessment (WHSA) has been undertaken and is provided in Appendix 7.8 of the EIA Report. The WHSA concluded that the Proposed Development would result in no significant adverse effects on the Outstanding Universal Value (OUV) of the WHS.

4.8.66 The Council's 2023 Flow Country Candidate WHS Planning Position Statement is a relevant consideration although it is noted that it was not the subject of any consultation. Paragraph 5.9 of that statement states that:

"Significant damage to deep peat and associated biodiversity within the Site would negatively impact on the OUV…if a proposed development would cause damage of any appreciable size that could not be remedied quickly then that would be considered a negative impact on OUV".

4.8.67 Paragraph 5.10 provides that:

"A further consideration is that the scale of the habitat encompassed within the Site also forms an important element of the OUV, and relates to the concept of integrity".

4.8.68 However, paragraph 5.11 provides that:

"This does not mean that Development cannot be permitted within the Site. There are areas included within the Site that do not express the values of the blanket bog landscape or the biodiversity it holds… Developments that are assessed not to post a risk to OUV could be accommodated".

4.8.69 Prior to inscription the International Union for Conservation of Nature (IUCN) amended their recommendation to remove the specific reference to prohibiting onshore wind within the WHS boundary and confirmed that all proposed developments that may impact on the OUV should be assessed in line with the Guidance and Toolkit for assessments in the World Heritage Context. An assessment in this regard has been undertaken and is reported in Appendix 7.7 of the EIA Report and it has concluded that there will be no significant adverse effects on the attributes of the WHS and it OUV, either alone or in-combination with any other wind farm project or their associated electrical infrastructure in the wider Strathy area, which includes the Connagill Cluster Grid Connections.

Ornithology

4.8.70 Chapter 8 of the EIA Report considers the potential effects of the Proposed Development on ornithological features. Based on the results of field surveys and a desk study, a series of Important Ornithological Features (IOF) were identified and are reported in detail in the Chapter. As assessment of potential effects on each IOF during construction and operation has been completed alongside assessment of potential cumulative effects.

4.8.71 Ornithological sensitivities were taken into consideration during the design of the Proposed Development, with the layout designed to minimise potential effects on IOFs where possible. Embedded mitigation comprising a Bird Protection Plan (BPP) to safeguard breeding birds and roosting raptors listed on Schedule 1A of the Wildlife and Countryside Act 1981 (as amended) is proposed.

4.8.72 To reduce collision risk to breeding red-throated diver and hen harrier, line markers will be installed along sections of the OHL component of the Proposed Development where these species are considered to be at greatest risk of collision.

4.8.73 Additionally, specific mitigation for breeding hen harrier is proposed to reduce potentially significant effects due to displacement resulting from habitat loss during construction, or due to operational disturbance. This would be delivered via a landscape scale HMP as referred to in paragraph 4.8.65 above. This mitigation would benefit other upland bird species also and additional enhancement measures proposed for IOFs including installation of artificial nest rafts for breeding diver species to provide additional nest sites.

4.8.74 A programme of ornithological monitoring is proposed during construction and operation of the Proposed Development, comprising surveys for breeding waders, raptors and divers, including checks of any artificial diver nest rafts installed.

4.8.75 Following implementation of embedded and targeted mitigation the residual effects of the Proposed Development on any IOF's are assessed as being of low to negligible magnitude and no significant effects are predicted.

4.8.76 A Shadow Habitats Regulations Assessment (HRA) has been undertaken for the Proposed Development (Appendix 8.4 within Volume 4 of the EIA Report). The potential for Likely Significant Effects could not be ruled out at the screening stage, although an appropriate assessment has concluded that following the implementation of embedded and targeted mitigation, there is not considered to be any potential for the Proposed Development to undermine any of the conservation objectives of the Caithness and Sutherland Peatlands SPA/Ramsar (either alone or in combination with any other plans or projects).

Balancing the Contribution of a Development and Conclusions on Policy 11

4.8.77 Part e) ii) of NPF4 Policy 11 (Energy) makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of energy proposals. There is a very clear steer that significant effects are to be expected, and where localised and/or subject to design mitigation, they should generally be acceptable.

4.8.78 The Proposed Development is considered to be acceptable on balance in relation to all of Policy 11's environmental and technical topic criteria. Whilst a moderate adverse visual effect is predicted on one built receptor during construction and on one recreational route during construction and operation, on balance the overall effects are considered localised and acceptable.

4.8.79 The second last paragraph **of Paragraph e) of Policy 11** is expressly clear that in considering any identified impacts of developments, significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets. In particular, the Policy recognises that landscape and visual impacts are to be expected but provided they are localised and / or appropriate design mitigation has been applied, they are likely to be considered acceptable.

4.8.80 The "contributions" are inextricably related to the wind farms to which the OHL is required to provide connection and policy recognises that any identified impacts must be assessed in the context of these contributions. The connection of 62.4MW of renewable energy is significant and material. The Proposed Development would eventually serve to form part of a connection to carry a further 208 MW of electricity generated by renewable energy.

4.8.81 In terms of contribution to targets, the proposal's contributions have been set out in Chapter 3 above. The importance of delivering wind farm grid connections in a timely manner to connect substantial renewable energy to the national grid network is a critical consideration and one which is provided strong support within NPF4 policy and national development status.

4.9 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

4.9.1 In summary, there are no unacceptable effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 **Policies 3 and 4** (respectively address.

4.9.2 **Policy 3** requires developments to wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided.

Current Guidance Position

4.9.3 It should be noted that Policy 3 does not provide any guidance on how 'significant enhancements' will be measured and assessed, simply referring to "*best practice assessment methods*".

4.9.4 The **letter from the Chief Planner issued on 08 February 2023** refers to the application of new policy where specific supporting guidance / parameters for assessment are not yet available to aid assessments. The letter states:

"recognising that currently there is not a single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for development a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise for opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case". (underlining added)

4.9.5 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance.

4.9.6 **NatureScot Guidance** was issued in Summer 2023 in support of NPF4 Policy 3 c). This states that the selection and design of enhancement measures will be a matter of judgment based on the circumstances of the individual case but should take into account a number of considerations. These considerations include:

- The location of the development site and the opportunities for enhancing biodiversity;
- The character and scale of development;
- The requirements and cost of maintenance and future management of the measures proposed;
- The distinctiveness and scale of the biodiversity damaged or lost; and
- The time required to deliver biodiversity benefits and any risks or uncertainty in achieving this.

4.9.7 The Scottish Government also published '**Draft Planning Guidance: Biodiversity**' in November 2023. Paragraph 1.1 states that it:

"*Sets out the Scottish Minister's expectations for implementing NPF4 policies which support the cross cutting NPF4 outcome 'improving biodiversity*."

4.9.8 The draft guidance makes reference to Scotland's Biodiversity Strategy, which it states sets targets for halting biodiversity loss by 2030 and restoring and regenerating biodiversity by 2045.

4.9.9 Section 1.9 of the guidance states that NPF4 Policy 3 (Biodiversity) "*in particular plays a critical role in ensuring that development will secure positive effects for biodiversity*".

4.9.10 The guidance refers to 'key terms' and with regard to 'enhancement', states at Paragraph 1.10:

"*The terms 'enhance' and 'enhancement' are widely used in NPF4. In order for biodiversity to be 'enhanced' it will need to be demonstrated that it will be in an overall better state than before intervention, and that this will be sustained in the future. Development proposals should clearly set out the type and scale of enhancements they will deliver*".

4.9.11 The guidance addresses development planning and, in terms of development proposals, references 'core principles.' At Paragraph 3.1 the guidance states that these principles can be followed when designing developments so that nature and nature recovery are an integral part of any proposal. Section 3.2 of the guidance states:

"*Applying these principles will not only help to secure biodiversity enhancements, they can also help to deliver wider policy objectives including for green and blue infrastructure, open space, nature based solutions, nature networks and 30 x 30. Development proposals which follow these steps are also much more likely to result in more pleasant and enriching places to live, work and spend time*."

4.9.12 The principles set out are as follows:

- Apply the mitigation hierarchy;
- Consider biodiversity from the outset;
- Provide synergies and connectivity for nature;
- Integrate nature to deliver multiple benefits;
- Prioritise on-site enhancement before off-site delivery;
- Take a place-based and inclusive approach;
- Ensure long term enhancement is secured and
- Additionality.

4.9.13 These core principles have been applied as appropriate with regard to the Proposed Development.

4.9.14 Page 15 of the draft guidance makes specific reference to determining planning applications and, with regard to the policy context, Paragraph 4.1 makes it clear that NPF4 must be read and applied as a whole. Specific reference to NPF4 Policy 3 (Biodiversity) Part 3 b) is made and from Section 4.6 key points in the guidance include the following:

- It is set out that NPF4 that does not specify or require a particular assessment approach or methodology to be used, although the policy makes clear that best practice assessment methods should be utilised;
- Assessments can be qualitative or quantitative (for example through use of a metric); and
- It is stated that NatureScot is to shortly commence work to develop an adapted biodiversity metric suitable for use in supporting delivery of NPF4 Policy 3 b). The draft guidance states that further information will be provided on this work "in due course".

4.9.15 Section 4.12 of the guidance states:

"*In the meantime, the absence of a universally adopted Scottish methodology/tool should not be used to frustrate or delay decision making, and a flexible approach will be required. Wherever relevant and applicable, and as indicated above, information and evidence gathered for statutory and other assessment obligations, such as EIA, can be utilised to demonstrate those ways in which the policy tests set out in NPF4 have been met. Equally, where a developer wishes to use an established metric or tool, the planning submission*

should demonstrate how Scotland's habitats and environmental conditions have been taken into account. Where an established metric or tool has been modified, the changes made and the reasons for this should be clearly set out".

4.9.16 Section 4.14 of the guidance states that it will be for a planning authority to determine whether the relevant policy criteria have been met, taking into account the circumstances of the particular proposal. The guidance adds:

"*NPF4 does not specify how much enhancement or 'net gain' should be delivered, though biodiversity should clearly be left in a 'demonstrably better state' than without intervention. Rather, the selection and design of enhancements will be a matter of judgement based on the circumstances of the individual case, taking into account a range of considerations*."

4.9.17 The guidance makes reference to the various considerations which are already set out in the NatureScot guidance issued in the Summer of 2023 with regard to NPF4 Policy 3 (as listed above).

4.9.18 The draft guidance also makes reference to off-site delivery of enhancement proposals and states at Paragraph 4.19 that:

"*Where the relevant policy tests cannot be met on site, off-site provision may be considered alongside on site. In these circumstances, off-site delivery should be as close as possible to the development site, with consideration being given firstly to the immediate landscape context and existing ecological value of the site*."

4.9.19 In early 2024 **NatureScot consulted on 'a Biodiversity Metric for Scotland's Planning System'.** The consultation ended on 10 May 2024. The consultation paper outlines work that NatureScot has been commissioned by the Scottish Government to develop a biodiversity metric for Scotland's planning system, to support delivery of NPF4 policy 3(b).

4.9.20 This consultation paper does not propose solutions or reach conclusions on specific aspects of the Scottish biodiversity metric to be developed, as these are yet to be fully assessed. While work on developing a Scottish biodiversity metric is ongoing, NatureScot highlight here the advice set out in the Scottish Government's draft Planning Guidance on Biodiversity, as referenced above, namely that the absence of a universally adopted Scottish methodology / tool at the present time, should not be used to frustrate or delay decision making

4.9.21 The commission's final outputs will include:

- a Scottish biodiversity planning metric tool (to be hosted on the NatureScot website), which is based on current understanding of science and evidence, clear and transparent in its workings, accessible and easy to use by relevant professionals with outputs understandable by decision makers, and which informs siting and design of development as well as evidence-based decision making;
- a user guide supporting the metric (together with any supporting information); and
- recommendations on any requirements for maintaining and updating the metric and supporting information.

4.9.22 The **Highland Council have also consulted upon and approved their own non-statutory Biodiversity Planning Guidance** (BPG) **(May 2024)**. The guidance is intended for use by THC, applicants and agents to ensure the consistent and proportionate implementation and interpretation of NPF4 Policy 3. The BPG sets out what supporting information is required to be submitted to demonstrate that conservation, restoration and enhancement as required by Policy 3 is provided.

4.9.23 Key issues arising include a flexible approach to the use of a Biodiversity Net Gain (BNG) metric in relation to all development proposals of any scale until such time as the Scottish Government defines its own Scottish metric so support biodiversity net gain calculations. In the interim period, whist this metric is being developed and is released, THC 'recommend the English DEFRA metric, but do not require use of a metric'. The use of a 'distance multiplier' relative to the location of biodiversity from the development is also on hold until such time as the Scottish metric is agreed and released.

4.9.24 The BPG has set a requirement that biodiversity enhancement arising from development within the THC area must be delivered within the Highland geographical area.

4.9.25 The BPG set out a desire for all development to deliver 10% biodiversity enhancement as a minimum. This ratio has been arrived at via benchmarking with England. However, as noted, until such time as a Scottish metric has been delivered the guidance allows applications (Major and National Development) to demonstrate significant biodiversity enhancement in alternative ways. Such proposals should clearly and robustly set out how policy will be met in this regard. Where 10% / significant enhancement cannot be met on site alternative measures should be proposed.

4.9.26 Finally, the BPG also puts in place provisions for a mechanism to be developed for a financial payment to be made to THC in exchange for the Council taking responsibility for securing the delivery of biodiversity or enhancement. This option whilst being retained in the guidance will remain 'unavailable' until such time as a detailed and robust methodology to identify costs and delivery payments is prepared and agreed. Meantime the delivery of compensation and enhancement on land within the control of the developer but out with the development areas, and use of third party offset provider / broker to delivery off-site is provided as options for developers.

The application of Policy 3

4.9.27 Notwithstanding the lack of policy guidance at National level at the present time, in terms of environmental benefit, there will be a permanent enhancement delivered through the Applicant's proposed enhancements to the natural habitat.

4.9.28 The Applicant is committed to incorporating Biodiversity Net Gain (BNG) into their projects and a BNG assessment will be provided an agreed upon with relevant consultees post submission of the application and prior to determination, secured by a condition of consent.

4.9.29 Biodiversity Net Gains for the project will be set out in the overarching HMP for the Connagill Cluster, which is being developed in consultation with NatureScot (see Appendix 7.8 within Volume 4 of the EIA Report). This aims to deliver landscape-scale habitat enhancement in accordance with SSEN Transmission's BNG commitments, as well as to meet the requirements of NPF4 and other relevant commitments, by providing net gain to biodiversity (of at least 10%) through enhancement measures, and where peatlands are affected, a 1:10 ratio of compensation / enhancement.

4.9.30 Given the lack of significant adverse effects of the Proposed Development, and the scale of the habitat enhancements proposed, the Proposed Development will demonstrably deliver significant positive effects and strengthen nature networks and the connections between them so they are in a demonstrably better state than without intervention consistent with the provisions of Policy 3.

4.9.31 It is important to keep in mind that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of energy transmission and security within a modern electricity grid network with enhanced capacity, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "net zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

4.10 NPF4 Policy 4: Natural Places

Policy 4 & Principles

4.10.1 Policy 4, Paragraph c) deals with national landscape designations and has a similar approach in relation to the former SPP in terms of how a proposal that affects a National Park or NSA should be addressed.

4.10.2 **Policy 4, Part b)** states that:

"*Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives*".

4.10.3 As explained above, the Proposed Development will directly impact approximately 2.57 ha of habitat within the Caithness and Sutherland Peatlands SAC and Ramsar and its component West Halladale SSSI. The Proposed Development only affects a very small proportion (circa 0.002%) of the SAC and SSSI alongside an existing access track at the very edge of the designation and the effect is not significant in EIA terms.

4.10.4 A Shadow Habitats Regulations Assessment (HRA) has been undertaken for the Proposed Development (Appendix 7.6 within Volume 4 of the EIA Report and a shadow appropriate assessment has concluded that the Proposed Development would have no adverse effects on integrity of the SAC/Ramsar (either alone or in combination with any other plans or projects).

4.10.5 **Policy 4, Part c)** states that:

"*Development proposals that will affect the National Park or National Scenic Area, Site of Special Interest or a National Nature Reserve will only be supported where:*

the objectives of designation and the overall integrity of the areas will not be compromised; or

any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance."

4.10.6 There are no national landscape interests that would be affected by the Proposed Development.

4.10.7 **Policy 4**, **Paragraph d)** deals with local landscape designations and contains a different policy approach to that which was contained within the former SPP. Policy 4 is as follows:

"*Development proposals that affect a site designated as …a local landscape area in the LDP will only be supported where:*

Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or

Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance".

4.10.8 The policy now follows a similar construct to that which deals with national level designations. The first limb of the policy refers to significant effects on the "*integrity*" of the area or "*the qualities for which it has been identified*".

4.10.9 The policy set out in the second limb of NPF4 Policy 4, Part d) provides that development proposals that affect a site designated as a local landscape area will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:

- this is a new policy provision, reflecting the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or National Scenic Area) must be balanced against the benefits of a proposed development;
- the second limb is independent of the first ("or") and is to be applied where a decision-maker concludes that a proposed development will have significant adverse effects on the integrity of a local designation;
- NPF4, Policy 4, Part d) now expressly includes a balancing mechanism ("*clearly outweighed by social, environmental or economic benefits*") and sets out the threshold to be used ("*of at least local importance*").

The application of Policy 4

4.10.10 As explained above in the context of NPF4 Policy 11 (Energy), the EIA Report contains an assessment of the effects of the Proposed Development and concludes that the Proposed Development can be well integrated into the context of the surrounding landscape and that the Site has the capacity to accommodate the scale and type of development proposed, without considerably effecting local landscape character and visual amenity. There are no predicted effects on Special Landscape Areas or any other national or local designations.

4.10.11 The Proposed Development would however result in benefits of national importance with no significant national or local landscape effects. The Proposed Development is considered to be in accordance with Policy 4.

4.11 NPF4 Policy 5: Soils

Policy 5 & Principles

4.11.1 In terms of soils, **Policy 5** states that where development on peatland or carbon rich soils or priority peatland habitat is proposed, a detailed site-specific assessment is required to identify baseline, likely effects and net effects. The policy intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. Essential infrastructure with a specific locational need is a type of development expressly envisaged to be acceptable in principle on peatlands (Paragraph c).

The application of Policy 5

4.11.2 Chapter 9 of the EIA Report assesses the potential impacts of the Proposed Development on geology, soils and water and concludes that subject to adoption of best practise construction techniques and a site-specific CEMP, no significant adverse effects are identified.

4.11.3 As explained above with regard to NPF4 Policy 11, the Applicant has proposed an appropriate design, mitigation and restoration approach to peatland resources. Appropriate planning conditions can be attached to a grant of consent in relation to peatland and carbon rich soil matters. A Peat Landslide Hazard Risk Assessment (PLHRA) and a Peat Management Plan (PMP) are provided in Appendices 9.1 and 9.2 of the EIA Report respectively.

4.11.4 The detailed consideration of the effects of the Proposed Development on the OUV for the WHS (specifically blanket bog) is contained within Appendix 7.8 and is not relevant to the application of NPF4 Policy 5.

4.11.5 The Proposed Development is considered to be in accordance with Policy 5.

4.12 NPF4 Policy 6: Forestry, Woodland and Trees

Policy 6 & Principles

4.12.1 The policy intent is to protect and expand forests, woodland and trees. It states that development proposals that enhance, expand and improve woodland and tree cover will be supported.

4.12.2 **Policy 6 Paragraph b)** states that "*development proposals will not be supported where they will result in:*

"*i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;*

ii. Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

Iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry."

4.12.3 **Policy 6 Paragraph c)** states that:

"*Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered*".

The application of Policy 6

4.12.4 Chapter 12 of the EIA Report assessed forestry and confirms the direct permanent loss of 5.24 ha of woodland due to the requirement to create an Operational Corridor (OC) for the construction of the OHL, including the creation of access tracks.

4.12.5 The woodland within the Strathy Wood Forest has for much of the area of interest, been felled previously with some natural conifer regeneration present. The proposed access track requires the removal of mainly windblown conifer and a small area of standing conifer trees. Mitigation through design has enable minimal tree felling and utilisation of current unplanted ground where possible.

4.12.6 There are no areas of ancient woodland or ancient veteran trees present and nearby areas of upland birchwood native woodland are avoided.

4.12.7 No significant effects were identified from the direct loss of woodland. Given the permanent loss predicted, the Applicant is committed to making arranges to plant off-site the equivalent area of woodland as compensatory planting meeting the Scottish Governments Control of Woodland Removal (CoWRP) objectives.

4.12.8 There are no cumulative effects on forestry in light of connected CoWRP mitigation associated with the Connagill Cluster Grid Connections.

4.12.9 The Proposed Development is therefore considered to be in accordance with Policy 6.

4.13 NPF4 Policy 7: Historic Assets and Places

Policy 7 & Principles

4.13.1 Finally, in terms of **Policy 7** which deals with Historic Assets and Places, the policy is very similar to that which was in SPP (paragraph 145).

4.13.2 The intent of the policy is to protect and enhance the historic environment, assets and places and to enable positive change. Key parts of the policy include the following:

> **Paragraph c)** states that "development proposals affecting the setting of a Listed building should preserve its character, and its special architectural or historic interest".

> **Paragraph d)** states that "development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced".

> **Paragraph h)** states that "development proposals affecting Scheduled Monuments will only be supported where:

i) direct impact on the Scheduled Monument are avoided;
ii) significant adverse impacts on the integrity of the setting of the Scheduled Monument are avoided; or
iii) exceptional circumstances have been demonstrated to justify the impact on a Scheduled Monument and its setting and impact on the monument or its setting have been minimised.

> **Paragraph l)** states that "*development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site or its setting*".

> **Paragraph o)** states that "*non designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impact*".

The application of Policy 7

4.13.3 There are no designated heritage sites in the near surrounding area which would have significant visibility of the Proposed Development and would give rise to any significant direct or indirect effects. As such, a detailed assessment on designated heritage sites was scoped out of assessment, as agreed with statutory consultees.

4.13.4 Four non-designated heritage assets were identified within or just outside the defined Limits of Deviation of the Proposed Development. All sites identified are assessed as of regional heritage importance (medium sensitivity). The potential for unidentified archaeological remains is considered to be low to negligible.

4.13.5 The Proposed Development has been designed to avoid heritage assets where possible, however an unavoidable direct impact of moderate adverse (and significant) is predicted for Bowside Hute Circle at Dallangwell, south of Uidh nan Con Luatha. Reduction of this impact to a not significant level is recommend through avoidance of laying or dragging cables across the feature and / or use of matting or temporary earth banking. Archaeological monitoring of works by an ACoW is also recommended during the construction stage to ensure that the mitigation is carried out correctly.

4.13.6 Protection of all four heritage assets from accidental damage during the construction phase is recommended in the form of identifying and clearly marking off with some form of barrier and appropriate signage to prevent temporary parking and laydown of materials during construction. In addition, awareness of site workers to the significance and sensitivity of the archaeological exclusion zones should be raised through on-site toolbox talks.

4.13.7 These mitigation measures should be carried out by, or under the supervision of, a qualified archaeologist or ACoW using the baseline information provided in the EIA Report. The archaeologist should also be on call in case of any unanticipated archaeological discoveries or concerns.

4.13.8 The Proposed Development is considered to accord with the provisions of Policy 7.

4.14 Conclusions on NPF4 Appraisal: Sustainable Place

4.14.1 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.

4.14.2 A key point within Policy 11 (Energy) is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant positive weight in this case.

4.14.3 Significant weight is also afforded in relation to Policy 1 (Tackling the climate and nature crises). This policy direction fundamentally alters the planning balance compared to the position that was set out in in NPF3 and SPP.

4.14.4 The term "tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action.

4.14.5 The National Spatial Strategy set out in NPF4 is intended to support the delivery of three types of 'place' in Scotland: namely, Sustainable, Liveable and Productive places.

4.14.6 Eighteen National Developments are identified to support the strategy and they are to be a "focus for delivery" (NPF4 page 4). National Development 3 (strategic renewable electricity generation and transmission infrastructure) is one of six National Developments which support the delivery of Sustainable Places.

4.14.7 Sustainable Places are primarily concerned with dealing with the climate crisis, and this issue is seen as a fundamental threat to the capacity of the natural environment to provide the services and amenities relied on, including clean air, water and food (NPF4, page 6).

4.14.8 In order to deliver Sustainable Places, NPF4 makes it clear that there must be significant progress in achieving net zero emissions by 2030 in order to hit the overall target of net zero by 2045.

4.14.9 Furthermore, it sets out that meeting the Government's climate ambition will require a rapid transformation across all sectors of the economy and society and that this means ensuring "*the right development happens in the right place*". (Page 7)

4.14.10 In a development management context, this is to be achieved by the application of NPF4 policies which are to be read as a whole. The policy appraisal contained in this Statement has demonstrated that the Proposed Development would accord with NPF4 when it is read as a whole, and as a consequence, the proposal is considered to be the right one in the right location and one which will contribute to Scotland being a Sustainable Place.

5. Appraisal against the Local Development Plan

5.1 Introduction

5.1.1 The other elements of the statutory Development Plan covering the Site comprise:

> The Highland Wide Local Development Plan (HwLDP) (2012);

> The Caithness and Sutherland Local Development Plan (CasPLan) (2018).

5.1.2 The CasPLan focuses largely on regional and settlement strategies, and specific site allocations and does not contain planning policies of relevance for the Proposed Development.

5.2 Lead LDP Policy: Electricity Transmission Infrastructure

5.2.1 Policy 69 of the HwLDP is the lead LDP policy in relation to the Proposed Development.

5.2.2 Policy 69 – 'Electricity Transmission Infrastructure' states:

"Proposals for overground, underground or sub-sea electricity 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". (emphasis added)*

5.2.3 It is clear therefore that the Proposed Development should be assessed against Policy 69 considering the impact on the environment with particular focus on natural, built and cultural heritage features. The assessment should include detail on potential effects and proposed mitigation.

5.2.4 The assessments of the impact of the Proposed Development on these features should be guided, where appropriate, by the provisions of specific policy as summarised in Section 5.3. The consideration of the cumulative effects arising on such features is also relevant.

5.2.5 In light of the age of the HwLDP relative to NPF4, where conflict arises or the LDP is silent, NPF4 takes precedence.

5.2.6 It is considered that the Proposed Development is in accordance with Policy 69.

5.2.7 It should be noted that the Reporter in the Meall Buidhe Appeal Decision Notice of 14 June 2023, commented on the relationship between the HwLDP and NPF4 and stated (paragraph 76):

"*I find some inconsistency overall between the Local Development Plan approach and the relevant balance of considerations now applied through NPF4.*

The later adopted document places emphasis on the significant weight to be placed on the contribution to renewable energy targets. It also states that landscape and visual impacts of a localised scale will generally be acceptable subject to appropriate design mitigation. The Act advises that in the event of any incompatibility between the provision of National Planning Policy Framework 4 and the provision of an LDP, the later in date is to prevail. In that context I rely on my conclusions above in relation to the topic specific National Planning Framework 4 Policy 11."

5.2.8 The Proposed Development has been assessed as being in accordance with NPF4 as a whole.

5.3 Other Relevant LDP Policies

5.3.1 The other policies of relevance in the HwLDP are summarised below in **Table 5.1** with brief comment added with regard to how the policies relate to the policies of NPF4, where relevant:

Table 5.1: HwLDP Policy Summaries

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
Policy 28	Sustainable Design	Provides support for development which promote and enhance social, economic and environmental wellbeing to communities in Highland. Proposals will be assessed on the extent to which they are compatible with a range of listed factors and should utilise good siting and design etc. Developments which are considered detrimental will not accord with the LDP. All development must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance to conserve and enhance the character of the area, use resources efficiently, minimise environmental impact and enhance the viability of Highland Communities. Where appropriate a Sustainable Design Statement should be submitted. The precautionary principle will be applied where appropriate, developments with significant detrimental impact will only be supported where this is demonstrable over-riding strategic benefit or if satisfactory mitigation measures are incorporated.	The provisions of this general policy insofar as relevant are contained within the scope of NPF4 Policy 11. No conflicts or contradictions with NPF4.
Policy 30	Physical Constraints	Requirement to consider Physical Constraints to development and refer to Supplementary Guidance of same name if relevant. Main principles are to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.	NPF4 Policy 11 deals with impacts in relation to aviation and other infrastructure safeguarding. No conflicts or contradictions with NPF4.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
Policy 51	Trees and Development	Support for development which promotes significant protection to existing hedges, trees and woodlands on and around sites. Where appropriate woodland management plans will be required. Enables the Council to secure additional planting to compensate for removal.	NPF4 Policy 4 deals with forestry, woodland and trees. No conflicts or contradictions with NPF4.
Policy 52	Principle of Development in Woodland	Requires applicants to demonstrate the need to develop a woodland site and to show that the site has capacity to accommodate that development. A strong presumption in favour of protecting woodland resources is retained. Support is provided only where development offers clear and significant public benefit and where compensatory planting is provided.	NPF4 Policy 4 deals with forestry, woodland and trees. No conflicts or contradictions with NPF4.
Policy 55	Peat and Soils	Requires proposals to demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils. Unacceptable disturbance will not be accepted unless it is shown that the adverse effects are clearly outweighed by social, environmental or economic benefits arising from the proposals. Requirement for Peat Management Plans where development on peat is demonstrated as unavoidable in order to show how impacts have been minimised and mitigated.	NPF4 Policy 5 deals with soils including peatland and related habitat. There is conflict with NPF4. The Reporter in the Meall Buidhe decision (paragraph 82) commented in relation to Policy 55 as follows: "*Framework Policy 5: Soils applies in relation to peat and peatland habitat. Similar considerations are applied in Policy 55 of the Highland-wide Local Development Plan. However, this is the older expression of Development Plan policy and unlike Policy 5, it does not specifically reference the location of energy generation proposals, nor does it reflect Part (d) of that policy. Consequently, I have applied the more recent statement of Development Plan Policy*."
Policy 57	Natural, Built and Cultural Heritage	Requires proposals to be assessed taking into account the level of importance and type of heritage features, the from and scale of development and the impact on the feature and its setting. The policy sets a series of criteria based on level of features importance (local, regional or international). Appendix 2 of the HwLDP defines the features.	NPF4 Policies 4 and 7 deal with natural heritage and historic assets and places respectively. There is conflict with NPF4. The Reporter in the Meall Buidhe decision (paragraph 81) commented in relation to Policy 57 and stated that the HwLDP Policy does not

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
		For features of local / regional importance – developments will be permitted if it can be demonstrated that they will not have an unacceptable effect. For features of national importance, where any significant adverse effects arise, they must be clearly outweighed by social or economic benefits of national importance. In international designations development with adverse effects on integrity will only be allowed where no alternative solution exists and there are imperative reasons of overriding public interest (IROPI).	contain: "*the same clarification as Policy 4(g). Consequently, I rely on the terms of Framework Policy 4.*" The policy is also considered to be in conflict with the NPF4 Policy 4 provisions in relation to local landscape designations.
Policy 58	Protected Species	Requirement for surveys to establish presence of protected species and to consider necessary mitigation to avoid or minimise any impacts. Development likely to have an adverse effect, individually or cumulatively on European Protected Species will only be permitted where there is no satisfactory alternative, where there is IROPI, the development is required in the public interest, health or safety, where there is no other satisfactory solution, or it can be demonstrated the effects will not be detrimental to the population of species concerned, or impact on the conservation status thereof.	NPF4 Policy 4 deals with natural heritage matters. No conflicts or contradictions with NPF4.
Policy 59	Other Important Species	Protection of other species not protected by other legislation or nature conservation site designations.	NPF4 Policy 4 deals with natural heritage matters. No conflicts or contradictions with NPF4.
Policy 60	Other Important Habitats	Safeguards the integrity of features of the landscape which are of major importance because of their linear or continuous structure or combinations. The Council will also seek to create new habitats which are supportive of this concept.	NPF4 Policy 4 deals with natural heritage matters. No conflicts or contradictions with NPF4.
Policy 61	Landscape	New development should be designed to reflect the landscape characteristics and special qualities identified in the area they are located as well as considering cumulative effects. Measures to enhance landscape characteristics of the area in which they are located are encouraged. The policy requires the Council to take into account Landscape Character Assessments. The policy contains no balancing	NPF4 Policy 4 deals with natural heritage matters including landscape designations. No conflicts or contradictions with NPF4.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
		provision to allow benefits to be taken into account.	
Policy 63	Water Environment	Supports proposals that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection of the water environment.	NPF4 Policies 11 and 22 deals with hydrology, the water environment and flood risk. No conflicts or contradictions with NPF4.
Policy 66	Surface Water Drainage	All proposals must be drained by Sustainable Urban Drainage Systems (SUDs) designed in accordance with CIRIA C697.	NPF4 Policy 22 deals with hydrology, the water environment and flood risk. No conflicts or contradictions with NPF4.
Policy 72	Pollution	Proposals that may result in significant pollution (noise, air, water and light) will only be approved where a detailed assessment on the levels character and transmission and receiving environment of the potential pollution is provided and mitigated if necessary.	NPF4 Policy 11 deals with impacts in relation to amenity arising from energy developments. No conflicts or contradictions with NPF4.
Policy 77	Public Access	Provides protection to Core Paths and access points to water or rights of way providing presumption of retention and enhancement of amenity value, and use of alternative access that is no less attractive or safe where necessary.	NPF4 Policy 11 public access and recreational routes. No conflicts or contradictions with NPF4.

5.4 Planning Guidance

5.4.1 THC approved it's 'Highland Council Biodiversity Planning Guidance' on 2nd May 2024. The guidance responds to the twin global climate and nature emergency crisis that sit at the heart of NPF4 and national strategy. The guidance explains the approach that is required by THC to deliver biodiversity conservation, restoration and enhancement through the planning system. It is prepared in order to support the application of NPF4 and is intended to be used in conjunction with the relevant national and local policy and planning guidance, including NatureScot's 'Development with Nature Guidance' where applicable.

5.4.2 The guidance is adopted and is a material consideration and has been considered relative to Policy 3 in Chapter 4 above.

5.4.3 Notwithstanding the approval of this guidance, it remains non-statutory and is caveated meantime by a number of restrictions in application until such time as a Scottish BNG metric is delivered by Ministers. NPF4 Policy 3 (Biodiversity) and related NatureScot guidance remain the key policy and guidance references at this time.

5.5 Conclusions on the LDP

5.5.1 The relevant development management considerations have been addressed above (Chapter 4) in the context of NPF4 Policy 11 and are not repeated with reference to the policies of the HwLDP.

5.5.2 It is considered that the effects arising from the Proposed Development would not be unacceptable in terms of Policy 69 or indeed other relevant policies within the HwLDP.

5.5.3 Moreover, through considering the other relevant policies it is considered that the Proposed Development accords with the HwLDP when it is read as whole.

5.5.4 The transmission policy provisions of the HwLDP are based on those of the 2014 SPP. In addition, there are a number of incompatibilities between the HwLDP and the policies of NPF4 as explained above. This means, as per the amendments made to the 1997 Act, that the provisions of NPF4 (which is the most recent part of the Development Plan) must prevail.

5.5.5 Insofar as there are other relevant policies within the HwLDP, they are considered to be generally consistent with those of NPF4 and given the appraisal set out above in Chapter 4 in relation to the various environmental and technical topics of relevance to the proposal, there would be no conflict with their terms.

6. Conclusions

6.1 The Electricity Act 1989

6.1.1 Paragraph 3 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 for consent under section 36 of the 1989 Act.

6.1.2 The information that is contained within the individual topic sections of the EIA Report therefore enables Scottish Ministers to be satisfied that the obligations under Schedule 9 are met and that suitable mitigation has been identified. It is also considered that the detailed work undertaken in the formulation of the EIA overall has confirmed and provides confidence that the Proposed Development would be undertaken in an environmentally acceptable manner.

6.2 The Climate Crisis & Renewable Energy Policy Framework

6.2.1 The nationally important benefits of the Proposed Development have been set out in the context of the current Climate Emergency – the Proposed Development would help address the climate emergency and very challenging 'net zero' targets and contribute to improving security of supply.

6.2.2 A large and rapid increase in electricity generation from renewable sources is essential for Scotland to meet its net zero emissions targets. In turn this helps support jobs and business investment. The grid needs substantial reinforcement including new infrastructure to connect and transmit output from new generators and delivering this, and enabling connections is fundamental to achieve a net zero economy and supporting improved network resilience.

6.2.3 National Development 3 supports renewable electricity generation and expansion of the electricity grid. The infrastructure is designated as national development and essential infrastructure and is explicitly supported by NPF4 Policy 11(a)(ii) Energy.

6.2.4 The Statement of Need in NPF4 makes it clear that:

"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****. Delivery of this national development will be informed by market, policy and regulatory developments and decisions.*

Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy *and supports improved network resilience across Scotland… as well as delivering wider social and economic benefits*." (emphasis added)

6.2.5 The Proposed Development is a critical new grid infrastructure proposal required to ensure transmission of a consented 62.4 MW of renewable energy generated from the consented Strathy Wood Wind Farm. The Proposed Development would eventually also serve to form part of the connection to carry a further 208 MW of renewable energy generated from the consented Strathy South Wind Farm.

6.2.6 The Scottish Ministers at paragraph 84 of their Section 37 decision (23 April 2024) with regard to the acceptability of the Glenmuckloch to Glenglass overhead line connection project (which would connect two renewable energy developments to the grid within Dumfries and Galloway) stated:

"*Scotland faces a real challenge in building an electricity grid which will allow Scotland to harvest and export its vast resources of clean energy. The Scottish Ministers recognise that to achieve the dual aims of maintaining a resilient electricity network for businesses and consumers and enabling renewable ambitions to be realised,* ***the need for new connections, and for grid reinforcement is greater than ever****. The installation, and the keeping installed, of the proposed overhead line and ancillary development would allow the company to comply with its statutory duty to develop and maintain an efficient, coordinated and economical system of electricity distribution and deliver a major electricity transmission reinforcement.* ***Significantly, the development would allow a considerable volume of renewable electricity to connect to the national grid***". (emphasis added)

6.2.7 In the context of NPF4 Policy 11 (Energy) which the Scottish Ministers considered in their decision is the policy which should be afforded the most weight, the above quotation captures a summary of the need case very well. When applying Policy 11 this is important as the policy states that in considering the impacts of a proposed development "*significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets*."

6.3 The Planning Balance

6.3.1 In NPF4 there is a clear recognition that climate change must become a primary guiding principle for all plans and decisions. Significant weight is to be given to the Climate Emergency and the contribution of individual developments to tackling climate change.

6.3.2 NPF4 came into force on 13th February 2023 and provides up to date statements of Scottish Government policy, directly applicable to determination of this application. This should be afforded very considerable weight in decision-making.

6.3.3 NPF4 is unambiguous as regards the policy imperative to combat climate change, the crucial role of facilitating further renewable energy production and transmission and the scale and urgency of renewables deployment required. As described in this Planning Statement:

- The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are "*at the heart of our vision for a future Scotland*" so that "*the decisions we make today will be in the long-term interest of our country*"[18]. The policy position, and the priority afforded to combatting the Climate Emergency, is different to that which was set out in the former NPF3 and SPP;
- NPF4 Policy 1 (Tackling the climate and nature crises) directs decision-makers to give significant weight to the global Climate Emergency in all decisions. This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker; and
- NPF4 is clear that electricity grid transmission infrastructure plays a crucial role in combatting climate change, transitioning to a net zero Scotland and ensuring security of energy supply. NPF4 Policy 11 (Energy) strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including transmission infrastructure.

6.3.4 This change in policy is also seen in the designation of transmission infrastructure applications as National Developments. National Developments are significant developments of national importance that will help to deliver the spatial strategy, as the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains.

[18] NPF4, page 2.

6.3.5 The Proposed Development does not give rise to any significant policy conflicts with the Development Plan such that the planning balance does not result in a recommendation in favour of the Proposed Development. The development has been designed with embedded mitigation to ensure a satisfactory relationship with the receiving environment and to protect residents and communities from undue impact. Where potential significant effects arise, appropriate mitigation measures are proposed such that minimal significant residual effects arise.

6.3.6 The Proposed Development is considered to be in accordance with policy when considered as a whole and delivers essential infrastructure to enable the connection of 62.4 MW of consented renewable energy to the National Grid initially, and would eventually also serve to form part of the connection to carry a further 208 MW of consented renewable energy, whilst ensuring biodiversity enhancement and local socio-economic benefits where possible, in order to contribute to Net Zero and in doing so addresses both the global climate and nature crisis.

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