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CHARTERED TOWN PLANNERS

Strathy South Wind Farm Grid Connection
Overhead Line

Planning statement

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Scottish & Southern Electricity Networks

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Contents

1. Introduction

1.1 Introduction

1.1.1 Scottish Hydro Electric Transmission plc ("the Applicant") who, operating and known as Scottish and Southern Electricity Networks Transmission ("SSEN Transmission") has submitted an application under section 37 of the Electricity Act 1989 (“the 1989 Act”) along with a request that Ministers issue a direction that planning permission is deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997 for consent to construct and operate a new double circuit 132 kV overhead line (OHL) (hereafter referred to as “the Proposed Development”) to initially connect the consented Strathy South Wind Farm to the electricity transmission network at Connagill 275/132 kV substation. To allow for futureproofing, it is proposed that a section of the new double circuit OHL would be capable of operation at 275 kV if required.

1.1.2 The Proposed Development subject to this application consists of a Proposed Alignment, and an Alternative Alignment, but it is important to note that only one alignment will be constructed. The reason for the options is to reflect the possibility of the Melvich Wind Energy Hub development being approved, in which case required separation distances between the two infrastructure projects would required an alternative alignment to be progressed.

1.1.3 The Proposed Alignment for the OHL would consist of approximately 10.5 km of 132 kV double circuit OHL supported by steel lattice towers from the Strathy North ‘T’ (near Dallangwell) to a new CSE compound, prior to connecting into Connagill 275/132 kV substation via two short sections of single circuit 132 kV UGC (hereafter referred to as “the Proposed Alignment”).

1.1.4 The route of the Proposed Alignment passes through the footprint of the proposed Melvich Wind Energy Hub.

1.1.5 Should the Melvich Wind Energy Hub development be approved, required separation for operation at 275 kV determine that an alternative OHL alignment (hereafter referred to as “the Alternative Alignment”) would require to be delivered. The proposed Alternative Alignment forms part of the application submission and for consenting purposes forms part of the ‘Proposed Development’ and is assessed within the EIA for the Proposed Development (presented in Volume 5 of the EIA Report). The total length of the Alternative Alignment would be approximately 13.5 km.

1.1.6 Ancillary works for which deemed planning permission is sought include the installation of a cable sealing end (CSE) compound, temporary and permanent access track, tree and vegetation clearance, temporary working measures/areas and dismantling and removal of redundant parts of the existing 132 kV OHL, that the Proposed Development would replace.

1.1.7 Other associated works are required to complete the connection of the Proposed Development. These comprise the construction of a 132 kV single circuit UGC connecting the consented Strathy South Wind Farm on-site substation to a CSE compound in the vicinity of the Strathy Wood Wind Farm on-site substation. From the CSE compound at Strathy Wood substation, both Strathy Wood and Strathy South wind farms would share a double circuit at 132kV OHL supported by steel lattice tower to Strathy North ‘T’ where it would join the Proposed Development for onward transmission to Connagill 275/132 kV substation.

1.1.8 These associated works do not form part of the Proposed Development and are subject to separate applications for consent as part of the “Connagill Cluster Grid Connections” (see below for further information on the Connagill Cluster Grid Connections).

1.1.9 Once constructed and commissioned, redundant parts of the existing Strathy North 132 kV trident ‘H’ Wood pole OHL would be dismantled and removed. Thereafter the Proposed Development would act as ‘shared infrastructure’ for the Strathy Wood and Strathy North wind farms.

1.1.10 An Environmental Impact Assessment (EIA) has been undertaken for the Proposed Development in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the EIA Regulations") to assess the likely significant effects of the Proposed Development. The findings of the EIA are referred to, including the measures which would be taken to prevent, reduce and, where possible, offset predicted likely significant adverse effects.

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

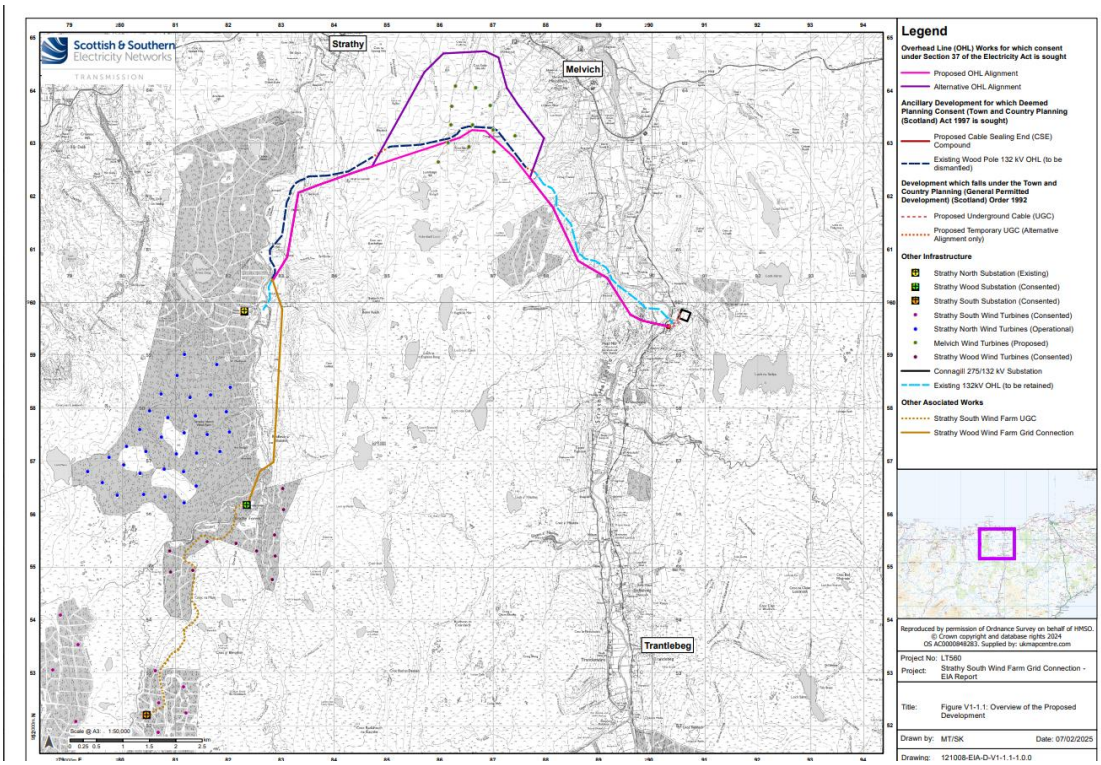
1.1.12 The Proposed Development is categorised as National Development under the provisions of NPF4, National Development 3 'Strategic Renewables Electricity Generation and Transmission Infrastructure' (Scotland Wide) and forms a vital element in the delivery of network and grid infrastructure to support Net Zero ambitions.

1.2 Site Location and Description

1.2.1 The Proposed Development is located approximately 2 km south of Strathy and 1.5 km south of Melvich, Sutherland, in the Highlands of Scotland. The Proposed Development is located between the Strathy North 'T' (near Dallangwell at approximate grid reference: NC 83012 60607) to a new CSE compound (approximate grid reference: NC 903120, 59541), prior to connecting into Connagill 275/132 kV substation.

1.2.2 Strathy South Wind Farm (ECU reference ECU 00002133) is located within a conifer plantation approximately 12 km to the south of the village of Strathy and consists of up to 35 turbines of a maximum height of up to 200 m and an installed capacity of approximately 208 MW[1].

Figure 1.1: Route of the Proposed Development



1 cd010030-strathy-south-wind-farm-variation-decision-letter-24-nov-2021.pdf

1.3 Background to the Proposed Development

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

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

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

1.3.3 The consented Strathy South Wind Farm (208 MW) was approved by the Scottish Ministers in November 2021. The wind farm requires a connection to the electricity transmission network at Connagill 275 /132 kV substation by April 2027, in accordance with agreements between the Applicant, National Grid Electricity System Operator (as operator of the National Grid) and SSE Renewables (as developers of the wind farm).

1.3.4 The Proposed Development sits within a portfolio of required connections known as the Connagill Cluster Grid Connections[2], which include the consented Strathy South Wind Farm, the consented Strathy Wood Wind Farm, the proposed Melvich Wind Energy Hub and the proposed Kirkton Energy Park. To facilitate the Connagill Cluster Grid Connections, a new switching station, known as Strathy Switching Station, would also be required. The Applicant has taken a rationalised approach to these connection requests with the aim of utilising shared infrastructure where practicable. Further information on the technological and consenting solution for the cluster is provided in table V1-1.1 of EIA Volume 1: Chapter 1 – Introduction and Background.

1.3.5 A previous consent to connect Strathy South Wind Farm was approved in 2014 when at the time the wind farm was proposed but not consented. The consented connection was known as the Strath Halladale to Dallangwell 132 kV connection and included one OHL to connect Strathy North Wind Farm (which was completed in 2015) and a second OHL to connect Strathy South Wind Farm. The 2014 section 37 consent for the Strathy South OHL has now lapsed. Furthermore, the wind farm developer sought to change the point of connection which required further consideration of potential shared infrastructure approaches with wider projects in the areas – thereafter rolled into the Connagill Cluster Grid Connections as referenced above.

1.3.6 The consented Strathy South Wind Farm is a material consideration in the consideration of the Proposed Development, required to connect the consented generation station to the grid network to deliver 208 MW of renewable energy to the UK network.

1.4 The Proposed Development

1.4.1 A full description of the Proposed Development is provided in Chapter 3 of the EIA Report (Volume 1: Chapter 3 – The Proposed Development). In summary the Proposed Development is driven by the need to connect the consented Strathy South Wind Farm (and subsequently, as part of the shared infrastructure, the consented Strathy Wood Wind Farm and operational Strathy North Wind Farm) to the grid at the Connagill 275/132 kV substation.

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

1.4.2 As noted, the Proposed Development comprises both the Proposed Alignment and an Alternative Alignment as part of the Section 37 consent application. Both alignments are assessed within the EIA Report.

1.4.3 The Proposed Alignment would comprise approximately 10.5 km of 132 kV double circuit OHL supported by steel lattice towers from Strathy North 'T' (near Dallangwell) to a new CSE compound, prior to connecting into Connagill 275/132 kV substation via two short sections of single circuit 132 kV underground cable (UGC). To allow for futureproofing, approximately 8.5 km of the proposed OHL (between Tower 29 and Tower 64) would be constructed so that it would be capable of operating at 275 kV in the future, if required.

1.4.4 Redundant parts of the existing Strathy North 132 kV trident would pole would be dismantled and removed.

1.4.5 The Alternative Alignment would have the same purpose and would duplicate the Proposed Alignment until such point as the route interacts with the proposed Melvich Wind Energy Hub.

1.4.6 The Alternative Alignment comprises the installation and operation of approximately 13.5 km of double circuit 132 kV OHL supported by steel lattice towers. This is an increase of approximately 3 km of OHL compared to the Proposed Alignment to enable the circumnavigation of the wind turbines of Melvich Wind Energy Hub. Approximately 11 km of proposed OHL (between Tower 29 and Tower 64) would be constructed so that it would be capable of operating at 275 kV in the future, if required.

1.4.7 The temporary diversion of part of the existing Strathy North 132 kV trident 'H' wood pole OHL to facilitate the construction of the new double circuit steel lattice OHL through the installation of four new trident 'H' wood pole terminal structures is also proposed should the Alternative Alignment require to be progressed.

Ancillary Development

1.4.8 Deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 is sought for the following works that are required as part of the Proposed Development, or in order to facilitate its construction and operation:

- The construction of a CSE compound to facilitate the transition between OHL an UGC positioned to the south-west of the existing Connagill 275/132 kV substation (NC 903120, 59541);
- The formation of access tracks (permanent, temporary and upgrades to existing tracks) and the installation of culverts to facilitate access and ongoing maintenance where required;
- Working areas around infrastructure to facilitate construction;
- Tree felling and vegetation clearance to facilitate construction and operation of the Proposed Development to comply with the Electricity Safety, Quality and Continuity Regulations 2002;
- Temporary measures to protect water crossings (e.g. scaffolding and temporary bridges); and
- Dismantling of redundant parts of the existing Strathy North 132 kV trident 'H' wood pole OHL.

1.4.9 Ancillary work specifically in relation to the Alternative Alignment is set out in Chapter 2 – The Routeing Process and Alternatives of Volume 5 of the EIA Report.

Development which falls under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992

1.4.10 The following worked would fall under the Applicant's permitted development rights:

- The construction of two single circuit 132 kV UGC connections, each circuit comprising three cables per phase, is required.

1.4.11 Deemed Planning Permission (as part of the application for the section 37 consent) is not sought for the UGC as the installation of the UGC falls under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

1.4.12 Additional works for this nature, for the Alternative Alignment include:

- The construction of a temporary UGC between the proposed new trident 'H' wood pole terminal structures to facilitate a temporary diversion of the Strathy North 132 kV trident 'H' wood pole OHL to facilitate construction of the new double circuit steel lattice OHL.

Associated Works

1.4.13 Other associated works are required to facilitate construction of the Proposed Development or would occur as a consequence of its construction and operation. These works, as listed below, do not form part of the description of development and are therefore not included in the application for consent, and are therefore not assessed in detail within the accompanying EIA Report. It should be noted these works would also be required to facilitate the Alternative Alignment:

- Wider elements associated with the Connagill Cluster Grid Connections and Strathy Switching Station – separate consents will be sought for these by the Applicant;
- Borrow pits which would be required to source stone for the construction of the access tracks – separate applications for these works will be sought by the Principal Contractor;
- Temporary construction compounds which would be required to facilitate construction of the Proposed Development – final locations and design will be confirmed by the Principal Contractor and separate permissions sought as required; and
- Modification of the existing distribution network in some areas to accommodate the new OHL. These works are likely to comprise the diversion of short sections of UGC's within the vicinity of the Proposed Development and would be undertaken by the electricity Distribution Network Operator.

Limits of Deviation

1.4.14 A Limit of Deviation (LoD) defines the maximum extent within which a development can be built. An LoD is required for each of the key components of the project to enable micro-siting during construction to reflect localised land, engineering and environmental constraints.

1.4.15 The horizontal LoD for which consent is sought is:

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

1.4.16 In some areas the LoD is increased or decreased to account for local constraints or known engineering challenges and environmental sensitivities. These are shown in Figure V1-3.1 for the Proposed Alignment, and Figure V5-3.1 for the Alternative Alignment, of the EIA Report.

1.4.17 An operational corridor (OC) is required through areas of woodland and commercial forestry to ensure the safe operation of the OHL and access tracks. The width of the OC would be variable depending on surroundings and the design of the steel lattice tower proposed.

1.4.18 A vertical LoD – the maximum height of a tower above ground level – is also sought to allow a height increase or decrease of 3.2 m on the proposed tower height of the L7c series of tower design, and of 4 m on the proposed tower height of the L8c series of tower design.

1.4.19 A Construction Environmental Management Plan (CEMP) will be prepared and submitted for approval and thereafter implemented by the Principal Contractor for the works following the Principal Contractor's appointment. It is anticipated that this requirement would be controlled via an appropriately worded condition attached to a relevant consent (such as the Section 37 consent, as the case may be). Again, this is detailed within the EIA Report and on the plans referred to throughout.

1.4.20 The CEMP also references the Applicant's General Environmental Management Plans (GEMPs) and Species Protection Plans (SPPs). The implementation of the CEMP will be managed on-site by a suitably qualified and experienced Environmental Clerk of Works (EnvCoW), with support from other environmental professionals as required.

1.4.21 The LoD arrangements for the Alternative Alignment duplicate those detailed above with the exception of a further requirement for a 100 m LoD (50 m either side) for a temporary OHL.

1.5 The Statutory Framework

The Electricity Act 1989

1.5.1 As the Transmission Licence holder in the North and East of Scotland, the Applicant has a duty under section 9(2) of the 1989 Act to facilitate competition in the generation and supply of electricity. The Applicant is obliged to offer non-discriminatory terms for connection to the transmission system both for new generation and for new sources of electricity demand.

1.5.2 The Applicant is also required under section 9(2) of the 1989 Act to ensure that the transmission system is developed and maintained in an economical, coordinated and efficient manner in the interests of existing and future electricity consumers.

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

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

1.5.5 The Scottish Ministers are obliged to consider whether the Applicant has demonstrated that it has complied with its duties under sub-paragraph 3(1) of Schedule 9 of the 1989 Act. The Scottish Ministers must also have regard to the desirability of the matters specified in Schedule 9.

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

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

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

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

"…. the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; "

1.5.9 Sub-paragraph 3(1)(b) requires relevant parties to:

"…..do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects"

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

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

The Town and Country Planning (Scotland) Act 1997

1.5.12 Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) (the "1997 Act") provides that on granting a consent under section 36 or 37 of the Electricity Act 1989 in respect of any operation or change of use that constitutes development, or any development ancillary to the operation or change of use to which the consent relates, the Scottish Ministers may direct that planning permission shall be deemed to be granted, subject to any conditions as may be specified in the direction.

1.5.13 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 is, unless material considerations indicate otherwise, to be made in accordance with that plan*".

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

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

1.5.16 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:

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

1.6 Key Facts

1.6.1 Key facts relevant to this application are:

- The Proposed Development is identified as a National Development (ND) under the provisions of National Planning Framework 4 (NPF4) ND3 under the class of

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

development noted at (b) as "*new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kV or more"*.

- ND3 supports renewable electricity generation, repowering, and expansion of the electricity grid. The Socio-economic assessments as part of a wider 'needs case' form an integral part of the justification for development of Scotland's 'Strategic Renewable Electricity Generation and Transmission Infrastructure.' This infrastructure is designated as a National Development and explicitly supported by NPF4 under the provisions set out in Policy 11(a)(ii) (Energy).
- The Statement of Need for the Proposed Development as contained in NPF4 is as follows:

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

  The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions.

  Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience across Scotland".
- The Proposed Development will facilitate capturing renewable energy potential in the Highlands as well as delivering wider social and economic benefits.
- The Proposed Development is a critical reinforcement of the transmission network to connect consented wind development.
- The Proposed Development will deliver nationally important network and grid infrastructure required to deliver the Government's legally binding targets for Net Zero emissions and renewable energy electricity generation targets and policy objectives.
- The Proposed Development will be delivered in such a way that it is environmentally acceptable and will include a co-ordinated scheme of environmental mitigation to ensure the long-term protection of the local and wider environment and to deliver development which is sustainable.

1.7 Structure of Statement

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

1.7.2 This Statement is structured as follows:

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

- **Chapter 5** appraises the Proposed Development against the relevant provisions of the three applicable Local Development Plans 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 associated transmission infrastructure from which the Proposed Development can draw a high level of support.

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

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

2.1.4 The Proposed Development, reinforcing grid and increasing capacity and security of supply, would make a valuable contribution to help Scotland and the UK 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°C above pre-industrial levels and to pursue efforts to limit global warming to 1.5°C.

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).

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[4] 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[5] at 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 to 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 Summary states "*There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (very high confidence)*".

COP 28, Dubai 2023

2.2.9 The United Nations Climate Change Conference (Conference of the Parties - 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.*"

2.2.10 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)

2.2.11 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.

[4] United Nations Framework Convention on Climate Change, Conference of the Parties (COP).
[5] A Summary of the main 6th Assessment Report.

2.2.12 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.

2.2.13 The Report states that in order to avoid the present trajectory of temperature increase far beyond 2°C 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 1.5°C will be gone within a few years and the 2°C target will be in danger*".

2.2.14 The Report states (on page 1) that there must be "*unprecedented cuts to greenhouse gas emissions by 2030 to keep 1.5°C alive*".

2.2.15 In order to put the challenge of emissions reduction in context, the key messages document (on 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°C over the course of the century*".

COP 29, Baku 2024

2.2.16 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 COP 27, which agreed a 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 manner 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[6]

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	-49.5%
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	

Source: CCC

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

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

- The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and doubling or even trebling by 2050.
- CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
- The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.

2.3.8 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world's most ambitious climate change target into law (by the Carbon Budget Order 2021 (the Order)[7]) 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.

[6] Source: CCC.

[7] The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

The UK Energy White Paper (December 2020)

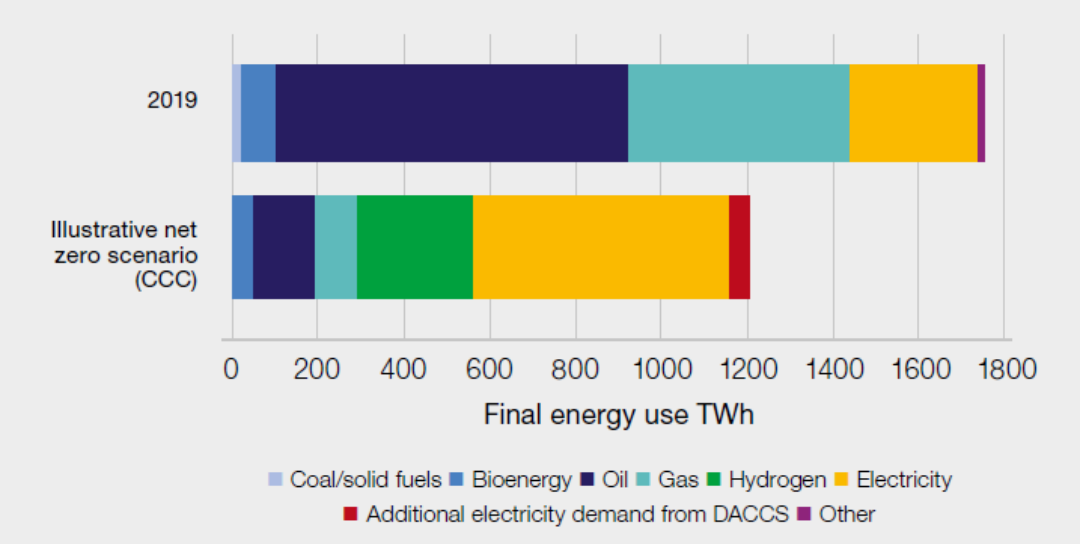
2.3.9 The Energy White Paper 'Powering our Net Zero Future', published on 14 December 2020, represents a sea change in UK policy, and highlights the importance of renewable electricity.

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[8]



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

The British Energy Security Strategy (April 2022)

2.3.14 The British Energy Security Strategy ("the Strategy") was published by the UK Government on 7 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

[8] Source: Energy White Paper page 9 (2020). Energy white paper: Powering our net zero future - GOV.UK

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 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 (page 8):

"*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."*

2.3.18 And further (page 9):

"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."

2.3.19 The UK should now be in a phase of rapid investment and delivery, however the CCC notes in the CCC Report that all indicators for low carbon technology roll out are "*off track, with rates needing to significantly ramp up*." In this regard in terms of renewable technologies it states (page 9):

> 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:

"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."

2.3.22 Chapter 3 of the CCC Report examines indicators of current delivery progress and at 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."

2.3.23 With regard to the Fourth Carbon Budget (2023-2027) it states (page 70) 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*…."

2.3.24 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 (page 70) "*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)

2.3.25 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.

2.3.26 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.

2.3.27 The Department for Energy Security and Net Zero issued a Statement on 8 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)

2.3.28 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*".

2.3.29 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*".

2.3.30 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*".

2.3.31 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. 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. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the Climate Change (Scotland) Act 2009 to set the even more ambitious interim targets. However, the provisions setting out those interim targets were repealed by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024, which replaced them with a system of targets based on carbon budgets which are to be set every five years. This is further referenced below.

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 contained for Scottish emission reduction targets as set out in legislation, namely as set out in the Climate Change (Scotland) Act 2009.

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

2.4.6 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."

2.4.7 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.

2.4.8 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.

2.4.9 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*."

2.4.10 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 of 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.*"

2.4.11 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)

2.4.12 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'.

2.4.13 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*."

2.4.14 The Cabinet Secretary added:

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

2.4.15 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 brings the Scottish Parliament in line with the Welsh and UK approaches.

The Climate Change (Emission Reduction Targets) (Scotland) Act 2024

2.4.16 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 received Royal Assent 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.

2.5 The Draft Energy Strategy & Just Transition Plan

2.5.1 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.

2.5.2 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."

2.5.3 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.

2.5.4 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".

2.5.5 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……"

2.5.6 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*."

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

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

2.5.9 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".

2.5.10 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*".

2.5.11 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".

2.5.12 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*".

2.5.13 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.

2.6 The Green Infrastructure Strategy

2.6.1 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*".

2.6.2 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.

2.6.3 Page 6 sets out that GIS forms a key part of the Government's broader National Strategy for Economic Transformation. It states that "*It also links explicitly to our Just Transition Plans which describe how the transition to net zero in the most emitting sectors will be achieved in a way that delivers economic, social and community benefits, including fair work, environmental preservation and reduced poverty and inequality*."

2.6.4 The first of the five opportunity areas is in relation to 'maximising Scotland's wind economy'. It states that this:

"*is about making the most of our natural resources, established onshore and offshore wind sectors and first-mover advantage in floating offshore wind to generate clean electricity; participating in global supply chains as well as expanding our domestic supply chain capacity and seizing opportunities across the offshore wind supply chain, from infrastructure to manufacturing; positioning Scotland as a leader in material circularity of wind turbines and components.*"

2.6.5 Actions include *inter alia*:

- Supporting investment to improve essential infrastructure, expanding supply chains and secure manufacturing opportunities;
- Developing and maintaining a pipeline of investment propositions backed by clear information about the timing and nature of renewable energy opportunities;
- Delivering planning and consenting systems which enable Scotland's net zero development pipeline; and
- Exploring the circularity opportunity in onshore wind.

2.6.6 Page 13 states clearly that the single goal of the GIS is to help Scotland realise economic growth opportunities from the global transition to net zero.

2.6.7 It is clear therefore that to progress the Government's objectives with regard to wind energy there needs to be clear support for new investment and growth in onshore wind development. Realising the economic and social opportunities will only be achieved through the development and consenting of additional wind energy developments. Such deployment will not only be critical towards achieving the net zero target, given the important contribution that wind energy will make in that regard but will also help deliver the Government's clear green infrastructure mission.

2.7 Conclusions on the Renewable Energy Policy & legislative Framework

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

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

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

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

2.7.5 Whilst there has been a move away from annual emission reduction targets the overall target of Net Zero remains unchanged. Indeed, as set out in the Cabinet Secretary's Statement referenced above, the Government retains its "unwavering" commitment to attaining that legally binding target for Net Zero.

2.7.6 Decisions through the planning system must be responsive to the climate change policy imperative. Decision makers can do this by affording significant weight to the energy policy objectives, articulated above, in the planning balance.

2.7.7 By way of illustration, 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:

2.7.8 *"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".*

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

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

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

3. The Benefits of the Proposed Development

3.1 The Benefits: Summary

3.1.1 This chapter summarises the benefits that would arise from the Proposed Development:

Renewable Energy Transmission

> As explained, the Proposed Development is required to fulfil the statutory and licence obligations on the Applicant as the transmission licence holder. To fulfil these obligations, the Applicant must develop the transmission network to provide adequate transmission capacity and to provide connections to customers who wish to connect to and use the transmission system to participate in the national wholesale electricity market.

> The Proposed Development would deliver a new OHL section to enable the transmission to the grid of 208 MW of renewable wind generation from the consented Strathy South Wind Farm, and eventually also Strathy North and Strath Wood Wind Farms. The Proposed Development will carry a total of 3,250MW, which would contribute substantially to the transition to Net Zero in line with the UK and Scottish Government targets of achieving Net Zero by 2050 and 2045 respectively.

> The proposed development would enable the delivery of renewable generation which is defined as “essential infrastructure” in NPF4[9].

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

Security of Supply

> The British Energy Security Strategy has been referenced in Chapter 2, 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 Scotland and for the wider Great Britain (GB) area. The Proposed Development would deliver a committed connection and enhance the grid network to enable transmission of existing and future renewable energy efficiently to the grid, safely and consistently.

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, economic gain and social benefits as a result of the investment in new energy infrastructure in their area and sets out which measures are to be put in place to maximise opportunities for local people and businesses close to the site and in the wider region.

[9] NPF4 Annex F, page 148.

- 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.

Biodiversity Enhancement

- The greatest threat to biodiversity is climate change, and delivering an enhanced grid transmission network with enhanced capacity for renewable energy is a critical step to meet Net Zero.
- The Proposed Development is consistent with the Applicant's commitment in all projects to deliver 10% net biodiversity gain. This is further addressed below with regard to relevant NPF4 policy.

4. Appraisal against NPF4

4.1 Introduction

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

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

4.1.3 The Letter confirmed with regard to the Development Plan that from 13 February 2023, NPF3 and Scottish Planning Policy (SPP) no longer represent Scottish Ministers' planning policy and should not form the basis for or be a consideration to be taken into account when determining planning applications.

4.2 Development Management

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

- The National Planning Framework; and
- Any Local Development Plan (LDP).

4.2.2 Therefore, the statutory Development Plan for the Proposed Development consists of NPF4 and:

- The Highland Wide Local Development Plan (HwLDP) (2012);
- Caithness and Sutherland Local Development Plan (CaSPlan) (2018).

4.2.3 The publication of NPF4 coincided with the implementation of certain parts of the 2019 Act. A key provision (set out in section 24(3) of the 1997 Act) is that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. That will include where an LDP is silent on an issue that is now provided for in NPF4.

4.2.4 In terms of emerging LDPs prepared prior to the adoption and publication of NPF4, the Chief Planner's Letter of 8 February 2023 states that it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the Examination process.

4.2.5 The Chief Planner's Letter also states with regard to Supplementary Guidance associated with LDPs which were in force before 12 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[10]. 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[11] (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[12].

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).

[10] 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'.

[11] 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.

[12] 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. That is, paragraph (b) *new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kV or more"*.

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

4.5.8 The Proposed Development could make a meaningful contribution to targets within this key timescale 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:

4.6.6 "*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*." (underlining added)

4.6.7 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's ability to provide an essential grid connection between upgraded and new substations, which is 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 to the policy, but ultimately 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, applying significant weight in this case would result in a favourable outcome for the Proposed Development.

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

positive action. Furthermore, NPF4 (page 8) refers to cross cutting outcomes and states with regard to Policy 1 that the policy gives significant weight "*to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions*".

The Application of Policy 1

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

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

4.7.9 The Reporter's comments on this particular policy in the Sanquhar II Wind Farm Inquiry Report[13] 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 and the approach is set out within Chapter 7 (Ecoloogy) of the EIA Report. The Proposed Development will achieve positive effects for biodiversity if sufficient off-site measures are identified and implemented and as such the Proposed Development will leave the natural environment in a demonstrably better state than before development work began.

4.8 NPF4 Policy 11: Energy

Policy 11 & Principles

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

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

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

4.8.3 Policy 11 is as follows:

[13] 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.

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

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

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

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

iv. small scale renewable energy generation technology;

v. solar arrays;

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

vii. proposals including co-location of these technologies.

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

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

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

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

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

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

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

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

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

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

vii. impacts on historic environment;

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

ix. biodiversity including impacts on birds;

x. impacts on trees, woods and forests;

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

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

xiii. cumulative impacts.

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

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

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

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

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

The application of Policy 11

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

4.8.7 With regard to maximising socio-economic benefits, the Applicant has adopted a 'Sustainable Procurement Code' and a related 'Sustainable Procurement Code – Supplier Guidance' and these are relevant to take into account. The Sustainable Procurement Code ("the 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 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 ("the 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 the Code and Guidance 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 Proposed Development 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 that appointed contractors are required to inform the Applicant of the supply chain engaged.

4.8.15 **Paragraph d) of Policy 1**1 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 The Proposed Development has been assessed as having significant adverse effects on a number of properties within the landscape and visual impact assessment (LVIA) Study Area during both construction and operation. As a result of embedded design mitigation and good practise siting and location, these effects are localised and commensurate with the scale of development proposed as part of the Proposed Development, and in the context of the renewable energy projects being delivered within the immediate and wider area. There would be no unacceptable impacts arising in relation to settlements or residential properties.

Noise

4.8.18 There is the potential for construction noise and vibration impacts depending on the proximity of receptors from static, quasi static and mobile plant items. However standard planning conditions and the use of the CEMP and the Construction Noise Management Plan (CNMP) can ensure that no unacceptable amenity impacts arise.

Landscape and Visual Considerations

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

Landscape Character

4.8.20 An assessment of landscape and visual impact has been undertaken and is presented in Volume 1, Chapter 6 – Landscape and Visual of the EIA Report. Volume 5: Chapter 4 of the EIA Report assesses the potential effects of the Alternative Alignment.

4.8.21 The Proposed Alignment would be dependent on or associated with a number of other consented and proposed developments. For the purposes of the LVIA the Strathy South Wind Farm and Strathy Wood Wind Farm have been assumed to be present within the baseline landscape. The southernmost part of the grid connection for the Strathy South Wind Farm would be provided via an UGC which is anticipated to be constructed under permitted development rights. This is also assumed to be present within the baseline assessment of construction effects.

4.8.22 The LVIA also gives consideration to cumulative effects occurring as a result of the addition of the Proposed Alignment to other infrastructure developments which form part of the Connaghill Cluster Grid Connection within the study areas which are not already considered as part of the baseline. These include Kirkton Energy Park and its Grid Connection, and Strathy Switching Station.

4.8.23 For the purposes of the Proposed Alignment it is assumed that the proposed Melvich Wind Energy Hub and grid connection would not be constructed. However, this is considered within the baseline for the Alternative Alignment.

4.8.24 Mitigation measures including landform and vegetation restoration through best practise construction techniques and reinforcement and extending of existing woodland in proximity to the proposed CSE compound are proposed to minimise effects of the Proposed Alignment and improve its assimilation into the landscape setting.

4.8.25 The assessment of potential of landscape effects has consider the Landscape Character Types (LCTs) identified by NatureScot and designated and protected landscapes including Special Landscape Areas (SLAs) and Wild Land Area (WLAs).

4.8.26 Moderate adverse (significant)direct and indirect effects during construction for LCT 134 (Sweeping Moorland Flows) due to loss of landcover to temporary working areas and access tracks and presence of material, labour and construction activity are predicted. Significant effects on this LCT during operation would be limited to moderate adverse (significant) indirect effects due to the visibility of the Proposed Alignment within this LCT and a further reduction in the sense of remoteness experienced.

4.8.27 Moderate adverse (significant) direct effects are also predicted for LCT 142 (Strath-Caithness and Sutherland) during construction for same reasons. Moderate adverse (significant) indirect effects during construction are predicted due to visibility of activity, most notable at the crossing of the Halladale River. No significant effects are predicted for this LCT during operation and no other LCTs are precited to accrue significant effects during either construction or operation.

Landscape Designations

4.8.28 No significant effects on the four special qualities of the Farr Bay, Strathy and Portskerra Special Landscape Area (SLA) are predicted during construction or operation of either the Proposed Alignment or Alternative Alignment.

4.8.29 No significant effects on the Wild Land Area (WLA) 39, ‘East Halladale Flows’, which lies within the south-eastern portion of the study area are predicted as a result of the Proposed or Alternative alignment albeit further tall elements to views from the interior would be introduced however wind turbines are already present.

Visual Effects

4.8.30 The assessment of potential visual effects for the Proposed Alignment has considered view from 50 building based receptors, in and around buildings, six route receptors (roads and

access tracks) and 11 outdoor receptors (including the two rivers within the Study Area). Significant effects are predicted for four built receptors and three route receptors, and one outdoor receptor (Kirkton Cemetery) as detailed within Volume 1, Chapter 6.

4.8.31 For the Alternative Alignment a further group of properties (B32, 24, 26, 33 and 49 within the LVIA assessment and reported on in Volume 5: Chapter 4 of the EIA Report) are predicted to be subject to significant adverse effects during construction and operation due to their proximity to the OHL route.

4.8.32 The Alternative Alignment would not give rise to significant effects on Core Paths, but the adverse significant effect predicted as part of the Proposed Alignment at Kirkton Cemetery would remain.

Cumulative Effects

4.8.33 The cumulative landscape and visual assessment carried out for the Proposed Alignment and the Alternative Alignment has considered the potential effects of the Proposed Alignment when considered in combination with Kirkton Energy Park and associated substation and grid connection, and Strathy Switching Staton.

4.8.34 The cumulative effects arising from the addition of the Proposed Alignment and the Alternative Alignment would generally be no greater than the levels of effect predicted to arise either from Kirkton Energy Park for some receptors, or the Proposed Alignment for others.

4.8.35 The cumulative visual assessment has identified as very limited number of receptors of which would experience an increase in the level of effect identified for either Kirkton Energy Park or the Proposed Alignment in isolation. These are building based receptors at Kirkton, Route based receptors A836/NCR1 west-bound in the vicinity of Strath Halladale and Core Path SU19.03 north bound, and outdoor based receptors Kirkton Cemetery.

4.8.36 The cumulative assessment for the Alternative Alignment has identified a very limited number of receptors which would experience an increase in the level of effect identified for either Kirkton Energy Park or the Alternative Alignment in isolation. These are route based receptors A836/NCR1 west-bound in the vicinity of Strath Halladale. And Core Path SU19.03 north-bound and outdoor based receptor Kirkton Cemetery. A detailed assessment of each is provided in Volume 5, Chapter 4.

Public Access

4.8.37 Land use impacts associated with the Proposed Development are anticipated to be temporary and localised and would typically result in a temporary disturbance to access or use of land or severance of land parcels. To reduce effects to non-significant levels a series of mitigation measures and management plans have been proposed to help mitigate and offset impacts. These include the implementation of a Construction Traffic Management Plan (CTMP), Outdoor Access Management Plan and Staff Travel Plan.

Aviation, Defence Interests and Telecommunications

4.8.38 The Proposed Development would not give rise to any negative effects on these topics.

Impacts on Road Traffic and Trunk Roads

4.8.39 Volume 1: Chapter 11 of the EIA Report considers the effects of the Proposed Alignment in terms of transport and access. Volume 5: Chapter 9 of the EIA Report assesses the potential effects of the Alternative Alignment.

4.8.40 The Proposed Alignment and the Alternative Alignment are assessed relative to the environmental effects of construction traffic. Once operational the Proposed Development would only generate occasional maintenance traffic, and this was scoped out of further assessment. Consideration of cumulative traffic effects has also been undertaken given the volume of infrastructure work being undertaken in the immediate and wider area.

4.8.41 The Proposed Development (in both alignments) would lead to temporary increases in traffic volumes on the road network within the defined study area during construction, however no link capacity issues are expected on any of the assessed roads due to the additional movements associated with the Proposed Development. The effects of construction are temporary and transitory.

4.8.42 Mitigation measures for Proposed Development traffic will be focused on access to and from public roads and will include a CTMP to control and minimise effects of vehicle movements to and from the Proposed Development. The CTMP will operate throughout the duration of the construction period. A Staff Travel Plan and Outdoor Access Management Plan are also proposed.

4.8.43 No significant residual effects (including cumulative) are predicted as a result of the Proposed Development in either of the alignments assessed.

Forestry

4.8.44 Volume 1: Chapter 12 and Volume 5: Chapter 10 of the EIA Report consider potential impacts resulting from construction and operation phases of the Proposed Alignment and Alternative Alignment on forestry. Forestry in this context considers commercial and non-commercial woodland.

4.8.45 There is no national guidance relating to receptor sensitivity or impact magnitude for forestry. Sensitivity descriptors and impact thresholds have been developed for these proposals and combined in a sensitivity matrix.

4.8.46 The Proposed Development (based on both the Proposed and Alternative Alignments) is predicted to result in the loss of 5.75 ha of woodland due to the requirement to create an Operational Corridor (OC) for the construction and safe operation of the proposed OHL, including the creation of access tracks.

4.8.47 The woodlands within the study areas are in the main recently created native woodlands, one area of semi mature conifer plantation is also affected.

4.8.48 Mitigation through design has ensured minimal felling and the utilisation of current unplanted ground where possible. There are no areas of ancient woodland, nor are their ancient or veteran trees present.

4.8.49 No significant effects are identified from the direct loss of woodland on the basis of a relatively low magnitude of change in the context of the regional resource, and the low to medium sensitivity of the types of woodland present in the Study Area.

4.8.50 The Applicant is committed to making arrangements to plant off-site the equivalent areas of woodland as compensatory planting, meeting the Scottish Government's Control of Woodland Removal (CoWRP) objective of no net loss of woodland.

Historic Environment

4.8.51 Volume 1: Chapter 10 of the EIA Report (and Volume 5: Chapter 8 for the Alternative Alignment) considers the potential effects of the Proposed Development on cultural heritage from both construction and operation.

4.8.52 A number of designated and non-designated assets are identified within a 3 km outer study area. The majority of the designated heritage sites would not be subject to visibility of the Proposed Development or are in practical terms considered to be of low sensitivity to indirect impacts and have been scoped out in agreement with statutory consultees. A potential indirect impact on one Category A Listed Building (Bighouse Garden Pavilion and Walled Garden (LB7160)) has been assessed however no significant effects on this designation are predicted.

4.8.53 The potential for unidentified archaeological remains is considered to be low to negligible.

4.8.54 Overall, the assessment concluded that there would be no significant direct or indirect effects on any heritage assets identified within or immediately outside the inner study area. Nevertheless, the implementation of best practice mitigation measures would still be applied to ensure the heritage assets are not vulnerable to accidental damage during construction.

Hydrology, the Water Environment and Flood Risk

4.8.55 Volume 1: Chapter 9 of the EIA Report identifies and assesses the potential impacts and effects of the Proposed Alignement on the water environment and geology during construction, operation and maintenance, and the dismantling works of the existing 132 kV OHL. Volume 5: Chapter 7 assesses the same in regard to the Alternative Alignment.

4.8.56 Subject to adoption of best practice construction techniques and a site-specific Construction Environmental Management Plan (CEMP), no significant adverse effects on geology (including soils and peat) and the water environment have been identified. The CEMP includes provision for drainage management plans, to be agreed with statutory consultees and which would be used to safeguard water resources.

Biodiversity

Ecology

4.8.57 Volume 1: Chapter 7 of the EIA Report (and Volume 5: Chapter 5 for the Alternative Alignment) presents the assessments of the potential effects on terrestrial ecology (non-ornithological) from the Proposed Development. Given the nature of the Proposed Development, most of the impacts on terrestrial ecology features would arise from construction and would be temporary. Direct permanent habitat losses are restricted to the footprints of the towers, Cable Sealing End (CSE) compound and new permanent access tracks.

4.8.58 The Proposed Development (Proposed Alignment) is in close proximity and partially within the:

- Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and Ramsar and its component West Halladale Site of Special Scientific Interest (SSSI);
- Flow Country World Heritage Site (WHS); and the
- Caithness and Sutherland Peatlands Special Protection Area (SPA).

4.8.59 The Proposed Development is not assessed as giving rise to significant effects on these designated assets and appropriate assessments have been undertaken and are appended to the EIA Report. Shadow Habitats Regulation Assessment (SHRA) (Volume 4,Appendix V1-7.6) has been undertaken for the Proposed Development to meet the requirements of the Conservation of Habitats and Species Regulations 2017. Likely significant effects could not be ruled out at the screening stage, although an appropriate assessment concluded that there would be no adverse effects on the integrity of the SAC / Ramsar Site (either alone or in combination with other plans or projects).

4.8.60 The Proposed Development affects only a very small proportion of the WHS due to proximity, although the effect is assessed as not significant. A separate WHS has been undertaken and concluded that the Proposed Alignment would result in no significant adverse effects on the attributes of the WHS. The same is true for the Alternative Alignment and the WHS Assessment undertaken for Alternative Alignment concluded that no significant adverse effects on the attributes and Outstanding Universal Value of the WHS would arise.

4.8.61 As a result of design mitigation, no significant effects on habitats or protected species are predicted. The use of secondary mitigation via a site-specific CEMP and the use of the Applicant's General Environmental Management Plans (GEMPs) and Species Protection Plans (SPPs) and the engagement of an ECoW provide a further layer of protection.

4.8.62 No significant cumulative effects with any of the other Connagill Cluster Grid Connections have been identified. A landscape scale Habitat Management Plan (HMP) combined with the other HMPs of the Connagill Cluster Grid Connection projects is being developed in consultation with NatureScot to address the cumulative habitat losses of peatland, including within the boundaries of the Flow Country WHS and the SAC.

4.8.63 No effects on features during operation are predicted.

Ornithology

4.8.64 Volume 1: Chapter 8 of the EIA Report considers the potential effects of the Proposed Alignment on ornithological features and provides details of committed mitigation measures identified to minimise or compensate for adverse effects on ornithological features. Volume 5: Chapter 6 of the EIA Report provides the assessment of the Alternative Alignment.

4.8.65 A series of Important Ornithological Features (IOFs) were identified including the:

- Caithness and Sutherland Peatlands SPA and Ramsar Site;
- North Caithness Cliffs SPA:
- Caithness Lochs SPA and Ramsar Site;
- West Halladale SSSI;
- East Halladale SSSI;
- Lochan Buidhe SSSI; and
- A large number of specific protected bird species.

4.8.66 Ornithological sensitivities were taken into consideration during the design of the Proposed Development and the layout has been designed to minimised potential effects on IOFs where possible. Embedded mitigation would comprise implementation of a Bird Protection Plan (BPP) to safeguard breeding birds and roosting raptors listed on Schedule 1A to the Wildlife and Countryside Act 1981(as amended).

4.8.67 Further additional mitigation measures including artificial nest rafts and line markers are proposed. Following implementation of embedded and targeted mitigation measures, no significant residual effects in isolation or cumulatively are predicted as a result of the Proposed Development in either alignment.

Balancing the Contribution of a Development and Conclusions on Policy 11

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

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

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

4.8.71 The "contributions" are inextricably related to the increase in renewable capacity which the Proposed Development is required to provide transmission for and policy recognises that any identified impacts must be assessed in the context of these contributions.

4.8.72 In terms of contribution to targets, the proposal's contributions have been set out in Chapter 3 above. The importance of delivering grid infrastructure is a critical consideration and one which is provided strong support within NPF4 and National Development status. Assessments undertaken demonstrate that there are only limited adverse effects anticipated as a result of the Proposed Development.

4.9 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

4.9.1 In summary, there are no unacceptable effects arising as a result of the Proposed Development in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 **Policies 3 and 4** address.

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

Current Guidance Position

4.9.3 The **letter from the Chief Planner issued on 8 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:

4.9.4 *"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. Accordingly, the current position in relation to guidance summarised below, should not be regarded as settled or standard practice at this stage.

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

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

4.9.7 The Scottish Government also published '**Draft Planning Guidance: Biodiversity**' in November 2023. Paragraph 1.1 states that it: "*Sets out the Scottish Minister's expectations for implementing NPF4 policies which support the cross cutting NPF4 outcome 'improving biodiversity*."

4.9.8 The 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".

4.9.9 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*."

4.9.10 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.

4.9.11 Notwithstanding the fact that the guidance is informal at this stage, these core principles have nonetheless been applied as appropriate to the Proposed Development.

4.9.12 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

4.9.13 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".

4.9.14 Section 4.12 of the draft 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*".

4.9.15 Section 4.14 of the draft 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. It 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*."

4.9.16 The draft 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).

4.9.17 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*."

4.9.18 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).

4.9.19 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.

4.9.20 The commission's final outputs are expected to 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; and
- a user guide supporting the metric (together with any supporting information).

4.9.21 The **Highland Council has 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.

4.9.22 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.

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

4.9.24 The BPG has set out a desire for all development to deliver 10% biodiversity enhancement as a minimum. This ratio has been arrived at via benchmarking with England. However, as noted, until such time as a Scottish metric has been delivered the guidance allows applications (Major and National Development) to demonstrate significant biodiversity

enhancement in alternative ways. Such proposals should clearly and robustly set out how policy will be met in this regard. Where 10% / significant enhancement cannot be met on site alternative measures should be proposed.

4.9.25 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

4.9.26 Notwithstanding the lack of policy guidance at national level in Scotland, there will be a permanent enhancement delivered through the Applicant's proposed enhancements to the natural habitat.

4.9.27 Biodiversity Net Gain (BNG) is a process which leaves nature in a better state than it started. Although it is an internationally recognised process and tool within the development industry, it is not a term that is widely used or implemented in Scotland at this time. SSEN Transmission has developed a BNG toolkit based upon the accepted Department for Environment, Food and Rural Affairs (DEFRA) metric which aims to quantify biodiversity based upon the value of habitats for nature. It is an efficient and effective method for demonstrating whether development projects have been able to maintain or increase the biodiversity value of a development site after construction works.

4.9.28 An Outline HMP for the Connagill Cluster Grid Connections, which includes the Proposed Development, is being developed in consultation with NatureScot to deliver landscape-scale habitat enhancement to meet the requirements of NPF 4 Policy 3. The final HMP would focus on peat restoration, and this would be developed further through the course of the determination period. Potential areas for peatland restoration areas that could be taken forward across the wider landscape are currently under consideration and will require landowner agreement before they can be progressed to deliver the HMP and BNG compensation arising from the Proposed Development.

4.9.29 The SSEN BNG project toolkit will be used to quantify the biodiversity value of the baseline habitats, the loss of units during works and the reinstatement of habitats in temporary working areas, and the compensation and enhancement proposals presented in the outline HMP. The Applicant is committed to delivering a 10% net gain for biodiversity following implementation of the Connagill Cluster Outline HMP. The Proposed Development would 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.

4.9.30 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 Planes

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 policy provision, reflects 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 there will be some significant adverse effects to landscape character and visual amenity as a result of the Proposed Development.

4.10.8 There are no significant effects on national or local designations and the effects identified whilst significant are considered to be largely localised in nature. Embedded design mitigation has driven the proposed siting and location of the Proposed Development to ensure that effects are minimised where possible utilising landform and secondary planting as appropriate.

4.10.9 The Proposed Development would however result in benefits of national importance. The Proposed Development is considered to be in accordance with Policy 4.

4.11 NPF4 Policy 5: Soils

Policy 5 & Principles

4.11.1 In terms of soils, **Policy 5** states that where development on peatland or carbon rich soils or priority peatland habitat is proposed, a detailed site-specific assessment is required to identify baseline, likely effects and net effects. The policy intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. 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 Volume 1: Chapter 9 of the EIA (and Volume 5: Chapter 7 for the Alternative Alignment) 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 Subject to adoption of best practice construction techniques and a site-specific CEMP no significant adverse effects are identified.

4.11.4 The design of the Proposed Development has been informed by a detailed programme of peat depth probing as required by NPF4 and it has been shown that wherever possible areas of deep peat have been avoided. The assessment of peat and carbon rich soils has considered all of the proposed infrastructure, including temporary and permanent access tracks. A project specific peat management plan has been prepared. This demonstrates that the soils that would be disturbed by the Proposed Development are limited in volume and confirms that these soils can be readily and beneficially reused in restoration works.

4.11.5 As part of the baseline assessment a comprehensive peat probing and characterisation exercise has been undertaken and is presented in full in Volume 4, Appendix V1-9.1 and V1-9.2. In summary the investigations confirm that:

- More than 10,700 peat proves were advanced (to the full depth of the soil/peat);
- Approximately 80% of the probe locations recorded a peat depth of <1m;
- Approximately 60% of the peat probes recorded a peat / soils depth of <0.5m;
- Where present, the peat was recorded as fibrous to pseudo fibrous;
- Amorpous peat was rare; and
- The peat was sampled (using an auger) at four locations – and findings are presented in Volume 4, Appendix V1-9.1.

4.11.6 As explained above with regard to NPF4 Policy 11, the Applicant has proposed an appropriate design, mitigation and restoration approach to peatland resources. Appropriate planning conditions can be attached to a grant of consent.

4.11.7 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 The creation of an OC for the Proposed development results in a loss of 5.75 ha of woodland which has for the most part been recently created native woodland. Embedded design mitigation has sought to minimise loss, and the result is not significant and ensures no effect on ancient woodland.

4.12.5 The Applicant is committed to making arrangements to plant off-site the equivalent areas of woodland as compensatory planting in line with Scottish Government Policy.

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

4.13 NPF4 Policy 7: Historic Assets and Places

Policy 7 & Principles

4.13.1 In terms of Policy 7 which deals with Historic Assets and Places, the policy is very similar to that which was in the former 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:

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

4.13.4 **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*".

4.13.5 **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.

4.13.6 **Paragraph I)** 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*".

4.13.7 **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

4.13.8 As noted, no significant direct or indirect effects on designated and undesignated assets are predicted as a result of the Proposed Development. Nevertheless, the implementation of best practice mitigation measures would still be applied to ensure assets are not vulnerable to accidental damage during construction. The Proposed Development is considered to accord with the provisions of Policy 7 so far as they are relevant to the nature of the development as proposed.

4.14 Conclusion on NPF4 Appraisal: A Sustainable Place

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

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

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

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

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

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

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

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

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

4.14.10 The importance of applying NPF4 and its aims and objectives as a whole is demonstrated within the recent Creag Dhubh to Dalmally 275 kV Section 37 decision which recognises that conflict with some areas of policy can arise - in that case Policy 6 (Ancient Woodland loss) and to a lesser degree due to localised amenity harm. However, in applying NPF4 as a whole, there was recognition of the wider benefits and accordance with policy. The Ministers stated the following in their Decision letter on that proposed development:

"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".

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

5. Appraisal against the Local Development Plan

5.1 Introduction

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

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

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

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

5.2 The Lead LDP Policy: Electricity Transmission Infrastructure

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

5.2.2 Policy 69 – 'Electricity Transmission Infrastructure' states:

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

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

5.2.4 The assessments of the impact of the Proposed Development on these features should be guided, where appropriate, by the provisions of policies 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 if the LDP is silent on a relevant topic, then NPF4 takes precedence.

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

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

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

The later adopted document places emphasis on the significant weight to be placed on the contribution to renewable energy targets. It also states that landscape and visual impacts of a localised scale will generally be acceptable subject to appropriate design mitigation. The Act advises that in the event of any incompatibility between the provision of National Planning

Policy Framework 4 and the provision of an LDP, the later in date is to prevail. In that context I rely on my conclusions above in relation to the topic specific National Planning Framework 4 Policy 11."

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

5.3 Other Relevant LDP Policies

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

Table 5.1: HwLDP Policy Summaries

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
Policy 28	Sustainable Design	Provides support for development which promote and enhance social, economic and environmental wellbeing to communities in Highland. Proposals will be assessed by considering the extent to which they are compatible with a range of listed factors and should utilise good siting and design etc. Developments which are considered detrimental will not accord with the LDP. All development must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance to conserve and enhance the character of the area, use resources efficiently, minimise environmental impact and enhance the viability of Highland Communities. Where appropriate a Sustainable Design Statement should be submitted. The precautionary principle will be applied where appropriate, developments with significant detrimental impact will only be supported where this is demonstrable over-riding strategic benefit or if satisfactory mitigation measures are incorporated.	The provisions of this general policy insofar as relevant are contained within the scope of NPF4 Policy 11. No conflicts or contradictions with NPF4.
Policy 30	Physical Constraints	Requirement to consider Physical Constraints to development and refer to Supplementary Guidance of same name if relevant. Main principles are to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.	NPF4 Policy 11 deals with impacts in relation to aviation and other infrastructure safeguarding. No conflicts or contradictions with NPF4.
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 Sustainable Urban Drainage Systems (SUDs) designed in accordance with CIRIA C697.	NPF4 Policy 22 deals with hydrology, the water environment and flood risk. No conflicts or contradictions with NPF4.
Policy 72	Pollution	Proposals that may result in significant pollution (noise, air, water and light) will only be approved where a detailed assessment on the levels character and transmission and receiving environment of the potential pollution is provided and mitigated if necessary.	NPF4 Policy 11 deals with impacts in relation to amenity arising from energy developments. No conflicts or contradictions with NPF4.
Policy 77	Public Access	Provides protection to Core Paths and access points to water or rights of way providing presumption of retention and enhancement of amenity value, and use of alternative access that is no less attractive or safe where necessary.	NPF4 Policy 11 public access and recreational routes. No conflicts or contradictions with NPF4.

5.4 Planning Guidance

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

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

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

5.5 Conclusions on the LDP

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

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

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

5.5.4 The transmission policy provisions of the HwLDP are based on those of the 2014 SPP. In addition, there are a number of incompatibilities between the HwLDP and the policies of

NPF4 as explained above. This means, as per the amendments made to the 1997 Act, that the provisions of NPF4 (which is the most recent part of the Development Plan) must prevail.

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

6. Conclusions

6.1 The Electricity Act 1989

6.1.1 Paragraph 3 of Schedule 9 to the 1989 Act places a specific statutory duty on the Scottish Ministers to have regard to various matters when considering development proposals for consent under section 37 of the 1989 Act.

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

6.2 The Climate Crisis & Renewable Energy Policy Framework

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

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

6.2.3 ND3 supports renewable electricity generation and repowering and expansion of the electricity grid. The infrastructure is designated as national development and essential infrastructure and is explicitly supported by NPF4 Policy 11(a)(ii) Energy.

6.3 The Planning Balance & Conclusion

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

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

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

> The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are "*at the heart of our vision for a future Scotland*" so that "*the decisions we make today will be in the long-term interest of our country*"[14]. 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

[14] NPF4, page 2.

- 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.

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

6.3.5 Scottish Ministers have reinforced the position set within policy within their recent decision on the Creag Dhubh to Dalmally 275kV OHL project stating (paragraph 87) of their Decision Letter that:

"Scotland faces a real challenge in building an electricity grid which will allow Scotland to harvest and export its vast resources of clean energy. ***The Scottish Ministers recognise that to achieve the dual aims of maintaining a resilient electricity network for businesses and consumers and enabling renewable ambitions to be realised, the need for grid reinforcement is greater than ever…****"* (emphasis added)

6.3.6 Furthermore, paragraph 88 of the Decision Letter states:

"Scotland's energy policies and planning policies are all material considerations when weighing up the proposed Development. ***NPF4 makes it clear that low carbon energy deployment, maintaining security of electricity supply, and electricity system resilience remain a priority of the Scottish Government.*** *These are matters which should be afforded significant weight in favour of the Proposed Development".* (emphasis added)

6.3.7 The Proposed Development accords with relevant policies and is in accordance with the statutory Development Plan when read as a whole. The Proposed Development has been designed with embedded mitigation to ensure a satisfactory relationship with the receiving environment and to protect residents and communities from undue impact. Where potential significant effects arise, appropriate mitigation measures are proposed such that no significant residual effects arise.

6.3.8 Consideration of the Proposed Alignment and Alternative Alignment has been thoroughly assessed within the EIA Report and it is considered that there is sufficient information on both options to enable a determination.

6.3.9 The Proposed Development, incorporating both the Proposed and Alternative Alignment is considered to be in accordance with policy and delivers essential infrastructure improvements whilst ensuring biodiversity enhancement and local socio-economic benefits where possible, in order to contribute to Net Zero and in doing so addresses both the global climate and nature crisis.

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