

## **VOLUME 2: CHAPTER 7: PLANNING AND ENERGY POLICY CONTEXT**

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### **Figures and Visualisations (Volume 3a and 3b of this EIA Report)**

There are no figures or visualisations associated with this chapter.

### **Appendices (Volume 4 of this EIA Report)**

There are no appendices associated with this chapter.

## 7. PLANNING AND ENERGY POLICY CONTEXT

### 7.1 Introduction

This chapter describes the legislative and policy background relevant to the Proposed Development. It refers to national energy and planning policy at a national and local level. It provides an objective summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIA Report (EIAR) in order to ensure that it provides the appropriate information for the consideration of the application made under the 1997 Act.

This Chapter does not include an assessment of the accordancy of the Proposed Development against planning policy: a separate Planning Statement has been prepared to support the application and should be referred to for a detailed planning policy appraisal.

In preparing the EIAR and with specific regard to planning policy matters, reference has also been made to the response of The Highland Council (THC) in terms of its Scoping Opinion (**Volume 4 Appendix 1.2**) response on the application with regard to policy matters. The Scoping Opinion response from THC states at section 3.2:

*“The current Development Plan comprises the:*

- *Fourth National Planning Framework (NPF4) adopted in 2023;*
- *Highland-wide Local Development Plan (HwLDP) adopted 2012;*
- *Caithness and Sutherland Local Development Plan (CaSPlan) adopted 2018; and*
- *Associated Supplementary Guidance (SG), with particular regard to the Onshore Wind Energy Supplementary Guidance (OWESG) (2016) and Part 2b (2017)”.*

*“A large number of policies will apply to this proposal from the above development plan documents. This response does not attempt to detail all which may be relevant, as such, it is recommended that the applicant/agent reviews all these plans and documents prior to submission to establish the planning policy context for the EIA. The scope of the EIA should, however, address all the relevant issues covered within NPF4, HwLDP, CaSPlan and the Council Supplementary Guidance. Of particular relevance will be NPF4 & HwLDP and the associated SG documents. CaSPlan will have limited relevance to this proposal, as its focus is mainly on regional and settlement strategies and identifying specific site allocations. However, certain aspects of the strategies for the local area and settlements may help to inform plans for community engagement and/or community benefit. CaSPlan does however establish boundaries (including any refinements) of the Special Landscape Areas (SLAs) across the plan area. The SLA citations webpage summarise key characteristics, qualities, sensitivities, and measures for enhancement and must be used to assess the potential impacts of the proposed development.”*

Further detail on the scope of the EIAR and the scoping responses received is contained in **Volume 2: Chapter 6 - Scope and Consultation**, and associated appendices.

### 7.2 The Statutory Framework

The Applicant has submitted an application for full planning permission under the 1997 Act for consent to construct and operate a new strategic transmission hub.

The Proposed Development is a National Development under Section 3A of the 1997 Act and is of a type that would fall within National Development 3 – Strategic Renewable Electricity Generation and Transmission Infrastructure, in NPF4.

### 7.3 Renewable Energy Policy: Summary

In recent years the United Kingdom (UK) and Scottish Government policies have focussed increasingly on concerns about climate change. Each tier of Government has developed targets, policies and actions to achieve targets to deal with the climate crisis and generate more renewable energy and electricity.

The UK Government retains responsibility for the overall direction of energy policy, although some elements are devolved to the Scottish Government. The UK Government has published a series of policy documents setting out how targets can be achieved. Renewable energy generation in Scotland, is identified as an important component to achieve these various goals.

The Scottish Government has published a number of policy documents and its own targets. The most relevant policy, legislative documents and more recent statements published by the Scottish Government include:

- The Letter from Chief Planner to all Heads of Planning in relation to energy targets and Scottish Planning Policy (SPP) (November 2015);
- Scottish Energy Strategy (December 2017);
- The Scottish Government's declaration of a Climate Emergency (April 2019);
- The Scottish Government's 'Programme for Government' (September 2020);
- The Scottish Climate Change Plan Update (2020);
- The Scottish Government's 'Programme for Government' (September 2021);
- The Scottish Government Onshore Wind Policy Statement 2022 (December 2022); and
- The Scottish Government Green Industrial Strategy (September 2024).

The Proposed Development relates to the reinforcement of the grid transmission network and the need for asset replacement which would enable the increase in generation of electricity from renewable energy sources and comes as a direct response to national planning and energy policy objectives.

The Proposed Development would therefore enable a growing contribution to the attainment of emissions reduction, renewable energy and electricity targets at both the Scottish and UK levels. Detailed reference to the renewable energy policy context and the Needs Case is provided in the Planning Statement (see also **Volume 2: Chapter 2 - Project Need and Strategy** of this EIAR).

#### 7.4 National Planning Policy

National Planning Framework 4 (NPF4) was adopted by the Scottish Government in February 2023 and is a long-term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights national and regional spatial priorities.

In contrast to previous National Planning Frameworks, NPF4 places national policy at the heart of planning decision making as it is part of the statutory Development Plan along with Local Development Plans. Following the adoption of NPF4 in February 2023, NPF3, Scottish Planning Policy and all Strategic Development Plans ceased to have any relevance to planning decision making in Scotland. NPF4 combines the National Planning Framework, and National Planning Policy in the same document for the first time.

NPF4 identifies a number of National Developments which are significant developments of national importance that will help to deliver the spatial strategy. Statements of need are set out in NPF4 that describe the development to be considered as a national development for consent handling purposes. Amongst the national developments identified is National Development 3: Strategic Renewable Electricity Generation and Transmission Infrastructure which includes:

- New and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations.

As stated above, NPF4 contains National Planning Policies and these policy positions are to be taken into account in land use planning decision making. The NPF4 policies that are of the most relevance to the Proposed Development are;

- Policy 1 – Tackling the Climate and Nature Crises. The intent is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis;

- Policy 2 – Climate Mitigation and Adaptation. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and adapt to current and future risks from climate change;
- Policy 3 – Biodiversity. Development proposals need to contribute to the enhancement of biodiversity and integrate nature-based solutions. Proposals requiring an EIA will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity;
- Policy 4 – Natural Places. Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported. Development Proposals that are likely to have a significant effect on an existing or proposed European Site (SPAs / SACs) and are not directly connected with or necessary to their conservation management, are required to be subject to an appropriate assessment of the implications to conservation objectives. Development proposals will only be supported where they will not compromise the designation status/overall integrity of a National Park, National Scenic Area, Site of Special Scientific Interest (SSSI), Natural Nature Reserve, local conservation site or local landscape area. Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence;
- Policy 5 – Soils. Development will only be supported if designed and constructed in accordance with mitigation hierarchy, and in a manner that protects soil from damage. Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use (as identified by the LDP), peatland, carbon-rich soils, and priority peatland habitat, will only be supported where it is for essential infrastructure and there is a specific locational need and no other suitable site. Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site-specific assessment will be required;
- Policy 6 – Forestry, Woodland and Trees. Development proposals that enhance, expand and improve woodland and tree cover will be supported. Development proposals will not be supported where they will result in any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition, native woodlands, hedgerows, individual trees of high diversity value, or identified for protection. Fragmenting or severing woodland habitat without appropriate mitigation will also not be supported. 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. Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design;
- Policy 7 – Historic Assets and Places. Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. 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. Development affecting Scheduled Monuments will only be supported where direct and significant adverse impacts on the integrity of the setting are avoided, or exceptional circumstances have been demonstrated to justify the impact. 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. Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported. 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 impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment;

- Policy 11 – Energy. To encourage, promote and facilitate all forms of renewable energy development onshore and offshore;
- Policy 12 – Zero Waste. Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy;
- Policy 14 – Design, quality and place. Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals will be supported where they are consistent with the six qualities of successful places and 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;
- Policy 20 – Blue and green Infrastructure. Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported;
- Policy 22 – Flood Risk and Water Management. Development at risk of flooding or in a flood risk area will only be supported if they are for essential infrastructure. Developments will not increase the risk of surface water flooding, manage rain and surface water through SUDS, and seek to minimise the area of impermeable surface. Development proposals will be supported if they can be connected to the public water mains. Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported; and
- Policy 29 – Rural Development. Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location. Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal can lead to local employment, and is suitable in terms of location, access, siting, design and environmental impact.

## 7.5 National Planning Advice

Planning Advice Notes (PANs) and Specific Advice Sheets<sup>1</sup> set out detailed advice from the Scottish Government in relation to a number of planning issues. Relevant PANs and Specific Advice Sheets relevant to the Proposed Development are summarised in **Table 7.1**.

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<sup>1</sup> <https://www.gov.scot/collections/planning-advice-notes-pans/>

**Table 7.1: Relevant Planning Advice Notes**

Title	Summary of Content
PAN 1/2013 Environmental Impact Assessment	Provides information on the role local authorities and consultees play as part of the EIA process, and how the EIA can inform development management.
PAN 60 (2000) Planning for Natural Heritage	Advises developers on the importance of discussing their proposals with the planning authority and NatureScot and use of the EIA process to identify the environmental effects of development proposals and seek to prevent, reduce and offset any adverse effects in ecology and biodiversity.
PAN 61 (2001) Sustainable Urban Drainage Systems	Good practice drainage guidance.
PAN 68 (2003) Design Statements	This PAN covers the importance of design statements, and provides flexible guidance on their preparation, structure, and content. The PAN also outlines the principles underpinning the production of design statements, as expected by the Scottish Government.
PAN 75 (2005) Planning for Transport	The objective of PAN 75 is to integrate development plans and transport strategies to optimise opportunities for sustainable development and create successful transport outcomes.
PAN 1/2011 Planning and Noise	This PAN provides advice on the role of the planning system in helping to prevent and/ or mitigate any potential adverse effects of noise. It promotes the principles of good acoustic design and promotes a sensitive approach to the location of new development.
PAN 2/2011 Planning and Archaeology	The PAN is intended to inform local authorities and other organisations of how to process any archaeological scope of works within the planning process.
PAN 51 Planning, Environmental Protection and Regulation (Revised 2006)	Details the role of the planning system in relation to the environmental protection regimes.
Planning Circular 1/2017: Environmental Impact Assessment regulations	Provides guidance on the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 as the Regulations which transpose the Environmental Impact Assessment or 'EIA' Directive into the Scottish planning system.

## 7.6 The Development Plan, Relevant Policies

The statutory Development Plan covering the site of the Proposed Development comprises The Highland Wide Local Development Plan (HwLDP) (2012). Policy 69 is the lead policy in relation to the Proposed Development. The policies of most relevance in the HwLDP are as follows:

- Policy 69 – Electricity Transmission Infrastructure;
- Policy 57 – Natural, Built, and Cultural Heritage;
- Policy 61 – Landscape;
- Policy 55 – Peat and Soils;
- Policy 58 – Protected Species;
- Policy 59 – Other Important Species; and
- Policy 60 – Other Important Habitats.

These most relevant policies are set out in full below. Other relevant HwLDP policies which need to be taken into consideration include the following:

- Policy 28 – Sustainable Design;
- Policy 30 – Physical Constraints;
- Policy 31 – Developer Contributions;
- Policy 51 – Trees and Development;

- Policy 52 – Principle of Development in Woodland;
- Policy 56 – Travel;
- Policy 63 – Water Environment;
- Policy 64 – Flood Risk;
- Policy 66 – Surface Water Drainage;
- Policy 69 – Electricity Transmission Infrastructure; and
- Policy 77 – Public Access.

**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”.*

**Policy 57 – ‘Natural, Built and Cultural Heritage’** states:

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

- 1. For features of local/regional importance we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource.*
- 2. For features of national importance we will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.*
- 3. For features of international importance developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers). Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.*

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

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



*to provide mapping of wild areas;*

*to give advice on how best to accommodate change within wild areas whilst safeguarding their qualities;*

*to give advice on what an unacceptable impact is; and*

*to give guidance on how wild areas could be adversely affected by development close to but not within the wild area itself.*

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

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

**Policy 61 – ‘Landscape’** states:

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

**Policy 55 – ‘Peat and Soils’** states:

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

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

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

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

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

**Policy 58 – ‘Protected Species’** states:

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

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

- *There is no satisfactory alternative; and*



- *The development is required for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and*
- *The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*
- *Development that is likely to have an adverse effect, individually and/or cumulatively, on protected bird species (see Glossary) will only be permitted where:*
  - *There is no other satisfactory solution; and*
  - *The development is required in the interests of public health or public safety.*
  - *This will include but is not limited to avoiding adverse effects, individually and/or cumulatively, on the populations of the following priority protected bird species:*
    - *Species listed in Annex 1 of the EC Birds Directive;*
    - *Regularly occurring migratory species listed in Annex II of the Birds Directive;*
    - *Species listed in Schedule 1 of the Wildlife and Countryside Act 1981 as amended; and*
    - *Birds of conservation concern.*

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

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

**Policy 59 – ‘Other Important Species’** states:

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

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

**Policy 60 – ‘Other Important Habitats and Article 10 Features’** states:

*“The Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora (Article 10 Features). The Council will also seek to create new habitats which are supportive of this concept. The Council will have regard to the value of the following Other Important Habitats, where not protected by nature conservation site designations (such as natural water courses), in the assessment of any development proposals which may affect them either individually and/or cumulatively:*

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

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

## 7.7 Supplementary Guidance

THC has various Supplementary Guidance documents in force. Those which have been taken into account in the preparation of the EIAR include the following:

- Flood risk and drainage;
- Trees and woodland;
- Protected species;
- Managing waste and new developments;
- Sustainable design;
- Physical constraints, e.g. railway lines and gas pipelines;
- Roads and transport;
- Health and safety;
- Countryside and the environment; and
- Forest and woodland strategy.

## 7.8 Conclusions

This Chapter has set out the legislative background, a summary of the national energy policy framework, and the national and local planning policies and guidance relevant to the consideration of the Proposed Development. It provides an objective summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIAR in order to ensure that it provides the appropriate information for the consideration of the planning application under the 1997 Act by THC.

As noted, the policy appraisal for the Proposed Development is contained in a separate Planning Statement.