DAVID BELL PLANNING
CHARTERED TOWN PLANNERS

Coire Glas Grid Connection
Proposed 400 kV Overhead Line

Planning statement

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Scottish & Southern Electricity Networks

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Contents

1. Introduction and Overview

1.1 Background

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, along with a request that Ministers issue a direction that planning permission be deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997, for consent to construct and operate approximately 13 kilometres (km) of new 400 kV double circuit steel structure overhead line (OHL) between the consented Coire Glas Pumped Storage Scheme and the existing Fort Augustus Substation ('the Proposed Development').

1.1.2 The scope of the application is limited to construction and operation of the OHL and ancillary works for the construction and maintenance of the OHL including, vegetation management including tree felling, temporary OHL diversions, formation of bellmouths at public roads access point, construction of new permanent and temporary access tracks and upgrading of existing, tower working areas and other ancillary works related to these core requirements. The Proposed Development would not have a fixed operational life, and as such the consent is sought on a permanent, in perpetuity, basis.

1.1.3 Other associated works for which separate consent under the Town and Country Planning (Scotland) Act 1997 would be sought by the Applicant include a new 400 kV switching station located within Glengarry Forest (hereafter referred to as 'Coire Glas Switching Station') and a new 400 kV / 132 kV substation near Loch Lundie, Invergarry (hereafter referred to as 'Loch Lundie Substation'). These works are referred to within the EIA Report as 'Associated Works' and do not form part of the s37 consent but have been assessed in relation to their potential for cumulative effects. Together with the Proposed Development the Associated Works are referred to as 'The Coire Glas Grid Connection Project'.

1.1.4 The Proposed Development also forms part of a wider rationalisation exercise to reduce the overall amount of electrical grid infrastructure in the surrounding area. The rationalisation would comprise re-routing the existing 132 kV Fort Augustus to Fort William OHL and the existing 132 kV Invergarry Tee OHL into the proposed Loch Lundie Substation. Following the construction of the Proposed Development, the existing 132 kV Fort Augustus to Fort William OHL would be decommissioned and dismantled between the proposed Loch Lundie Substation and the existing For Augustus Substation. The Proposed Development would also include a new temporary OHL diversion approximately 0.7 km in length, to enable the continued operation of the 132 kV Fort Augustus to Fort William OHL whilst the OHL is rerouted into the proposed new Loch Lundie Substation.

1.1.5 As the Transmission License holder in the North of Scotland, the Applicant has a duty under section 9 of the Electricity Act 1989 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.

1.1.6 The primary driver for the Proposed Development is the requirement to facilitate the connection of the consented 1,500 Megawatts (MW) Coire Glas Pumped Storage Scheme.

1.1.7 This Planning Statement outlines the case for approval in land use planning policy terms at the local (Highland) level, and at the national policy level with particular emphasis on the national policy position in support of the delivery of electricity infrastructure that will assist in the delivery of the Government's legally binding 'net zero' commitments.

1.2 Approach

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

1.1.9 Applications made under Section 37 of The Electricity Act need to have regard to the provisions of Schedule 9 which relates to the preservation of amenity and fisheries. The Development Plan is not the main basis for decision making in applications made under the Electricity Act, but it is likely to be material in informing how the planning authority consider the land use implications of the proposal.

1.1.10 Schedule 9, Sub-paragraph 3(2) of the Electricity 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."

1.1.11 The matters referred to in Schedule 9 sub-paragraph 3 (1) (a) and (b) of the Electricity Act apply to the Applicant as a license 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; "

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"

1.1.12 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."*

1.1.13 The provisions of Schedule 9 of the Electricity Act set out a number of matters to which regard must be had by the Applicant and Scottish Ministers. The application is accompanied by an Environmental Impact Assessment Report that sets out what regard has been had to the matters outlined in Schedule 9 amongst other things.

The Town & Country Planning (Scotland) Act 1997

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

1.1.15 Section 57(2) of the Planning Act provides:

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

1.1.16 Section 25 of the Planning Act states that:

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

1.1.17 Section 57(2) of the Planning 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)[1].

1.1.18 The Scottish Ministers will determine the application having regard to the statutory duties in Schedules 8 and 9 of the Electricity Act, and to material considerations. As outlined above, the statutory Development Plan is a material consideration in the determination of applications under Section 37 of the Electricity Act.

1.1.19 Accordingly, the purpose of this Planning Statement is to provide an assessment of the Proposed Development in the context of relevant national and local planning and energy policies and other material considerations.

1.1.20 As such it is important to establish:

> What are the relevant national planning and energy policy considerations relevant to the Proposed Development?

> What Development Plan policies are relevant to the proposal that give a local policy context for the consideration of environmental effects arising from the development?

Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017) (EIA Regs)

1.1.21 The Proposed Development constitutes 'Schedule 2' development under the EIA Regulations and the application for section 37 consent is accompanied by an EIA Report.

1.1.22 A request for a Scoping Opinion was made to the Scottish Minister under Regulation 12 of the EIA Regulations in February 2023. A Scoping Report was submitted to support the request, which sought input from statutory and non-statutory consultees regarding the information be provided within the EIA Report.

1.1.23 Due to committed timescales to deliver the connection, the EIA Report and Section 37 application has been submitted prior to a Scoping Opinion being received from Scottish Ministers. Where scoping responses from consultees have been received, such responses have been considered within the EIA Report and are referenced accordingly.

1.3 The Development Plan

1.1.24 The Fourth National Planning Framework (NPF4) came into force on 13th February 2023. As a result, the statutory Development Plan covering the Site comprises:

> National Planning Framework 4 (NPF4) (February 2023); and

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

> The Inner Moray Firth Local Development Plan (IMFLDP) (2015).

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

1.1.26 Section 13 of the 2019 Act amends Section 24 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) to provide that:

[1] William Grant & Sons Distillers Limited, Court of Session [2012] CSIH 28.

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

1.4 Key Facts

1.1.27 Key facts relevant to this planning application are:

- The Proposed Development is identified in NPF4 as a **National Development under ND3 *Strategic Renewable Electricity Generation and Transmission Infrastructure***' which recognises that "*the electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity."* The designation of classes of development that qualify as ND3 includes ***"(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132 kV or more".***
- The Proposed Development is for **new OHL infrastructure to connect the consented 1500 MW Coire Glas Pumped Storage Project and will also facilitate the rationalisation of existing grid infrastructure in the area on completion of the OHL and the Associated Works, therefore reducing proliferation of infrastructure but increased capacity and security of supply for the connection and transmission of renewable energy to the wider GB network.**
- **Pumped Hydro Storage, including new or replacement transmission cables associated to that, are identified as National Development under ND2 'Pumped Hydro Storage.**
- The Proposed Development forms a **vital element to deliver network and grid infrastructure required to deliver the Government's legally binding targets for net zero emissions and renewable energy electricity generation objectives**.
- The Proposed Development will be delivered in such a way that it is environmentally acceptable and will include a **co-ordinated and scheme environmental protection and enhancements as appropriate to the route.**

1.5 Structure of this Planning Statement

1.1.28 This report seeks to address the pertinent issues relevant to the determination of the application to assist decision makers in their assessment and conclusions on the proposal.

1.1.29 The report is structured as follows:

- **Chapter 2** sets out a summary description of the site and Proposed Development. The siting and design approach is also referenced, with cross references as appropriate to the Design principles for the Proposed Development.
- **Chapter 3** addresses whether the Proposed Development is in accordance with the National Planning Framework 4.
- **Chapter 4** contains the consideration of the Proposed Development against the relevant policies of the Local Development Plan and Supplementary Guidance.
- **Chapter 5** examines relevant material considerations including energy policy matters.
- **Chapter 6** presents overall conclusions.

2. The Development and Routeing

2.1 Summary Route Description

2.1.1 The proposed OHL is located in a rural area of the Scottish Highlands routed between Glengarry Forest (at location approximately 4 km to the west of Invergarry Village) and the settlement of Auchterawe (located approximately 2 km southwest of Fort Augustus).

2.1.2 The route travels from the location of the proposed Coire Glas Switching Station within Glengarry Forest through the forestry at White Bridge for approximately 2 km before crossing both the River Garry and the A87 to the northeast of Invergarry. After crossing the A87, the OHL would travel through a further area of Forestry and Land Scotland (FLS) forestry and Munerigie Wood reaching an area of open moorland to the southwest of Loch Lunde on Aberchalder Estate. Thereafter the OHL would continue in an easterly direction to the south of Loch Lundie for approximately 2 km before connecting into the proposed Loch Lundie Substation.

2.1.3 From the Loch Lundie Substation, the OHL would travel through the commercial Drynachan Forest in a north-easterly direction for approximately 1.4 km. Upon exiting Drynachan Forest the route would continue in a northerly direction through an area of open moorland on the Aberchalder Estate for a further 1.3 km before entering the forestry of Inchnacardoch Forest. Routeing within the forest the OHL would continue in a north-easterly direction for a further 2.4 km, broadly parallel to the eastern side of the existing 132 kV Fort Augustus to Fort William OHL (to be dismantled following the commissioning of the Proposed Development). On reaching Torr Dhuin the Proposed Development would diverge from the route of the existing 132 kV OHL near the settlement of Auchterawe, here the OHL would enter the area of FLS commercial forestry to the east of Auchterawe, before changing direction to connection with the southwestern corner of the existing Fort Augustus Substation.

2.1.4 Terminal towers would be required to connect at the switching station and both the proposed Loch Lundie and existing Fort Augustus substations.

2.2 Route Selection & Alternatives

2.2.1 Chapter 2 of the EIA Report provides a detailed description of the routeing process and alternatives. The Applicant has internal procedures on routeing and alignment selection and carries out consultation as part of this process. The key stages in the process described in more detail include:

- Design options;
- Approach to routeing and alignment selection;
- Route options process and consultation responses;
- Alignment selection stage process and consultation responses; and
- Other considerations to reduce potential effects.

Design

2.2.2 A 400 kV double circuit OHL connection is required due to the capacity and role of the Coire Glas Pumped Hydro Storage Scheme which requires to be connected to the UK grid and will play a significant role in balancing and optimising electricity generation and maintaining operability of the electricity system in the drive to decarbonisation and net zero.

2.2.3 The proposed engineering solution that results requires a 400 kV double circuit OHL supported by steel lattice structures which would provide a high capacity, low loss transmission circuit – consistent with net zero objectives. It is proposed that the connection

will use the same technology as the 400 kV circuits currently connecting at Fort Augusts from Beauly and Tummel.

2.2.4 Other OHL solutions such as wood poles, steel poles and New Suite of Transmission Towers (NeSTS) towers have not been considered as feasible design solutions for the proposed 400 kV OHL, as these structures are not designed for 400 kV construction and accordingly are not suitable to carry the infrastructure required to support a double circuit 400 kV OHL. These structures have been considered as part of the design solution for the diversion and rerouting of the lower voltage 132 kV Fort Augustus to Fort William and 132 kV Invergarry Tee OHLs.

2.2.5 An underground cable connection (400 kV) is not considered a feasible option due to both economic and technical reasons not least due to the terrain over which it would need to be installed, which presents significant challenges and would give rise to further environmental harm and less efficient maintenance and repairs processes, where locating faults and accessing these can be extremely challenging and take much longer to repair.

Routeing and Alignment Selection

2.2.6 Several stages in the routeing and alignment process are taken prior to submission of the preferred proposal for consent. Initially a corridor was identified which encompassed a range of feasible route options between the identified connection points. Route selection involves the identification of route options prior to having a preferred route which is then subject to consultation. Route options are identified following desk-based review and site walkovers. features. It also provided greater opportunities to minimise felling and avoid sensitive habitats.

2.2.7 At each stage key principles are taken into account during the routeing and alignment stages (where practicable) to:

- Avoid possible major areas of highest amenity value (including national and international designations and sensitive landscapes);
- Avoid by deviation smaller areas of high amenity value;
- Avoid sharp changes in direction and reduce the number of larger angle towers required;
- Avoid skylining the route in key views;
- Target the route towards open valleys and woods where scale of the structures will be reduced and views broken by trees;
- Consider the appearance of other lines in the landscape to avoid a domination or confusing wirescape effect;
- Approach urban areas through industrial zones and consider the use of undergrounding in residential and valued recreational areas.

2.2.8 Indicative route options were identified for each section of the project following desk-based review and site walkovers and giving due consideration to the principles as stated above. Indicative route options were identified at 1 km widths to allow for alignment options at the next stage of assessment. Appraisal or route options involves systematic consideration against key topic areas including natural heritage, cultural heritage, amenity, landscape and visual, land use etc, engineering and technical consideration and cost.

2.2.9 A detailed summary of route options assessed is provided in Chapter 2 of the EIA Report. Following assessment, the preferred route options (Option LL-FA2, scenario B) was proposed not least due to its ability to allow rationalisation of other OHL infrastructure which leads to several benefits and reduced potential environmental constraints including cumulative landscape and visual impacts, and setting impacts on cultural heritage assets

2.2.10 Alignment selection stage seeks to refine the route subject to an agreed Limit of Deviation (LoD). A base alignment is developed via a construction consultant providing specialist technical input and exploring advantages and disadvantages and constructability of various options within the preferred route corridor. Consideration of potential environmental constraints on each alignment is undertaken and options are appraised in order to find the optimal solution. Consultation with stakeholders informs this process. The preferred alignment was consulted upon and the preferred option selected thereafter.

2.2.11 A full summary of the process and key considerations is provided in Chapter 2 of the EIA Report.

2.2.12 Further consideration of alternatives during the EIA stage of the project has focussed on tower positions and siting of ancillary infrastructure as a result of more detailed environmental and engineering information including NVC habitat surveys, peat probing and ground investigation results. Changes to the design at this stage have been relatively minor given the extensive work undertaken at alignment stage.

2.3 The Proposed Development

2.3.1 The Proposed Development includes the following works, for which Section 37 consent and deemed planning permission is sought:

- Installation and operation of approximately 13 km of new double circuit 400 kV OHL supported by steel lattice towers. This comprises approximately 4.7 km of OHL from the proposed Coire Glas Switching Station to the proposed Loch Lundie Substation, and approximately 8.5 km of OHL from the proposed Loch Lundie Substation to the existing Fort Augustus Substation. Terminal towers would be required to connect at the switching station and both substations.
- Re-routeing of the 132 kV For Augustus to Fort William OHL and the 132 kV Invergarry Tee OHL into the proposed Loch Lundie Substation; and
- Installation of a new temporary OHL diversion, including the installation of up to eight temporary Trident wood poles, to enable operation of the 132 kV Fort Augustus to Fort William OHL whilst the OHL is rerouted into the proposed new Loch Lundie Substation.
- Ancillary works required to facilitate the construction and operation of the Proposed Development including:
  - The formation of access tracks (permanent, temporary and upgrades to existing tracks) and the installation of bridges and culverts to facilitate access;
  - The upgrade of existing, or creation of new, bellmouths at public road access points;
  - Establishment of temporary measures to protect road and water crossings (e.g scaffolding);
  - 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 (ESQCR) 2002; and
  - Decommissioning and dismantling of a section of the existing 132 kV steel lattice Fort Augustus to Fort William OHL between the proposed Loch Lundie Substation and the existing Fort Augustus Substation.

Limit of Deviation

2.3.2 A Limit of Deviation (LoD) to define the maximum extent within which a development can be built is proposed.

2.3.3 A 200 m LoD (i.e., 100 m either side of the proposed OHL alignment) is sought to allow for micro siting during construction. A 30 m LoD is sought for works to existing access tracks. A 60 m LoD (30m either side of the centre line) is sought for new access tracks.

2.3.4 Where the OHL alignment passes close to the Torr Dhuin Scheduled Monument near Auchterawe, the OHL LoD has been amended to 50 m to the south of the centre line and 150 m to the north of the centre line to avoid the OHL being positioned too close to this sensitive receptor.

2.3.5 An operation corridor is required through areas of woodland and commercial forestry to ensure the safe operation of the OHL. It is anticipated that the width of the operational corrido would be 45 m either side of the OHL. Therefore, in areas of woodland or commercial forestry, a 45 m extension to the OHL LoD may be required for felling operations. Similarly, for any sections of new tracks a 10 m corridor is required either side of the track.

2.3.6 A vertical LoD (i.e the maximum height of a pole or tower above ground level, is also sought to allow a height increase or decrease of 9 m on the proposed tower heights presented for the 400 kV OHL. The 9 m variation is consistent with the extensions to which steel lattice towers are designed. A vertical LOD is also sought to allow a height increase or decrease of 6 m on the proposed height for the new 132 kV steel lattice towers and Trident steel poles for the rerouted sections of the 132 kV Fort Augustus to Fort William OHL and the 132 kV Invergarry Tee OHL.

Construction Programme and Hours

2.3.7 It is anticipated that construction period of the Proposed Development would be approximately 40 months. Key tasks in that period include:

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

A further 4-month period (approximately) would be required for dismantling works associated with the existing 132 kV OHLs.

2.3.8 A more detailed description of works associate with each phase is provided in Chapter 3 (Project Description) of the EIA Report.

2.3.9 Construction Environmental Management Plans (CEMP), General Environmental Management Plans (GEMPS) and Species Protection Plans (SPPs) have been developed by the Applicant and would be adhered to throughout the construction process.

2.3.10 Construction working is likely to be during daytime periods only. Working hours are anticipated to be Monday to Friday between approximately 07.00 to 19.00 March to September and 07.30 to 17.00 (or within daylight hours) October to February. Weekend working could also be proposed with slightly reduced working hours (i.e. works to cease at 16.00). Working hours would be confirmed by the Principal Contractor and agreed with The Highland Council as local authority.

Decommissioning

2.3.11 The consent is applied for in perpetuity.

2.3.12 If the Proposed Development were to be decommissioned all components of the OHL would be removed from site and either recycled or disposed of appropriately. A method statement for decommissioning would be agreed with Highland Council. The effects associated with the construction phase can be considered as representative of worst-case decommissioning

effects, and therefore not separate assessment of decommissioning has been undertaken as part of the EIA Report.

3. Appraisal against NPF4

3.1 How NPF4 is to be used

3.1.1 NPF4 came into force and became part of the statutory Development Plan on 13th February 2023. Whilst section 37 applications do not require to comply with section 25 of the Planning Act National planning policy is a very important consideration: amongst other matters it sets the framework of development management factors.

3.1.2 Annex A (page 94) of the document explains how NPF4 is to be used. It states:

3.1.3 "*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*."

3.1.4 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[2]. NPF4 includes a long-term spatial strategy to 2045*."

3.1.5 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 Plan3 (IIP).

3.1.6 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.

3.2 The National Spatial Strategy – Delivery of Sustainable Places

3.2.1 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):

3.2.2 "*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*."

3.2.3 The principles are stated as playing a key role in delivering the United Nations Sustainable Development Goals and the Scottish Government's National Performance Framework[4].

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

> 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";

[2] 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'.

[3] 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.

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

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

3.2.5 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*:

3.2.6 "*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*."

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

3.2.8 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."

3.2.9 Six National Developments (NDs) support the delivery of sustainable places, one being ND2 'Pumped Hydro Storage', and another (ND3) being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.

3.2.10 A summary description of ND2 is provided at page 7 of NPF4 as follows:

"extends hydro-electricity capacity to support the transition away from fossil fuels, whilst providing employment opportunities in rural areas".

3.2.11 A summary description of ND3 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*".

3.2.12 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*."

3.2.13 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.

3.3 National Developments

Overview

3.3.1 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*".

3.3.2 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*".

National Development 2 "Pumped Hydro Storage"

3.3.3 Page 102 of NPF4 describes ND2 and states:

"This national development will play a significant role in balancing and optimising electricity generation and maintaining the operability of the electricity system as part of our transition to net zero. This is necessary as we continue to move towards a decarbonised system with much more renewable generation, the output from which is defined by weather conditions.

The national development supports additional capacity at existing sites as well as new sites…

3.3.4 Reference is made to the classification of developments that will quality as ND2 and it states:

"A development contributing to 'Pumped Hydro Storage' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009' is designated at national development:

a) New and/or expanded and/or upgraded water holding reservoir and dam;

b) New and/or upgraded electricity generating plant structures of buildings;

c) New and/or upgraded pump plant structures or buildings;

d) New and/or expanded and/or upgraded water inlet and outlet pipework;

e) New and/or upgraded substations and/or transformers; and

f) New and/or replacement transmission cables".

3.3.5 The Proposed Development consists of a new 400kV OHL to connect the consented Coire Glas Pumped Hydro Storage scheme to the transmission grid and subsection f) is therefore applicable and it has national development status.

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

3.3.6 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."

3.3.7 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*."

3.3.8 Reference is made to the designation and classes of development which would qualify as ND3, and it states in this regard:

"*A development contributing to 'Strategic Renewable Electricity Generation and Transmission' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:*

(a) on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;

(b) new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and

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

3.3.9 The Proposed Development consists of a proposal for an OHL of 400 kV to connect a consented pumped hydro storage scheme and subsection (b) is therefore also applicable and it has further National Development status.

3.3.10 The Proposed Development is required to connect the consented 1,500 MW Coire Glas Pumped Hydro Storage scheme which will play a significant and critical role in balancing the electricity network and supporting growth in renewables by maintaining the operability of the electricity system, both critical elements of the route to net zero and decarbonisation of the energy system. There is recognition that to meet this requirement and make progress, there will be a rapid move to support renewable generation and supply. This links to the express acknowledgement in NPF4 Policy 11 (see below) that some significant effects are inevitable.

3.4 National Planning Policy

3.4.1 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.

3.4.2 Page 98 of NPF4 states that with regard to LDPs, the focus should be on land allocation through the spatial strategy and interpreting national policy in a local context. It states:

"*There is no need for LDPs to replicate policies within NPF4, but authorities can add further detail including local specific policies should they consider to be a need to do so, based on the area's individual characteristics*".

3.4.3 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*".

3.4.4 In terms of "sustainable places" 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; and
- Policy 11: Energy.

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

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

3.4.6 The Letter adds:

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

3.5 NPF4 Policy 1: Tackling the Climate and Nature Crisis

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

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

3.5.3 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.

3.5.4 The Chief Planner's Letter of 8th February 2023 gives some guidance with regard to Policy 1. It states that the policy should be applied together with the other policies in NPF4 and that:

"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 crisis".

3.5.5 It is considered that given the nature of the Proposed Development and its specific contribution to delivering grid connection to the 1500 MW Coire Glas Pumped Storage Scheme it should be afforded significant weight in terms of tackling the climate and indeed the nature crisis.

3.6 NPF4 Policy 11: Energy

3.6.1 For the consideration of electricity grid reinforcement proposals, Policy 11 'Energy' (page 53) is the lead policy. Policy 11's intent is set out as:

3.6.2 "*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.*"

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

3.6.4 The policy wording is set out below:

"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".

3.6.5 The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, through encouragement, promotion and facilitation of grid infrastructure which the proposed development, as a nationally important development for transmission and also to support pumped hydro would help further.

3.6.6 The wording of **Policy 11 Paragraph (a)(ii**) makes it clear that the policy directly supports new grid transmission and distribution infrastructure. This is corroborated by the statement of need of ND3 as detailed above.

3.6.7 **Policy 11 Paragraph a(iii**) directly supports energy storage including pumped hydro storage and this is corroborated by the statement of need and definition of ND2 as detailed above, within which the Proposed Development as a transmission cable enabling connection to the grid is clearly supported as National Development.

3.6.8 **Policy 11 Paragraph (b)** is not relevant to the consideration of the Proposed Development as the project is not for a wind farm.

3.6.9 **Policy 11 Paragraph c)** states that 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.

3.6.10 The Proposed Development reflects a significant investment of approximately £47 million in a key economic sector supporting both pillars of the national economic strategy and each of the broad priority areas of local economic strategy, providing employment opportunities throughout construction and operation.

3.6.11 In terms of employment opportunities, the EIA Report Chapter 3 states that: *"Employment of construction staff will be the responsibility of the Principal Contractor, but SSEN Transmission encourages the Principal Contractor to make use of suitable labour and resources from areas local to the location of the works".* In a wider context, the Project will facilitate the transmission of renewable energy storage and will therefore make an additional indirect contribution to the local economy.

3.6.12 Chapter 13 of the EIA Report provides and assessment of socio-economics, recreation and tourism and assessed that, taking account of displacement and multiplier effects the Proposed Development is expected to generate 1.3 operational jobs per annum in the Highland and 1.6 across Scotland per annum, which equates to a GVA impact of £48k to the Highland and £92k across Scotland, per annum. The predicted residual socio-economic effect in relation to construction and operational activities are deemed to be minor beneficial.

3.6.13 **Policy 11 Paragraph d)** states that development proposals that impact on international and national designations "*will be assessed in relation to Policy* 4". An assessment of environmental impacts is provided within the EIA Report however no impacts on national or international designations are identified for the Proposed Development.

3.6.14 **Policy 11 Paragraph e)** states that project and design and mitigation *"will demonstrate how"* impacts are addressed. These are listed in the quotation of the policy above. An EIA Report has been provided in support of the application which provides and assessment of each of these issues in more detail.

3.6.15 The EIA Report provides a clear description of where mitigation has been utilised to minimise effect through both embedded mitigation via design and additional mitigation to ensure residual effects are not significant. Where significant effects are identified, policy is clear in stressing that some areas of conflict are to be expected, and that the consideration of these impacts must be balanced with the *"significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets".*

3.6.16 A summary relevant to the key criteria listed in Policy 11 (e) is provided below:

Amenity (noise/visual impact/ recreation and tourism)

1.1.30 Criterion e) (i) of Policy 11 states that impacts on communities and individual dwellings including as relevant in this instance, noise, should be addressed within submission. There are no direct impacts on communities or individual dwellings identified given the location and alignment proposed. The potential noise matters arising from the construction of the Proposed Development will be managed via best practise as prescribed within the CEMP and the noise assessment assessed construction noise as a minor impact to nearby noise sensitive receptors (NSRs). No operational significant effects are predicted. Potential noise associated with the dismantling of the existing 132 kV OHL between Form William and Fort Augustus is predated to have major impact on six of fourteen NSRs. This will also be the case for tree felling of the 400 kV OHL at two receptors. Mitigation is proposed in the form of restricting working hours for these elements to daytime periods in order to meet the 65 dB limit. Chapter 13 of the EIA Report provides detailed analysis of the noise and vibration assessment undertaken.

1.1.31 Visual impact and effect on amenity is addressed within the landscape and visual section of the EA Report and summarised in regard to criteria e)(iii) below.

1.1.32 Chapter 13 of the EIA Report considers potential effects on recreation and tourism and recognises the contribution design mitigation and both routeing and alignment stage has

made in terms of minimising landscape and visual effects, thus mitigating any potential adverse recreational and tourism impacts.

Landscape and visual

3.6.17 Criterion e) (ii) of Policy 11 states that significant landscape and visual impacts should be assessed and addressed within proposals and provides that where impacts are localised and / or appropriate design mitigation has been applied, they will generally be considered to be acceptable.

3.6.18 There are no nationally designated or protected landscapes within the study area. Within a regional context the Loch Lochy and Loch Oich Special Landscape Areas (SLA) are located on the periphery of the study are and show very limited ZTV coverage from the floor of the Great Glen, with tree cover interrupting visibility. As a result, further assessment has been scoped out of the LVIA because it was considered that the potential for significant effects to occur is very unlikely.

3.6.19 Chapter 7 of the EIA Report addresses landscape and visual matters. The landscape assessment has established that there would be no likely significant effects to landscape character as a result of the Proposed Development and that no significant effects to the value and special qualities of any designated or protected landscapes, including SLA's would arise. The integrity of these areas would therefore remain intact. No significant cumulative landscape effects are predicted. Indeed, the removal of some existing OHLs would results in cumulative developments forming a less noticeable change to the overall landscape character.

3.6.20 The visual assessment has found that the majority of visual effects would not be significant due to screening from trees and landform, the effects of distance and the similarities of the Proposed Development to the existing OHL which will be removed. Long term significant effects during the operation of the Proposed Development have been identified for receptors using only one recreation route, the Torr Dhuin Trail, where the Proposed Development would be noticeable alongside the route and would cross in two locations. Further temporary significant effects are identified during construction to receptors in Auchterawe due to the dismantling of the existing steel lattice towers, and for other recreational routes in the area for similar reasons. No permanent adverse cumulative visual effects are predicted.

3.6.21 Whilst localised significant short-term visual effects are identified, and a significant visual effect is predicted to continue through the operational phase for recreational users of a small group of routes around the River Garry, all visual effects would be assessed as not significant by 10 years post construction.

3.6.22 Principle mitigation measures have been embedded in the design process and relate to the identification of a preferred route, alignment, and technology to reduce, as far as possible, adverse landscape and visual effects. In general, the alignment has been designed to conform with topography and minimise potential prominence on ridgelines or fragmentation of areas of distinctive landscape character. Care has also been given to minimise the potential prominence of the Proposed Development in views from properties and popular tourist sites. While the Proposed Development would largely follow the route of the existing 132 kV OHL which it would replace (north of Loch Lundie) two key modifications have been made to reduce the landscape and visual effects:

- At Loch Lundie the Proposed Development has been brought into the existing forest plantation, as opposed to following the plantation edge as existing, this will help to reduce the landscape and visual effects on the area around the Loch;
- At Auchterawe, the alignment has been moved east, into existing forest plantation, whereas the existing OHL crosses open fields to the front of properties. This is predicted to give and overall beneficial visual effect for residents in this area.

3.6.23 Landscape and visual mitigation in relation to the construction and reinstatement of disturbed ground associated with the Proposed Development will be managed through good practice as set out in the CEMP. This relates to the successful landscape reinstatement of areas disturbed during construction including compounds, working areas and temporary access routes. Reinstatement of landform would include the creation of suitable gradients for cut and fill slopes associated with access tracks to enable the replacement of peat/soils and re-establishment of vegetation. Where the receiving terrain is not suitable to allow these gradients, the use of geoengineering techniques would be utilised to help establish vegetation and prevent erosion. The natural regeneration of native species is the preferred method of achieving vegetation restoration.

3.6.24 The proposals are consistent with assessment requirements as set out criteria e) (iii)of Policy 11 and confirm that all efforts have been made to minimise the extent of effects resulting from the Proposed Development and that when considered as a whole, the limited adverse effects can be considered acceptable in landscape and visual terms.

Roads & Traffic

3.6.25 **Criterion e) (vi) of Policy 11** relates to impacts on road traffic and on adjacent trunk roads, including during construction. A transport assessment has been prepared to support the Proposed Development and is reported in Chapter 12 of the EIA Report. It is recognised that the Proposed Development result in a temporary increase in traffic flows on the road network during construction. No link capacity issues are expected on any assessed roads due to additional movements and the effects are temporary and transitory.

3.6.26 In order to address potential impacts from construction traffic, the Principal Contractor will be required to prepare a Construction Traffic Management Plan (CTMP) which would include a range of mitigation measures to ensure free flow of traffic, restrict abnormal load movements out with peak hours, ensure the use of appropriate signage, etc.

3.6.27 The assessment is consistent with the requirements of Policy 11 and no significant adverse effects are predicted.

Historic Environment

3.6.28 **Criterion e) (vii) of Policy 11** seeks clarification on the design and mitigation proposed to address potential impacts on the historic environment. An assessment of effects of the Proposed Development on cultural heritage and archaeology has been undertaken and is reported in Chapter 11 of the EIA Report.

3.6.29 A desk-based assessment and walkover field survey were completed to assess the effects on archaeology and cultural heritage interests during construction and operation of the Proposed Development. A total of six non-designated heritage assets have been identified within the LoDs of the Proposed Development.

3.6.30 There is considered potential for construction works within the Proposed Development LoDs to result in direct effects on three heritage assets, in addition, three additional elements of these assets lie within the micrositing allowance of the towers or access track routes. Without mitigation one of those effects is assessed as being potentially of moderate significance. There is also potential for works to affect unknown, buried archaeological remains, albeit this is judged as a low likelihood, this is assessed as a moderate significant potential effect without mitigation measures being in place.

3.6.31 Mitigation measures are proposed to ensure effects are minimised and as a result, the residual construction effects are assessed as n more than minor significance. The scope of works would be detailed in Written Scheme(s) of Investigation (WSI), key mitigation measures proposed include:

> Preservation in situ;

> Micrositing;

- Watching Briefs;
- Post-excavation Assessment and Reporting; and,
- Construction Guidelines.

3.6.32 The assessment has resulted in the identification of a moderate significant effect on the setting of one Scheduled Monument (Torr Dhuin Fort, SM 794), but that effect would not significantly adversely affect the integrity of its setting. With the exception of this setting effect, the residual cumulative effects of the Proposed Development are not considered significant.

3.6.33 The Proposed Development is therefore considered consistent with the provisions of Policy 11 in regard to the Historic Environment when considered as a whole and in the context of the national development status and the contribution to addressing climate change of the Proposed Development.

Hydrology, Hydrogeology & Flooding

3.6.34 **Criterion e) (viii) of Policy 11** seeks assurances on the effects on hydrology, the water environment and flood risk. Chapter 10 of the EIA Report provides an assessment of the Proposed Development in this regard. Information for the study area was compiled using baseline information from a desk study which was verified thereafter by an extensive programme of field work. This included investigation of public and private water supply sources to determine those which might be hydrologically connected to, and at risk from, the Proposed Development. Measures to protect these sources are confirmed within the assessment work.

3.6.35 The assessments findings demonstrate that subject to the adopted of best practise construction techniques and a site-specific Construction Environmental Management Plan (CEMP), no significant adverse effects on the water environment are identified. The CEMP includes provision for drainage management plans to be agreed with statutory consultees which will be used to safeguard water resources and manage flood risk. A commitment to deploy Sustainable Drainage Systems (SuDS) is also made. The CEMP also includes a Pollution Prevention Plan. Notwithstanding these safeguards a programme of baseline and construction phase water quality monitoring is proposed in order to confirm that no significant effects arise from the Proposed Development to the water environment.

3.6.36 Two designated sites are located within the study areas, the Western Inverness-shire Lochs Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) and the Garry Falls SSSI. The former is considered to have hydrological connectivity to the Proposed Development. The latter is located upstream and is not considered further within assessments.

3.6.37 The assessment determines that the Proposed Development is not located within an area comprising priority peatland habitat. To inform the design a comprehensive programme of peat depth probing has been undertaken and a Peat Management Plan (PMP) has been prepared and is presented in Technical Appendix 10.1 of the EIA Report. The management of organic soils and peat and an assessment of peat landslide hazard risk are also considered within the PMP and Technical Appendix 10.2 (Peat Hazard Risk Assessment).

3.6.38 An assessment of Ground Water Dependent Terrestrial Ecosystems (GWDTE) has been completed within Terrestrial Ecology assessments reported in Chapter 8 of the EIA Report. No significant effects on GWDTE are anticipated. Mitigation to ensure that habitats are maintained and protected during construction are proposed.

3.6.39 The assessments and findings in regard to hydrology, the water environment and flood risk are considered wholly acceptable and consistent with Policy 11.

Biodiversity

3.6.40 **Criterion e) (ix) of Policy 11** relate to biodiversity including impacts on birds. Chapters 8 and 9 of the EIA Report address ecology and ornithology respectively and document the assessments undertaken of the potential effects of the Proposed Development on valued ecological receptors and wider biodiversity concerns.

3.6.41 Desk and field surveys were undertaken for identified terrestrial ecological receptors including sites designated for nature conservation interest, habitats and vegetation and protected species. No sites designated for nature conservation will be affected by the Proposed Development.

3.6.42 Habitats identified within the Study Area were those of Regional or less than Local ecological sensitivity. Three irreplaceable habitats are present within the Study Area – blanket bog, ancient woodland and Caledonian Pinewood. Habitats considered to have a high dependency on groundwater are present in the Study Area but would not be impacted by the Proposed Development.

3.6.43 Predicted effects of the Proposed Development on Ancient Woodland and Caledonian Forests are considered to have a Moderate Adverse, significant effect. Predicted effects on other habitats are considered not significant.

3.6.44 Signs of protected species including pine marten, otter, badger, red squirrel and bats were identified within the study area. Proposals for mitigation relevant to identified ecological receptors include the development and implementation of a site specific CEMP used in conjunction with the Applicant's General Environmental Management Plans (GEMPs) and Species Protection Plans (SPPs). A suitably experience Environmental Clerk of Works (ECoW) will be appointed to undertaken pre-construction surveys for protected species and to oversee construction works to minimise any potential effects on nature conservation interests.

3.6.45 Habitat loss to Ancient Woodland would be 23.12 ha (13% of the total habitat type present within the Study Area). Habitat loss of Caledonian Forest would result in the loss of 1.02 ha of 91C0 Caledonian Forest which includes 0.45 ha of woodland included in the CPI. Design and mitigation have sought to reduce the loss where possible through route design and minimising felling requirements where possible. Further consideration of the loss of protected woodland is considered under **Criterion e) x)** below.

3.6.46 Compensation for the permanent loss of habitat due to the Proposed Development has been implemented through the use of the Applicant's Biodiversity Net Gain metric which will lead to the implementation of a number of measures including the establishment of scrub habitat within the felling corridor for the OHL wayleave, and creation of new woodland in a suitable location offsite to offset the loss of woodland lost through felling. On this basis it is considered likely that no net loss can be achieved for the Proposed Development. It is considered that this, and any further biodiversity enhancement can could be achieved subject to an appropriately worded condition to agree approach and degree of enhancement relative to effect at that time.

3.6.47 Desk-based studies and a suite of field studies were undertaken to understand ornithological baseline conditions, in doing so, it was possible scope out several species from further assessment, including birds of High Nature Conservation Importance due to low levels of activity, distance from Proposed Development, and the nature and location of noted activity.

3.6.48 Loch Lundie lies approximately 450 m from the Proposed Development and forms the most easterly component loch of the West Inverness-shire Lochs Special Protection Area (SPA) complex. The SPA qualifies under Article 4.1 by regularly supporting a population of European Importance of the Annex 1 species Black-throated Diver, and the migratory species Common Scoter.

3.6.49 Four species were included in the assessment reported in Chapter 9 – Black-throated Diver, Common Scoter, Black Grouse and Crossbill. These species are considered to be of high Nature Conservation Importance due to their listing as Annex 1 Species, or as qualifying features of the West Inverness-shire Lochs Special Protection Area (SPA).

3.6.50 Habitat loss arising from construction is considered unlikely to result in significant adverse effects upon any bird species. Displacement and disturbance impacts, as well as collision risk impacts are also likely to be negligible.

3.6.51 A series of mitigation measures in the form of bird flight diverters in sensitive areas, and species-specific protection plans detailing working methods and disturbance buffers are proposed.

3.6.52 The Proposed Development, in isolation, is predicted to have no adverse effect on regional populations of bird species, cumulative effects with existing and planned developments are also considered to be unlikely. As such no adverse significant effects on ornithology are predicted.

3.6.53 In light of the location of the Proposed Development, in order for the competent authority to assess the potential effects of development on the integrity of the West Inverness-shire Lochs SPA, information in the form of a shadow Habitat Regulations Assessment has been undertaken. The information provided demonstrates that the Proposed Development would not have an adverse effect on the integrity of the SPA.

3.6.54 The assessments and findings set out potential effects and demonstrate how impacts will be addressed as required by criteria e) (ix) of Policy 11. Two significant effects to habitats within Ancient Woodland and Caledonian Pine are identified and an approach to address the balance of these effects within the context of the wider benefits the Proposed Development will deliver as regards climate change and delivering necessary grid transmission infrastructure to connect 1500MW of green energy is discussed further under criterion e)(x), within the assessment against Policy 6 (Forestry, Woodland and Trees) and in the overall assessment that follows. No effects on the SPA or other designation ornithological sites or features are predicted.

Trees, woods, and forests

3.6.55 **Criterion e)(x) of Policy 11** pertains to impacts on trees, woods, and forests. Desk based assessment and walkover field surveys have been carried out to assess the effects of construction and operation.

3.6.56 Detailed surveys and analysis of the woodland to be felled have been undertaken and results are reported in Chapter 14 of the EIA Report. The Proposed Development is predicted to result in the direct loss of 58.18 ha of commercial woodland, of which 17.28 ha are classed as Upland Planted Ancient Woodland (PAWS) and 1.75 ha are classed as 2a within the Ancient Woodland Inventory (AWI). A further 7.64 ha of ancient and semi-natural woodland(of which 3.23 ha are classed as Ca`tegory 2 within the AWI, 0.86 ha as PAWS and 3.55 ha as semi-natural woodland) would also be lost, due to the requirement to create an operational corridor (OC) for the construction and safe operation of the proposed OHLs, including the creation of access tracks.

3.6.57 The assessment concluded that the removal of 3.23 ha of 2a ancient woodland and 3.55 ha of semi-natural woodland would result in a significant adverse effect on both woodland types, despite potential opportunities to reduce the amount of felling, subject to further detailed design. No significant effects were predicted for the removal of commercial or PAWS woodland.

3.6.58 The Applicant is committed to making arrangements to plant off-site an equivalent area of woodland as Compensatory planting meeting the Scottish Government objective of no net loss of woodland. The assessments undertaken are consistent with Policy 11. Given the loss of AWI, Policy 6 of NPF4 is applicable.

3.6.59 The potential impact on individual landowners in terms of their Long Term Forest Plans (LTFP) is assessed a high magnitude, however mitigation via a commitment to assist in amending the LTFPs is deemed sufficient to reduce residual effects on forest management to not significant.

Cumulative impacts

3.6.60 **Criterion e) (xiii) of Policy 11** require the consideration of the cumulative effects of development. The assessment of cumulative impacts is provided in each EIA Report chapter and concludes no predicted significant adverse effects.

Other Matters

3.6.61 The other criteria listed in Policy 11 (iii, iv, xi and xii) covering public access, aviation, decommissioning, and site restoration are scoped out of the EIA Report and pertain to wind farm proposals rather than grid transmission infrastructure. No contravention of the purposes of these criteria arises as a result of the Proposed Development.

Balancing the Contribution of Development and Conclusions on Policy 11

3.6.62 The Proposed Development is considered to be acceptable in relation to the majority of Policy 11's criteria.

3.6.63 The penultimate paragraph **of Criterion e) of Policy 11** is expressly clear that in considering any identified impacts of developments, that significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets.

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

3.6.65 In terms of contribution to targets, as a national development, the primary driver for the Proposed Development arises from a consented pumped hydro project connection commitment. Other benefits arising from the delivery of new infrastructure relate to enhanced security of supply and efficiencies in new infrastructure and equipment, alongside the rationalisation of existing infrastructure to further improve environmental effects and impacts.

3.6.66 The Proposed Development facilitates a specific pumped storage connection and transmission and is of national importance. The balance of predicted effects, which have been mitigated insofar as possible, against the overall environmental benefit arising from facilitating the connection of this nationally important pumped hydro scheme are considered to weigh in favour of approval.

3.7 NPF4 Policy 3: Biodiversity

3.7.1 **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.

3.7.2 It should be noted that Policy 3 does not provide any guidance on how 'significant enhancements' will be measured and assessed, simply referring to "*best practice assessment methods*". In addition, in relation to the relevant wording in Policy 3, the Explanatory Report (as noted, issued alongside Revised Draft NPF4) states:

"*The Scottish Government have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. This work is at early stages, we will work with NatureScot on a programme of engagement with stakeholders as this work progresses*.

3.7.3 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance, but timescale for the production of this is at present unclear. The Scottish Government also issued a draft Biodiversity Strategy in December 2022 however it does not contain national biodiversity targets – these are to be prepared on a statutory basis later in 2023 and will be subject to a Bill in Parliament.

3.7.4 The Chief Planner's Letter of 8th February 2023 provides some further guidance with regard to Policy 3. It confirms that there is no single accepted methodology for calculating and/or measuring biodiversity enhancement and it reiterates that research has been commissioned to explore options for developing a biodiversity metric or other tool for use in Scotland. It adds that there will be some proposals which will not give rise to 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*".

3.7.5 An EIA Report has been submitted which identifies that some moderate significant adverse effects on habitats are predicted as a result of the construction or operation of the Proposed Development in respect of loss of Ancient Woodland and Caledonian Pine.

3.7.6 The Applicant recognises the significant environmental interaction that arise through the activities they undertake in Scotland. With this work comes a responsibility to design and build projects in a manner which accounts for impacts on biodiversity. As a result, the Applicant has a commitment to designing biodiversity enhancements in all projects so that they leave the natural environment in a demonstrable better state than before development started. The aim is to reduce biodiversity loss, protect the vital ecosystem services provided, consider all opportunities for habitat restoration, and strengthen natural ecosystem reliance.

3.7.7 The Applicant is working towards halting the trend of habitat decline and degradation and is developing mechanisms to transform how they develop infrastructure in a way that produces tangibly positive impacts for biodiversity.

3.7.8 It is also 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 connection to a consented pumped hydro scheme which will provide essential balancing and optimisation role within the grid transmission network ensure maintenance of operability as part of the transition to net zero. Providing a transmission connection to this project is critical 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. The purpose of net zero is to protect biodiversity and the earlier it can be achieved the greater the benefits to biodiversity.

3.7.9 For this project the removal of category 2a AWI and Caledonian pine habitats result in biodiversity losses as detailed above, however the project is aiming for no net loss through mitigation and targets further enhancement over the course of project delivery. More detailed information on the proposed biodiversity enhancement strategy for this project will be specified in a separate document to follow. It is proposed that a suitably worded condition can manage the detail and delivery of agreed approaches appropriately. The Proposed Development is considered to be consistent with the provisions of Policy 3 at this time.

3.8 NPF4 Policy 4: Natural Places

3.8.1 Policy 4 deals with national and local landscape designations.

Policy 4 Paragraph a) states that proposals which *"have an unacceptable impact on the natural environment will not be supported.*

Paragraph c) *provides: Where significant adverse effects arise on nationally important designations they must be clearly outweighed by social, environmental or economic benefits of national importance*".

Paragraph d) states: "*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*".

3.8.2 Policy 4 provides that the precautionary principle will be applied and states that where adverse effects on species protected by legislation occur, proposals will only be supported where they meet the relevant statutory tests.

3.8.3 No designated sites are located within the site and no adverse effects on adjacent nationally or internationally designated sites are identified. A shadow Habitats Regulation Appraisal (HRA) in respect of potential effects on the integrity of the nearby SPA has been undertaken and no adverse effects are identified.

3.8.4 As such, no significant adverse effects on national or local designations arise as a result of the Proposed Development. The proposals are considered to be in accordance with Policy 4.

3.9 NPF4 Policy 5: Soils

3.9.1 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.

3.9.2 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 previously referenced in the now superseded Scottish Planning Policy (SPP); however, a key difference is that essential infrastructure is one of the types of development expressly stated as being acceptable in principle on peatlands (Paragraph c (i)). The delivery of grid transmission network infrastructure is essential infrastructure in this regard in terms of its requirement to facilitate connection of the consented Coire Glas Pumped Hydro Storage Scheme – a nationally important development in itself.

3.9.3 A site-specific assessment has been carried out and confirms that the likely effects on carbon rich soils / priority peatland are not significant. A Peat Management Plan (PMP) and Peat Landslide Hazard Risk Assessment have been completed. The CEMP will provide site-specific detailed guidance on the treatment of excavated peat and will set out how it will be sensitively handled and stored on-site to allow for effective re-use and that micro-siting will be used to avoid areas of deeper peat where possible.

3.9.4 The Proposed Development is considered to be in accordance with NPF4 Policy 5.

3.10 NPF4 Policy 6: Forestry, Woodland, and Trees

3.10.1 Policy 6 seeks to protect and expand forests, woodlands and trees ensuring that existing woodland and trees are protected, and cover is expanded, and seeks to ensure that woodland and trees on development sites are sustainably managed. The Policy supports proposals that enhance and expand or improve woodland and tree cover and will not support proposals where they result in the loss of ancient woodland, or have an adverse impact on their ecological condition, or where adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value will occur. Fragmentation or severing woodland habitats, unless mitigated, will not be supported.

3.10.2 Paragraph b) (i) provides that Development proposals will not be supported where they will result in *"any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition".*

3.10.3 Paragraph c) states more generally that where woodland removal is required it: *"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."*

3.10.4 It is important to note that the AWI is a provisional guide to the location of ancient woodland and contains 3 categories. Only Categories 1a and 2a are officially named as 'Ancient Woodland'. 4.98 ha of Category 2a AWI is to be removed.

3.10.5 The design of the Proposed Development has sought to minimise the need for felling whilst taking account of other environmental and technical considerations, and further potential benefits could further arise in the detailed design and delivery via micrositing. A reduced operational corridor (OC) has been identified within woodland areas to enable construction and the extent of tree clearance may be reduced where it can be demonstrated, through further detailed survey, that trees can be safely overflown by the OHL.

3.10.6 The removal of native woodland has been assessed as moderate adverse, long term and significant. Commitments to off-site compensatory planting (of equivalent area) are proposed and details are provided in Appendix 9.2 of the EIA Report. The proposals meet the Scottish Government's 'Control of Woodland Removal Policy (CoWRP) objective of no net loss of woodland. Following the removal of the existing 132 kV OHL, there is also potential for woodland expansion within the historical OC and this presents an opportunity to replant part of the compensatory planting requirement within close proximity to the Proposed Development, subject to agreement with landowners.

3.10.7 It is recognised that the Proposed Development has a potential conflict with the provisions of paragraph b)(i) of Policy 6 in so much as the removal of areas categorised as Ancient Woodland is proposed. It is important to recognise the minimisation of this effect through detailed routeing and design and the delivery of compensation thereof. The detailed analysis of the woodland area in question is material in so much as it demonstrates the area of categorised woodland to encompass extensive conifer plantation and efforts to focus felling away from recognised ancient trees and higher category Ancient Woodland have been achieved, and are ongoing, by way of detailed design. Consideration of the balance of this adverse effect, relative to the benefits of the wider connection and delivery of the Coire Glas Pumped Hydro Storage Project are material to the determination and NPF4 provides that significant weight should be given to the delivery of net zero and addressing climate change. This proposal is a critical element of the delivery of the pumped hydro scheme and the wider support for, and utilisation of energy from, increased renewable energy projects nationwide.

3.11 NPF4 Policy 7: Historic Assets and Places

3.11.1 In terms of Historic Assets and Places, Policy 7 seeks to protect assets to enable positive change as a catalyst for regeneration of places. Proposals which have potential significant impact must be accompanied by an assessment and clearly identify their impact and provide a sound basis for managing the impact of change. Development which affects scheduled monuments will only be supported where direct impacts and significant adverse impact on integrity of setting are avoided, or where exceptional circumstances have been demonstrated and effects have been shown to be minimised.

3.11.2 An assessment of potential effects on cultural heritage assets has been completed and no significant impacts are predicted as a result of the Proposed Development on historic assets or places, and as such proposals are in accordance with NPF4 Policy 7.

3.12 Conclusions on NPF4 Appraisal

3.12.1 The assessment demonstrates how environmental interests have been considered in terms of design mitigation, embedded within the design and siting approach for the Proposed Development.

3.12.2 Delivery of this key strategic electricity infrastructure project is required to connect a specific consented 1500MW Pumped Hydro Storage Project (identified as National Development within ND2 of NPF4). The Proposed Development benefits from further support as 'national development' under ND3 insofar as it delivers a new high voltage transmission line and supports renewable energy and the expansion of the electricity grid.

3.12.3 The Proposed Development is considered to be accordance with the relevant policies of NPF4 when read as a whole. Significant weight is afforded in relation to Policy 1 in terms of tackling the climate and nature crisis, the Chief Planners letter dated 8th February 2023 provides clarity in this regard and directs that priority should be given in all decisions to proposals which seek to address the climate and nature crises, and provides that "*it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour of, or against a proposal based on the basis of its positive or negative contribution to the climate and nature crises".*

3.12.4 Policy 11 is the lead policy for the Proposed Development, and it has been demonstrated that the criteria in Policy 11 Paragraph (e) have been addressed satisfactorily. The effects of the development need to be considered in the context of the benefits it would give rise to, which Policy 11 states need to be afforded significant weight in the determination process.

3.12.5 In this case the project seeks to deliver necessary overhead line infrastructure to facilitate the connection of a project within ND2 – the Coire Glas Pumped Hydro Storage Scheme, which is critical to balance and optimise electricity generation and maintaining operability of the system as increased renewable generation connects to the grid and balancing mechanisms are required to support the transition to net zero. In doing so, every effort has been made to ensure the environmental impact of development is minimised and where possible, in tandem, the development seeks to ensure nature benefits and enhancements are achieved. The rationalisation of existing OHLs on commissioning is also material and delivers beneficial effects overall.

3.12.6 The loss of Ancient Woodland and associated irreplaceable habitats falls contrary to part of Policies 3 and 6, however the consideration of the more detailed analysis of the woodland in question, and the proposed compensation and potential for further mitigation and reduction in the predicted loss of protected woodland is material. One further significant adverse effect is predicted on a recreational route known as the Torr Dhuin Trail at its location on the woodland edge due to the visual effects of the Proposed Development and existing infrastructure. The predicted adverse impact on some routes around River Garry are considered to be short-term with post 10 year effects considered to be mitigated to not significant. The mitigation delivered within the Proposed Development, through detailed design and embedded mitigation thereof, or as part of the range of secondary mitigation measures proposed to minimise unavoidable effects have sought to deliver a proposal which is optimised for the environment in which it is located and which delivers minimal environmental effect when assessed against the overall benefits and need for the Proposed Development. The balance of effects and benefits of delivery are a critical consideration in determining applications of this nature.

3.12.7 The Chief Planners letter (8th February 2023) provides important guidance stating:

"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 judgements".

3.12.8 In this case the Proposed Development is a critical infrastructure proposal to connect a consented 1500MW Coire Glas Pumped Hydro Storage Scheme to the grid network, it is national development, and enables an important step forward to the achievement of Net Zero. The proposals are consistent and supported by NPF4 policies when considered as a whole. On balance, the benefits of the Proposed Development, and its contribution to

addressing the climate emergency and biodiversity gains in a wider sense, is considered to outweigh the impacts it would give rise to.

4. Appraisal against the Local Development Plan

4.1 The Development Plan

4.1.1 The statutory Development Plan covering the Site is:

> The Highland wide Local Development Plan (HwLDP) (2012); and

> The Inner Moray Firth Local Development Plan (IMFLDP) (2015).

4.1.2 The IMFLDP focuses largely on regional and settlement strategies and specific site allocations, rather than planning policies of relevance to the Proposed Development notwithstanding its role in defining the Special Landscape Areas (SLAs) within the plan area.

4.1.3 The IMFLDP is under review and is at Proposed Plan stage and as such can be given weight in the determination process, albeit not the same as an adopted plan as it still requires to be subject to an examination. The Proposed Plan contains policies on Nature Protection, Preservation and Enhancement (Policy 2). This provides that major development will only be supported where it is demonstrated that the proposal will conserve and enhance biodiversity within and adjacent to the site. This is a similar approach taken in NPF4.

4.1.4 The focus of the policy assessment relies on the HwLDP.

4.2 Lead Policy Position

Highland Wide Local Development Plan (2012)

4.2.1 Policy 69 of the HwLDP is the lead policy in relation to the Proposed Development. If there are tensions between policies, then Policy 69 should prevail given it is specific to the land use proposed.

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".*

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

4.3 Relevant LDP Policies

4.3.1 The other policies of most relevant in the HwLDP are summarised below:

Table 4.1: HwLDP Key Policy Summaries

HwLDP Policy	Topic	Policy Summary
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 form and scale of development and the impact on the feature and its setting. Sets series of criteria based on level of features importance (local, regional or international). Overriding presumption that where any significant adverse arise they must be clearly outweighed by social or economic benefits of national importance. In international designations development with adverse effects on integrity will only be allowed where no alternative solution exists and there are imperative reasons of overriding public interest (IROPI).
Policy 61	Landscape	Presumption that 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 they are located are encouraged.
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.
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.
Policy 59	Other Important Species	Protection of other species not protected by other legislation or nature conservation site designations.
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.
Policy 51	Trees & Development	Provides significant protection to existing hedges, trees and woodland on and around development site. Where appropriate a woodland management plan will be required. Compensation for removal of trees should be provided for within a tree planting or landscape plan.
Policy 52	Principle of Development in Woodland	Applicants must demonstrate the need to develop a wooded site and show the site has capacity to accommodate development. The Council maintain a strong presumption in favour of protecting woodland resources. Proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will be required. Major proposals will be assessed against their socio economic impact on the

HwLDP Policy	Topic	Policy Summary
		forestry industry, the maturity of the woodland and opportunity for proposals to coexist with forestry operations.

4.3.2 Other relevant policies which may inform the wider consideration of the assessment of the Proposed Development include:

- Policy 28 – Sustainable Design;
- Policy 29 – Design Quality& Place Making;
- Policy 30 – Physical Constraints;
- Policy 31 – Developer Contributions;
- Policy 36 – Development in the Wider Countryside;
- Policy 56 – Travel;
- Policy 63 – Water Environment;
- Policy 64 – Flood Risk;
- Policy 66 – Surface Water Drainage;
- Policy 72 – Pollution;
- Policy 74 – Green Networks;
- Policy 77 – Public Access; and
- Policy 78 - Long Distance Routes.

Policies: Summary Appraisal

4.3.3 The requirements set within HwLDP Policy 69 and the policies as detailed in Table 4.1 are consistent with the provisions of NPF4 Policy 11, and associated detailed policies as assessed in Chapter 3. Appraisal thereof demonstrates consistency with the provisions of HwLDP with assessments demonstrating no significant adverse effects of development on environmental features, other than the loss of ancient woodland and associated habitats and visual impacts on the Torr Dhuin Trail. The removal of existing OHL infrastructure on commissioning of the new line is an important consideration and mitigating factor in the overall consideration of wider effects and has been assessed as such within the EIA Report and findings reported in this assessment.

4.3.4 Where ancient woodland is to be felled, compensatory planting is proposed consistent with policy provision as set withing Policies 51 and 52 and guided by the Scottish Government. Consideration of biodiversity replacement and enhancement are central to the Applicant's approach to development and commitment to BNG. A series of measures to offset the loss and provide enhanced biodiversity across the proposal are being progressed via detailed designs and further environmental survey and assessment work. The outcomes and proposals thereof can be subject to a condition and should adequately satisfy the provisions of policies 57 and 60.

4.3.5 The proposed route between Loch Lundie Substation (as proposed) and Fort Augustus Substation at Auchterawe will utilise existing wayleaves associated with the existing 132 kV OHL and this helps to minimise further environmental impacts on sensitive receptors. A full assessment of impacts on recreational users and receptors on the A87 has been undertaken and the overall effects are considered acceptable within the wider planning balance.

4.3.6 The visual effects are minimal when considered against the potential wider effects which have been mitigated through embedded design and secondary mitigation measures proposed and set out within the EIA Report. The reduction of all effects to non-significant within a project of this nature and scale is difficult and when considered as a whole, the identified significant effect in this regard is considered acceptable particularly in regard to the wider benefits to the environment and economy will derive.

4.3.7 The strategic importance of the Proposed Development, essential to delivering Coire Glas Pumped Hydro Storage Scheme and enabling the balancing and optimisation of electricity generation and supply in the move to net zero. The Proposed Development is identified as national development in terms of its direct linkage to ND2 Pumped Hydro Storage, and ND3, Transmission Infrastructure to deliver strategic renewable electricity generation, and is therefore considered to be wholly consistent with this policy provision set within LDP Policy 69.

4.4 Conclusions on the LDP

4.4.1 The approach to the assessment undertaken is consistent with the provisions of LDP Policy 69 and associated policy as listed. The proposals are sustainable in that they deliver critical enhanced capacity and security of supply within the electricity transmission grid. They enable the connection of a committed pumped hydro storage scheme and enable the balancing and optimisation of existing and future renewable connections across the transmission grid.

4.4.2 The location of the proposed OHL has been designed with embedded mitigation to minimise environmental impact and notwithstanding the loss of ancient woodland, and associated habitats and some localised impacts on recreational users on one core path, there are no significant adverse effects of development predicted, after mitigation. Site selection has been key, along with the embedded mitigation which has heavily influenced design and layout, such that Proposed Development effects are considered to be acceptable.

4.4.3 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. Moreover, through considering the other relevant policies and considered the Proposed Development in the context of NPF4 (now part of the statutory Development Plan) it is considered that the Proposed Development accords with the HwLDP when it is read as a whole.

5. Energy Policy and Needs Case

5.1 Introduction

5.1.1 Having established that the Proposed Development would be consistent with the Development Plan this Chapter sets out the energy policy framework which is material to the determination of the section 37 application.

5.1.2 The Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. This underpins what can be termed the need case for renewable energy from which the Proposed Development, as critical grid transmission infrastructure to support renewables, and specifically pumped hydro storage, can draw a high level of support.

5.1.3 The Proposed Development requires to be considered against a background of UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice.

5.1.4 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 (including onshore wind) to combat the global heating crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets. It is essential therefore that the necessary infrastructure is put in place to enable that energy to be utilised.

5.2 The Climate Change and Renewable Energy legislative & Policy Framework

5.2.1 The Scottish Government's legislative and renewable energy policy framework and associated targets are considerations of the highest importance. It is important to be clear on the current position as it is a fast-moving topic of public policy.

5.2.2 The Climate Emergency

5.2.3 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019. Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency' and stated:

"*There is a global climate emergency. The evidence is irrefutable. The science is clear, and people have been clear: they expect action. The Intergovernmental Panel on Climate Change issued a stark warning last year the world must act now by 2030 it will be too late to limit warming to 1.5 degrees.*

We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."

5.2.4 The key issue in relation to these statements is that they acknowledge the very pressing need to achieve radical change and that by 2030 it will be too late to limit warming to 1.5 degrees. The Scottish Government therefore acted on the Climate Emergency in 2019 by bringing in legislation.

5.2.5 Furthermore, the declaration of the emergency is not simply a political declaration, it is now the key priority of Government at all levels. Indeed, defining the issue as an emergency is a reflection of both the seriousness of climate change, its potential effects and the need for urgent action to cut carbon dioxide and other GHG emissions.

5.2.6 The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable electricity generation, and transmission and storage of such, by 2030.

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

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

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

5.2.9 The 75% target required to be met by 2030 is especially challenging[5]. Indeed, when the matter was proceeding through Parliament, it was the Scottish Parliament that increased the requirement from a 70 to 75% reduction by 2030. This acts upon the declaration of the Climate Emergency and recognises the urgent response that is required.

5.2.10 The Scottish Government publishes an annual report that sets out whether each annual emissions reduction target has been met. **Table 5.1** below sets out the annual targets for every year to net-zero. The report for the 2019 target year was published in June 2021. The report states that the 'GHG Account' reduced by only 51.5% between the baseline period and 2019. As noted, the 2019 Act specifies a 55% reduction over the same period – therefore the targets for 2018 and 2019 were not met.

5.2.11 The Scottish GHG Statistics for 2020 were released in June 2022. These show that the GHG account reduced by some 58.7% between the baseline period and 2020. However according to the report[6], the drop in emissions between 2019 and 2020 was mainly down to lower emissions from domestic transport, international flights and shipping and energy supply. All other sectors demonstrated modest reductions over this period, except the housing sector.

5.2.12 Coronavirus restrictions were responsible for the large drop in emissions from transport, while residential emissions increased by 0.1 MtCO2e as more people worked from home during the pandemic. The Scottish Cabinet Secretary for Net Zero, Energy and Transport Michael Matheson made a Statement[7] to the Scottish Parliament on 07 June 2022 on the release of the latest statistics. In the Statement he commented as follows:

5.2.13 The Scottish Net Zero Secretary Michael Mathewson stated in June 2022 on the release of the latest statistics:

"*Nonetheless, the most significant changes are in the transport sector and are associated with the temporary measures taken in response to the Covid-19 pandemic. We must be prepared for these figures to substantially rebound in 2021. There can be no satisfaction taken in emissions reductions resulting from the health, economic and social harms of the pandemic*." (emphasis added)

[5] As set out in this Statement (paragraph 6.10), none of the five scenarios modelled by the CCC – even its most optimistic and stretching – suggests Scotland is close to achieving the 75% emissions reduction by 2030.

[6] Scottish Government. Official Statistics, Scottish Greenhouse Gas Statistics 2020, (June 2022).

[7] Ministerial Statement to Scottish Parliament by Cabinet Secretary for Net Zero, Energy and Transport on 07 June 2022, 'Greenhouse gas emission statistics 2020'.

5.2.14 This demonstrates the scale of change required over the next decade to achieve the 2030 target. This also means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and the 2020s is a critical decade.

Table 5.1: Scotland's Annual Emission Reduction Targets to Net Zero

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

Note: Current available data shown in yellow

5.2.15 The targets set out in the above Table clearly illustrate the speed and scale of change that is required, essentially prior to 2030. This also demonstrates that up to 2020 the annual percentage reduction that was required was 1% but this then increases each year from 2020 to 2030. It increases to 1.9% for each year between 2020 and 2030. This is the level of change that is required to achieve the 2030 target and represents a near doubling of the response.

5.2.16 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and the 2020s is a critical decade.

5.2.17 It is no exaggeration to say that there is a 'mountain to climb' to meet Scotland's 75% target for 2030. The CCC modelled five scenarios in CB6 and in none – even its most optimistic – is Scotland close to achieving a 75% emissions reduction by 2030: "*Scotland's 75% target for 2030 will be extremely challenging to meet, even if Scotland gets on track for net zero by 2045, Our balance net zero pathway for the UK would not meet Scotland's 2030 target – reaching a 64% reduction by 2030 – while our most stretching tail winds scenario reaches a 69% reduction*" (CB6, page 229).

The Scottish Energy Strategy (2017)

5.2.18 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.

5.2.19 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*".

5.2.20 The SES sets out what is termed the "opportunity" for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation. It is also recognised as "*a vital component of the huge industrial opportunity that renewables creates for Scotland*".

The Onshore Wind Policy Statement (2022)

5.2.21 The Scottish Government published an updated Onshore Wind Policy Statement (OWPS) on 21 December 2022. It replaces the version published in November 2017.

5.2.22 The Ministerial Foreword makes it explicitly clear that seeking greater security of supply and lower cost electricity generation are now key drivers alongside the need to deal with the climate emergency. In this regard, the Cabinet Secretary for Net Zero, Energy and Transport states (page 3):

"*that is why we must accelerate our transition towards a net zero society. Scotland already has some of the most ambitious targets in the world to meet net zero but we must go further and faster to protect future generations from the spectre of irreversible climate damage*".

"*Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, continued deployment of onshore wind will be key to ensuring our 2030 targets are met*".

5.2.23 The Foreword states that onshore wind has the ability to be deployed quickly, is good value for consumers and is also widely supported by the public. The Minister further states that:

"*This Statement, which is the culmination of an extensive consultative process with industry, our statutory consultees and the public, sets an overall ambition of 20 GW of installed onshore wind capacity in Scotland by 2030.*

While imperative to meet our net zero targets it is also vital that this ambition is delivered in a way that is fully aligned with, and continues to enhance, our rich natural heritage and native flora and fauna, and supports our actions to address the nature crisis and the climate crisis".

5.2.24 The OWPS is structured on the basis of eight chapters which contain a mix of policy guidance and also technical information. Key content of relevance to the Proposed Varied Development is referenced below.

5.2.25 The OWPS Chapter 1 "Ambitions and Aspirations" (page 5) refers to current deployment of onshore wind in Scotland and states:

"*We must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport, and industrial processes*."

5.2.26 It is explained that National Grid's Future Energy Scenarios project concludes that Scotland's peak demand for electricity will at least double within the next two decades and that this will require a substantial increase in installed capacity across all renewable technologies.

1.1.33 Paragraph 1.1.4 states "*our aim is to maintain the supportive policy and regulatory framework which will enable us to increase that deployment*".

5.2.27 Section 1.3 of the OWPS further refers to the new 20 GW ambition and acknowledges that the Scottish Government's Programme for Government 2022/2023 committed Government to enabling up to 12 GW of onshore wind to be developed and it is stated that:

"*It is vital to send a strong signal and set a clear expectation on what we believe onshore wind capacity will contribute in the coming years.*

In line with this commitment, and reflecting the natural life cycles of existing wind farms, this statement sets a new ambition for the deployment of onshore wind in Scotland:

A minimum installed capacity of 20 GW of onshore wind in Scotland by 2030.

This ambition will help support the rapid decarbonisation of our energy system, and the sectors which depend upon it, as well as aligning with a just transition to net zero whilst other technologies reach maturity".

5.2.28 This statement is followed by reference to the "Legislative Context", in particular the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the related Net Zero greenhouse gas emissions targets. The OWPS states (paragraph 1.4.1) "*meeting these targets will require decisive and meaningful action across all sectors*".

5.2.29 The Scottish Government has made clear that the 20 GW ambition of installed capacity is a "minimum". In short, there is a substantial 'hill to climb' to attain that figure and projects that are not yet in the planning system are unlikely to provide installed capacity by 2030. This underlines the importance of the benefits that the Proposed Development can deliver – namely enabling the connection of pumped hydro storage to manage the extensive levels of renewable energy generation within the grid, to balance and optimise electricity generation and support the move to a decarbonised system with much more renewable generation – regardless of weather conditions.

5.2.30 This new target means that the Scottish Government's ambition, as stated in December 2022, is to increase the installed capacity of onshore wind in Scotland by a minimum amount equivalent to about 130% of the entire installed capacity of all current operational onshore wind farms in Scotland in a period of around eight *years*. The Proposed Development and its contribution must be considered in the context of the sheer scale and urgency of the stated Scottish Government's position.

5.2.31 Chapter 8 of the OWPS deals with 'Onshore Wind, Energy Systems and Regulation'. Section 8.2 refers to network planning and delivery and states:

"*Delivering our ambition of 20GW of onshore wind by 2030 will create demands on our electricity infrastructure. New developments will need to connect quickly to Scotland's distribution and transmission networks. Networks must be able to invest quickly and ahead of need in order to ensure swift and efficient connections for onshore wind developments*". (emphasis added)

5.2.32 The Proposed Development will enable the Coire Glas Pumped Hydro Storage Scheme to connect and to make a significant contribution to renewable electricity balancing and optimisation to support the benefits accruing and requirement from wind and other renewable generation projects.

5.2.33 Page 49 of the OWPS sets out overall conclusions and these include *inter alia* the following key points:

- Deployment of onshore wind is "mission critical for meeting our climate targets". (emphasis added)
- The Government has established "*a clear expectation of delivery with our ambition for a **minimum** installed capacity of 20GW of onshore wind in Scotland by 2030 and providing a vehicle for that delivery through the creation of our Onshore Wind Strategic Leadership Group*". (emphasis added)

5.2.34 The term "mission critical" referred to above is strong language and indicates onshore wind is crucial and extremely important to the attainment of the Government's policy and legislative objectives.

The Draft Energy Strategy & Just Transition Plan (2023)

5.2.35 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 on the draft runs up until 4 April 2023.

5.2.36 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, supply safe and secure energy for all, generate economic opportunities, and build 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 recognised 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."

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

- More than 20 GW of additional renewal 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.

5.2.38 A Ministerial Statement by the Cabinet Secretary for Net Zero, Energy and Transport was also published on 10 January 2023 which states that Scotland is at a pivotal point in its transition to net zero and the Strategy "*charts a clear course for the transformation of the energy sector, one of Scotland's most important industries, to 2030 and beyond*".

5.2.39 The Ministerial Statement adds:

"*wind power is one of the lowest cost forms of electricity and the Scottish Government is clear that this is where we should focus – reducing costs in the long term and addressing vulnerability to future energy cost crisis*.

This Strategy gives certainty to investors that Scotland is a place that supports renewable energy wholeheartedly…..industry must accelerate investment in key sectors and infrastructure, and continue to build capacity in the Scottish supply chain and the skills of the energy workforce".

5.2.40 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".

5.2.41 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….."

5.2.42 In terms of policy and onshore wind, the draft Strategy cross refers to NPF4 and the recently published OWPS and reiterates the new ambition for a deployment of a minimum further 12 GW of onshore wind by 2030.

5.2.43 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*."

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

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

5.2.46 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".*

5.3 Conclusions on Material Considerations

5.3.1 Overall, the draft Energy Strategy forms part of the new policy approach alongside the OWPS driving the wind agenda, (the primary source of renewable energy in Scotland at this time), and NPF4 and confirms the Scottish Government's policy objectives and related targets reaffirming the crucial role that transmission infrastructure must play in response to the climate crisis which is at the heart of all these policies. Both the OWPS and the Draft Energy Strategy are important material considerations. It is acknowledged that the Draft Energy Strategy is subject to consultation, however the OWPS has been published in its final form. The delivery of connections for electricity generation, storage and balancing projects is critical to facilitate the transition to net zero within the timetable established within policy. The Proposed Development is a critical step in this process.

6. Conclusions

6.1 Conclusions

6.1.1 The answers to the key questions posed are:

> The Proposed Development is consistent with the relevant policies of the Development Plan and with the plan when read as a whole.

> The relevant material considerations further support the position that the Proposed Development should be granted planning permission.

6.2 The Planning Balance

6.2.1 The application for the Proposed Development will enable the connection and operation of the Coire Glas Pumped Hydro Storage project supported by national policy and consented in 2020. This critical project will enable grid optimisation and balancing helping to address fluctuations in, and management of extensive renewable energy generation connections current and future in the immediate and wider area. The delivery of such projects is essential to support the transition to net zero and this is recognised in the designated of such projects as ND2. The delivery of transmission connections to support these projects is essential and recognised in both ND2 and ND3.

6.2.2 Enabling this connection will over time increase renewable energy generation capacity and will enhance transmission and supply across the region and the GB network and will contribute significantly to delivering the Government's Net Zero policy and legislative targets. Provision for reinforcement and enhancement of the transmission network as 'National Development' was clearly stated within NPF4.

6.2.3 Achieving Net Zero is a legal requirement, and the Scottish Government has recognised, most recently in the new OWPS, that a very substantial quantity of new onshore wind is required to meet the legal emissions reduction requirement by 2030 – namely a minimum of 20GW of operational capacity. Deployment of more onshore wind is described as being "*mission critical for meeting our climate targets*" in the OWPS. The ability to balance and optimise the generation delivered from these connections, through sustainable means, via pumped hydro storage is recognised and supported in national policy. Delivering connections to the grid are an essential step in enabling these advances, and supporting the transition to net zero.

6.2.4 The Climate Emergency is not just a consideration but a factor of considerable importance and is now a fundamental guiding principle in NPF4 for all decisions. The Needs Case should be afforded substantial weight in the planning balance. It is not an over-riding consideration; however, it must be acted on. It is the cumulative effect of a large number of individual renewable projects together with a reinforced transmission network which will move Scotland towards where it needs to be. It is critical that the necessary transmission infrastructure is in place to enable these renewable projects to be realised.

6.2.5 NPF4 came into force on 13 February 2023. This and new energy policy documents are up to date statements of Scottish Government policy, directly applicable to determination of this section 37 application and should be afforded very considerable weight in decision-making.

6.2.6 NPF4 and the OWPS and associated energy policy documents are unambiguous as regards the policy imperative to combat climate change, the crucial role of further onshore wind in doing so, and the scale and urgency of onshore wind 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*"[8]. The policy position, and the priority afforded to combatting the Climate Emergency, is different to that under NPF3 and SPP;

- NPF4 Policy 1 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
- Both NPF4 and the OWPS are clear that further onshore wind development has a crucial role in combatting climate change, transitioning to a net-zero Scotland and ensuring security of energy supply. NPF4 Policy 11 strongly supports proposals for grid transmission infrastructure. ND2 supports the delivery of grid balancing and optimisation technology to support the drive to net zero working in tandem with increased renewable generation and supply.

6.2.7 It is important to fully recognise both the scale and urgency of the challenge set out in these new policy documents and the required response from decision-makers. NPF4 is clear that significant progress must be made by 2030 requiring, as set out in the OWPS, that "*we must now go further and faster than before. We expect the next decade to see a substantial increase in demand for electricity to support net zero delivery across all sectors, including heat, transport and industrial processes*"[9].

6.2.8 By any measure, the identified need for delivery of this OHL to enable the operation and delivery of the consented Coire Glas Pumped Hydro Storage project is critical development requiring an urgent and positive response. The urgency is to ensure consents are delivered to allow infrastructure to be in place such that the optimal transmission of renewable energy can take place before 2030.

6.2.9 National Developments are significant developments of national importance that will help to deliver the Spatial Strategy. As the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains[10] "*A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets*."

6.2.10 The recognition of national development relates to the attainment of Government renewable generation and emission reduction targets. Moreover, it relates to the importance of developing electricity supplies which are not dependent on volatile international markets and are located within the UK's national boundaries. The urgency for an electricity system which is self-reliant and not reliant on fossil fuels is now enormous, in order to protect consumers from high and volatile energy prices, and to reduce opportunities for destructive geopolitical intrusion into national electricity supplies and economics has grown in importance in recent months. The 'window' until the key date of 2030 for Scottish Government targets is also getting narrower.

6.2.11 NPF4 requires that the decision-maker must also identify and weigh the adverse effects of a proposed development and that weight is entirely a matter for the decision maker. However, the way that decision makers can recognise the strengthening policy imperative and the increased weight that should be given to the benefits of the Proposed Development is by giving relatively more weight in the planning balance to the seriousness and importance of energy policy related considerations and the contribution of a proposed development in meeting green energy targets.

[8] NPF4, page 2.
[9] OWPS 2022, paragraph 1.1.2.
[10] NPF4, page 103.

6.2.12 It is submitted that this approach is very clearly reflected and articulated in NPF4 (the Scottish Government policy now expressly states that significant weight will be given to the global climate and nature crises and a proposed development's contribution towards meeting targets).

6.2.13 In this case, the Proposed Development will enable transmission balancing and optimisation of renewable capacity. It is submitted that very substantial weight should be given to this contribution when weighing the need for the development and its identified effects within the planning balance.

6.2.14 The limited effects of the proposed development, including now relevant effects listed in NPF Policy 11(e) have been addressed, are detailed in the application and have been the subject of assessment in the EIA for the application.

6.2.15 In terms of Policy 11, in considering the identified impacts of the Proposed Development significant weight must be placed on its nationally important contribution to renewable energy transition and greenhouse gas emissions reduction targets. In addition, an appropriate set of conditions can be drafted to further ensure that the project can be implemented in an environmentally acceptable way.

6.3 Overall Conclusion

6.3.1 It is considered that the benefits that would arise from the Proposed Development should be afforded substantial weight in the planning balance. The delivery of this infrastructure will substantially assist in facilitating the optimal transmission and storage of electricity and the delivery of a decarbonised system utilising much more renewable generation, to help delivery of the Net Zero legislative targets and policy imperative. In tandem the rationalisation of the existing local transmission network enables associated improvements and environmental benefits, alongside the opportunity to utilise wayleaves for further planting and to limit new access requirements.

6.3.2 The selected alignment has sought to limit adverse effects on the environment wherever possible, with further mitigation applied as appropriate to reduce residual effects to not significant in the majority of areas. Where adverse effects remain, these have been mitigated to the lowest level possible and when considered across the overall project and benefits arising from the Proposed Development, are considered acceptable. Compensatory measures are clearly set out and enhancement associated with the project as a whole and delivery mechanisms thereof can be progressed within the detailed project design and delivery with further mitigation of residual effects examined further at that time.

6.3.3 Consideration of the application will involve striking a balance between the need for the Proposed Development, technical and economic considerations and the mitigation of likely significant environmental effects. This approach is central to the initial route selection and drives alignment decisions. It is not considered that the benefits of the Proposed Development are outweighed by its adverse effects.

6.3.4 The development is a national development which connects a nationally important pumped hydro storage scheme, which in turn supports renewable electricity generation and transmission. The proposed development will have an overall net positive impact on achieving national greenhouse gas emissions reduction targets and is being delivered in a sustainable manner.

6.3.5 Drawing together the material considerations set out above, it is considered that there is a strong basis to conclude that the Proposed Development is acceptable and that the obligations under Schedule 9 have been met and should be supported for approval.

David Bell Planning Ltd
26 Alva Street
Edinburgh
EH2 4PY

dbplanning.co.uk