



Jones Lang LaSalle

Melgarve Cluster Project

Scottish & Southern Energy Networks Transmission

Planning Statement

March 2024

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1. Introduction

1.1. Background and Overview

- 1.1.1. JLL is instructed by Scottish Hydro Electric Transmission plc (“the Applicant”), operating and known as Scottish and Southern Electricity Networks Transmission (“SSEN Transmission”), to provide planning advice in relation to the construction and operation of approximately 7 km of new 132 kV overhead line (OHL) and approximately 9.9 km of underground cable (UGC) and associated works to connect the consented Cloiche Wind Farm and the proposed Dell 2 Wind Farm to the electricity transmission network at Melgarve substation approximately 11 km west of Laggan, in the Highlands of Scotland (hereby referred to as the “Proposed Development”). The project is referred to as the Melgarve Cluster Project.
- 1.1.2. The requirement for the Proposed Development is to enable renewable energy produced by the Cloiche Wind Farm (Energy Consents Unit (ECU) ref. ECU00002054) consented in November 2023 with an installed capacity of 125 megawatts (MW)¹ and the proposed Dell 2 Wind Farm (ECU ref. ECU00003440), submitted in March 2024, with a likely installed capacity of approximately 50MW, to connect to the national grid. The new connection and ancillary infrastructure form 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.
- 1.1.3. Section 37 consent under the Electricity Act 1989 (“the 1989 Act”), including deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997, (as amended) (“the 1997 Planning Act”) is sought for the installation and operation of approximately 7 km of new OHL on double circuit L7 lattice towers carrying both the proposed Dell 2 Wind Farm and the consented Cloiche Wind Farm connection.
- 1.1.4. Ancillary development required to facilitate the construction and operation of the Proposed Development will include the installation of approximately 9.9 km of UGC and cable sealing end compounds (CSE), new permanent access tracks (including bridges) and new temporary access tracks, vegetation clearance, permanent stone hardstanding areas and associated working areas around infrastructure, temporary measures to protect water crossings and upgrades to existing access tracks. The Applicant is seeking deemed planning permission for these ancillary works under section 57(2) of the 1997 Planning Act.

1.2. SSEN Transmission Licence Duties and Obligations

- 1.2.1. SSEN Transmission is a subsidiary of the SSE plc group of companies. SSEN Transmission owns and maintains the electricity transmission network across the north of Scotland and holds a licence under the 1989 Act. It has the following duties under section 9 of the 1989 Act, which are relevant to the needs case:

¹ Details as per the Cloiche Wind Farm Determination letter dated 30 November 2023.

- to develop and maintain an efficient, co-ordinated, and economical system of electricity transmission; and
- to facilitate competition in the supply and generation of electricity.

1.2.2. The Applicant has separate duties in relation to the environment when developing a transmission project for which section 37 consent is required and these are referred to in section 1.4 below.

1.2.3. SSEN Transmission also has obligations to offer non-discriminatory terms for connection to the electricity transmission system. As such, the SSEN Transmission has a legal duty to provide connections for new electricity generators wishing to connect to the transmission network in its licence area under the terms of its statutory and licence obligations. SSEN Transmission is obliged to make its electricity transmission network available for these purposes and ensure the system is fit for purpose through appropriate reinforcements to accommodate the contracted capacity.

1.3. Application Approach and Content

Electricity Act 1989

1.3.1. The application for consent will be made to the Scottish Ministers under section 37 of the 1989 Act along with a request for a direction that planning permission be deemed to be granted under section 57 (2) of the 1997 Planning Act.

1.3.2. Accordingly, the purpose of this Planning Statement is to provide an assessment of the Proposed Development against the relevant national and local planning and energy policies and other material considerations. The Planning Statement should be read alongside the accompanying Development Plan Policy Schedule (Appendix 1).

Environmental Impact Assessment

1.3.3. The Proposed Development is classified as ‘Schedule 2’ development under the Electricity Works (Environmental Impact Assessment) (EIA) (Scotland) Regulations 2017 ("the EIA Regulations"), as:

“The carrying out of development (other than Schedule 1 development) to provide any of the following – ...

(2) an electric line installed above ground –

(a) with a voltage of 132 kilovolts or more”.

1.3.4. A Screening Request was made to the Energy Consents Unit (ECU) in June 2023 to seek confirmation on whether the Proposed Development is classed as EIA Development, under Regulation 9 of the EIA Regulations. A Screening Opinion (ref. ECU00004850) was issued on 20 September 2023 confirming that the Proposed Development does constitute ‘EIA Development’, and any forthcoming application for consent under section 37 of the 1989 Act should be accompanied by an EIA Report (EIAR).

1.3.5. A request for a Scoping Opinion was subsequently submitted to the Scottish Ministers under Regulation 12 of the EIA Regulations in October 2023, to seek advice on the scope and content of the

EIAR. A Scoping Report was submitted to support the request, which sought input from statutory and non-statutory consultees regarding the information to be provided within the EIAR.

- 1.3.6. The Scoping Opinion of the Scottish Ministers was issued on 1st March 2024 and can be seen in Appendix 4.4 of the accompanying EIAR.
- 1.3.7. An EIAR has been commissioned by SSEN Transmission and is submitted alongside this Planning Statement as part of the application for the Proposed Development to Scottish Ministers.
- 1.3.8. The EIAR comprises of four volumes:
 - Volume 1: Main Report.
 - Volume 2: Figures.
 - Volume 3A: Visualisations (NatureScot guidelines).
 - Volume 3B: Visualisations (The Highland Council guidelines).
 - Volume 4: Appendices to support each of the Chapters in the EIAR where required.
 - Non-Technical Summary.

1.4. Purpose of Planning Statement

- 1.4.1. The Proposed Development requires to be considered under the terms of the 1989 Act, and in particular the Schedule 9 duties require to be addressed.
- 1.4.2. Paragraph 3 (1) to the 1989 Act requires that in formulating development proposals, licence holders (i.e., the Applicant)

“(a) shall have regard to 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; and

(b) shall 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”.
(Paragraph 3 (1)(a) & (b))

- 1.4.3. Paragraph 3(2) of Schedule 9 provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals. These matters are those set out in Paragraph 3 (1)(a) above.
- 1.4.4. In addition, the Secretary of State shall have regard to *“(b)the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph.”*
- 1.4.5. Moreover Paragraph 3(3) states that in exercising any relevant functions a licence holder shall avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any waters.

- 1.4.6. The information that is contained within the individual topic sections of the EIAR for the Proposed Development addresses the environmental receptors identified in Schedule 9, to assist Scottish Ministers in their duties.
- 1.4.7. Chapter 14 of EIAR titled ‘Schedule of Mitigation’ identifies necessary mitigation measures that would be implemented to address any potential effects of the Proposed Development on the natural and historical environment, in accordance with Paragraph 3 (1)(b) to Schedule 9 of the 1989 Act.
- 1.4.8. These duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be. Therefore, the approach required in this case is fundamentally different to the conventional approach for planning decisions under section 25 of the 1997 Planning Act. There is no primacy of the Development Plan in an application for an electricity consent under the 1989 Act. Nevertheless, the Development Plan is a material consideration in the decision-making process and provides an understanding of the local context which is important in addressing the generic duties under Schedule 9 of the 1989 Act

1.5. Duration of Section 37 Consent and Deemed Planning Permission

- 1.5.1. Section 58(1)(a) of the 1997 Planning Act provides that deemed planning permission lapses if development has not begun within a period of 3 years. Section 58(1)(b) of that Act enables Scottish Ministers to direct that a longer period is allowed before planning permission lapses. The Scottish Government’s position on previous section 37 applications, has been that due to the constraints, scale, and complexity of constructing overhead lines, and the variables around renewable energy connections feeding into the line, a 5-year time scale for the commencement of the Development is appropriate.
- 1.5.2. The Applicant therefore requests that a direction is made by Scottish Ministers, under section 58(1)(b) of the 1997 Planning Act, that a period of 5 years is applied to any future planning permission.

1.6. Structure of the Report

- 1.6.1. This Planning Statement comprises the following:
- This Chapter sets out an introduction and the background to the Proposed Development:
 - Chapter 2: Provides a brief description of the location and Proposed Development.
 - Chapter 3: Identifies the relevant Development Plan for the area and assesses the Proposed Development against the relevant policies.
 - Chapter 4: Provides an assessment of National Energy Policy considerations.
 - Chapter 5: Provides the overall conclusion of this Planning Statement.

2. Location & Description of the Proposed Development

2.1. Site Location

- 2.1.1. The Proposed Development is located within the Highland Council (THC) local authority area. The location of the Proposed Development is illustrated in Figure 1.1 of the EIA. The OHL route and ancillary development are illustrated in Figure 1.2 Proposed Development of the EIA.
- 2.1.2. The Proposed Development connects the consented Cloiche and proposed Dell 2 wind farms, which are both located in the Monadhliath mountain range to the east of the village of Fort Augustus. The consented Cloiche Wind Farm is located on Glendoe and Garrogie Estates, adjacent to the operational Stronelaig Wind Farm and Glendoe Hydroelectric Scheme and approximately 11 km to the south-east of Fort Augustus. The proposed Dell 2 Wind Farm is located on Dell Estate and lies approximately 5 km to the north of the consented Cloiche Wind Farm. The connection point at Melgarve substation is located to the south of the proposed wind farms and is located adjacent to the Beauly to Denny 400 kV OHL. The boundary of the Cairngorms National Park (CNP) is located around 2.2 km to the south-east of the Proposed Development, and Laggan, the nearest village to Melgarve substation, is located approximately 11 km to the east.
- 2.1.3. The Proposed Development is located in a large-scale landscape characterised by a range of broad, rounded upland hills, mountains and plateaux, with steep slopes forming stark and more secluded glens. Despite the presence of energy infrastructure, the landscape is remote in nature. The other key land use within the vicinity of the Proposed Development is estate land managed for sporting activities including deer stalking and grouse shooting. It is noted that the surrounding land is of very limited agricultural value.

2.2. Site Selection

- 2.2.1. Chapter 2 of the EIA details the robust routing process and consideration of alternatives undertaken by the Applicant. As noted, the Proposed Development is required to connect the proposed Dell 2 Wind Farm and the consented Cloiche Wind Farm to the national grid at Melgarve substation.
- 2.2.2. The Applicant's internal site selection processes under section 9 of the 1989 Act, oblige them to "*develop and maintain an efficient, co-ordinated and economical system of electricity transmission*". As such SSEN Transmission assess technical, economic, and environmental factors in evaluating the site options.
- 2.2.3. The EIA details the robust site selection process undertaken by the Applicant including public consultation exercises with the local community. The approach to route and alignment selection has been informed by SSEN Transmission's guidance². The guidance splits the routing stage of a project into four principal stages, as outlined below and fully detailed in Chapter 2 of the EIA:
- Stage 0: Routing Strategy Development (Setting out the proposed strategy for the routing stage of a particular project).

² SSEN Transmission (September 2020), Procedures for Routing Overhead Lines and Underground Cables of 132 kV and above

- Stage 1: Corridor Selection.
- Stage 2: Route Selection
- Stage 3: Alignment Selection.

2.2.4. The decision to progress with an UGC solution through the existing (Stronelairg), proposed (Dell) and consented (Cloiche) wind farms was dictated by technical requirements given it is not possible to achieve an OHL alignment due to the proximity to wind turbines which can lead to premature fatigue and failure of the OHL. As a result, UGC was deemed to be required for the Proposed Development at higher elevations through the existing and proposed wind farms. A section of UGC was also deemed to be required for the final approach to Melgarve substation in order to cross under the Beaully-Denny 400 kV line.

2.2.5. For the remainder of the route, an OHL solution was proposed, in line with SSEN Transmission's obligations to develop an efficient, co-ordinated, and economical system of electricity transmission, and the contracted position between SSEN Transmission and the Cloiche and Dell wind farm developers. As detailed in Chapter 2 of the EIAR, the decision to progress with the OHL was undertaken following consideration of various competing factors including, environmental impacts, technical considerations, costs, and impact on existing infrastructure. Overall whilst there were subtle differences between the options from an environmental perspective, there was often a clear engineering preference focused on the technical feasibility of constructing each of the options given the terrain. This balance was taken into careful consideration when coming to an overall proposed OHL alignment. It is also considered that the use of OHL has advantages over UGC in terms of its ability to span over and therefore reduce impacts on sensitive habitats, biodiversity, and watercourses. From an economic perspective the OHL is a more cost-effective and reliable technology at this elevation and topography which would also lead to reduced maintenance costs).

2.3. Proposed Development

2.3.1. The Proposed Development would comprise the following works:

- Approximately 7 km of new 132kV OHL on double circuit L7 lattice towers carrying both the proposed Dell 2 Wind Farm and the consented Cloiche Wind Farm connections.
- Two CSE compounds to facilitate the transition between OHL and UGC. One CSE compound would be situated approximately 1.3 km southeast of the consented Cloiche Wind Farm substation, and the other CSE compound would be situated approximately 0.5 km northeast of Melgarve substation.
- Approximately 7.3 km of 132 kV UGC between the proposed Dell 2 Wind Farm on-site substation and the new CSE approximately 1.3 km to the southeast of the consented Cloiche Wind Farm substation.
- Approximately 1.8 km of 132 kV UGC between the consented Cloiche Wind Farm on-site substation and the new CSE approximately 1.3 km to the southeast of the consented Cloiche Wind Farm substation.

- Approximately 0.8 km of two 132 kV UGCs running parallel to each other from the new CSE located approximately 0.5 km northeast of Melgarve substation, splitting apart again before they enter Melgarve substation itself.

2.3.2. Ancillary development required to facilitate the construction and operation of the Proposed Development, for which deemed planning permission under section 57(2) of the 1997 Planning Act is sought, would include:

- Upgrades to existing access tracks.
- New permanent access tracks (including bridges) and new temporary access tracks.
- Permanent stone hardstanding areas related to the CSE compounds and associated working areas around infrastructure to facilitate construction.
- Vegetation clearance to facilitate construction and operation of the Proposed Development.
- Temporary measures to protect water crossings (e.g., scaffolding, and temporary bridges).
- Working areas around infrastructure to facilitate construction.

2.3.3. Additional associated works include borrow pits and quarries required to source stone for the construction of access tracks and temporary construction compounds which would be required to facilitate construction of the Proposed Development. Separate consents for these works would be sought by the Principal Contractor, as required.

2.3.4. Chapter 3 and Figure 3.1a of the EIAR provides a detailed description of the Proposed Development including descriptions of the relevant infrastructure.

2.4. Limits of Deviation (LoD)

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

- 100 m LoD (i.e., 50 m either side of the centre line of the proposed OHL alignment) is sought to allow for micro-siting of the OHL towers during construction.
- 100 m LoD (i.e., 50 m either side of the centre line of the proposed UGC alignment) is sought to allow for micro-siting of the UGC during construction.
- 100 m LoD (i.e., 50 m around the indicative CSE Compounds) is sought for the construction of the CSE Compounds.
- A LoD is sought for the construction of new permanent access tracks and new temporary access tracks. This LoD would generally be 50 m (i.e., 25 m either side of the centre line of the proposed track). There are instances however, where the LoD for the access track would need to be

extended to the edge of the boundary of the OHL or UGC LoDs to account for the possible movement of the OHL or UGC within their respective LoDs, that the access would still need to serve.

2.4.2. A vertical LoD, i.e., the maximum height of a tower above ground level, is also sought to allow a height increase or decrease of 3 m on the proposed tower height.

2.4.3. Full details of the LoDs required for the Proposed Development are provided in section 3.4 of Chapter 3 of the EIAR.

2.5. Construction Phasing and Practices

2.5.1. It is proposed to construct the Proposed Development in four phases as follows:

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

2.5.2. The full extent of the construction works is provided in section 3.6 of Chapter 3 of the EIAR.

2.5.3. It is anticipated that construction of the Proposed Development would take place over a 24-month period, following the granting of consents, although detailed programming of the works would be the responsibility of the Principal Contractor in agreement with the Applicant.

2.5.4. Construction activities would in general be undertaken during daytime periods only. Working hours are anticipated to be 7 days a week between approximately 07.00 to 19.00 March to September and 07.30 to 17.00 (or within daylight hours) October to February. Working hours would be confirmed by the Principal Contractor and agreed with THC.

2.5.5. Construction of the Proposed Development would give rise to regular numbers of staff transport movements, with small work teams travelling to work site areas. The final location and design of temporary site compounds would be confirmed by the Principal Contractor and separate planning permissions would be sought as required.

2.5.6. Construction access would utilise existing tracks where possible.

2.5.7. A contractual management requirement of the Principal Contractor would be the development and implementation of a Construction Environmental Management Plan (CEMP). This document would detail how the Principal Contractor would manage the site in accordance with all commitments and mitigation detailed in the EIAR, statutory consents and authorisations and industry best practice and guidance.

3. National Planning & Energy Policy

3.1. Introduction

3.1.1. This section explains the energy and climate change policy, strategy and legislation that should be considered as an important material consideration that requires to be weighed in the decision-making balance for the Proposed Development.

3.2. Key Climate Change Targets

3.2.1. Guided by international and UK-wide legislation and policy, the Scottish Government has set national policy to address the climate emergency and increase the amount of energy produced by renewables and therefore address the threat of climate change. This is further illustrated through Table 2 below.

Table 2 – Overview of National Energy Policy and Legislation

Policy, Strategy or Legislation	Targets and Key Messages Relevant to the Proposed Development
Scotland Declare Climate Emergency (April 2019)	In April 2019 Scotland became one of the first nations in the world to declare a state of ‘Climate Emergency’, a step which places climate change at the heart of all policy decisions and recognises that a system-wide approach is required to address the actions needed to transition to a low carbon economy.
The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	Reduce greenhouse gas emissions by 75% to 2030, 90% by 2040 and to Net Zero by 2045.
Climate Change Plan (CCP) (2018) and 2020 Update.	<p>The 2018 Climate Change Plan (CCP) states unequivocally in the introduction that, “Climate change is one of the greatest global threats we face. Scotland must play its part to achieve the ambitions set out in the Paris Agreement, which mandates concerted, global action to deal with the threat.”</p> <p>The CCP committed to reducing Scotland’s electricity grid intensity to below 50g CO2 per kilowatt hour. It was envisaged that this would be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies. The 2018 CCP also established that by 2032 Scotland’s energy supply would be secure and flexible, with a system robust against fluctuations and interruptions to supply.</p> <p>The 2020 CCP Update seeks to increase renewable generation substantially between 2020 and 2032, stating, “Renewable generation will increase substantially between now and 2032, and we expect to see the development of between 11 and 16 GW of capacity during this period, helping to decarbonise our transport and heating energy demand.”</p> <p>Overall, the CCP and associated Update strives to meet climate change targets set out in legislation in a way that benefits the whole of Scotland. The 2020 Update specifically notes that the transition to net zero can realise green jobs, a better environment and a healthy economy that supports the country’s wellbeing.</p>
Scottish Energy Strategy (SES) (2017) and	The 2017 SES sets a 2050 vision for energy in Scotland as, “ a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland’s households, communities and businesses ”.

<p>associated Position Statement (2021)</p>	<p>It articulates six energy priorities for a whole-system approach that considers both the use and the supply of energy for heat, power, and transport. Those of most relevance to the Proposed Development include:</p> <ul style="list-style-type: none"> • System security and flexibility • Renewable and low carbon solutions <p>The strategy also contains new whole system targets for 2030 as follows: -</p> <ul style="list-style-type: none"> • The equivalent of 50 % of the energy for Scotland’s heat, transport, and electricity consumption to be supplied from renewable sources; and, • An increase by 30 % in the productivity of energy use across the Scottish economy. <p>The commitment to deployment of renewables in the 2017 SES is also explicit, stating, “Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets”.</p> <p>In 2021, the Scottish Government published ‘Scotland’s Energy Strategy Position Statement’. The Position Statement notes, “The potential remains for much more renewable capacity and development across Scotland.... the continued growth of Scotland’s renewable energy industry is fundamental to enabling us to achieve our ambition of creating sustainable jobs as we transition to net zero. The Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of Net Zero”.</p> <p>The Proposed Development facilitates the connection of two wind farms to the grid thereby helping to support this strategy.</p> <p>An April 2018 update relating to Targets, Priorities and Actions states that, “Scottish Government analysis shows that renewable electricity – which has already outperformed our interim 2015 target of 50% – could rise to over 140% of Scottish electricity consumption, ensuring its contribution to the wider renewable energy target for 2030”.</p> <p>The importance of securing grid connections for renewable energy generation is of significant importance to realise Scotland’s potential and can draw support from Scotland’s energy strategy.</p>
<p>Scotland’s Draft Energy Strategy and Just Transition Plan (January 2023)</p> <p>Note this will ultimately place the SES discussed above, upon adoption.</p>	<p>The Scottish Government consulted on the Draft Energy Strategy and Just Transition Plan between January and May 2023. The draft Plan sets a vision for Scotland’s energy system to 2045 and a route map of ambitions and actions that will guide decision-making and policy support over the course of the decade. The plan seeks to transform the way Scotland generates, transports, and uses energy to deliver maximum benefits to Scotland from its vast renewable energy resource. The document states:</p> <p>“The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generates economic opportunities, and builds a just transition.”</p> <p>The Draft Energy Strategy and Just Transition Plan also sets out key ambitions for Scotland’s energy future including a commitment on the deployment of at least 20 GW of installed onshore wind by 2030. Since Scotland had approximately 8GW of installed capacity in June 2022, this target therefore requires 12 GW of additional onshore wind by 2030.</p>
<p>The Scottish Government’s ‘Just Transition - A Fairer, Greener Scotland’ (September 2021).</p>	<p>In September 2021, the Scottish Government’s published the ‘Just Transition A Fairer, Greener Scotland’ report. In 2021, in response to the final report of the Just Transition Commission. It sets out their long-term vision for just transition. A just transition, “is both the outcome – a fairer, greener future for all – and the process that must be undertaken in partnership with those impacted by the transition to net zero. Just transition is how we get to a net zero and</p>

climate resilient economy, in a way that delivers fairness and tackles inequality and injustice.”

The report reinforces Scotland’s ambitious climate change targets of 75% greenhouse gas emissions reduction by 2030, and net zero greenhouse gas emissions by 2045.

The Vision of the report is, ***“By 2045, a just transition to net zero will have delivered a fairer, greener Scotland.”***

3.2.2. The Proposed Development delivers vital grid infrastructure which plays a crucial role in delivering the Scottish and UK Governments legally binding targets for net zero emissions and renewable energy electricity generation objectives as outlined above. The proposal draws significant support from the energy policy, strategy, and legislation.

3.3. Local Strategies

3.3.1. On 9th May 2019, THC declared a climate and ecological emergency stating, *“Highland Council recognises the serious and accelerating changes to the world caused by climate change and therefore declares a climate and ecological emergency”*.

3.3.2. In October 2023 the Council launched a Net Zero Strategy to set out the Council’s approach to addressing the climate emergency by reducing emissions and preparing for the unavoidable impacts of climate change. The strategy includes a route Map to Net Zero by 2045, with key interim targets to reduce emissions by at least 75% by 2030 and at least 90% by 2040 (in line with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019).

3.3.3. The Proposed Development draws significant support from these strategies and contributes towards helping THC tackle their commitments towards the climate and ecological emergencies.

3.4. Scotland's Electricity and Gas Networks: Vision to 2030

3.4.1. The Scottish Government’s ‘Vision for Scotland’s Electricity and Gas Networks’ document was published in March 2019. The vision statement highlights that, *“By 2030 Scotland’s energy system will have changed dramatically in order to deliver Scotland’s Energy Strategy targets for renewable energy and energy productivity...Our electricity and gas networks will be fundamental to this progress across Scotland, and there will be new ways of designing, operating and regulating them to ensure that they are used efficiently.”*

3.4.2. With regards to electricity transmission, the document supports (page 5):

“A secure and resilient transmission network for Scotland, engineered to reflect the changing dynamics of the electricity system, and with a System Operator able to access the technical services needed to maintain stability. New transmission infrastructure that ensures we can meet Scotland’s renewable energy ambitions”.

3.4.3. With respect the electricity network the vision for 2030 is that there will have been the necessary substantial investment in new capacity for our electricity networks and a strategic focus on security of supply and resilience when designing these networks and the systems that they connect to.

- 3.4.4. The document notes that ‘Renewable generators, such as wind farms, have the capability to support voltage, even when it isn’t windy; we need to make effective use of this capability...’ The grid connection project would support this capability.
- 3.4.5. The Proposed Development can draw support from the Vision for Scotland's Electricity and Gas Networks to 2030 and more specifically the vision for the electricity network. The proposal involves an important investment in the electricity network in the north of Scotland which supports the generation of renewable energy in the north of Scotland.
- 3.4.6. The approval of the grid connection for the Proposed Development would also help to achieve the Applicant’s licence obligations to develop and maintain an efficient, coordinated, and economic electricity system in Scotland.
- 3.4.7. The Proposed Development draws significant support from Scotland’s Electricity and Gas Networks Vision to 2030 document and directly supports its vision and objectives.

3.5. Conclusions

- 3.5.1. The UK and Scottish Government renewable energy policy documents, and associated renewable energy and climate change targets, all provide considerable support in favour of renewable energy development and ancillary infrastructure required to realise these renewable energy ambitions.
- 3.5.2. The Proposed Development draws considerable support from the above energy policy and legislation. The proposal is being driven by the requirement to connect the consented Cloiche Wind Farm and the proposed Dell 2 Wind Farm to the National Grid at the existing Melgarve substation. The Proposed Development facilitates the connection of circa 175MW to the grid and, thus, makes a significant and valuable contribution to net zero targets and government policy objectives.
- 3.5.3. The Proposed Development forms an important piece in the expansion of the electricity network in the north of Scotland through enabling the connection of renewable energy and realising the potential of wind energy in the Highlands. The project therefore 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.
- 3.5.4. The Proposed Development draws strong support for the energy policy and legislation which must be considered a strong material consideration of significant weight in the determination of the application.

4. Development Plan Policy

4.1. Introduction

4.1.1. This Chapter assesses the Proposed Development against the statutory Development Plan applicable to the area in which the site is located as outlined below:

- The National Planning Framework 4 (NPF4) (Adopted February 2023).
- The Highland Wide Local Development Plan (HwLDP) (Adopted April 2012).
- West Highland and Islands Local Development Plan (WestPlan) (Adopted September 2019).
- Inner Moray Firth Local Development Plan (IMFLDP) (Adopted July 2015).
- Relevant THC Supplementary Guidance (SG) documents including:
 - Flood Risk and Drainage Impact Assessment SG (Adopted January 2013).
 - Sustainable Design Guidance SG (adopted January 2013).
 - Managing Waste in New Developments (Adopted March 2013).
 - Highland Statutorily Protected Species SG (Adopted March 2013).
 - Physical constraints SG (March 2013).
 - Onshore Wind Supplementary Guidance (Adopted 2016, addendum December 2017) which includes the Loch Ness Landscape Sensitivity Appraisal.
 - Developer Contributions SG (Adopted November 2018).
- Relevant THC non-statutory planning guidance including:
 - Construction Environmental Management Process for Large Scale Projects (Published August 2010)
 - Assessment of Highland Special Landscape Areas (published June 2011) covered within THC's SLA citations webpage³.
 - Draft Biodiversity Planning Guidance (2023)

4.2. National Planning Framework 4 (NPF4)

4.2.1. NPF4 was adopted by the Scottish Government on 13 February 2023, following approval by the Scottish Parliament in January 2023. It sets out the Government's national spatial strategy for Scotland, identifying regional priorities, national developments, and national planning policy.

³ THC's Special Landscape Citation Webpage - <https://www.highland.gov.uk/sla>

- 4.2.2. It replaces NPF 3 and Scottish Planning Policy (SPP). Unlike NPF 3 and SPP, NPF4 forms part of the statutory development plan, providing a legal footing in the planning decision making process under section 25 of the 1997 Planning Act which states that *"Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with the plan"*.
- 4.2.3. The adoption of NPF4 and the embedding of this policy framework as part of the statutory Development Plan, means that in the event of conflict between a local development plan and NPF4, then the most recent policy position will prevail. This is confirmed in section 24(3) of the 1997 Planning Act which states, *"In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail"*.
- 4.2.4. As part of the national spatial strategy, NPF4 also makes it clear that Scotland must make significant progress by 2030 to achieve net zero emissions target by 2045. NPF4 also recognises that it is required "by law" to contribute to 6 key outcomes, two of which include *"meeting any targets relating to the reduction of emissions of greenhouse gases"* and *"securing positive effects for biodiversity"* (page 95).
- 4.2.5. There is a clear policy direction within NPF4 to respond to the global climate emergency and growing nature crises. NPF4 has a range of functions that include informing the development plan process, establishing national planning policy, and identifying a spatial strategy for Scotland including nationally significant projects. The document is split across these matters as follows:
- 4.2.6. **Part 1: A National Spatial Strategy for Scotland:** Outlines 6 overarching spatial principles including Just transition, and sets aspirations to deliver places which are sustainable, liveable, and productive. 18 national developments are introduced, and these are set in the context of spatial priorities against 5 distinct regions. The Proposed Development is located within the north region. National Development 3 'Strategic Renewable Electricity Generation and Transmission Infrastructure' supports renewable electricity generation, repowering, and expansion of the electricity grid to support sustainable places and the delivery of the spatial strategy for this region. The Proposed Development would fall within category, *"b) New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more."*
- 4.2.7. The project itself is therefore classed as a national development. National developments are significant developments of national importance required to deliver NPF4's spatial strategy, as such their need is established at a national level and their designation means that the principle of development is supported in the consenting processes. The Proposed Development can draw support from the spatial strategy of NPF4 and its contribution towards the delivery of a national development.
- 4.2.8. **Part 2: National Planning Policy:** Demonstrates the policy framework as well as policy intent, policy outcomes and detail as to how each policy meets relevant provisions of the 6 overarching spatial principles. Specific policies relevant to the Proposed Development are discussed further below under the updated NPF4 policy assessment.
- 4.2.9. **Part 3: Annexes** including Annex B which sets out the statements of need for national developments. The statement of need for National Developments relating to Strategic Renewable Electricity Generation and Transmission Infrastructure notes that the electricity transmission grid will need

substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. It is recognised within the statement of need that 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. The Proposed Development can support this function.

4.3. The Highland Wide Local Development Plan

4.3.1. The HwLDP sets out THC's vision statement and spatial strategy for the area alongside the general policies for determining planning applications in the Highlands. The Proposed Development has been considered in the context of the HwLDP, and the most relevant policies are identified and considered below in Table 1.

4.3.2. The vision and key objectives of the HwLDP have been informed by the key challenges facing The Highland area and Chapter 5 of the HwLDP sets out the overall vision, as follows:

“By 2030, Highland will be one of Europe’s leading regions. We will have created sustainable communities, balancing population growth, economic development, and the safeguarding of the environment across the area and have built a fairer and healthier Highlands.”

4.3.3. The overall vision is further defined into a series of land use aims specific to the Inner Moray Firth Area. Whilst not specific to transmission infrastructure, the HwLDP identifies the need for the Inner Moray Firth to have increased jobs, to safeguard and enhance its special places, diversify its economy, and resolve infrastructure constraints. These objectives are set alongside the need to protect outstanding natural assets, including landscapes, geology, habitats, and species of national and international importance.

4.3.4. The Vision and Spatial Strategy for the Inner Moray Firth Area is identified in plan form on page 23 of the HwLDP. Whilst the plan is diagrammatic rather than geographically precise, the vision identifies the need for electricity grid reinforcement. The Proposed Development will allow connection of renewable energy installations, in line with the HwLDP vision, with associated positive benefits for the local economy.

4.3.5. The site has no land allocation and lies outside any settlement boundaries within HwLDP.

4.4. West Highland and Islands Local Development Plan

4.4.1. WestPlan was adopted by THC in September 2019 and forms one of three area Local Development Plans (LDPs) within THC boundary – the Inner Moray Firth, Caithness and Sutherland and West Highland and Islands. The purpose of the area LDPs is to set out plans and proposals for delivering development reflecting on the unique characteristics and attributes of these three areas.

4.4.2. The southern section of the OHL sits within the West Highlands and Islands area.

4.4.3. WestPlan and IMFLDP have established boundaries of the Special Landscape Area (SLAs) designations (SLAs) across the plan area. The Assessment of Highland Special Landscape Areas Guidance (2011), within the THC SLA Citations Website, summarises key characteristics, qualities,

sensitivities, and measures for enhancement. The application site is not located within an SLA. The closest SLA is Ben Alder, Laggan and Glen Banchor SLA which lies circa 3km south of the Proposed Development as noted within Chapter 7 of the EIAR. This SLA falls entirely within the boundary of the Cairngorms National Park. Further consideration of the SLA was scoped out of the landscape and visual assessment in Chapter 7 of the EIAR, as this area is considered to be adequately covered by the assessment of the National Park.

4.4.4. WestPlan is considered of limited relevance to the assessment of the Proposed Development, given its focus is on directing development within settlement areas and Growth Areas and site-specific allocations, as such it will be assessed and considered only insofar as relevant to the Proposed Development.

4.4.5. The Proposed Development is considered to be in accordance with WestPlan, insofar as relevant.

4.5. Inner Moray Firth Local Development Plan

4.5.1. The IMFLDP was adopted by THC in July 2015 and forms one of three area Local Development Plans (LDPs) within THC boundary. The purpose of the area LDPs is to set out plans and proposals for delivering development reflecting on the unique characteristics and attributes of these three areas.

4.5.2. A small section of the proposed OHL at the northern end of the site sits within the Inner Moray Firth LDP area. However, the IMFLDP is considered of limited relevance to the assessment of the Proposed Development, given its focus is on directing development within settlement areas and Growth Areas. As such the IMFLDP and the emerging IMFLDP2, will be assessed and considered only insofar as they are relevant to the Proposed Development. As noted above, WestPlan and IMFLDP identify Special Landscape Areas (SLA) with the application site not being located within an SLA. The closest SLA is Ben Alder, Laggan and Glen Banchor SLA which lies circa 3km south of the Proposed Development as noted within Chapter 7 of the EIAR. This SLA falls entirely within the boundary of the Cairngorms National Park. Further consideration of the SLA was scoped out of the landscape and visual assessment in Chapter 7 of the EIAR, as this area is considered to be adequately covered by the assessment of the National Park.

4.5.3. The Inner Moray Firth Proposed Local Development Plan 2 (IMFLDP2) was submitted to Scottish Ministers on 24th March 2023 and the Report of Examination was published on 23rd January 2024. THC is currently reviewing the Reporter's recommendations at the time of writing. The proposed IMFLDP2 is anticipated to be adopted in 2024.

4.5.4. Given the advanced stage of the proposed IMFLDP2, it is considered the 'settled view' of the THC and therefore carries some weight in the decision-making process. Like IMFLDP its focus is mainly on regional and settlement strategies and identifying specific site allocations. However, Policy 2 - Nature Protection, Preservation & Enhancement is considered of relevance to the proposal and was also highlighted in THC's Scoping Response, as such it will be considered below in the policy assessment.

4.5.5. The Proposed Development is considered to be in accordance with the extant and emerging IMFLDP insofar as they are relevant.

4.6. Development Plan Policy Assessment

4.6.1. A detailed policy assessment has been undertaken of the relevant NPF4, HwLDP and the proposed IMFLDP policies and is set out below at Table 1. Policies within the extant WestPlan and IMFLDP have been reviewed and are not considered to be entirely relevant to the Proposed Development as such have not been included in the below in Table 1. The key relevant policies of the Development Plan have been grouped together under a number of topic headings. The Policy Schedule contained within Appendix 1 of this Planning Statement sets out the full text of the identified policies.

Table 1 – Local Development Plan Policy Table

Topic	NPF4	HwLDP	Proposed IMFLDP2
Climate Change and energy	Policy 1 Tackling the climate and nature crises Policy 2 Climate mitigation and adaptation Policy 11 Energy	Policy 69 Electrical Transmission Infrastructure	Policy 1 – Low Carbon Development
Natural Heritage	Policy 3 Biodiversity Policy 4 Natural Places Policy 11 Energy	Policy 58 Protected Species Policy 59 Other Important Species Policy 60 Other Important Habitats and Article 10 Features Policy 74 Green Networks	Policy 2 - Nature Protection, Preservation & Enhancement
Landscape	Policy 4 Natural Places Policy 11 Energy	Policy 61 Landscape	
Built Heritage	Policy 7 Historic Assets & Places	Policy 57 Natural, Built and Cultural Heritage	
Hydrology and Soils	Policy 22 Flood Risk and Water Management Policy 5 Soils	Policy 62 Geodiversity Policy 63 Water Environment Policy 64 Flood Risk Policy 66 Surface Water Drainage Policy 55 Peat and Soils	
Transport	Policy 11 Energy Policy 13 Sustainable Transport	Policy 56 Travel Policy 77 Public Access Policy 78 Long Distance Routes	
Siting and Design	Policy 14 Design, Quality and Place Policy 29 Rural Development	Policy 36 Development in the Wider Countryside Policy 28 Sustainable Design Policy 29 Design Quality and Place-Making	
Socio Economic, Recreation and Tourism	Policy 25 Community wealth building Policy 30 Tourism		
Other Relevant Policies	Policy 12 Zero Waste Policy 18 Infrastructure First	Policy 72 Pollution Policy 30 Physical Constraints Policy 31 Developer Contributions	

4.7. Climate Change and energy

Policy Position

- 4.7.1. **NPF4 Policy 1 Tackling the Climate and Nature Crises** states that significant weight will be given to the global climate and nature crises in all development proposals. **NPF4 Policy 2 Climate mitigation and adaptation** seeks to encourage, promote, and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- 4.7.2. **NPF4 Policy 11 Energy** supports all forms of renewable, low-carbon and zero emissions development proposals.
- 4.7.3. **HwLDP Policy 69 Electrical Transmission Infrastructure** acknowledges the significance and importance of proposals for electricity transmission infrastructure and provides support for proposals which are assessed as not having an unacceptable significant impact on the environment including natural, built, and cultural heritage features, taking into consideration mitigation measures.
- 4.7.4. **Proposed IMFLDP2 Policy 1 – Low Carbon Development** introduces a carbon emissions reduction standard for development based on current standards and outlines a number of components which need to be addressed.

Policy Assessment

- 4.7.5. The principle of the Proposed Development is established in planning policy terms through NPF4, being defined as a national development and through Policy 11's direct support for all forms of renewable energy including, "*enabling works, such as grid transmission infrastructure*". The policy criteria set out within NPF4 Policy 11 is addressed under the relevant policy headings within this chapter. Overall, no unacceptable impacts are identified subject to mitigation and the Proposed Development draws support from NPF4 Policy 11. Support can also be drawn from Policy 1 Tackling the Climate and Nature Crisis and NPF4 Policy 2 Climate Mitigation and Adaptation, as the Proposed Development will facilitate the generation of renewable energy through enabling two wind farms, with an installed capacity of circa 175MW, to connect to the grid and will support the transition to net zero. As such the principle of the Proposed Development is clearly established and draws support within NPF4.
- 4.7.6. Policy 69 of the HwLDP is of particular relevance to the Proposed Development given that it is specific to electricity transmission infrastructure. The policy acknowledges the significance and importance of proposals for electricity transmission infrastructure and provides support for proposals which are assessed as having no unacceptable significant impact on the environment including natural, built, and cultural heritage features, taking into consideration mitigation measures. The need for the Proposed Development is driven by the requirement to support renewable energy generation in the local area and to facilitate the connection of the consented Cloiche Wind Farm and proposed Dell 2 Wind Farms to the electricity transmission grid. An assessment of environmental effects has been undertaken and the results are presented in the EIAR which is submitted with the application under section 37 of the 1989 Act and section 57 of the 1997 Act. It provides a summary of the environmental considerations and where necessary the mitigation proposed. The impact on the environment is

assessed within the EIAR and under the relevant policy headings below. A Sustainable Design Statement has also been provided in relation to HwLDP Policy 28 at paragraph 3.12.9 below. In summary, the Proposed Development is not considered to result in unacceptable significant residual effects to the environment and is deemed to be in accordance with and draw support from HwLDP Policy 69.

- 4.7.7. Proposed IMFLDP2 Policy 1 – Low Carbon Development primarily relates to new buildings and introduces a carbon emissions reduction standard including heat networks. Whilst not entirely relevant to electricity transmission infrastructure, the principle of the Proposed Development draws support from this policy through facilitating the connection of renewable energy to the grid which plays an important role in the decarbonising the economy and the transition to net zero. The Proposed Development is deemed to accord with Proposed IMFLDP2 Policy 1 – Low Carbon Development, insofar as relevant.

4.8. Natural Heritage

Policy Position

- 4.8.1. **NPF4 Policy 3 Biodiversity** requires that development proposals contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building strengthening nature networks and the connections between them. Proposals are also encouraged to integrate nature-based solutions where possible. The Policy also requires that national development proposals will only be supported where “*it can be demonstrated that the proposal will conserve, restore, and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used*”. There are a number of criteria to be met in order to demonstrate this and it is expected that any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design.
- 4.8.2. The Scottish Government’s “Scottish Biodiversity Strategy to 2045 - Tackling the Nature Emergency in Scotland” document was published in September 2023 and sets out a clear ambition, “*for Scotland to be Nature Positive by 2030, and to have restored and regenerated biodiversity across the country by 2045.*” The Scottish Government is also consulting on draft Biodiversity Planning Guidance (November 2023) to outline expectations of implementing NPF4 policies which support the key overarching theme of NPF4 to improve biodiversity. The new strategic framework for biodiversity, incorporating the Strategy to 2045 and the Planning Guidance, are expected to be published in 2024 and as a result we are in a transitional phase in terms of the true implementation of Policy 3 at the time of writing. This matter is confirmed in the Chief Planner Letter: Transitional Arrangements for NPF 4 (February 2023) which states, “*we are committed to developing guidance to accompany wider NPF4 policy 3, and – recognising that currently there is no single accepted methodology for calculating and / or measuring biodiversity ‘enhancement.*” While this transient policy context should be considered with respect to the weight applied to Policy 3, it is highlighted that the habitat improvements to be delivered through the Proposed Development already demonstrate significant biodiversity enhancement as discussed below.

- 4.8.3. **NPF4 Policy 4 Natural Places** states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. The Policy also seeks to ensure that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposals meet the relevant statutory tests. **NPF4 Policy 11 Energy** states that the project design and mitigation of energy projects should demonstrate how impacts on biodiversity are addressed.
- 4.8.4. **HwLDP Policy 58 Protected Species** requires a survey to be carried out to establish any such presence and if necessary, a mitigation plan to avoid or minimise any impacts on the species, before determining the application. Development that is likely to have an adverse effect on a protected species will only be permitted when specific criteria are met. **HwLDP Policy 59 Other Important Species** states that THC will use conditions and agreements to ensure detrimental effect on other important species are avoided. **HwLDP Policy 60 Other Important Habitats and Article 10 Features**, states that, *“The Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat “steppingstones” for the movement of wild fauna and flora. (Article 10 Features). The Council will also seek to create new habitats which are supportive of this concept.”*
- 4.8.5. **HwLDP Policy 74 Green Networks** requires that green networks are protected and enhanced and notes that development in areas identified for the creation of green networks should seek to avoid fragmentation.
- 4.8.6. **Proposed IMFLDP2 Policy 2 - Nature Protection, Preservation & Enhancement** states, *“All developments must contribute to the enhancement of biodiversity, including restoring degraded habitats and building and strengthening nature networks and the connections between them.”*

Policy Assessment

Terrestrial Ecology

- 4.8.7. Chapter 8 of the EIAR considers the effects of the Proposed Development on non-avian ecology including designated sites, terrestrial and aquatic habitats, and protected species. The ‘study area’ for habitats is defined in the EIAR as the Limit of Deviation (LoD), i.e. a 50m buffer from the centre of the OHL and UGC well as the general 25m buffer around the footprint of the proposed new access tracks
- 4.8.8. The Proposed Development is not located within any international or national natural heritage designations. The following natural heritage designations (non-avian) fall within the vicinity of the Proposed Development:
- The River Spey Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI) are approximately 0.29km south of the Proposed Development at their closest point.
 - Creag Meagaidh SAC, SSSI, and National Nature Reserve (NNR) are approximately 1.46km south of the Proposed Development at their closest point.
 - Monadhliath SAC and SSSI are located approximately 2.23km east of the Proposed Development at their closest point.

- Ness Woods SAC is located approximately 5km west of the Proposed Development at its closest point.
 - Glen Tarff SSSI is located approximately 5km west of the Proposed Development at its closest point.
- 4.8.9. There is no ancient woodland within or adjacent to the Proposed Development. The nearest woodland listed on the Ancient Woodland Inventory (AWI) is located approximately 1.2km south of the Proposed Development. No potential effects on statutory designated sites or ancient woodland were identified in the EIAR.
- 4.8.10. It is noted that the site is open in nature with minimal forestry, as such forestry was scoped out of the EIAR.
- 4.8.11. No impacts on green networks are identified in line with HwLDP Policy 74.
- 4.8.12. No significant impacts on Groundwater Dependant Terrestrial Ecosystems (GWDTE) have been identified in the EIAR.
- 4.8.13. Protected species recorded during surveys include hare, otter, red squirrel, reptiles, and water vole. In addition, a number of watercourses are present which provide some suitability for non-migratory brown trout populations. No significant effects are identified on protected or other species as a result of the Proposed Development.
- 4.8.14. The ecological study area consists of the following habitats: degraded and actively eroding blanket bog, wet heath, acid grassland and bare peat. Only blanket bog and wet heath were scoped into the EIA assessment stage.
- 4.8.15. The EIAR states that Blanket bog covers 104.97ha (57.59%) and wet heath covers 42.14ha (23.12%) of the study area. The habitat surveys identified widespread degradation of peatland and bog habitats within the site and wider survey area, with extensive areas of active erosion through peat haggling and gullying, and eroding bare peat.
- 4.8.16. The Proposed Development could potentially directly impact up to 20.32ha of degraded blanket bog (direct permanent loss 0.98ha and direct temporary loss 19.34ha), and potentially indirectly affect 5.86ha. The Proposed Development could potentially directly impact up to 6.91ha of wet heath (direct permanent loss 0.20ha and direct temporary loss 6.71ha), and potentially indirectly affect 2.66ha. The EIAR assessment concluded that following mitigation, there would be a Minor adverse and not significant effect on blanket bog and wet heath. No significant operational or cumulative effects were identified.
- 4.8.17. The Proposed Development has been designed to minimise impacts on habitats, peatland, and protected species as far as practicable. This has been achieved through embedded mitigation and the iterative design process. Mitigation includes appointing a suitably qualified Ecological Clerk of Works (ECoW) to advise the Applicant and the Principal Contractor on all ecological matters and the preparation of General Environmental Management Plans (GEMPs), Species Protection Plans (SPPs), Construction Environmental Management Plan (CEMP) and a site reinstatement and restoration plan.

- 4.8.18. An outline Habitat Management Plan (HMP) as shown in Appendix 8.4 of Chapter 8 of the EIAR would be finalised prior to commencement of development which will compensate for the identified effects on blanket bog and wet heath within the site. With the implementation of the HMP, overall residual effects on blanket bog would be beneficial given the restoration and enhancement of habitats. An area of 50-85ha (depending on condition of the Peatland to be restored) is proposed for peatland restoration. The SSEN Transmission Biodiversity Net Gain (BNG) project toolkit has been used to quantify the biodiversity value of the baseline habitats, the loss of biodiversity units during works, the reinstatement of habitats in temporary working areas, and the compensation and enhancement proposals presented in the outline HMP. The Applicant is committed to delivering a 10% net gain for biodiversity following implementation of the outline HMP.
- 4.8.19. The EIAR concludes that subject to the mitigation proposed no significant adverse effects are predicted on ecological receptors as a result of the Proposed Development. Furthermore, in the longer term, with the implementation of the HMP, there may be a residual beneficial Significant effect on blanket bog and wet heath habitats, following the restoration and enhancement of habitats. The HMP notes a 10% biodiversity net gain as a result of the Proposed Development, in line with SSEN Transmission's BNG commitments⁴. Furthermore, no cumulative effects are identified. As a result, it is considered that the Proposed Development responds positively to the ecological safeguards established through the HwLDP in Policies 58, 59 and 60 and meets the aspirations of NPF4 Policies 3, 4 and 11 and Proposed IMFLDP2 Policy 2 with respect to having due consideration of potential impacts on the natural environment through design and mitigation and bringing biodiversity enhancements through peat restoration and habitat enhancement.

Ornithology

- 4.8.20. Ornithology is addressed in Chapter 9 of the EIAR.
- 4.8.21. To fully assess the ornithological effects on site, a suite of surveys was undertaken between October 2021 and September 2022. These surveys are described in full detail in Appendix 9.1 of the EIAR: Ornithological Technical Report. In summary, the surveys comprised:
- Vantage Point Surveys: undertaken between 22nd October 2021 and 30th September 2022. Originally, a total of eleven vantage points were used to sufficiently cover the study area. However, during the winter 2021/2022 period, the number of vantage points was dropped to seven as the route options stage evolved. A total of seventy-two hours were collected from each vantage point during the yearlong survey period, thirty-six hours between October 2021 and 31st March 2022 and thirty-six hours between April and end of September 2022; Vantage Point locations can be found in Figure 9.1.
 - Moorland Breeding Bird Surveys: were undertaken across the open moorland habitats along the study area. Four surveys were undertaken between April and end of June 2022.

⁴ SSEN Transmission (2023). Delivering a positive environmental legacy. <https://www.ssen-transmission.co.uk/globalassets/documents/sustainability-and-environment/environmental-legacy-booklet>

- Waterbody searches: Waterbodies within 750m of the Proposed Development were searched between end of April and end of June 2022 to specifically search for diver species, Slavonian Grebe and Common Scoter.
- Raptor Nest Searches – suitable habitat was searched for nesting raptors. Distances from the Proposed Development ranged from 1 km to 2 km for selected raptor species.

- 4.8.22. A total of fifty-two bird species were recorded during the suite of surveys undertaken within the ornithological study area, plus ad-hoc sightings. These are detailed further in Chapter 9 of the EIAR.
- 4.8.23. In terms of surrounding designations relevant to ornithology, Creag Meagaidh Special Protection Area (SPA) is located approximately 1.2 km south of the Proposed Development. The site is of special nature conservation and scientific importance within the European Community because it supports a nationally important population of breeding Dotterel. Loch Knockie and nearby Lochans SPA is located approximately 4km west of the Proposed Development and comprises a group of lochs with undisturbed aquatic plant communities and extensive sedge beds. The lochs are surrounded by mire, heath, mixed woodland, and agricultural land and support a population of Slavonian Grebe.
- 4.8.24. Potential effects on ornithological features associated with the Proposed Development primarily comprise loss of habitat/habitat modification and disturbance/displacement. These potential effects were taken forward for further assessment in the EIAR for Golden Eagle, Peregrine, Merlin, Golden Plover, and Dunlin. Collision Risk and electrocution was scoped out from further EIA assessment, as the time spent crossing the Proposed Development at collision risk height for all species was negligible.
- 4.8.25. Mitigation is proposed in the form of a Bird Protection Plan (BPP), devised in consultation with NatureScot, which would be in place prior to the onset of construction and dismantling activities (see Appendix 3.4: General Environmental Management Plans (GEMPs) and Species Protection Plans (SPPs)). The overall BPP and the species-specific plans in place for certain species would describe the survey methods for the identification of sites used by protected birds and detail protocols for the prevention, or minimisation, of disturbance to birds as a result of activities associated with the Proposed Development. The BPP would be overseen by the ECoW. The proposed mitigation would significantly reduce the potential effects of construction and operational works on Golden Eagle, Peregrine, and Merlin.
- 4.8.26. It should be noted that significant habitat enhancement is envisaged as part of the Proposed Development, including peat restoration and habitat enhancement. An area of 50-85ha (depending on condition of the Peatland to be restored) is proposed for peatland restoration.
- 4.8.27. In light of the above and across all identified ornithological species, the EIA concludes that potential effects on ornithology will be negligible and not significant. Furthermore, no cumulative effects are identified. As a result, it is considered that the Proposed Development responds positively to the ornithological safeguards established through the HwLDP in Policies 58, 59 and 60 and meets the aspirations of Policy 11 of NPF4 with respect to having due consideration of potential impacts on birds through design and mitigation.

4.9. Landscape

Policy Positions

- 4.9.1. **NPF4 Policy 4 Natural Places** states that development affecting a designated landscape area 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 adverse effects are outweighed by social, environmental, or economic benefits of at least local importance. The policy also notes, and is of more relevance to the Proposed Development, that buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration. **NPF4 Policy 11 Energy** highlights that landscape and visual 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 acceptable.
- 4.9.2. **HwLDP Policy 61 Landscape** seeks that new developments are designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. The policy also references the sustainable design principles mentioned in Policy 28, which are considered below.
- 4.9.3. Due to the proximity of the site to the CNP, the Cairngorms National Park Partnership Plan 2022 – 2027 (adopted 2022) is also relevant to the Proposed Development notwithstanding the Proposed Development is located outwith the National Park itself. Policy A4 of the Partnership Plan outlines the special landscape qualities of the National Park including, “a) Wildness qualities. b) Maintaining and promoting dark skies. c) Supporting woodland expansion that maximises opportunities for long-term enhancement of landscape and wildness qualities and limits short-term negative impacts through early engagement and good scheme design. d) Delivering enhancements that also provide habitat improvements. e) Enhancing opportunities to enjoy and experience the landscapes of the National Park. f) Applying a presumption against new constructed tracks in open moorland and, where agreed, ensuring new tracks are constructed to a high standard.”

Policy Assessment

- 4.9.4. Chapter 7 of the EIAR assesses the potential landscape and visual effects of the Proposed Development within a 3.5km study area.

Landscape Assessment

- 4.9.5. The Proposed Development does not fall within any designated or otherwise protected landscapes. However, the following designations fall within the wider 3.5km study area:
- The Cairngorms National Park (CNP) is located around 2.2 km to the south-east of the Proposed Development. The Proposed Development does not fall within the CNP boundary.
 - Braeroy – Glen Shirra – Creag Meagaidh Wild Land Area (WLA 19). Located circa 2km south of the Proposed Development.
 - Ben Alder, Laggan and Glen Banchor Special Landscape Area (SLA) is located circa 3km southeast of the Proposed Development.

- 4.9.6. A small portion of the WLA which falls within the study area and the ZTV indicates that potential intervisibility with the WLA would be limited to a few facing slopes and summits which enclose the south side of the Spey Glen. These areas are already noticeably influenced by modern infrastructure development including the Melgarve Substation and Beaully – Denny OHL, both of which lie closer to the WLA than the Proposed Development, and the Stronelaig Wind Farm which is noticeable on the northern skyline from more elevated areas and would be further extended by the consented Cloiche Wind Farm. In addition, other contemporary land use within the Spey Glen including forestry and improved agricultural areas also affects these areas. These features collectively lead to a much less pronounced sense of wildness in the areas which would be affected by the Proposed Development and therefore the potential for any significant effects to wild land qualities of the Braeroy – Glen Shirra – Creag Meagaidh WLA is considered very unlikely. A Wild Land Assessment has therefore been scoped out of this LVIA.
- 4.9.7. Only a small section of the Ben Alder, Laggan and Glen Banchor SLA falls within the study area, which is entirely within the CNP. The SLA has therefore been scoped out of individual assessment within the LVIA as this area is considered to be adequately covered by the assessment on the CNP.
- 4.9.8. No significant effects are predicted on any of the special landscape qualities of CNP. All effects would be indirect, occurring to landscapes outwith the CNP and there would be no effects when considering the relationship of the CNP landscapes in the study area, to the wider national park. The effect on those parts of the CNP falling within the study area is predicted to be Minor Adverse (not significant) during construction and operation with the effect on the wider CNP as a whole being Negligible. Overall, no adverse impacts upon the CNP are identified within the EIAR and the Proposed Development does not conflict with the special landscape qualities outlined in the Cairngorms National Park Partnership Plan 2022 – 2027.
- 4.9.9. The following Landscape Character Types (LCTs) are identified within the 3.5 km study area for the Proposed Development:
- LCT 126: Upland Glen – Cairngorms: characterised by wide, flat glens contained by steep and often craggy side-slopes with typical features of glaciated landform and deposition.
 - LCT 221: Rolling Uplands – Inverness: composed of an extensive area of large-scale, smooth, rounded hills of similar height forming broad, undulating upland plateaux with few clearly defined summits which form a backdrop to surrounding lower lying straths and glens.
 - LCT 231: Upland Glen – Inverness: characterised by a wide, gently undulating U-shaped glen, flanked on either side by low, occasional craggy hills.
- 4.9.10. The route selection process as outlined in Chapter 2 of the EIAR has been carefully considered to minimise landscape and visual impacts including avoiding, where possible, areas of highest amenity value and considering the appearance of other lines in the landscape to avoid a dominating or confusing wirescape effects.
- 4.9.11. Mitigation measures are proposed to minimise landscape and visual effects, as well as to improve the visual appearance and assimilation of the Proposed Development into the landscape setting. Mitigation would comprise the sensitive reinstatement of vegetation around permanent features, including the reinstatement of temporary tracks, and the careful implementation of earthworks to

minimise the evidence of prior construction and access in the landscape and reduce the visible appearance of lower structures associated with sealing end compounds.

- 4.9.12. The EIAR concludes that there would be a short-term significant effect during construction within a localised area of LCT 221 (Rolling Uplands) confined to the area within Coire Iain Oig. However, the effect on the wider plateau where wind turbines have greater influence is predicted to be minor – moderate (not significant). During operation, the effect would reduce to minor – moderate (not significant) within Coire Iain Oig and minor adverse (not significant) on the upper plateau.
- 4.9.13. Whilst there would be some effects in other areas, these are not predicted to be significant, due to the presence of other existing infrastructure including wind turbines on the upland plateau and existing transmission infrastructure within the Spey Glen, and the indirect nature of the effects, which would be less likely to change existing characteristics within this context.
- 4.9.14. During operation, after reinstatement has established, all effects on landscape character would be not significant, because the Proposed Development is not predicted to be sufficiently prominent within the setting to lead to an overriding change to any landscape characteristics.
- 4.9.15. The EIAR concludes that no significant effects are predicted to the special landscape qualities or to the landscape character of the Cairngorms National Park and no other designated or protected landscapes would be affected as a result of the Proposed Development. The Proposed Development does not conflict with the special qualities of the Cairngorms National Park outlined within the Cairngorms National Park Partnership Plan 2022 – 2027 (adopted 2017).

Visual Assessment

- 4.9.16. A Zone of Theoretical Visibility (ZTV) has been produced for the Proposed Development and is presented in Figure 7.1 of Chapter 7 of the EIAR. Five visualisations have been produced to support the LVIA to show the predicted appearance of the Proposed Development during operation. Overall, visual receptors are limited within the study area and comprise residents and those using routes (including transport and recreational routes) and recreational viewing areas within the study area. The visual assessment is receptor-based and considers all potential receptors within the study area rather than a small number of viewpoints, which provides a more robust assessment.
- 4.9.17. The visual assessment has concluded that there would be a short term significant visual effect during construction, for recreational receptors accessing a Meall na h-Aisre, a Corbett summit within the study area. However, this effect is predicted to reduce and become not significant during operation, as the lattice tower structures would be less prominent against the backdrop of hills in the longer term.
- 4.9.18. Visual effects for all other building-based and recreational receptors within the study area would be not significant during both construction and operation, largely because the Proposed Development would be seen either distantly with limited perceptibility, or within a context where other infrastructure is already more prominent.
- 4.9.19. The cumulative landscape and visual assessment carried out for the Proposed Development has established that there would be no significant cumulative landscape or visual effects resulting from the Proposed Development.

4.9.20. The EIA concludes that the operation of the Proposed Development, would not result in any adverse significant landscape and visual effects. Mitigation is proposed to minimise effects as well as to improve the visual appearance and assimilation of the Proposed Development into the landscape setting. The route selection exercise has sought to utilise existing access tracks where possible to reduce the extent of new infrastructure in the landscape and the UGC along the route will reduce landscape and visual impacts in these areas. The Proposed Development is commensurate with the relevant policy provisions of NPF4 Policy 4 Natural Places and 11 Energy, and HwLDP Policy 61 Landscape.

4.10. Built Heritage

Policy Position

4.10.1. **NPF4 Policy 7 Historic Assets & Places** seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

4.10.2. **HwLDP Policy 57 Natural, Built and Cultural Heritage** requires that all development proposals be assessed taking into account the level of importance and type of heritage features at the local/regional, national, and international level, the form and scale of the development, and any impact on the feature and its setting.

Policy Assessment

4.10.3. Chapter 13 of the EIA considers the potential effects of the Proposed Development on cultural heritage assets within the 5km study area.

4.10.4. No designated heritage assets are located within the footprint of the Proposed Development. Within the 5km study area there is one scheduled monument and five listed buildings.

4.10.5. The EIA notes that the potential for direct impacts as a result of the Proposed Development is low to negligible, as such a detailed assessment of direct impacts has been scoped out of the EIA assessment.

4.10.6. All of the listed buildings within the study area are screened from direct views of the Proposed Development or subject to a small degree of visibility but are considered to be of reduced sensitivity to impacts on their setting given their functional nature as features of transport and communication. As such no significant impacts on listed buildings are identified as a result of the Proposed Development.

4.10.7. No significant impacts are identified on the scheduled monument (Corrieyairack Pass military road) which would likely experience a very low level of visual impact and a low level of impact on its setting.

4.10.8. The EIA states that no mitigation is deemed necessary during the construction of the Proposed Development.

4.10.9. No cumulative significant impacts are identified as a result of the Proposed Development.

4.10.10. The EIA concludes that there would be no significant impacts on any cultural heritage assets as a result of the Proposed Development.

4.10.11. Overall, it is therefore considered that the Proposed Development complies with NPF4 Policy 7 Historic Assets & Places and HwLDP Policy 57 Natural, Built and Cultural Heritage.

4.11. Hydrology and Soils

Policy Position

- 4.11.1. **NPF4 Policy 22 Flood risk and water management** seeks to ensure that future flood risk is not exacerbated by development and facilitates the delivery of sustainable flood risk management solutions. **HwLDP Policy 64 Flood Risk** states that development proposals should avoid areas susceptible to flooding and promote sustainable flood management. It states that development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with SPP through the submission of suitable information which may take the form of a Flood Risk Assessment. It is noted that SPP has now been revoked following the adoption of NPF4.
- 4.11.2. **NPF4 Policy 5 Soils** seeks to protect carbon-rich soils, restore peatlands, and minimise disturbance to soils from development. **HwLDP Policy 55 Peat and Soils** requires that development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils. **HwLDP Policy 62 Geodiversity** states that, *“Development proposals that include measures to protect and enhance geodiversity interests of international, national and regional/local importance in the wider countryside, will be supported.”*
- 4.11.3. **HwLDP Policy 63 Water Environment** states that the Council will support proposals for development that do not compromise the objectives of the Water Framework Directive (2000/60/EC). **HwLDP Policy 66 Surface Water Drainage** states that all proposed development must be drained by Sustainable Drainage Systems (SuDS).

Policy Assessment

- 4.11.4. Chapter 10 of the EIAR considers potential effects on hydrology, hydrogeology, geology, and soils as a result of the Proposed Development.

Hydrology and the Water Environment

- 4.11.5. In terms of flood risk and drainage, it has been determined through the EIA process that virtually all of the Proposed Development is located outwith any risk of flooding. Where flood risk is recorded in the vicinity of the Proposed Development, it is typically small in extent and bounds watercourse corridors.
- 4.11.6. A simple screening of the potential flood sources is therefore presented in the EIAR. Measures that would be used to control the rate of run-off from the Proposed Development will be established through an appropriate CEMP and Drainage Impact Assessment (DIA) which will be prepared as part of the detailed design stage. It is expected that this would be controlled through an appropriate planning condition. No significant effects with regards to flood risk have therefore been identified and the Proposed Development is therefore commensurate with NPF4 Policy 22 and HwLDP Policy 64 in this respect.

- 4.11.7. In terms of protection of the water environment, it is noted in the EA that the River Spey SSSI and SAC are located approximately 350m south of the existing Melgarve substation. These designations are considered to be hydraulically connected to the Proposed Development, as they lie downstream of the proposed OHL and UGC. Parts of the hydrological study area are also designated as Drinking Water Protection Areas (DWPA).
- 4.11.8. In terms of groundwater, the Proposed Development is underlain by rocks classified as a low productivity aquifer, whereby small amounts of groundwater are expected in near surface weathered zones and secondary fractures. Groundwater vulnerability is divided into five classes (1 to 5) with 1 being least vulnerable and 5 being most vulnerable. The Proposed Development is shown to be underlain by groundwater vulnerability Classes 4a, 4b and 5. The highest vulnerability is noted within the central and south-western extent of the study area, where no superficial deposits are recorded, and thus little attenuation of potential pollutants prior to entry to groundwater.
- 4.11.9. Given the location of the Proposed Development and the nature of the underlying soils and geology it is likely that areas of potential GWDTE are sustained by rainfall and water logging of soils, rather than by groundwater. Buffers to areas of potential GWDTE specified in the Scottish Environment Protection Agency (SEPA) guidance therefore do not apply, but safeguards to maintain these habitats, and the source of water to these habitats will need to be maintained during construction and operation of the Proposed Development. The potential effects on GWDTEs have been considered further in Chapter 8: Ecology of the EIA and section 3.7 of this Planning Statement.
- 4.11.10. The Proposed Development will require six new permanent watercourse crossings and nine new temporary watercourse crossings. The length of proposed new permanent access track has been minimised and existing tracks have been utilised where possible.
- 4.11.11. The EA notes that there are no private water supplies within the study area with the exception of the existing Melgarve substation, which is owned and operated by the Applicant.
- 4.11.12. Chapter 10 of the EIA outlines a series of embedded mitigation measures which have informed the design and layout of the Proposed Development with respect to the water environment, for example installing appropriate buffers to water features and minimising watercourse crossings.
- 4.11.13. Furthermore, a series of good practice measures with respect to pollution prevention are established, including:
- A contractual management requirement for the development and implementation of a comprehensive and site-specific CEMP.
 - The employment of a suitably qualified ECoW to monitor hydrological matters during construction.
 - Water quality monitoring.
 - The design and implementation of an appropriate Sustainable Drainage System (SuDS).
- 4.11.14. Based on the design approach and with the implementation of appropriate mitigation measures, no significant effects on hydrology, hydrogeology and associated designations have been identified as a result of the Proposed Development at construction stage or operational stage, and no cumulative

effects are predicted. Furthermore, the objectives of Water Framework Directive (2000/60/EC) will not be compromised. The Proposed Development is therefore in compliance with NPF4 Policy 22 Flood risk and water management, HwLDP Policy 63 Water Environment and HwLDP Policy 66 Surface Water.

Geology and Soils

- 4.11.15. An extract of 1:250,000 National Soil Map of Scotland is presented in Figure 10.2 of the EIAR and indicates that most of the Proposed Development is underlain by dystrophic blanket peat and subalpine podzols soils. Peaty gleys and peaty podzols are noted within the southern extent of the geological study area, approximately 300m north of the existing Melgarve substation, with alluvial soils are noted near the River Spey.
- 4.11.16. Priority peatland mapping (see Figure 10.4 of the EIAR) indicates that there are parts of the Proposed Development, particularly the UGC routes and the northern extent of the OHL, which are potentially underlain by Class 1 and Class 2 peatland, which are considered nationally important. Approximately 8.8km of the Proposed Development is located in Class 1 peat and approximately 500m of the Proposed Development is located within Class 2. Chapter 8: Ecology discusses the condition of the peat in these areas and records that much of the peat is eroded and degraded (e.g., it is not priority peatland in good condition).
- 4.11.17. Small areas of Class 4 and Class 5 peatland (habitats which may contain peaty soils but are not considered to be of high conservation value) are also noted within the southern and northern extents of the study area whilst the remainder of the Proposed Development is shown to be underlain by mineral soils (Class 0) which is not considered to represent any peatland habitats.
- 4.11.18. As part of the soils assessment, a comprehensive peat probing exercise has been completed, the results of which are presented in full in Technical Appendix 10.1: Peat Landslide Hazard Risk Assessment (PLHRA) and Technical Appendix 10.2 Peat Management Plan (PMP). Good practice measures to manage peat during construction are also established in the EIAR. Overall, it is concluded through the EIAR that effects on peat and carbon rich soils during construction and operation are negligible.
- 4.11.19. The EIAR clearly demonstrates that areas of deeper peat and organic soils have been avoided where possible through the design process and it is re-iterated that much of the peat on site is already eroded or degraded. The embedded mitigation greatly reduces the potential effects on peat and carbon rich soils and reflects the aspirations of NPF4 Policy 5 to “*protect carbon rich soils*” and HwLDP Policy 55 to “*demonstrate how [development proposals] have avoided unnecessary disturbance, degradation or erosion of peat and soils*”.
- 4.11.20. The PMP would provide further detail on how peat which is excavated would be managed and re-used on site. Furthermore, habitat enhancement is proposed through the EIAR, and this will include blanket bog and wet heath habitat restoration and enhancement.
- 4.11.21. While it is recognised therefore that there may be impacts on peat resulting from the Proposed Development, overall, these are not deemed to be significant particularly when considered against the wider commitment for habitat enhancement on the site and the wider benefits of the Proposed Development in terms of the local economy and national contribution to renewable energy capacity.

Overall, it is therefore considered that the Proposed Development complies with Policies 55 and 62 the HwLDP and Policy 5 of NPF4.

4.12. Transport

Policy Position

- 4.12.1. **NPF4 Policy 11 Energy** states that the project design and mitigation of energy projects should demonstrate how impacts on road traffic and on adjacent trunk roads, including during construction, are addressed. **NPF4 Policy 13 Sustainable Transport** states that development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact.
- 4.12.2. **HwLDP Policy 56** is of limited relevance to the Proposed Development as it relates to development proposal that involve travel generation focusing on sustainable modes of travel, parking provision and other matters better related to a travel generating development. **HwLDP Policy 77 Public Access** seeks to protect Core Paths Plan, access points to water and wider access rights. **HwLDP Policy 78** seeks to safeguard and enhance long distance routes as identified in the Plan.

Policy Assessment

- 4.12.3. The Proposed Development will not be a high travel generating use and will not be in use by the public therefore aspects of the policy guidance above are not considered relevant to large-scale transmission infrastructure.
- 4.12.4. Chapter 11 of the EIAR assesses potential traffic and transport impacts. The Proposed Development would lead to a temporary increase in traffic volumes on the road network within the study area during the construction phase. No link capacity issues are expected on any of the roads assessed due to the additional movements associated with the Proposed Development. The effects of construction traffic are temporary in nature and are transitory. The EIAR assessment also considers cumulative impacts and concludes that the traffic generation associated with the Proposed Development would not impact on the road link capacity when combined with the committed development and the future proposed development traffic including the wind farm developments at Dell and Cloiche.
- 4.12.5. No impacts are anticipated during the operational phase as the Proposed Development would not generate any new traffic, apart from during infrequent maintenance activities. Therefore, the operational implications are scoped out of the EIAR.
- 4.12.6. Mitigation measures and management plans have been proposed to help further reduce the impacts of the traffic flows from both the construction and operational phases of the Proposed Development. A Construction Traffic Management Plan (CTMP) would be implemented which would set out measures to reduce the negligible traffic impact of the construction phase on the study area. Additional mitigation includes the Applicant distributing public information through its communication team to alert the local community of any traffic updates.
- 4.12.7. The following Core Paths are identified within proximity to the access to Melgarve Station in the south of the site including:

- LBS 1a: Spey Dam – Creagdubh Lodge.
- UBS 30: Spey Dam – Gorestean, via General Wade’s Military Road.
- UBS 19: Achduchil – Gorstean (parallel to the A86).
- UBS 23: Achduchil – Spey Dam.

4.12.8. Of these Core Paths, UBS23 and LBS1a form part of the construction access route. Mitigation measures are proposed to minimise impacts on Core Path users including the implementation of an Outdoor Access Management Plan at Appendix 12.1 of the EIAR which would include speed limits within close proximity to the Core Path network and advisory speed limit signage installed on approaches to areas where Core Path users may interact with construction traffic. Additionally on Core Paths UBS23 and LBS1a, pedestrian refuges will be provided at regular intervals to provide a safe passing place for construction traffic and path users. Following mitigation, no adverse impacts on Core Path users are identified.

4.12.9. No impacts on any long-distance recreational routes are identified.

4.12.10. Following the implementation of mitigation, no significant adverse transport impacts are anticipated as a result of the Proposed Development. Any potential effects on the road network or core paths within proximity to the Proposed Development are considered to be capable of being managed through the CTMP and Outdoor Access Management Plan. The proposed development is in accordance with NPF4 Policy 11 and 13, and HwLDP Policies 56, 77 and 78, insofar as relevant.

4.13. Siting and Design

Policy Position

4.13.1. **NPF4 Policy 14 Design, Quality and Place** requires development proposals to be designed to improve the quality of an area and requires proposals to be consistent with the six qualities of successful places.

4.13.2. **NPF4 Policy 29 Rural Development** states that, “*Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including v) essential infrastructure...x) improvement or restoration of the natural environment.*” Development proposals in rural areas should also be suitably scaled, sited and designed to be in keeping with the character of the area.

4.13.3. **HwLDP Policy 36 Development in the Wider Countryside** states that “*Outwith Settlement Development Areas, development proposals will be assessed for the extent to which they:*

- *are acceptable in terms of siting and design.*
- *are sympathetic to existing patterns of development in the area.*
- *are compatible with landscape character and capacity.*
- *avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics.*

- *avoid, where possible, the loss of locally important croft land.*
- *would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.”*

4.13.4. **HwLDP Policy 29 Design Quality and Place-Making** requires any application to make a positive, net contribution to the architectural and visual quality of the place within which it is proposed. Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design, and layouts in their proposals.

4.13.5. **HwLDP Policy 28 Sustainable Design** is an all-encompassing policy which considers a variety of criteria which proposals require to be assessed against. The policy seeks that all development is designed in the context of sustainable development and climate change; however, it is not specific to electricity transmission infrastructure, and the policy includes several criteria more directly relevant to urban development proposals.

Policy Assessment

4.13.6. NPF4 Policy 14 Design, Quality and Place and HwLDP Policy 29 Design Quality and Place-Making are generally focused on traditional forms of development such as residential and as such are not entirely relevant to electricity transmission infrastructure. The nature and characteristics of the Proposed Development is such that it is not designed or intended for use by the public, nor would it be accessible to the public. The proposed layout and design are largely driven by technical requirements; however, the finalised design has sought to minimise where possible impacts on the local and wider area with mitigation proposed to minimise impacts.

4.13.7. The design of the Proposed Development has sought to minimise the impact on the landscape and respect the local distinctiveness of the landscape, throughout the routeing, alignment and design phase as set out in Chapter 2 of the EIAR. No significant effects would be experienced to landscape character or the Special Landscape Qualities of the Cairngorms National Park during operation as addressed in detail in the Landscape policy assessment at section 3.8 above. Effects are anticipated to be higher during construction, due to construction activities and the increased perception of activity within the landscape, but these would reduce in the long-term during operation. Landscape and visual mitigation is outlined in Chapter 14 of the EIAR including site reinstatement and replacement planting for Melgarve Station.

4.13.8. The Proposed Development is considered to accord with NPF4 Policy 14 Design, Quality and Place and HwLDP Policy 29 Design Quality and Place-Making, insofar as they are relevant.

4.13.9. With reference to NPF4 Policy 29 Rural Development, the Proposed Development is essential infrastructure required to facilitate the generation of renewable energy and therefore contributing to the sustainability of this rural community. The proposal also results in a 10% biodiversity net gain and as such improves and restores the natural environment, in accordance with NPF4 Policy 29. The design of the proposal is fully addressed within the context of NPF4 Policy 14 and HwLDP Policy 28 with no significant adverse impacts identified. Whilst the layout, scale and design of the Proposed Development are largely driven by technical requirements, they have been carefully considered to

minimise where possible environmental impacts. Overall, the Proposed Development is considered to be in accordance with NPF4 Policy 29.

4.13.10. With regards to HwLDP Policy 36 Development in the Wider Countryside, policy criteria are addressed elsewhere in this chapter under specific topic themes including siting and design, landscape character, cumulative effects, and drainage and servicing constraints, with no significant adverse impacts identified. No locally important croft land is impacted by the Proposed Development. It has been sensitively designed and sited to minimise environmental impacts and take into account the local context of the site whilst also providing critical national infrastructure required to enable the generation of renewable energy. In light of this, the Proposed Development is deemed to accord with HwLDP Policy 36.

4.13.11. HwLDP Policy 28 Sustainable Development sets out the requirement for all development to be designed in the context of sustainable development and climate change. THC's Scoping Response, as included within the ECU response at Appendix 4.4 of the EIAR, requested that a Sustainable Design Statement be included as part of the consent package in line with Policy 28 and THC's Sustainable Design Guide Supplementary Guidance.

4.13.12. It is notable that Policy 28 was drafted to fulfil the requirements of the Climate Change (Scotland) Act 2009 and promote sustainability. The Proposed Development can draw support from this general theme given its purpose is to enable renewable energy to connect to the transmission network which would contribute significantly to helping Scotland mitigate or adapt to climate change by facilitating two renewable energy projects.

4.13.13. The provisions of Policy 28 and the over-arching principle to promote development which contributes to sustainable development at this site has guided the design process from the outset and has ultimately led to the finalised layout of the Proposed Development.

4.13.14. Chapter 2 The Routing Process and Alternatives of the EIAR provides further narrative on the process undertaken in selecting the OHL route and discusses the design evolution process undertaken by the Applicant prior to arriving at the final design and layout.

4.13.15. The Proposed Development is considered to be in accordance with Policy 28 insofar as:

- It is compatible with public service provision in that it will not burden or effect existing drainage or water supplies, will have no significant impact on the road network during operation with only temporary and not significant impacts anticipated during construction and it will contribute significant energy capacity to the national grid.
- The Proposed Development route and design maximises energy efficiency and will make a significant contribution to national renewable energy targets, through connecting two wind farms to the grid, without significantly comprising the receiving environment.
- Policy 30 of the HwLDP, assessed below, seeks to ensure that various physical and technical factors are assessed when considering development proposals. The Physical Constraints Supplementary Guidance sets out a range of physical constraints which need to be taken into account. The Proposed Development is considered to be in accordance with Policy 30 as all of

the relevant physical constraints have been considered throughout the EIAR and it would not adversely affect human health and safety or pose a risk to safeguarded sites.

- Waste will be minimised during construction and a Site Waste Management Plan (SWMP) will be developed and implemented to ensure this.
- Impacts on residential amenity has been considered through the EIAR and no significant effects have been identified.
- Impacts on non-renewable resources has been considered through the EIAR. The Proposed Development and ancillary works are not located within prime quality agricultural land and there is no evidence that the Proposed Development would sterilise future access to mineral resources or interfere with approved routes for road and rail links.
- Impacts on habitats, freshwater systems, species, marine systems, landscape, and scenery have been considered through the design and EIA process and are reported throughout this Planning Statement. As set out in the outline Habitat Management Plan at Appendix 8.4 of the EIAR, the Proposed Development will result in a 10% net gain for biodiversity.
- Air quality has been scoped out of the EIAR.
- Impacts on cultural heritage have been considered within Chapter 13 of the EIAR and no significant impacts have been identified.

4.13.16. The sustainable nature of the design approach and Proposed Development has also been informed by THC's Sustainable Design Guide Supplementary Guidance (January 2018) which provides detail to Policies 28, 'Sustainable Design' and Policy 29, 'Design Quality and Placemaking' of the HwLDP, as considered below at section 3.16 of this Planning Statement.

4.13.17. SSEN Transmission has considered technical, economic, and environmental factors in evaluating the site selection and design process of the Proposed Development, with the objective of identifying a proposed alignment and design solution which is technically feasible and economically viable, and -whilst minimising impacts on the environment and receptors within it. In the case of the Proposed Development, the Applicant is also contracted to develop the connection types specifically for the Cloiche and Dell wind farms. Overall, therefore, it is considered that the Proposed Development demonstrates sensitive siting and high-quality design which is technically feasible, economically viable and which respects the natural environment whilst facilitating the connection of two wind farms to the grid and supporting security of supply. On balance the proposed Development can be considered sustainable development and is deemed to comply with HwLDP Policy 28.

4.14. Socio Economic, Recreation and Tourism

Policy Position

4.14.1. **NPF4 Policy 25 Community Wealth Building** seeks to encourage promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional, and national levels.

- 4.14.2. **NPF4 Policy 30 Tourism** seeks to encourage, promote, and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.
- 4.14.3. **NPF 4 Policy 11 Energy** states that “*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*”.

Policy Assessment

- 4.14.4. Chapter 12 of the EIAR considers the predicted effects on socio-economic activity, and recreation and tourism activity during construction and operation of the Proposed Development.
- 4.14.5. The Proposed Development comprises a significant investment, of approximately £100m, in a key economic sector in the Highlands.
- 4.14.6. The Proposed Development is expected to generate up to 350 direct Person Years Employment (PYEs) at the Scotland level during the construction phase of the project. This equates to up to 175 direct PYEs within the Highlands region. These direct PYEs can be converted to direct Gross Value Added (GVA), generating £22.4 million in direct GVA nationally, including £11.2 million in direct GVA at the Highland level.
- 4.14.7. The Proposed Development would result in temporary increased local spending on the supply of goods and services during construction including worker accommodation. Based on other similar projects this is anticipated to be approximately £2.8 million throughout the construction period. This is anticipated to bring additional opportunity for the supply chain and the creation of local jobs. The EIAR states that the construction of the Proposed Development is predicted to have a minor beneficial effect on the Highland’s economy. The predicted residual socio-economic effect in relation to operational activities are deemed to be of minor beneficial (not significant) at the regional level.
- 4.14.8. Due to the nature of the Proposed Development, it is not expected to generate any direct full-time employment onsite during its operation.
- 4.14.9. The EIAR states that to enhance opportunities for local and regional businesses and workers to benefit from the expected employment opportunities, the Applicant would seek to publicise local opportunities and promote other initiatives to exchange information with relevant stakeholders.
- 4.14.10. SSEN Transmission has committed to a Community Benefit Fund for this project and will follow UK government guidance on community benefit funding when it is finalised and published. It is noted that the Community Benefit Fund is intended to operate separately to the Planning system. It is expected that there will be an element of local decision making and that projects local to the area will directly benefit from the Community Benefit Fund.
- 4.14.11. It is evident that the Proposed Development will result in a net economic benefit and the Applicant is committed to maximising socio-economic benefits associated with the Proposed Development including local job creation and supply chain opportunities in line with NPF4.

- 4.14.12. Chapter 12 also considers recreation and tourism. There are no notable visitor attractions or activities located close to the Proposed Development. There are country sport activities on the estate and neighbouring estates, however the EIAR concludes that these are not expected to be adversely affected by the Proposed Development.
- 4.14.13. The EIAR identifies recorded and publicised recreational routes within the area giving the potential for views of the Proposed Development as outlined below:
- General Wade’s Military Road which passes to the south of Melgarve, and forms part of the popular Corrieyairack Pass route (part of Scottish Hill Tracks 236 and 237).
 - Main spine road of the Stronelairg Wind Farm is promoted by the South Loch Ness Access Group as part of the Monadhliath Trail between Fort Augustus and Whitebridge.
 - Path routes leading from Glen Spean which provide access to local mountains, notably a route from Garva Bridge, ascending the Corbett Meall na h-Aisre which follows the ridgeline to the east of the Proposed Development.
- 4.14.14. The draft Outdoors Access Management Plan, as shown in Appendix 12.1 of the EIAR, sets out management strategies to maintain existing public access during the construction and operation of the Proposed Development whilst ensuring the safety of the public and construction staff. Management strategies include warning signage, speed limits and specific guidance to manage the interactions of vehicles and horses.
- 4.14.15. The EIAR notes that a review of secondary research around visitor motivation confirms that visitors are not dissuaded from visiting or revisiting an area where there is renewable infrastructure.
- 4.14.16. The predicted residual recreational and tourism effect of the Proposed Development is deemed to be negligible and not significant at the national and regional levels.
- 4.14.17. The Highland’s economy would be supported by the Proposed Development through direct and indirect employment and expenditure opportunities. The Proposed Development can draw support from the net economic benefits that are predicted and the associated aspiration to maximise economic and social benefit including SSEN Transmission’s commitment to a Community Benefit Fund for this project. No significant impacts are anticipated on tourism or recreation as a result of the Proposed Development. The Proposed Development is considered to accord with policies 11, 25 and 30, insofar as they relate to socio-economic and tourism impacts.

4.15. Other Relevant Policies

Policy Position

- 4.15.1. **NPF4 Policy 12 Zero Waste** encourages development proposals to reduce, reuse, or recycle materials in line with the waste hierarchy.
- 4.15.2. **NPF4 Policy 18 Infrastructure First** states that, *“Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported...The impacts of development proposals on infrastructure should also be mitigated.”*

- 4.15.3. **HwLDP Policy 72 Pollution** states that, *“Proposals that may result in significant pollution such as noise, air, water and light will only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated.”* Major Developments and developments that are subject of EIA will be expected to follow a robust project environmental management process, following the approach set out in the Council’s Guidance Note “Construction Environmental Management Process for Large Scale Projects” or a similar approach.
- 4.15.4. **HwLDP Policy 30 Physical Constraints** requires developers to consider whether their proposals would be located within areas as set out in Physical Constraints: Supplementary Guidance, and to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.
- 4.15.5. **HwLDP Policy 31 Developer Contributions** states, *“for development proposals which create a need for new or improved public services, facilities or infrastructure, the Council will seek from the developer a fair and reasonable contribution towards these additional costs or requirements.”*

Policy Assessment

- 4.15.6. With regards to waste, the Proposed Development would generate minimal waste when operational. The CEMP produced for the Proposed Development would include a Waste Management Plan detailing waste material arisings will be managed during construction. No adverse impacts with regards to waste are identified and the proposal is deemed to accord with NPF4 Policy 12, insofar as this is relevant.
- 4.15.7. With regards to pollution, a robust EIA process has been undertaken to assess the impacts of the Proposed Development. Following mitigation, no significant water pollution impacts are anticipated as a result of the proposal, as discussed in section 3.10 above.
- 4.15.8. Given the nature of the Proposed Development, no air pollution effects are expected.
- 4.15.9. Noise sources during the construction phase would include a minor increase in traffic flows and noise from the construction plant. The potential effects of noise and vibration would be managed through the CEMP. Noise and vibration were scoped out of the EIA assessment due to the remoteness of the site, hence, there would be no significant effects from noise or vibration associated with the Proposed Development.
- 4.15.10. Given the nature of the Proposed Development, it would not be illuminated during operation. No aviation impacts are anticipated as such no aviation lighting is proposed. Lighting may be used during the construction phase however this would be limited and temporary. No adverse light pollution impacts are therefore anticipated.
- 4.15.11. Specific pollution risk mitigation is outlined in Chapter 14 Schedule of Mitigation of the EIAR. Subject to proposed mitigation, the Proposed Development would not result in significant effects on pollution from each of the above noted sources. The Proposed Development is thereby deemed to be in accordance with HwLDP Policy 72.

- 4.15.12. The EIA has considered the Proposed Development in the context of the surrounding environment and areas of constraint. The Proposed Development is considered capable of being accommodated in the locality subject to mitigation measures being put in place. No adverse impacts upon human health and safety or any safeguarded sites are identified. As such the proposal is considered to be in accordance with HwLDP Policy 30 Physical Constraints.
- 4.15.13. The Proposed Development draws direct support from NPF4 Policy 18 Infrastructure First, as it comprises enabling infrastructure for renewable energy which is supported within NPF4, and the proposal is a 'national development' which are important development projects required to deliver the NPF4's spatial strategy. The proposal would not adversely impact upon existing infrastructure and mitigation is proposed within the EIAR to minimise any impacts, in line with NPF4 Policy 18 Infrastructure First.
- 4.15.14. The Proposed Development would not result in a need for new or improved public services, facilities, or infrastructure. It is not anticipated that there would be a significant effect on the local road network and mitigation is proposed to minimise effect. The proposal is deemed to be in accordance with HwLDP Policy 31 Developer Contributions, insofar as relevant.

4.16. Emerging Highland-wide Local Development Plan

- 4.16.1. THC started the process of reviewing the HwLDP with the publication of the Main Issues Report in September 2015 and subsequent consideration of the comments received in 2016. In December 2017 the Scottish Government published the Planning Bill outlining potential changes to the Scottish planning system. The Planning (Scotland) Act 2019 was passed by the Scottish Parliament in June 2019. This includes changes to the content of Local Development Plans and how they are prepared, and a broadening of the issues covered by national policy namely Scottish Planning Policy. In light of these changes, the Council took the decision to postpone the review of the HwLDP until the implications of the Planning (Scotland) Act 2019 and the associated changes were understood.
- 4.16.2. It is the THC's intention to undertake the evidence gathering stage of the new LDP throughout 2023 and into 2024, with the tentative programme including an Evidence Report towards the end of 2024 and subsequent Gate Check, with Proposed Plan stage towards the end of 2025, with the adoption of the plan targeted for 2027. The new HLDP will, once adopted, replace all the current LDPs. As part of this programme of work, the Council will review the coverage and content of its current suite of Supplementary Guidance, to establish which aspects should be covered within the new Local Development Plan itself, which aspects should be covered within non-statutory planning guidance and any aspects no longer required.
- 4.16.3. It is noted that the MIR (2016) refers to the potential to review the existing policy 69 relating to Electricity Transmission Infrastructure. A more comprehensive policy is proposed outlining expectations for the preparation and assessment of proposals for electricity infrastructure.
- 4.16.4. Given the early stage of preparation of the emerging plan, it is of limited relevance to the consideration of the Proposed Development, at the time of writing this report.

4.17. Supplementary Guidance (SG)

Flood Risk and Drainage Impact Assessment SG (adopted January 2013)

4.17.1. Flood Risk has been considered in Chapter 7 of the EIAR. The Proposed Development has avoided areas susceptible to flooding insofar as possible and proposes management and mitigation measures to ensure the Proposed Development does not give rise to flooding.

Sustainable Design Guidance Supplementary Guidance (adopted January 2013)

4.17.2. The guidance was drafted to fulfil the requirements of the Climate Change (Scotland) Act 2009 and promote the importance of a sustainable approach to the built environment. This SG encourages sustainable design in new developments in THC are with consideration of local landscape and climate. It promotes resource efficiency, comfort, and flexibility in building design while welcoming innovative and sustainable construction techniques. The guidance aims to improve design quality without preventing development that meets local needs. Key themes of the SG include:

- Benefits of Sustainable Design - High-quality and sustainable design are crucial for minimizing environmental damage, supporting the Highland area's social and economic fabric. Future concerns regarding fossil fuel availability and energy costs make investments in renewable energy infrastructure increasingly appealing, with shorter return on investment periods. Sustainable design also benefits local businesses involved in the supply of sustainable construction materials, supporting industries, and maintaining local skills.
- Energy Efficiency – Fundamental to sustainable design. Designing with consideration for the climate, such as harnessing solar gain, maximizing daylight, and facilitating natural ventilation can minimize energy usage and create more comfortable and sustainable living environments.
- Renewable Energy and Climate Change - Incorporating small-scale renewable or low-carbon energy systems into developments or individual buildings can make significant reductions in CO2 emissions.
- Minimising the environmental impact of development - When developing a project, it is important to consider and minimize potential environmental impacts. This includes managing construction activities to minimize pollution and maintaining the quality of dark night skies by mitigating light pollution. By implementing good site management practices and prioritizing environmental considerations, developers can minimize negative effects and preserve the natural beauty of the Highland area.

4.17.3. The sustainable design of the Proposed Development has been considered in detail above in relation to HwLDP Policy 28. The proposal also draws strong support from Sustainable Design Guidance Supplementary Guidance as it is sensitively designed and sited taking into consideration technical feasibility, economic viability and ensuring no adverse significant effects, whilst facilitating the connection of renewable energy to the grid.

Managing Waste in New Developments SG (Adopted March 2013)

- 4.17.4. Waste has been addressed above in relation to NPF4 Policy 12 Zero Waste above. The Proposed Development would generate minimal waste when operational and a CEMP would be produced to manage any construction. No adverse impacts with regards to waste are identified and the proposal is deemed to accord with the Managing Waste in New Developments SG.

Highland Statutorily Protected Species SG (Adopted March 2013)

- 4.17.5. Chapters 8 and 9 of the EIAR assess potential impacts upon terrestrial and ornithological protected species and this is discussed above in the policy assessment under section 3.7 Natural Heritage. No adverse impacts are identified on protected species as a result of the Proposed Development and mitigation is proposed to minimise potential impacts. The Proposed Development is deemed to accord with the Highland Statutorily Protected Species SG.

Physical Constraints SG (March 2013)

- 4.17.6. The Proposed Development has been assessed against and deemed to accord with HwLDP Policy 30 Physical Constraints. The EIAR has considered the Proposed Development in the context of the surrounding environment including any potential areas of physical constraint. The proposal is capable of being accommodated in the locality subject to mitigation measures being put in place with no adverse impacts upon human health and safety or any safeguarded sites are identified. As such the proposal is considered to be in accordance with the Physical Constraints SG.

Onshore Wind Supplementary Guidance (adopted 2016, addendum December 2017)

- 4.17.7. THC Onshore Wind Energy Supplementary Guidance (OWESG) details the policy and guidance for the design and assessment of onshore wind farms. In general terms, the SG is not deemed relevant to the assessment of the Proposed Development as it relates primarily to onshore windfarms.
- 4.17.8. However, section 5.2 of the OWESG includes the Loch Ness Landscape Sensitivity Study which identifies Key Views, Key Routes, and Gateways as well as Landscape Character Area sensitivities and guidance. These aspects have been requested by THC in their scoping response in February 2024 (ref. 23/05350/SCOP).
- 4.17.9. The site is identified within the Landscape character area (LCA) 6 - LN6: Monadhliath ridge and tops, Rolling Uplands. The landscape character types associated with the proposal is Uplands Glens and Moors and Rolling Uplands. The two key views within the LCA include Loch Ness West where most of the LCA is obscured by intervening LCAs and topography and Great Glen from Meall Fuar-mhonaidh which forms a receding landscape from the south. A review of the Key Views, Key Routes and Gateways set out within the OWESG Loch Ness Landscape Sensitivity Study has identified that the Proposed Development is not likely to have any significant effects.
- 4.17.10. A full assessment of landscape and visual impacts is provided in Chapter 7 of the EIAR and discussed above in section 3.8 of the Planning Statement.
- 4.17.11. Overall, the Proposed Development is not considered likely to result in any notable adverse effects on the Key Views, Key Routes or Key Gateways detailed within the OWESG.

Developer Contributions SG (Adopted November 2018)

- 4.17.12. The Proposed Development has been considered against HwLDP Policy 31. The proposal comprises transmission infrastructure which would not be in use by the public. The Proposed Development would not result in a need for new or improved public services, facilities, or infrastructure. As discussed above, no significant residual or cumulative impacts on the road network are identified and mitigation is proposed to minimise potential impacts. The proposal is deemed to be in accordance with the Developer Contribution SG.

4.18. Planning Guidance

Construction Environmental Management Process for Large Scale Projects (Published August 2010)

- 4.18.1. This guidance is designed to assist with environmental management in large scale construction projects, meeting in full the policy requirements as set out in THC Development Plan. The guidance does not form part of the Development Plan but is a material consideration. The Applicant is familiar with the preparation of a CEMP, and this is referred to within the EIAR. A site-specific CEMP will be developed, detailing measures to manage, control and monitor potential effects of the Proposed Development. The Applicant has already undertaken the relevant environmental studies and developed a schedule of mitigation (Chapter 14 of the EIAR) in line with the guidance.

Assessment of Highland Special Landscape Areas (Published June 2011)

- 4.18.2. The “Assessment of Highland Special Landscape Areas” contains maps and citations for the SLAs within THC area. The document was published in June 2011. Since then, consideration has been given to SLA boundary amendments as part of the preparation of the Area Local Development Plans. This is discussed above in section 3.4 in relation to the Inner Moray Firth Local Development Plan.
- 4.18.3. Chapter 7 of the EIAR assesses the potential landscape effects of the Proposed Development within a 3.5km study area. No adverse impacts are identified on any SLAs within the study area. The proposal complies with the Assessment of Highland Special Landscape Areas Guidance (2011).

Draft Biodiversity Planning Guidance (2023)

- 4.18.4. THC consulted on their draft Biodiversity Planning Guidance between December 2023 and February 2024. Once approved, the guidance will not form part of the Development plan but is a material consideration. The guidance aims to secure positive effects for biodiversity and set out what supporting information is required to be submitted to demonstrate the conservation, restoration and enhancement of biodiversity as required by NPF4 Policy 3.
- 4.18.5. As discussed above in section 3.7, the Proposed Development would deliver a 10% biodiversity net gain. The Proposed Development has been considered to comply with NPF4 Policy 3 above and as such aligns with the aims of the Draft Biodiversity Planning Guidance in securing positive biodiversity effects.

4.19. Development Plan Conclusions

- 4.19.1. The objectives and policies of the Development Plan have a strong accordence with the environmental considerations that are relevant to the determination of this section 37 consent application and the Schedule 9 duties of Scottish Ministers.
- 4.19.2. The Proposed Development can draw significant support from NPF4 as it is classed as a 'national development' which are nationally important infrastructure projects required to support the delivery of NPF4's spatial strategy. NPF4 is clear in its support for all forms of renewable energy including, "grid transmission infrastructure" (Policy 11). NPF4 Policy 1 states that "*significant weight will be given to the global climate and nature crises in all development proposals.*" The Proposed Development draws significant support from Policy 1 as it will facilitate the generation of renewable energy through enabling two wind farms, with a joint installation capacity of circa 175MW, to connect to the grid. Therefore, the Proposed Development plays an important role in contributing towards achieving energy targets and the transition to net zero. The proposal also incorporates significant biodiversity enhancements which is a key objective of NPF4. Overall, the Proposed Development is in accordance with the detailed policies of NPF4 alongside supporting its key strategic aims including contributing towards tackling the climate and nature crises.
- 4.19.3. The HwLDP also recognises the importance of electricity transmission infrastructure through Policy 69 which provides support for transmission proposals provided that they do not result in an unacceptable significant environmental impact. The design and layout of the Proposed Development has sought to minimise impacts on the environment and most sensitive receptors. The EIAR demonstrates that there are no significant adverse effects predicted as a result of the proposed development subject to the proposed mitigation set out within the EIA.
- 4.19.4. The detailed assessment of the Proposed Development against the policies of relevance suggests no conflict with the aims and objectives of NPF4, HwLDP, or the extant or emerging IMFLDP. The Proposed Development would facilitate the connection of two onshore wind farms to the electricity grid thereby realising this renewable energy resource within Highland and contributing to sustainable development and the transition to net zero in Scotland.
- 4.19.5. Given the Proposed Development's wider benefits in supporting the delivery of the region's renewable energy resources, biodiversity and habitat enhancement including peat restoration and habitat creation and the positive contribution to the local and national economy, the Proposed Development can draw support from the overarching aims of the Development Plan.

5. Conclusions

5.1. Electricity Act 1989

- 5.1.1. The Proposed Development requires to be considered under the terms of the 1989 Act, in particular the Schedule 9 duties. Paragraph 3(2) of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals. The information that is contained within the individual topic sections of the EIAR for the Proposed Development addresses these and demonstrates the Applicant's extensive consideration of matters referred to under Paragraph 3(2) to Schedule 9.
- 5.1.2. It is considered that the detailed work undertaken for the EIA has confirmed that the Proposed Development is environmentally acceptable, and that the Applicant has due regard to those matters listed at Paragraph 3(1)(a) Electricity Acts 1989, "...*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...*"
- 5.1.3. In addition, the Applicant has identified measures to mitigate potential effects on the assets listed and this has been set out and demonstrated within the individual chapters of the EIAR and those measures have been consolidated within Chapter 14 of the EIAR Schedule of Mitigation. Following the implementation of the proposed mitigation, no significant residual effects are predicted as a result of the Proposed Development.
- 5.1.4. On this basis, the Applicant has fulfilled the obligations under Schedule 9 of the Electricity Act.
- 5.1.5. The Applicant has obligations under the 1989 Act to offer non-discriminatory terms for connection to the electricity transmission system. As such, the Applicant has a legal duty to provide connections for new electricity generators wishing to connect to the transmission network in its licence area under the terms of its statutory and licence obligations. The Proposed Development would facilitate this requirement and has been carefully sited and designed to ensure compliance with the Schedule 9 duties.

5.2. Energy Policy and Guidance

- 5.2.1. The Proposed Development would support the delivery of renewable energy generation through connecting the consented Cloiche Wind Farm and the proposed Dell 2 Wind Farm to the electricity transmission network at Melgarve substation. The Proposed Development plays a key role in delivering the network and grid infrastructure required to deliver the Government's legally binding targets for net zero emissions and renewable energy electricity generation objectives. The proposal is critical to release the Scotland's renewable energy ambitions and paves the way in the transition to net zero.
- 5.2.2. The Proposed Development can draw significant support from the relevant energy policy considered at Chapter 4.

5.3. Development Plan

- 5.3.1. Appropriate regard has been given to, in so far as relevant, the Development Plan in the evaluation of Proposed Development. The Proposed Development draws support from the aims and objectives of the Development Plan as a whole and is considered to accord with the Plan.
- 5.3.2. The Proposed Development is identified as a national development in NPF4 as such its need is established at a national level and it is required to deliver NPF4's spatial strategy. The proposal also includes biodiversity enhancement and would not result in any significant environmental impacts. The Proposed Development draws significant support and is considered to accord with NPF4, which is an important consideration and one which points in favour of the Proposed Development.
- 5.3.3. The Proposed Development would help realise the potential of Scotland's renewable energy resource through the facilitation of an electricity grid connection for a consented and proposed onshore wind farm, support for which is provided in the Development Plan. As such, in planning terms the Proposed Development can draw support from the Development Plan and can be delivered with no unacceptable impacts on the environment.

5.4. Overall Conclusions

- 5.4.1. The Proposed Development has been assessed against the Schedule 9 duties set out in the Electricity Act 1989, as well as the Development Plan and key energy policies and legislation. The Proposed Development has been demonstrated to be acceptable through a robust EIA process and no adverse residual impacts have been identified.
- 5.4.2. Support for the Proposed Development is clear through the Development Plan and the Applicant has clearly demonstrated consideration of the Schedule 9 duties in the design of the Proposed Development. The Applicant has undertaken a detailed site selection and design evolution process including engagement with key stakeholders which has sought to minimise potential environmental effects whilst balancing technical and economic considerations.
- 5.4.3. Wider benefits of the proposal are identified including supporting the delivery of the region's renewable energy resources, biodiversity and habitat enhancement including a biodiversity net gain of 10%, and the positive contribution to the local and national economy.
- 5.4.4. The overall conclusion is that the Proposed Development satisfies the relevant duties of the Electricity Act, while also taking into account policy considerations including those which are relevant in the Development Plan. On this basis, it is respectfully recommended that consent is granted under S37 of the Electricity Act with a direction that deemed planning permission should be granted.

Appendix 1 – Planning Policy Schedule

National Planning Framework 4 (2023) Policy Schedule

Climate Change and Energy

Policy 1 Tackling the Climate and Energy Crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2 Climate Mitigation and Adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 11 Energy

- 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.

Natural Heritage

Policy 3 Biodiversity

- b) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- c) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- d) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual household development, or which fall within scope of (b) above, are excluded from this requirement.
- e) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the

natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4 Natural Places

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.
- c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
 - i. The objectives of designation and the overall integrity of the areas will not be compromised; or
 - ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

- d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
 - i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
 - ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
- e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
- f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.
- g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:
 - i. will support meeting renewable energy targets; or,
 - ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

Built Heritage

Policy 7 Historic Assets and Places

- a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

- b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:
 - i. building is no longer of special interest;
 - ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
 - iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
 - iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
 - i. architectural and historic character of the area;
 - ii. existing density, built form and layout; and
 - iii. context and siting, quality of design and suitable materials.
- e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.
- f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
 - i. reasonable efforts have been made to retain, repair and reuse the building;
 - ii. the building is of little townscape value;
 - iii. the structural condition of the building prevents its retention at a reasonable cost; or
 - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
 - i. direct impacts on the scheduled monument are avoided;
 - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
 - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.

- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
- i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
 - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

Hydrology and Soils

Policy 22 Flood Risk and Water Management

- a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
- i. essential infrastructure where the location is required for operational reasons;
 - ii. water compatible uses;
 - iii. redevelopment of an existing building or site for an equal or less vulnerable use; or
 - iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
 - there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
 - the development remains safe and operational during floods;
 - flood resistant and resilient materials and construction methods are used; and
 - future adaptations can be made to accommodate the effects of climate change.
- Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:
- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
 - that the proposal does not create an island of development and that safe access/egress can be achieved.
- b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.
- c) Development proposals will:
- i. not increase the risk of surface water flooding to others, or itself be at risk.

- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
 - iii. seek to minimise the area of impermeable surface.
- d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.
- e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy 5 Soils

- a) Development proposals will only be supported if they are designed and constructed:
- i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
 - ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
- b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
 - iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
 - iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and
- In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.
- c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:
- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
 - iii. Small-scale development directly linked to a rural business, farm or croft;
 - iv. Supporting a fragile community in a rural or island area; or
 - v. Restoration of peatland habitats.
- d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
- i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. the likely effects of the development on peatland, including on soil disturbance; and
 - iii. the likely net effects of the development on climate emissions and loss of carbon.
- This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.
- e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:
- i. the extracted peat is supporting the Scottish whisky industry;
 - ii. there is no reasonable substitute;
 - iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of peat of at least 1 metre across the whole site, including drainage features;

- iv. the time period for extraction is the minimum necessary; and
- v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.

Transport

Policy 13 Sustainable Transport

- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

Siting and Design

Policy 14 Design, Quality and Place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
 - b) Development proposals will be supported where they are consistent with the six qualities of successful places:
 - Healthy:** Supporting the prioritisation of women's safety and improving physical and mental health.
 - Pleasant:** Supporting attractive natural and built spaces.
 - Connected:** Supporting well connected networks that make moving around easy and reduce car dependency
 - Distinctive:** Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
 - Sustainable:** Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
 - Adaptable:** Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.
- Further details on delivering the [six qualities of successful places](#) are set out in Annex D.
- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 29 Rural Development

- a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including: v. essential infrastructure;
- b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

Socio Economic, Recreation and Tourism

Policy 25 Community Wealth Building

- a) Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use

of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.

- b) Development proposals linked to community ownership and management of land will be supported.

Policy 30 Tourism

- a) Development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported.
- b) Proposals for tourism related development will take into account:
 - i. The contribution made to the local economy;
 - ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
 - iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
 - iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
 - v. Accessibility for disabled people;
 - vi. Measures taken to minimise carbon emissions;
 - vii. Opportunities to provide access to the natural environment.
- c) Development proposals that involve the change of use of a tourism-related facility will only be supported where it is demonstrated that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area.
- d) Proposals for huts will be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance.
- e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
 - i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Other Relevant Policies

Policy 12 Zero Waste

- a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- b) Development proposals will be supported where they:
 - i. reuse existing buildings and infrastructure;
 - ii. minimise demolition and salvage materials for reuse;
 - iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
 - iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
 - v. use materials that are suitable for reuse with minimal reprocessing.
- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
 - i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

- d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:
- i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
 - ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;
 - iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
 - iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
 - v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
 - vi. consideration has been given to co-location with end users of outputs.
- e) Development proposals for new or extended landfill sites will only be supported if:
- i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
 - ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.
- f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.
- g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:
- i. is consistent with climate change mitigation targets and in line with circular economy principles;
 - ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;
 - iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
 - iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
 - v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

Policy 18 Infrastructure First

Policy 18 a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.

b) The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Highland-wide Local Development Plan (2012) Policy Schedule

Climate Change and Energy

Policy 69 Electricity Transmission Infrastructure

Proposals for overground, underground or sub-sea electricity transmission 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.

Natural Heritage

Policy 58 Protected Species

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

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

- There is no satisfactory alternative;
- The development is required for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and
- The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Development that is likely to have an adverse effect, individually and/or cumulatively, on protected bird species (see Glossary) will only be permitted where:

- There is no other satisfactory solution; and
- The development is required in the interests of public health or public safety.

This will include but is not limited to avoiding adverse effects, individually and/or cumulatively, on the populations of the following priority protected bird species:

- Species listed in Annex 1 of the EC Birds Directive;
- Regularly occurring migratory species listed in Annex II of the Birds Directive;
- Species listed in Schedule 1 of the Wildlife and Countryside Act 1981 as amended;
- [Birds of conservation concern](#).

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

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

Policy 59 Other Important Species

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

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

We will use conditions and agreements to ensure detrimental affect on these species is avoided.

Policy 60 Other Important Habitats & Article 10 Features

The Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora. (Article 10 Features). The Council will also seek to create new habitats which are supportive of this concept.

The Council will have regard to the value of the following Other Important Habitats, where not protected by nature conservation site designations (such as natural water courses), in the assessment of any development proposals which may affect them either individually and/or cumulatively:

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

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

Policy 74 Green Networks

23.2.1 Green networks should be protected and enhanced. Development in areas identified for the creation of green networks should seek to avoid the fragmentation of the network and take steps to improve its connectivity, where this is appropriate. The detailed identification of green networks around regional and sub regional centres (see Figure 10) will be carried out by the Council using the methodology described in the document “Green Networks: Supplementary Guidance”. Pending identification by the Council of green networks, both within the study areas and elsewhere, developers should identify, protect and enhance the existing network of green spaces and green corridors which link built-up areas to the surrounding countryside, using the methodology in the supplementary guidance. The main principles of the guidance are to:

- help promote greenspace linkages and to safeguard and enhance wildlife corridors in and around new and existing developments;
- set out a methodology for identifying the Highland Green Network;
- enable new development to take advantage of the outstanding landscape in the area while also preserving areas of significant landscape value; and

- set out mechanisms for delivery of projects to maintain and enhance the existing green network.

Landscape

Policy 61 Landscape

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

Note: The principles and justification underpinning the Council's approach to sustainable developments are contained in the supplementary guidance: "Sustainable Design". The key principles underlying this guidance are set out in Policy 28: Sustainable Design

Built Heritage

Policy 57 Natural, Built and Cultural Heritage

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

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

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

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

- to provide mapping of wild areas;
- to give advice on how best to accommodate change within wild areas whilst safeguarding their qualities;
- to give advice on what an unacceptable impact is; and
- to give guidance on how wild areas could be adversely affected by development close to but not within the wild area itself.

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

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

Hydrology and Soils

Policy 62 Geodiversity

Development proposals that include measures to protect and enhance geodiversity interests of international, national and regional/local importance in the wider countryside, will be supported. The Council will also support improvement of accessibility and interpretation as an educational or geo-tourism resource, where it is possible to integrate sympathetically development, geodiversity and other existing interests.

Policy 63 Water Environment

The Council will support proposals for development that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection and improvement of Scotland's water environment. In assessing proposals, the Council will take into account the River Basin Management Plan for the Scotland River Basin District and associated Area Management Plans and supporting information on opportunities for improvements and constraints. (see Figure 8).

Policy 64 Flood Risk

Development proposals should avoid areas susceptible to flooding and promote sustainable flood management.

Development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with Scottish Planning Policy (SPP) through the submission of suitable information which may take the form of a Flood Risk Assessment.

Development proposals outwith indicative medium to high flood risk areas may be acceptable. However, where:

- better local flood risk information is available and suggests a higher risk;
- a sensitive land use (as specified in the risk framework of Scottish Planning Policy) is proposed, and/or;

- the development borders the coast and therefore may be at risk from climate change;

a Flood Risk Assessment or other suitable information which demonstrates compliance with SPP will be required.

Developments may also be possible where they are in accord with the flood prevention or management measures as specified within a local (development) plan allocation or a development brief. Any developments, particularly those on the flood plain, should not compromise the objectives of the EU Water Framework Directive.

Where flood management measures are required, natural methods such as restoration of floodplains, wetlands and water bodies should be incorporated, or adequate justification should be provided as to why they are impracticable.

Policy 66 Surface Water Drainage

All proposed development must be drained by Sustainable Drainage Systems (SuDS) designed in accordance with The SuDS Manual (CIRIA C697) and, where appropriate, the Sewers for Scotland Manual 2nd Edition. Planning applications should be submitted with information in accordance with Planning Advice Note 69: Planning and Building Standards Advice on Flooding paragraphs 23 and 24. Each drainage scheme design must be accompanied by particulars of proposals for ensuring long-term maintenance of the scheme.

Policy 55 Peat and Soils

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

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

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

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

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

Transport

Policy 56 Travel

Development proposals that involve travel generation must include sufficient information with the application to enable the Council to consider any likely on- and off- site transport implications of the development and should:

- be well served by the most sustainable modes of travel available in the locality from the outset, providing opportunity for modal shift from private car to more sustainable transport modes wherever possible, having regard to key travel desire lines;
- in particular, the Council will seek to ensure that opportunities for encouraging walking and cycling are maximised;
- be designed for the safety and convenience of all potential users;
- incorporate appropriate mitigation on site and/or off site, provided through developer contributions where necessary, which might include improvements and enhancements to the walking/cycling network and public transport services, road improvements and new roads; and
- incorporate an appropriate level of parking provision, having regard to the travel modes and services which will be available and key travel desire lines and to the maximum parking standards laid out in Scottish Planning Policy or those set by the Council.

When development proposals are under consideration, the Council's Local Development Strategy will be treated as a material consideration.

The Council will seek to ensure that locations with potential for introducing bus priority measures are protected from development.

The Council will seek the implementation and monitoring of Green Travel Plans in support of significant travel generating developments.

Development proposals that are likely to affect the operation of any level crossing will be considered in accordance with the relevant part of the supplementary guidance associated with Policy 30: Physical Constraints.

Where site masterplans are prepared, they should include consideration of the impact of proposals on the local and strategic transport network. In assessing development proposals, the Council will also have regard to any implications arising from the relevant Core Paths Plan and will apply the terms of Policy 77: Public Access.

Policy 77 Public Access

Where a proposal affects a route included in a Core Paths Plan or an access point to water, or significantly affects wider access rights, then The Council will require it to either:

- retain the existing path or water access point while maintaining or enhancing its amenity value;
- or ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats.

For a proposal classified as a Major Development, the Council will require the developer to submit an Access Plan. This should show the existing public, nonmotorized public access footpaths, bridleways and cycleways on the site, together with proposed public access provision, both during construction and after completion of the development (including links to existing path networks and to the surrounding area, and access point to water).

Policy 78 Long Distance Routes

The Council, with its partners, will safeguard and seek to enhance long distance routes (as indicated on Figure 11), and their settings. Consideration will be given to developing/improving further strategic multi user routes both inland and along the coast with due regard to the impact on the Natural Heritage features along these routes.

Siting and Design

Policy 36 Development in the Wider Countryside

Outwith Settlement Development Areas, development proposals will be assessed for the extent to which they:

- are acceptable in terms of siting and design;
- are sympathetic to existing patterns of development in the area;
- are compatible with landscape character and capacity;
- avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics
- avoid, where possible, the loss of locally important croft land; and
- would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy. In considering proposals, regard will also be had to the extent to which they would help, if at all, to support communities in Fragile Areas (as defined by Highlands & Islands Enterprise) in maintaining their population and services by helping to re-populate communities and strengthen services.

Within Fragile Areas, proposals that will lead to the change of use or loss of a lifeline rural facility such as a village shop, whether or not that facility is outwith the settlement development area, will be required to provide information as why the facility/use is no longer feasible including evidence that it has been marketed for that purpose at a reasonable price/rent for a minimum period of 3 months.

Renewable energy development proposals will be assessed against the Renewable Energy Policies, the non-statutory Highland Renewable Energy Strategy and where appropriate, Onshore Wind Energy: Supplementary Guidance.

All proposals should still accord with the other general policies of the plan.

Development proposals for housing in the wider countryside will be determined against the relevant sections of the Housing in the Countryside and Siting and Design: Supplementary Guidance.

Policy 28 Sustainable Design

The Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland.

Proposed developments will be assessed on the extent to which they:

- are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity);
- are accessible by public transport, cycling and walking as well as car;
- maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy and heat;
- are affected by physical constraints described in Physical Constraints on Development: Supplementary Guidance;
- make use of brownfield sites, existing buildings and recycled materials;
- demonstrate that they have sought to minimise the generation of waste during the construction and operational phases. (This can be submitted through a Site Waste Management Plan);
- impact on individual and community residential amenity;
- impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality agricultural land, or approved routes for road and rail links;

- impact on the following resources, including pollution and discharges, particularly within designated areas:
 - o habitats
 - o freshwater systems
 - o species
 - o marine systems
 - o landscape
 - o cultural heritage
 - o scenery
 - o air quality;
- demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;
- promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime;
- accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups; and
- contribute to the economic and social development of the community.

Developments which are judged to be significantly detrimental in terms of the above criteria will not accord with this Local Development Plan. All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:

- conserve and enhance the character of the Highland area;
- use resources efficiently;
- minimise the environmental impact of development;
- enhance the viability of Highland communities.

Compatibility should be demonstrated through the submission of a Sustainable Design Statement where required to do so by the Guidance.

All developments must comply with the greenhouse gas emissions requirements of the Sustainable Design Guide.

In the relatively rare situation of assessing development proposals where the potential impacts are uncertain, but where there are scientific grounds for believing that severe damage could occur either to the environment or the wellbeing of communities, the Council will apply the precautionary principle.

Where environmental and/or socio-economic impacts of a proposed development are likely to be significant by virtue of nature, size or location, The Council will require the preparation by developers of appropriate impact assessments. Developments that will have significant adverse effects will only be supported if no reasonable alternatives exist, if there is demonstrable over-riding strategic benefit or if satisfactory overall mitigating measures are incorporated.

Policy 29 Design Quality and Place-Making

New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located, where appropriate, and should consider the incorporation of public art as a means of creating a distinct sense of place and identity in line with the Council's Public Art Strategy for the Highlands. Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals.

The design and layout of new residential development proposals should focus on the quality of places and living environments for pedestrians rather than movement of vehicles, and should incorporate all of the six qualities of successful places. Further guidance on this policy topic will be provided in the Council's Residential

Layout: Supplementary Guidance.

Where relevant, the Council will judge proposals in terms of their contribution to place-making. Proposals should have regard to the historic pattern of development and landscape in the locality and should, where relevant, be an integral part of the settlement. The Council will examine proposals to ensure that people of all abilities can move safely and conveniently within the development and, where appropriate, to facilities in other parts of the settlement.

Other Relevant Policies

Policy 72 Pollution

Proposals that may result in significant pollution such as noise (including aircraft noise), air, water and light will only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated.

Where the Council applies conditions to any permission to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Major Developments and developments that are subject of Environmental Impact Assessment will be expected to follow a robust project environmental management process, following the approach set out in the Council's Guidance Note "Construction Environmental Management Process for Large Scale Projects" or a similar approach.

Policy 30 Physical Constraints

Developers must consider whether their proposals would be located within areas of constraints as set out in Physical Constraints: Supplementary Guidance. The main principles of the guidance are:

- to provide developers with up-to-date information regarding physical constraints to development in Highland; and
- to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.

Where a proposed development is affected by any of the constraints detailed within the guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation measures to be provided.

Policy 31 Developer Contributions

For development proposals which create a need for new or improved public services, facilities or infrastructure, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Such contributions will be proportionate to the scale and nature of the development proposed and may be secured through a Section 75 obligation or other legal agreement as necessary. Other potential adverse impacts of any development proposal will normally be addressed by planning condition but may also require a contribution secured by agreement.

The principles that guide the preparation of the Developer Contributions: Supplementary Guidance are:

- Fair and proportionate developer contributions for all developments on sites allocated in either the Highland wide Local Development Plan or one of the area local development plans or in terms of windfall development.

- Developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been identified that relates directly to the proposed development;
- Flexibility in approach to ensure that development can be brought forward in difficult economic circumstances while ensuring that the development has no net detriment;
- Facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.

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Policy Schedule

Climate Change and Energy

Policy 1 Low Carbon Development

Each new build development proposal must demonstrate that it meets or exceeds the target of a 75% reduction in carbon emissions, compared to buildings delivered in line with minimum requirements of current Building Standards.

A Low Carbon Development Section must be included within the Supporting Statement submitted as part of an application which clearly outlines how this target will be achieved. The Council's Low Carbon Development Guidance document should be used to inform the statement and it is expected that the following components will need to be addressed:

1. "Fabric first" approach to maximise the thermal efficiency of the building.
2. Siting and design to maximise and manage solar gain.
3. On-site renewable energy generation.
4. On-site energy storage.
5. Zero direct emissions at source - heating/cooling low carbon heat source.
6. Future proofed electricity load capacity.
7. Other methods and innovations to decarbonise development.

Natural Heritage

Policy 2 Nature Protection, Preservation and Enhancement

All developments must contribute to the enhancement of biodiversity, including restoring degraded habitats and building and strengthening nature networks and the connections between them. Any potential adverse impacts of development proposals on biodiversity, nature networks and the natural environment must be minimised through careful planning and design. Design and layouts should consider reversing biodiversity loss, safeguarding the services that the natural environment provides and building the resilience of nature by enhancing nature networks and maximising the potential for restoration.

National, Major and EIA Developments

Developments proposals for national, major and EIA development or development for which an Appropriate Assessment is required will only be supported where it is demonstrated that the proposal will conserve and enhance biodiversity, including nature networks within and adjacent to the site, so that they are in a demonstrably better state than without intervention, including through future management.

To inform this, proposals should:

- be based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats or species;
- wherever feasible, integrate and make best use of nature-based solutions, demonstrating how this has been achieved;
- be supported by an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
- provide significant biodiversity enhancements, in addition to any proposed mitigation.

Biodiversity enhancements proposed through development will require to be delivered within an agreed timescale and should include supporting nature networks, linking to and strengthening habitat connectivity within and beyond the development, where appropriate. Any submission should include management arrangements for long-term retention and monitoring of the approved biodiversity enhancements, wherever appropriate.

JLL

7 Exchange Place
Edinburgh
EH3 8LL
0131 225 8344

Deirdre Thom

Associate
Planning and Development
Edinburgh

+44 (0)131 225 8344
deirdre.thom@jll.com

JLL

Sentinel, 103 Waterloo Street
Glasgow
G2 7BW
0141 248 6040

Leah Watton

Senior Planning
Planning and Development
Glasgow

+44 (0)141 248 6040
leah.watton@jll.com

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