DAVID BELL PLANNING
CHARTERED TOWN PLANNERS

Fanellan
400 kV Substation and Converter Station:

Planning Statement

March 2025

Scottish & Southern Electricity Networks

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Contents

1. Introduction and Overview

1.1 Introduction

1.1.1 Scottish Hydro Electric Transmission plc ("the Applicant") operating and known as Scottish and Southern Electricity Networks Transmission ("SSEN Transmission"), has submitted a full major (national) planning application, under the Town and Country Planning (Scotland) Act 1997 (as amended), for planning consent to construct and operate a new 400 kV substation and a new 525 kV 2GW Bi-pole High Voltage Direct Current (HVDC) converter station ("the Proposed Development") at Fanellan, to the south west of Beauly in the Highland Council area. In this Planning Statement, the Applicant and SSEN Transmission are used interchangeably unless the context requires otherwise.

1.1.2 The Proposed Development is required as a result of the Scottish and UK Government's Net Zero climate change targets and associated policy which require a significant increase in renewable generation, requiring greater capacity across the UK grid. As such significant investment in new transmission network infrastructure to transport renewable energy and reinforce the network is required and is a priority.

1.1.3 As a result, the Applicant has analysed the needs case and system planning requirements for the project to ensure ethe approach for upgrading the transmission network results in the best sustainable long-term solutions. Studies to assess reinforcement requirements at a national level identified the requirement to reinforce the onshore corridors between Beauly and Peterhead Beauly and Spittal in Caithness and Beauly, and an offshore subsea cable between Spittal and Peterhead. It outlined that 400 kV overhead lines between Peterhead and Beauly and Spittal and Beauly, and high voltage subsea cable connection between Spittal and Peterhead would provide the capacity required to take large-scale onshore and offshore renewable generation to the north-east mainland of Scotland. From there it can be transported to demand centres in England via a subsea cable.

1.1.4 The independent Great Britain energy regulator, the Office of Gas and Electricity Markets (Ofgem) approved the need for these projects as part of its Accelerated Strategic Transmission Investment (ASTI) framework as a Great Britain wide programme of investments.

1.1.5 The Fanellan 400 kV substation and converter station will substantially strengthen the local transmission network and support new onshore and offshore connections, such as those created through the Scotwind offshore lease rounds e.g. the Western Isles Connection project. This requires a new HVDC connection to transmit electricity generated by renewables on the Western Isles to areas of demand on the mainland using subsea and onshore underground cables to provide a link between the Western Isles and Beauly, the most suitable place on the 400 kV transmission network where it can connect to the existing Beauly Denny 400 kV overhead line (OHL). Further the Proposed Development will further help facilitate the export of future renewable generation from the North of Scotland to demand centres throughout the UK. The Proposed Development will provide connections for the Western Isles project, the Beauly to Peterhead 400 kV and the Spittal to Beauly 400 kV OHL projects. The existing Beauly Denny 400 / 265 kV OHL will also be tied into the Proposed Development.

1.1.6 SSEN Transmission has a licence obligation to invest in its existing assets to maintain network health and conditions, thereby improving operational flexibility and resilience.

1.1.7 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 Development Plan and national planning and energy policy which supports the delivery of electricity infrastructure that will assist in the attainment of the Government's legally binding 'net zero' commitments and will ensure security of supply to customers.

1.2 Site Location and Description

1.2.1 The Proposed Development is located in Inverness-shire at Fanellan within The Highland Council (THC) local authority area. The Site covers an area of approximately 223 hectares (ha) and has an elevation ranging from approximately 34 metres (m) AOD at its lowest point to the north, rising to approximately 147.5 m in the southern area of the Site.

1.2.2 The Site boundary is approximately 3.6 km to the south-west of Beauly. The proposed buildings and platforms have been located towards the central area of the Site where possible. Beauly is located approximately 5 km to the south-west of the Site.

1.3 Environmental Impact Assessment (EIA)

1.3.1 The requirement to undertake EIA developments is set out in the EIA Regulations. The EIA Regulations contain two schedules. The Proposed Development is not covered under the developments listed in Schedule 1 or 2 of the EIA Regulations; however, the Applicant has elected to undertake an EIA for the Proposed Development.

1.3.2 A request for an EIA Scoping Opinion was made to THC under the EIA Regulations in June 2024. A Scoping Report was submitted to support the request. The Scoping Opinion was issued by THC 6th August 2024 with further information (forestry) issued on 15th August 2024.

1.4 The Proposed Development

1.4.1 Chapter 3 of the EIA Report provides a detailed description of the Proposed Development.

1.4.2 In summary, the Proposed Development comprises a new 400 kV substation and a new HVDC converter station and would include a series of buildings up to a height of approximately 27.5 m. The main elements of the Proposed Development consist of:

400 kV Substation

- A new substation platform of circa 525 m x 305 m which includes a 4.2 m high security fence;
- Installation of Air Insulated Switchgear (AIS) and busbar to connect incoming circuits including the HVDC converter station;
- Installation of Step-Down Transformers (SDT) to provide the site with Low Voltage Alternating Current (LVAC) supply;
- A new control building of circa 50 x 26 m with a maximum heigh of approximately 7 m;

HVDC Converter Station

- A new co-located converter station platform, approximately 305 x 285m, adjacent to the new Fanellan substation;
- Main 525 kV 2GW Bi-pole HVDC converter station buildings comprising Valve Hall, Direct Current Hall, Reactor Hall, Transformer Hall with adjacent Service and Control Rooms (approximately 260 m x 80 m, 27.5 m high);
- Smaller ancillary and support buildings adjacent to the main converter station building;

- a connection to the AC site via overhead busbar;
- Connection for the UGC (that will run approximately 80km from Dundonnell to Fanellan, that forms part of the Western Isles HVDC Link); and
- As the site is adjacent to the Fanellan 400kV substation, both sites will share common access, securing arrangements site drainage infrastructure and landscaping.

Ancillary Construction Development

- In addition to the main infrastructure, the following ancillary development is required:
- *earthworks – a cut-fill exercise will be undertaken to achieve a level area to construct infrastructure;*
- *a new access track including a bellmouth from the Fanellan Road to be created for construction activities and retained for operational use;*
- temporary access tracks for construction activities;
- temporary construction compounds –as per Drawing FNLN4-LT459-SEBAM-ZZ-EXT-D-C-0155 and FNLN4-LT459-SEBAM-ZZ-EXT-D-C-0156;
- temporary storage and laydown areas for topsoil and materials as per Drawing FNLN4-LT459-SEBAM-ZZ-EXT-D-C-0155 and FNLN4-LT459-SEBAM-ZZ-EXT-D-C-0156;
- temporary construction drainage arrangements; and
- site clearance activities including some tree felling. The Proposed Development would require 6.68 ha of forestry clearance.

Operational Infrastructure

1.4.3 In light of the scale of the development, the following operational facilities are required:

- Operations depot and store (approximately 124 m x 60 m x 24 m high);
- Car parking;
- Lighting;
- Permanent access – it is anticipated that a new bellmouth and access road from the public road (C1106 Fanellan Road) will be constructed and will remain in place permanently);
- Securing fencing;
- Earthworks – a cut and fill exercise will be undertaken to achieve a level area to construct infrastructure;
- Site drainage and water management;
- Underground connectors to the buildings for Low Voltage (LV) and communication cabling. The connection with the HVDC site will be by overground busbar rather than cabling;
- Demolition of existing agricultural and residential buildings within the immediate proximity of the site;
- Landscaping mitigation and biodiversity enhancement.

Associated Development

1.4.4 Other associated development is required to facilitate construction, or as a consequence of construction and operation. These works are listed below but do not form part of the description of the Proposed Development and are not subject to the planning application.

> Temporary and permanent diversion of a section of the Beauly-Denny OHL which will also tie into the Proposed Development (separate section 37 application).

Enabling Works

1.4.5 The enabling works will include (but not be limited to) existing utilities diversions, installation of new temporary and permanent water, electrical and telecommunications services, vegetation clearance and felling, establishment of new temporary and permanent access tracks and bellmouth, establishment of a temporary construction compound including welfare facilities and laydown areas, and demolition of relevant buildings (as per the Site Clearance Plan).

Construction Programme

1.4.6 Full details of the construction programme are provided in Chapter 3 of the EIA Report.

1.4.7 It is anticipated that construction of the project would take approximately three years, starting in 2025 (with a further two years to commission and reach full energisation). The project is targeted to be operational by 2030.

1.4.8 Construction activities would in general be undertaken between 7.00 and 19.00 seven days a week January to December. Any out of hours working would be agreed in advance with the Highland Council. For heavy goods vehicle traffic, hours will be restricted to Monday to Friday: 08:00 – 19:00; and Saturday: 08:00 – 13:00. During the commissioning phase there may be a requirement for 24 hours a day, seven days a week working. Working hours are subject to approval from THC and would be set out in a standard planning condition.

1.4.9 Further detailed description of the Proposed Development and infrastructure details are provided within 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 Electricity 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 Electricity Act. In terms of its statutory duties and licence obligations, the Applicant must therefore balance technical, cost (economic) and environmental factors.

The Town & Country Planning (Scotland) Act 1997

1.5.4 The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 amended by the Planning etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019 (the 1997 Act).

1.5.5 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*".

1.5.6 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:

- Is the development as proposed consistent with the Development Plan policies;
- Are there material considerations that determine a decision should be made contrary to the Development Plan? Or do material matters further support the position that the Proposed Development should be approved?

1.5.7 In answering these questions consideration is given to whether:

- the proposal is in the national interest;
- there is an identifiable need for the Proposed Development;
- the environmental effects of the Proposed Development would be acceptable when considered against the Development Plan policy framework and material considerations.

1.5.8 The planning application is supported by an ***Environmental Impact Assessment Report*** (EIA Report) which examines the environmental effects of the Proposed Development. A ***Design and Access Statement*** (DAS) has also been prepared to support the application.

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 (c) as "*new and/ or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables, and interconnectors including converter stations, switching stations and substations".*
- The Proposed Development is for a critical expansion of the transmission network to enable renewable energy connections and transmission of energy to the wider GB network. ND3 supports renewable electricity generation, repowering and expansion of the grid. The Proposed Development is essential infrastructure as defined in NPF4.
- The Statement of Need for the Proposed Development as contained in NPF4 is summarised as follows with more detailed provided in Volume 2, Chapter 2 Project Need of the EIAR:

  "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 energy 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 if 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 will deliver nationally important network and grid infrastructure required to deliver the Government's legally binding targets for Net Zero emissions reduction and renewable energy electricity generation 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 Report seeks to address the pertinent 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 The planning policy framework changed significantly in early 2023 when NPF4 came into force. This Planning Statement provides an assessment of the Proposed Development against relevant policy provisions and the statutory Development Plan. The appraisal highlights where there are incompatibilities between new national planning policies and those of the Highland wide Local Development Plan.

1.7.3 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 Highland wide 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 renewable energy and associated grid infrastructure.

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, reinforcing the grid and increasing 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 and 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[1] 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."

[1] 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)

UN Emissions Gap Report (2024)

2.2.15 The UN Emissions Gap Report (October 2024) and its 'key messages' summary provides the annual independent science-based assessment of the gap between the pledged GHG) reductions, and the reductions required to align with the long-term temperature goal of the Paris Agreement.

2.2.16 The Report states that against the background of GHG emissions reaching new highs and climate impacts intensifying globally, nations are preparing what are termed Nationally Determined Contributions (NDCs) for submission in early 2025, ahead of COP30 in Brazil.

2.2.17 The Report states that in order to avoid the present trajectory of temperature increase far beyond 20C over the course of this century:

"*Nations must use COP29 in Baku, Azerbaijan, as the launch pad to increase ambition and ensure the NDCs collectively promise to almost halve greenhouse gas emissions by 2030. They must then follow up with rapid delivery of commitments, building on actions taken now. If they do not do so, the Paris Agreement target of 1.50C will be gone within a few years and the 20C target will be in danger*".

2.2.18 The Report states (page 1) that there must be "*unprecedented cuts to greenhouse gas emissions by 2030 to keep 1.5^{0}C alive*".

2.2.19 In order to put the challenge of emissions reduction in context, the key messages document (page 2), sets out that if only current NDCs are implemented and no further ambition is shown in the new pledges to come, "*the best we could expect to achieve is catastrophic global warming of up to 2.6^{0}C over the course of the century*".

COP 29, Baku 2024

2.2.20 The 29th UN Climate Conference hosted in Baku, Azerbaijan concluded on November 24, 2024. New financial goals at COP 29 will build on the significant strides on global action at COP27, which agreed an historic Loss and Damage Fund, and Cop 28, which delivered a global agreement to transition away from fossil fuels in energy systems in a swift and fair manor as well as triple renewable energy and boost climate resilience. Unlike COP 27 and 28 however, COP 29 reached an agreement on carbon markets which will help countries deliver their respective climate plans on a quicker and cheaper basis, as well as make faster progress in halving global emissions.

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[2]

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%[3]
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:

[2] Source: CCC.

[3] This figure is a provisional estimate and will not be confirmed by HM Government until later in 2024.

> 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)[4]) 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.

The UK Energy White Paper (December 2020)

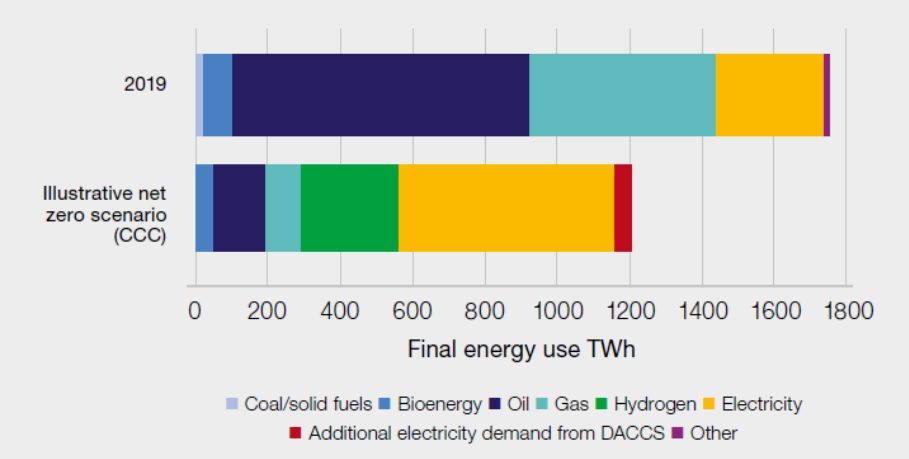
2.3.9 The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020, represents a sea change in UK policy, and highlights the importance of renewable electricity.

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[5]



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*

[4] 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.

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

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….

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.

Climate Change Committee Report to UK Parliament (2024)

2.3.16 The Climate Change Committee (CCC) published the report 'Progress in Reducing Emissions 2024 Report to Parliament' in July 2024 (the "CCC Report"). The Executive Summary (page 8) states:

"*The previous Government signalled the slowing of pace and reversed or delayed key policies. The new Government will have to act fast to hit the country's commitments.*

The cost of key low-carbon technologies is falling, creating an opportunity for the UK to boost investment, reclaim global climate leadership and enhance energy security by accelerating take-up. British-based renewable energy is the cheapest and fastest way to reduce vulnerability to volatile global fossil fuel markets. The faster we get off fossil fuels, the more secure we become."

2.3.17 The CCC Report makes it clear that urgent action is needed to get on track for the UK's 2030 emissions reduction target. In this regard it states:

"*The UK has committed to reduce emissions in 2030 by 68% compared to 1990 levels, as its Nationally Determined Contribution (NDC) to the Paris Agreement. It is the first UK target set in line with Net Zero. Now only six years away, the country is not on track to hit this target despite a significant reduction in emissions in 2023. Much of the progress to date has come from phasing out coal generated electricity, with the last coal-fired power station closing later this year. We now need to rapidly reduce oil and gas use as well.*

Our assessment is that only a third of the emissions reductions required to achieve the 2030 target are currently covered by credible plans. Action is needed across all sectors of the economy, with low carbon technologies becoming the norm."

2.3.18 The CCC Report sets out priority actions (page 9) and they include:

2.3.19 The UK should now be in a phase of rapid investment and delivery, however CCC note that all indicators for low carbon technology roll out are "*off track, with rates needing to significant ramp up*." In this regard in terms of renewable technologies it states:

- Annual offshore wind installations must increase by at least three times.
- Onshore wind installations will need to double; and
- Solar installations must increase by five times.

2.3.20 Chapter 2 of the CCC Report confirms that the third Carbon Budget was met (covering the period 2018 to 2022), however "future carbon budgets will require an increase in the pace and breadth of decarbonisation. It is imperative that an ambitious path of emissions reduction is maintained towards Net Zero." (Page 33).

2.3.21 Section 2.3 of the CCC Report addresses emissions reductions required for future Carbon Budgets. Paragraph 2.3.1 states that:

2.3.22 Paragraph 2.3.1 states that *"emissions reductions across most sectors will need to significantly speed up to be on track to meet the UK's climate targets in the 2030s, and therefore the long term target of Net Zero by 2050. Emissions reductions will need to outperform the legislated Fourth Carbon Budget for the UK to be on a sensible path to achieve its 2030 NDC, the Sixth Carbon Budget and Net Zero."*

2.3.23 Chapter 3 of the CCC Report examines indicators of current delivery progress and it sets out (page 50) it references a number of key points including *inter alia*:

"*Required pace – substantial progress is needed on a range of key indicators over the rest of this decade, to get the UK on track to meet its 2030 emissions targets. Low carbon technologies need to quickly become the default options in many areas…*

Renewable energy capacity has been growing steadily. However, roll-out rates will need to increase, compared to those since the start of this decade, to deliver the capacity needed by the end of the decade. Annual installations of offshore wind will need to more than treble, onshore wind more than double and solar increase by a factor of five."

2.3.24 Chapter 2 of the CCC Report addresses the risks to the UK in achieving its emissions reduction targets.

2.3.25 With regard to the Fourth Carbon Budget (2023-2027) it states that although credible plans cover almost all of the emissions reductions required to meet it "*this budget was set before the UK's Net Zero target was legislated. The UK will need to reduce emissions by double the amount implied by the target to be on a sensible path to Net Zero….*"

2.3.26 With regard to the 2030 NDC and Sixth Carbon Budget (for the period 2023 to 2037) the CCC Report states that credible plans cover only around a third of emissions reductions needed to meet the UK's 2030 NDC and a quarter of those needed to meet the Sixth Carbon Budget. It adds "*that 2030 NDC is now only six years away. While our assessment of the policies and plans to deliver it has improved slightly, there remains significant risks to achieving these goals*."

Labour Government & Commitment to Renewables (2024)

2.3.27 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 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.

2.3.28 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 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.

2.3.29 The Department for Energy Security and Net Zero issued a Statement on 08 July 2024 which included references to doubling UK onshore wind capacity from its current level of approximately 15 GW to a planned capacity of 30 GW by 2030.

UK Government: Clean Power 2030 Action Plan (2024)

2.3.30 In addition, a key new material consideration is the Clean Power 2030 Action Plan, issued by the Department for Energy Security and Net Zero (DESNZ) in December 2024. It sets out (page 9) that Britain needs to install "*clean sources of power at a pace never previously achieved*".

2.3.31 It further adds (page 10):

"*clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and limit our contribution to the damaging effects of climate change. Clean power by 2030 is a sprint towards these essential goals*".

2.3.32 The document adds that "*Meeting the clean power 2030 goal is key to accelerating to net zero, not only in eliminating emissions that currently come from electricity generation, but also via the application of clean power in the buildings, transport and industry sectors… The shift to a clean power system by 2030 forms the backbone of the transition to net zero, as we move to an economy much more reliant on electricity*".

2.3.33 Page 74 of the Action Plan states that "*Meeting the renewable capacity set out in the DESNZ 'clean power capacity range' is achievable but will require deployment at a sharply accelerated scale and pace*".

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 preceded the important events and publications referred to above but nevertheless 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. The targets for 2018,2019, 20021 and 2022 were not met.

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***

2.5.2 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.

2.5.3 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)

2.5.4 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."

2.5.5 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.

2.5.6 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.

2.5.7 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*."

2.5.8 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.*"

2.5.9 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)

2.5.10 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'.

2.5.11 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 set 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*."

2.5.12 The Cabinet Secretary added:

2.5.13 *"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 Scottish Government has reiterated its commitment to achieving net zero by 2045. The approach to dealing with the position set out by the CCC in relation to the 2030 target being unachievable, has been to move to a multi-year carbon budget approach to measuring emissions reduction (instead of annual targets) which would bring the Scottish Parliament in line with the Welsh and UK approaches.

2.5.15 On 5 September 2024 the Scottish Government introduced the Climate Change (Emission Reduction Targets) (Scotland) Bill to the Scottish Parliament. The Bill was passed on 5 November 2024 and became an Act on 22 November 2024. The Act repeals the annual and interim emissions reduction target framework established under the 2009 Act and establishes a carbon budget approach to target setting, with budgets to be set through secondary legislation using the latest advice from the CCC once available to replace the concept of statutory annual and interim targets. It also makes provision for a new Climate Change Plan to be published that reflects the carbon budgets. As explained, the Act followed advice from the CCC that Scotland's interim emissions reduction target for 2030 could not be achieved. The Act does not change the existing statutory target of Net Zero emissions 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 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 Green Industrial Strategy

2.7.1 The Scottish Government published a Green Industrial Strategy (GIS) in September 2024. The Executive Summary sets out the mission of the GIS, namely:

"*This Green Industrial Strategy's mission is to ensure that Scotland realises the maximum possible economic benefit from the opportunities created by the global transition to net zero*".

2.7.2 The GIS sets out five opportunity areas for Scotland where identified strengths are most likely to lead to growth and the potential to grow Scotland's exports. The sectors relate to Scotland's wind economy, carbon capture and storage, supporting the green economy by way of professional and financial services, growing the hydrogen sector and establishing Scotland as a competitive centre for clean energy intensive industries of the future.

2.7.3 Point 4 of their "onshore wind" approach states *"work with UK Government, Ofgem and the National Energy System Operator to ensure that the interests of Scotland are best represented. Markets, policies, and regulation affecting the electricity sector are largely reserved to the UK Government under the UK Electricity Act (1989). We are working with the UK Government to enable a faster, more efficient, and strategic approach to designing and regulating the net zero energy system, in particular for accelerating grid connections and network build."*

2.7.4 Availability of grid connections is further referenced as a barrier to tackle to decarbonise industrial processes.

2.7.5 The Strategy makes plain that *"timely grid connections and strengthened grid infrastructure will be key to securing renewables project delivery and investor and supply chain confidence in Scotland."*

2.7.6 It is clear therefore that to progress the Government's objectives clearly support the delivery of grid expansion and strengthened grid infrastructure. This is not only critical towards aiding net zero targets but also help deliver the Government's clear green industry mission.

2.8 Conclusions on the Renewable Energy Policy & Legislative Framework

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

2.8.2 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.

2.8.3 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.

2.8.4 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*".

2.8.5 Any amendments to Interim targets only serve to show we are not on track and strengthen the case for rapidly approving developments that can contribute to targets, or in the case of electricity infrastructure, will enable them. 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 ZeroDecisions

through the planning system must be responsive to the climate change policy imperative. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance. This was demonstrated recently in the decision by Scottish Ministers on 21 August 2024 to approve the Applicant's Creag Dhubh to Dalmally 275 kV Overhead Line Connection, in Argyll & Bute, where it is stated in the Ministers' Decision Letter at paragraph 78 that:

"The Proposed Development will provide the resilience necessary to maintain secure and reliable supplies of energy to homes and business as our energy transition takes place. It will support the connection of significant amount of renewable energy generation to the national electricity system, making an important contribution to reducing our reliance on fossil fuels. Scottish Ministers conclude that the proposed Development is supported by the Energy Strategy. The Draft Scottish Energy Strategy and Just Transition Plan 2023 signals that strong support from the Scottish Government for upgrade transmission infrastructure remains".

2.8.6 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.

2.8.7 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.

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 will deliver new grid infrastructure to enable the operation at 400 kV of key OHL connections and offer enhanced transmission and connection capacity– an essential link on this part of the grid network, facilitating renewable transmission and additional capacity support throughout the local and wider area.

> The Fanellan 400 kV substation and converter station will substantially strengthen the local transmission network and support new onshore and offshore connections, such as those created through the Scotwind offshore lease rounds e.g. the Western Isles Connection project, the Beauly to Peterhead 400 kV OHL and the Spittal to Beauly 400 kV OHL projects.

> SSEN Transmission has a licence obligation to invest in its existing assets to maintain network health and conditions, thereby improving operational flexibility and resilience.

> The Proposed Development will provide additional capacity on the transmission network for new renewable generation. This is consistent with the core aims of NPF4 National Development 3 page 103 which states *"Additional electricity generation from renewables and electricity capacity of scale is fundamental to achieving a net zero economy."*

Security of Supply

> The British Energy Security Strategy has been referenced and the recent Clean Power 2030 Action Plan. They provide 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.

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.

Economic Benefits

- It has been estimated that the construction of the Proposed Development could generate £25 million direct Gross Value Added (GVA) in the Highland Council Area, £206 million direct GVA in Scotland, and £315 million direct GVA across the UK.
- Additionally, construction of the Proposed Development could support 207 direct years of employment in the Highland area, 1,710 direct years of employment in Scotland, and 2,620 direct years of employment across the UK.

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 will deliver 10% biodiversity net gain as per the Applicant's commitment across all projects.

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 at 9am 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 Section 24 of the 1997 Act has been amended to provide that:

"*In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail*".

4.1.4 Included in this is where an LDP is silent on an issue that is now provided for in NPF4.

4.1.5 In relation to the Proposed Development, an assessment has been undertaken of relevant Highland Wide Local Development Plan (HwLDP) (2012) policies against those of NPF4 and this is presented in Section 5 of this Planning statement.

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 HwLDP along with the Inner Moray Firth Local Development Plan 2 (IMFLDP2) (June 2024). The latter provides area specific proposals and policies only and as such the HwLDP is considered the key LDP for determining the current submission.

4.2.3 The Chief Planner's Letter also 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*[6]*. 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[7] (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[8].

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).

[6] 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'.

[7] 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.

[8] 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 (c) *"new and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables, and interconnectors including converter stations, switching stations and substations".*

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 could make a meaningful contribution to targets within this key timescale ensuring the delivery of transmission infrastructure to connect consented renewable energy, and that is a very important 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 Crises

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 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 delivering essential transmission infrastructure to connect renewable generation. 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 (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 a valuable facilitator connecting renewable energy into the grid system 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[9] 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.

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*

[9] 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.

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.

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. 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 its 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 **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.

4.8.16 **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

4.8.17 There are predicted to limited adverse localised impacts to individual dwellings as a result of the Proposed Development. A large extent of the Site and wider Study Areas referenced in the EIA Report are covered by blocks of woodland which enclose the Site and form a distinctive feature of landscape pattern.

4.8.18 Settlements in the immediate vicinity of the Site is limited to a small number of farmsteads, individual cottages and houses scattered immediately to the south, west and east along C1106 (Fanellan Road), as well as within the Red Line Boundary. Beyond the Site to the north east is the hamlet of Wester Balblair and the larger settlement of Beauly. The smaller settlements of Aigas and Kiltarlity are located to the west and southeast. Due to this broad scatter of settlements the Proposed Development would be visible to varying degrees, to a range of residential receptors across the undulating land to the south, east and northeast of the Site in particular. Approximately 21 residential receptors are located within 500 m of the

Site boundary fence. The nearest residential receptors are the three houses at Fanellan, immediately south of the Site boundary off Fanellan Road at Fanellan Cottages, Bredaig and Sunnybrae. Fanellan Croft is located within the Redline Boundary and there is a cluster of properties at the junction between the C1106 (Fanellan Road) near Butlers Cottage.

4.8.19 An assessment of the effects on communities and dwellings has been undertaken as part of the EIA Landscape Chapter. The Proposed Development may affect the visual amenity of receptors in the surrounding area in a number of ways. Including during construction through views of plant and construction compounds with site clearance works together with traffic impacts, and during operation through the permanent changes to the landscape introduced by the development.

4.8.20 The active change during construction would be more noticeable than the permanent works due to the level of disturbance. The extent of change in the view would alter from individual properties depending on their aspect in relation to the Site, presence of garden planting and intervening local landform and vegetation.

4.8.21 For the immediate dwellings there would be a temporary significant effect on visual amenity during construction. This would reduce over time as mitigation planting develops. By Year 15, the number of residential receptors significantly affected would reduce although significant effects would remain for high sensitive visual receptors located within 500m of the Site. The landscape effects are assessed in the main as localised.

Noise and Shadow Flicker

4.8.22 The consideration of shadow flicker is not relevant to the consideration of the Proposed Development.

4.8.23 As regards noise Chapter 14 of the EIA Report provides an assessment of the potential noise impacts during construction and operation of the Proposed Development (alongside associated development to divert and tie-in the OHL). The assessment considered the noise impact of the Proposed Development on a total of 73 noise sensitive receptors (NSRs).

4.8.24 A desk-based construction noise assessment, in line with BS 5228, concluded that construction noise is predicted to be above the 55 dB Evening and Weekends limit during all stages of the Proposed Development work and therefore construction noise is assessed initially as Major significance. The implementation of a robust Construction Noise Management Plan (CNMP), prioritising particularly noisy work (such as crushing in earthworks) during daytime defined hours with a higher 65 dB limit, and careful consideration of the location of crushing activities will help construction noise of the Proposed Development to achieve a Minor (Not Significant) impact on nearby NSRs.

4.8.25 The maximum excess predicted in the BS4142 assessments for operational noise is 4 dB at Allordale and Fanellan Farm House during night time conditions. This is indicative of a low impact. Internal noise calculations show that internal noise limits meet BS8233 standards. Where appropriate it expected that SSEN Transmission can work towards reducing operational noise impacts using the principle of ALARP, with appropriate engineering design or mitigation during detailed design.

Landscape and Visual Considerations

4.8.26 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 Scottish Planning Policy (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

4.8.27 The need for the Proposed Development has been clearly established.

4.8.28 A series of development considerations were identified and assessed, and a series of embedded landscape and visual mitigation measures have been designed into the Proposed Development and are presented in the Landscape and Habitat Management Plan (LHMP).

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

4.8.30 The design as proposed reflects best practice and seeks to site the Proposed Development and create new landform in such a way as to integrate it successfully into the local landscape. The approach to set the substation into the hill reduces the extent of visibility through a combination of landform and architectural design factors to a degree sufficient to avoid adverse visual effects on all but the most local residential receptors. Where landscape features have been introduced, they not only provide screening, but complement the existing landscape character. In addition, landscape design and features help to introduce native habitat types in keeping with local biodiversity targets and encourage wildlife to help combat climate change.

4.8.31 The Site platform has been located at a level such that new landform can be provided to set it within the existing landscape despite its hill top location. New naturalistic landforms are proposed to provide immediate screening from a number of key views.

4.8.32 Building colour is another key design factor for the proposal given its location and potential visibility. A colour strategy has been developed that will form part of a Design Code for the further detailed design development. The colours have been developed in consultation with THC and stakeholders and are discussed further in Chapter 8 of the EIA Report.

4.8.33 The proposed design has been consulted upon with stakeholders and the community and is considered to represent the optimum design option and ensuring a robust and conclusive landscaping approach site wide.

4.8.34 An assessment of landscape and visual impact has been undertaken, and Chapter 8 of the EIA Report provides a detailed assessment.

Landscape Character

4.8.35 The Proposed Development straddles two Landscape Character Types - LCT 229: Enclosed Farmland and LCT 227: Farmed Strath Inverness. The Proposed Development would change landform and introduce larger scale infrastructure than currently exists in a predominantly rural landscape. It is assessed that the Proposed Development would have a significant adverse effect on the landscape, but very locally during both construction and operation, and this would be a non-significant effect more widely. The effect on the local landscape would reduce over time as planting establishes.

Designated Landscapes

4.8.36 There are no designated landscapes affected by the Proposed Development.

Visual Effects

4.8.37 During construction and on commencement of operation there is predicted to be a significant adverse visual effect on high sensitivity visual receptors represented in key viewpoints (1,2,4,6 and 7) within 2 km of the Site. There would also be significant adverse visual effects on transient users of six minor roads close to the Site. Such effects remain localised.

4.8.38 The degree of significance at individual receptors varies according to their orientation in relation to the Site, local topography and the presence (or otherwise) of screening elements such as buildings, walls, trees and shrubs between receptor and Site.

4.8.39 The effect on visual amenity would reduce over time as mitigation planting develops. By year 15, the number of residential receptors significantly affected would reduce for the majority. Where significant effects remain, they are to those properties within very close proximity of the Site boundary. Where effects remain, the views would be substantially changed, but, once mitigation is established, visual amenity would be different but not necessarily better or worse and are considered to be acceptable. Significant effects would also remain for users of the C1106 (Fanellan Road) to the southern edge of the Site. Again, these effects are very localised.

Cumulative Effects

4.8.40 The landscape and visual impact assessment (LVIA) Study Area already accommodates a considerable scale of electricity infrastructure. The cumulative effects considered within EIA Chapter 8 are 'in-combination' effects. Within the LVIA Study Area, set at 5 km, no significant standalone effects of the Proposed Development are identified beyond 5 km of the Site boundary. The cumulative assessment considered developments within 10 km of the Study Area as requested by THC.

4.8.41 Three developments are considered to have permanent significant effects in combination with the Proposed Development and these are:

- New Spittal to Beauly 400 kV OHL;
- Beauly to Peterhead 400 kV OHL); and
- The proposed Beauly to Denny 400 kV Diversion and tie-in (required for the Proposed Development).

4.8.42 Developments of this scale will inevitably have significant visual effects along their length, but the terminal towers can be seen to indicate the location of the substation and thus to draw the eye to the Site. The cumulative assessment has assumed a crossover of the construction period for the OHLs with the Proposed Development.

4.8.43 A number of significant effects are identified during construction and are therefore temporary in nature. Some permanent significant adverse effects are identified for landscape character and visual amenity due to the increase of transmission development in the area, which will be more localised in nature and would be small in relation to the wider landscape character types.

Public Access

4.8.44 The Proposed Development will not give rise to any negative effects over and above existing in this regard. No construction or operational effects are considered to give rise to use of undesignated paths or tourist traffic routes in this regard albeit visual effects will arise and existing views will be altered at a localised level.

Aviation, Defence Interests and Telecommunications

4.8.45 The Proposed Development will not give rise to any negative effects on these topics.

Impacts on Road Traffic and Trunk Roads

4.8.46 An assessment of the effects of construction traffic has been undertaken and is reported in Chapter 12 of the EIA Report.

4.8.47 Baseline surveys determine that for both Phase 1 and Phase 2 traffic routing scenarios, the overall increase in vehicle trips compared to the existing capacity of the road network, has been assessed to be low and as such the existing road network can accommodate the anticipated temporary increase in traffic generated by construction activities and effects are not significant.

4.8.48 In relation to cumulative impact with local developments which had available vehicle trip information, it is considered that the coincidence of the construction phases is not predicted to result in significant cumulative traffic effects on the network. The assessment determines that there is significant spare capacity on the local road network to accommodate the predicted level of vehicles associated with the cumulative proposals in the area.

4.8.49 Construction traffic will be managed through the implementation of a Construction Traffic Management Plan (CTMP) and the residual effect has been determined to be negligible.

Historic Environment

4.8.50 An assessment of the potential effects on cultural heritage assets has been undertaken and is reported in Chapter 11 of the EIA Report.

4.8.51 A comprehensive desk-based review of existing information was undertaken along with a walkover survey, highlighting the presence of 23 heritage assets within the baseline Study Area. Five non-designated assets within the Site will be affected during construction. Mitigation measures to preserve the heritage assets by record will include a programme of Archaeological Investigations which will be undertaken in line with an appropriate Archaeological Project Design, reducing the residual effects to no greater than slight adverse and not significant.

4.8.52 The potential for archaeological remains existing within the Site is high due to the presence of sub-surface archaeological remains discovered during Ground Investigation (GI) works in 2023. Archaeological evaluation to determine the presence or absence of further archaeological remains within the Site will be required prior to construction commencing.

4.8.53 During the operational phase no significant effects are predicted.

Hydrology, the Water Environment and Flood Risk

4.8.54 Chapter 13 of the EIA Report presents the appraisal of potential effects on hydrology, hydrogeology, geology and soils resulting from the Proposed Development. A number of sensitive receptors within the Proposed Development have been identified including surface water bodies, ground water bodies Ground Water Dependent Terrestrial Ecosystems (GWDTE) and Flooding.

4.8.55 The assessment undertaken considers how the Proposed Development would affect these receptors through the impacts of pollution, changes to resource availability and short-term increase in flood risk during construction. A series of good practise measures, and mitigation by design, including those which will be set within the General Environmental Management Plan (GEMP) and Construction Environmental Management Plan (CEMP) will be implemented and with those in place, no significant effects are predicted.

Biodiversity

Ecology and Ornithology

4.8.56 Chapters 9 and 10 of the EIA Report present the assessments of the potential effects on ecology and ornithology resulting from the Proposed Development.

4.8.57 The ecological assessment focussed on potential effects on bats and badgers. Construction and operational effects on the Important Ecological Features (IEF) populations have been assessed including effects from lighting, loss of resting sites, changes to supporting habitat, disturbance/displacement of species/groups, mortality and injury. The significance of effects was balanced against the current distribution and abundance of badgers and relevant bat species, their population trends and conservation objectives. With the application of mitigation, no significant effects to badger are predicted. With mitigation and compensation measures the residual effects on bat species are also not significant at a local scale. Some beneficial effects driven by the proposed landscaping approach are identified.

4.8.58 No significant cumulative effects are predicted.

4.8.59 The ornithological assessment undertook baseline ecological desk studies and field surveys to understand the sensitive bird species present within the Proposed Development and surrounding area. Important Ornithological Features (IOF) identified were:

- Designated Sites;
- Osprey;
- Red Kite;
- Peregrine Falcon; and
- Honey-Buzzard.

4.8.60 Through the successful application of embedded mitigation and precautionary additional mitigation it is concluded that no significant residual effects on IOFs will arise as a result of the Proposed Development.

4.8.61 Proposed biodiversity enhancement measures are reported within Biodiversity Net Gain Report and are described below with regard to NPF4 Policy 3 (biodiversity). The Applicant commits to achieve a minimum 10% net gain.

Balancing the Contribution of a Development and Conclusions on Policy 11

4.8.62 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. This is a very different starting point compared to the position in the former Scottish Planning Policy (SPP) and 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.

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

4.8.64 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.

4.8.65 The "contributions" are inextricably related to the scale of a proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.

4.8.66 In terms of contribution to targets, the proposal's contributions have been set out in Chapter 3 above. The scale of the energy output and emissions savings linked to substation upgrade and other works included within the Proposed Development is an enabling factor directly related to renewable transmission capacity and security of supply. This should be afforded significant weight.

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** (the latter in terms of designations – see below) respectively address.

4.9.2 **Policy 3** requires developments to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

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 In addition, in September 2023 the Scottish Government issued a consultation on **'Scotland's Strategic Framework for Biodiversity - Tackling the Nature Emergency'**. This document states that Scotland's 'Biodiversity Strategic Framework' consists of three parts, namely:

- The Scottish Biodiversity Strategy – which sets out a vision to halt and reduce biodiversity loss;
- The first 5-Yearly Delivery Plan – which contains the actions to deliver the vision; and
- The proposed Natural Environment Bill - which is to provide a framework for establishing statutory nature targets to drive delivery and the transformational change that the Government consider is required.

4.9.8 The scope of the consultation covers the final draft of the Scottish Biodiversity Strategy, the first 5-year Delivery Plan and also policy frameworks for Nature Networks "*protecting at least 30% of our lands and seas by 2030 (30 by 30)*" (page 7).

4.9.9 The second part of the consultation relates to the necessary legislation required, specifically with regard to statutory targets for nature restoration.

4.9.10 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*."

4.9.11 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.

4.9.12 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*".

4.9.13 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*".

4.9.14 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*."

4.9.15 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.

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

4.9.17 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".

4.9.18 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*".

4.9.19 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*."

4.9.20 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).

4.9.21 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*."

4.9.22 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).

4.9.23 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.

4.9.24 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.

4.9.25 The **Highland Council have also consulted upon and approved (May 2024) their own non-statutory Biodiversity Planning Guidance** (BPG). 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.

4.9.26 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.

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

4.9.28 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 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.

4.9.29 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

4.9.30 Notwithstanding the lack of policy guidance 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:

4.9.31 The Biodiversity Net Gain (BNG) Report supporting the Fanellan Hub planning application sets out that significant beneficial effects are considered likely as a result of the delivery and implementation of a scheme of biodiversity enhancement.

4.9.32 The Proposed Development will result in losses to habitats that will lead to a decrease in Biodiversity Units (BU) and an Outline Landscape and Habitat Management Plan (oLHMP) has been formulated to replace those lost BU as far as possible on the site. The outcome of the proposed habitat enhancement and creation works and further biodiversity enhancement on-site measures will be:

- The design of Sustainable Urban Drainage Systems (SuDS) and drains to maximise biodiversity and habitat creation through the establishment of seasonally wet species-rich neutral grassland;
- The design of SuDS to maximise biodiversity and habitat creation through the creation of reedbeds;
- The creation of native woodland planting; and
- The creation of neutral grassland.

4.9.33 Overall, not all the BU that will be lost as a result of the Proposed Development can be replaced on site and the Applicant will therefore be providing new and enhanced habitats off-site to achieve 10% net gain.

4.9.34 It is explained in the BNG Report that suitable habitat creation and enhancement proposals have been developed making reference both to the character and condition of the habitats present at the site, species known to be present on the site and in the wider area surrounding the Proposed Development and also to wider objectives for biodiversity at a regional level.

4.9.35 The OLHMP has been developed and provides a mechanism to reduce adverse environmental effects and also to increase biodiversity value through habitat creation and enhancement. This will be achieved by the following measures:

> creation of seasonally inundated Other Neutral Grassland of moderate condition around the margins of the SuDs ponds and within basins;

> creation of Reedbeds of moderate condition within the deepest areas of the five proposed SuDS ponds; and,

> creation of Other Woodland Broadleaved of moderate condition on landforms to the south and south west of the site;

> creation of Other Neutral Grassland of moderate condition on existing poor quality, species-poor modified grassland and cropland within the site.

4.9.36 Opportunities for habitat creation on-site were limited and whilst on-site measures will be optimised through the creation of the grassland, woodland and reedbed habitat, off-site provision will also be provided to deliver net gain to achieve an overall positive effect. The Applicant is in discussions with a landowner who has identified an area of land locally that has been assessed via initial walkover surveys as being suitable to provide biodiversity net gain.

4.9.37 Offsite biodiversity enhancements are proposed for an area of cropland and modified grassland. Biodiversity enhancements include the creation of native broadleaved woodland of moderate condition and creation of other neutral grassland.

4.9.38 Given the lack of significant adverse effects of the Proposed Development, and the scale of the habitat creation and enhancement proposed on site and off site, 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.

4.9.39 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 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 c) states that:

“*Development proposals that will affect the National Park or National Scenic Area….. 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."

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

4.10.4 **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".

4.10.5 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*".

4.10.6 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

4.10.7 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 will be integrated into the context of the surrounding landscape with the creation of complimentary landform and use of landscape planting 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.

4.10.8 Some localised visual effects post mitigation are expected but these are considered, on balance, to be acceptable when assessed relative to the national benefits of the Proposed Development in its delivery of essential infrastructure to deliver renewable generation connection to the grid and to meet net zero.

4.10.9 The Proposed Development would result in benefits of national importance with minimal significant national or local landscape effects. The Proposed Development is considered to be in accordance with Policy 4 when considered in the context of NPF 4 and the wider Development Plan as a whole.

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. This is very similar to the policy position that was in SPP; however, a key difference is that 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, hydrogeology and peat and concludes that with mitigation no significant residual effects arise.

4.11.3 As explained above with regard to NPF4 Policy 11, the Applicant has proposed an appropriate design, mitigation and restoration approach to protect resources, and no significant effects are predicted.

4.11.4 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 15 of the EIA Report provides an assessment of the potential effects of the Proposed Development on Forestry.

4.12.5 The desk study confirmed no record of Tree Protection Orders (TPOs) conservation areas or recorded ancient / veteran trees within the Study Area. Woodlands registered on the Ancient

Woodland (Scotland) Inventory as ancient woodland long established of planting origin (Category 2b) were located throughout the EIA Study Area, covering the areas of forestry at the west and east of the blocks of woodland to the north-east.

4.12.6 The forests mapped in the Study Area have been subject to various felling applications, grand schemes and management plans. The Arboricultural Survey undertaken identifies a series of features of interest in the Study Area. The Proposed Development would result in the removal or partial removal of 45 features, three of which are high quality, 29 of moderate quality, 11 of low quality and two of very low quality.

4.12.7 The proposed design has been refined to reduce tree loss where possible, and this allowed the removal of high-quality features to be reduced from nine to three including avoidance of three veteran trees.

4.12.8 Fourteen features anticipated for removal or partial removal are designated as ancient woodland.

4.12.9 The Proposed Development (and associated OHL diversion – being considered under separate application for section 37 consent) is anticipated to result in the removal of 6.68 ha of forestry. This represents approximately one quarter of the forestry in the Study Area. Tree removals are not considered to significantly impact any management of objectives of the woodland.

4.12.10 Despite the proposed mitigation, tree loss cannot be avoided within the designated risk assessment areas and the effects are assessed as significant.

4.12.11 Tree loss would be compensated through the implementation of new tree planting and other landscape enhancement proposals as detailed in Figure 5.6 of the EIA Report (Landscape and Ecological Mitigation Plan).

4.12.12 It is important to recognise the design and secondary mitigation measures integrated into the Proposed Development to reduce effects on forestry and woodland and to balance the effects identified against the benefits of the delivery of this national development of essential infrastructure to connect renewable generation to the grid and increase capacity thereof.

4.12.13 Given the above position, the Proposed Development is considered to be in accordance with Policy 6 (b) and (c).

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 The assessment of effects on cultural heritage assets has determined with the implementation of appropriate mitigation measures including Archaeological Evaluation to be set out within an Archaeological Project Design, and following mitigation by design to avoid key assets, not significant adverse effects are predicted

4.13.4 The Proposed Development is considered to comply with the provisions of Policy 7.

4.14 NPF4 Policy 14: Design, Quality and Place

Policy 14 & Principles

4.14.1 Policy 14 aims to encourage, promote and facilitate development proposals that are well-designed and which help create successful, quality places, spaces and environments which *"consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities*". Development proposals should follow a design that is mindful of the local context and characteristics.

4.14.2 Key parts of the policy include the following:

- Paragraph a) states that *"Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale"*.
- Paragraph b) states that proposals *"will be supported"* where they are consistent with the following 6 qualities of successful places:
  - "Healthy;
  - Pleasant;
  - Connected;
  - Distinctive;
  - Sustainable; and
  - Adaptable."
- Paragraph c) states that *"Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported"*.

4.14.3 According to this policy, it is important that a development supports the efficient use of resources that ensures climate resilience and integrating *"nature positive, biodiversity solutions*".

The application of Policy 14

4.14.4 An assessment of the Proposed Development against Policy 14 is provided separately in the Design and Access Statement which is submitted as part of the Planning Application.

4.15 Policy 22 – Flood Risk and Water Management

4.15.1 The intent of Policy 22 is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Paragraph C is the most relevant part of the policy which states that development proposals should not increase the risk of surface water flooding to others, or itself be at risk. In addition, all rain and surface water should be managed through SuDS.

4.15.2 As set out above, effects on hydrology, the water environment and flood risk are an assessment criterion within NPF4 Policy 11 (Energy). Chapter 13 of the EIA Report addresses hydrology matters in detail including flood risk and sustainable drainage and there are no issues arising with regard to these topics. The Proposed Development is therefore considered to be in accordance with Policy 22.

4.16 Conclusions on NPF4 Appraisal: Sustainable Place

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

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

4.16.3 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.

4.16.4 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.

4.16.5 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.

4.16.6 Eighteen National Developments are identified to support the strategy and they are to be "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.

4.16.7 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).

4.16.8 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.

4.16.9 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)

4.16.10 The importance of applying NPF4 and its aims and objective holistically and as a whole is demonstrated within the recent Creag Dhubh to Dalmally 275 kV Section 37 decision which recognised that conflict with some areas of policy can arise (in that case Policy 6 (Ancient Woodland loss) and Policy 14 to lesser degree due to localised amenity harm). In applying NPF4 as a whole there was recognition of the wider benefits and accordance with policy. The Ministers' stated:

"However, it would satisfy the requirements of all other development plan policies and would benefit from being a national development in NPF4 and from the support that is given within NPF4 to developments that contribute to renewable energy generation and greenhouse gas emissions reduction. Therefore, the Scottish Ministers conclude that the Development is, overall, in accordance with and supported by NPF4".

4.16.11 In a development management context, this is to be achieved by the application of NPF4 policies which are to be read as a whole. Where significant effects are identified these are in the main localised, and have been managed such that their effects are significantly reduced via embedded and proposed mitigation. 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 Inner Moray Firth Local Development Plan 2 (IMFLDP2) (2024).

5.1.2 The IMFLDP2 focuses largely on regional and settlement strategies and specific site allocations, rather than 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. If there are tensions between policies, then Policy 69 should prevail given it is specific to the land use proposed.

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 proposed mitigation and demonstrate the effects thereafter.

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 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."

5.2.7 The Proposed Development has been assessed as being consistent 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 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 of 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.
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	NPF4 Policy 4 deals with forestry, woodland and trees. No conflicts or contradictions with NPF4.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
		additional planting to compensate for removal.	
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. 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,	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 contain: "*the same clarification as Policy 4(g). Consequently, I rely on the terms of Framework Policy 4.*"

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
		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).	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 provision to allow benefits to be taken into account.	NPF4 Policy 4 deals with natural heritage matters including landscape designations. No conflicts or contradictions with NPF4.
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.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
			No conflicts or contradictions with NPF4.
Policy 66	Surface Water Drainage	All proposals must be drained by 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 issued 'Highland Council Biodiversity Planning Guidance' which was formally adopted as non-statutory 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 non-statutory guidance, not being linked to policy, will not have the same weight as the Local Development Plan, but will, nevertheless, constitute a material consideration in the decision making process. NPF4 Policy 3 (Biodiversity) and related NatureScot guidance, together with THC's 'Highland Council Biodiversity Planning Guidance' are 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 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 when considered as a whole, and relative to the substantial benefits and national importance of the development proposed.

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 pre 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, 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 Climate Crisis & Renewable Energy Policy Framework

6.1.1 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 issue of global heating and very challenging 'Net Zero' targets and contribute to improving security of supply.

6.2 The Planning Balance

6.2.1 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.

6.2.2 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.

6.2.3 NPF4 is unambiguous as regards the policy imperative to combat climate change, the crucial role of facilitating further renewable energy production and transmission infrastructure, 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*"[10]. The policy position, and the priority afforded to combatting the Climate Emergency, is different to that which was set out in 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 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.

6.2.4 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. This provides clear support in principle for the Proposed Development as emphasised within its status as national development.

6.2.5 The Proposed Development does not give rise to any policy conflicts with the Development Plan. The proposal 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 no significant residual effects arise.

6.2.6 The Proposed Development is considered to be in accordance with policy and delivers essential nationally important infrastructure improvements whilst ensuring biodiversity

[10] NPF4, page 2.

enhancement and local socio-economic benefits, in order to contribute to Net Zero and in doing so addresses both the global climate and nature crises.

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