



Beauly to Blackhillock to New Deer to Peterhead **400 kV Overhead Line:**

Planning Statement

September 2025

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1. Introduction

1.1 Introduction

- 1.1.1 Scottish Hydro Electric Transmission plc ('the Applicant') who, operating and known as Scottish and Southern Electricity Networks Transmission ('SSEN Transmission') has submitted an application under Section 37 of the Electricity Act 1989 ('the 1989 Act') along with a request that Ministers issue a direction that planning permission is deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997 ('the 1997 Act') for consent to construct and operate electricity infrastructure comprising a new double circuit 400 kilovolt ('kV') overhead transmission line ('OHL') on steel lattice towers, and ancillary works, to connect into proposed new substation sites at Beauly, New Deer and Peterhead. The project is referred to as the Beauly to Blackhillock to New Deer to Peterhead 400 kV OHL Project (the 'Proposed Development') and is described in detail in the **EIA Report, Volume 2, Chapter 3: Project Description**. The Proposed Development will pass through three local planning authority areas namely, Highland, Moray and Aberdeenshire. The 'Applicant' and 'SSEN Transmission' are used interchangeably unless the context requires otherwise.
- 1.1.2 In addition, the application also seeks consent under section 37 of the 1989 Act for an alternative alignment ('the Kellas Alternative Alignment'). In this location, the alignment of the Proposed Development passes through an area which is within the application boundary for the proposed Kellas Drum Wind Farm, for which section 36 consent is being progressed. If the wind farm application were to be consented, then the Kellas Alternative Alignment, which passes to the north of the proposed wind farm, would be constructed. The Environmental Impact Assessment Report ('EIA Report') accompanying the section 37 application, and this Planning Statement, has therefore assessed both alternatives and consent is sought for both alignments.
- 1.1.3 Where effects vary due to the Kellas Alternative Alignment these variations are specifically referenced within this Planning Statement. Where the statement falls silent, no greater or lesser effect is predicted.
- 1.1.4 The deemed planning permission sought under section 57(2) of the 1997 Act includes both the OHL and ancillary works. The ancillary works will include the removal of the existing 132 kV OHL from Beauly to Knocknagael substations: installation of temporary and permanent access tracks; and tree and vegetation clearance.
- 1.1.5 Further associated works are required which do not form part of the consent being sought under section 37 but are a consequence of its construction and are not considered within this Planning Statement.
- 1.1.6 Where there is a requirement to extend, upgrade or reinforce the transmission network, SSEN Transmission's aim is to provide an environmentally aware, technically feasible and economically viable solution which would cause the least disturbance to the environment.
- 1.1.7 An Environmental Impact Assessment ('EIA') has been undertaken for the Proposed Development in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations') to assess the likely significant effects of the Proposed Development. The findings of the EIA are presented in the EIA Report and referred to here, including the measures which would be taken to prevent, reduce and, where possible, offset predicted likely significant adverse effects
- 1.1.8 This Planning Statement considers the case for approval in land use planning policy terms at the national (National Planning Framework 4 ('NPF4')) and local (The Highland Council, Moray Council and Aberdeenshire Council) level, with reference to the statutory Development Plan and national planning and energy policy, all of which supports the delivery of electricity infrastructure that will assist in the delivery of the Government's legally binding net zero commitments and which will ensure security of supply to customers.

1.2 Background to the Proposed Development

- 1.2.1 The Applicant has a duty under Section 9 of the 1989 Act to:
- > Develop and maintain an efficient, coordinated and economical system of electricity transmission; and
 - > To facilitate competition in the generation and supply of electricity.
- 1.2.2 The Proposed Development is required to fulfil the statutory and licence obligations placed on the Applicant as the transmission licence holder. These obligations relate to developing the transmission network to provide adequate transmission capacity and to provide connections to customers who wish to connect to and use the transmission system to participate in the national wholesale electricity market.
- 1.2.3 SSEN Transmission's aim is to provide an environmentally aware, technically feasible and economically viable solution which would cause the least disturbance to the environment.

System Planning – Technical Requirement

- 1.2.4 In July 2022, National Grid, the Electricity System Operator ('ESO'), published the Pathway to 2030 Holistic Network Design ('HND'), setting out the blueprint for the onshore and offshore electricity transmission network infrastructure required to enable the forecasted growth in renewable electricity across Great Britain ('GB') including the UK and Scottish Government's 2030 offshore wind targets of 50 GW and 11 GW respectively (through the Crown Estate and ScotWind leasing rounds), which effectively forms the main driver for the Proposed Development.
- 1.2.5 The HND Study confirmed the need for a significant and strategic increase in the capacity of onshore and offshore electricity infrastructure to support the UK and Scottish Governments' commitments to meet legally binding net zero targets. The HND supplemented the Network Options Assessment ('NOA') Refresh, published in July 2022, which confirmed the requirement for the delivery of the onshore infrastructure to support 11 GW allocated by ScotWind to 2030 (in conjunction with the identified offshore infrastructure identified in the HND).
- 1.2.6 The HND identified the requirement to reinforce the onshore corridors between Beauly and Peterhead, Beauly and Spittal in Caithness, and an offshore subsea cable between Spittal and Peterhead, as well as to upgrade the 275 kV Beauly – Denny circuit. The report outlines that these reinforcements would provide the capacity required to take power from large-scale onshore and offshore renewable generation (mainly wind farms) to the main transmission network in the North of Scotland, from there, it can be transported to demand centres in England via a subsea cable.
- 1.2.7 The Proposed Development is located within a place that has been identified by NESO as a key corridor for onshore electricity network reinforcement.
- 1.2.8 In 2024, the National Energy System Operator ('NESO') further reviewed the onshore and offshore network reinforcements as part of their HND Follow Up Exercise ('HND FUE') entitled "Beyond 2030", to facilitate the connection of an additional 21 GW of offshore wind from the ScotWind leasing round. This reconfirmed that the onshore and offshore reinforcements identified as part of the 2022 HND and NOA Refresh were required.
- 1.2.9 As such, these studies set out the required onshore and offshore transmission works (including the Proposed Development) that support the large-scale delivery of electricity generated from offshore wind, taking the electricity from where it is generated to where it is needed across the UK.
- 1.2.10 To enable the delivery of the required transmission infrastructure for 2030, Ofgem established a regulatory framework for the Transmission Operators, including the Applicant, to obtain regulatory approval for the economic case for delivery (and funding) of qualifying

infrastructure projects identified as part of the “Pathway to 2030” exercise. This process is known as the Accelerated Strategic Transmission Investment (‘ASTI’) Framework.

- 1.2.11 The Proposed Development is within the scope of the ASTI Framework. In relation to these projects Ofgem observed, in their ASTI Framework decision, that *“By including projects within the list of ASTI projects, we are accepting the needs case for these projects in terms of the technical capabilities reflected in the HND/NOA Refresh”*.
- 1.2.12 There is a clear expectation from the Government and the energy regulator, Ofgem, that this project will be delivered by 2030. More specifically, the project is needed to deliver the Government’s 2030 renewable energy targets set out in the British Energy Security Strategy (‘BESS’) (2022) and the Clean Power 2030 Action Plan.
- 1.2.13 **Volume 2, Chapter 2 of the EIA Report: Project Need** provides further detailed commentary on the need case for the Proposed Development.

The National Planning Policy System – Delivery of Major Transmission Proposals

- 1.2.14 The need for a high voltage electricity transmission network to support renewable energy and meet net zero, and to ensure energy security and supply is expressly supported within NPF4:

“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”. (pg. 103)
- 1.2.15 NPF4 identifies 18 National Developments (‘ND’) described as *“significant developments of national importance that will help to deliver the spatial strategy”*. National Developments are acknowledged as projects necessary for the delivery of the national spatial strategy and *“Their designation means that the principle for development does not need to be agreed in later consenting processes.”*
- 1.2.16 The Proposed Development falls within ND3: ‘Strategic Renewable Electricity Generation and Transmission Infrastructure’. Further detailed reference to NPF4 and ND3 is provided in Section 4 of this Planning Statement.
- 1.2.17 **Volume 2, Chapter 4 of the EIA Report (The Routeing Process and Alternatives)** provides detail on route and alignment options selection and alternatives examined (including undergrounding) for the Proposed Development, including an overview of how the Applicant has incorporated stakeholder feedback during the sequential stages of the design process.
- 1.2.18 In summary, there is a clearly established need for the Proposed Development in both national planning policy terms and also from a technical and economic need in terms of transmission system planning and associated regulatory approvals.

1.3 The Statutory Framework

The Electricity Act 1989

- 1.3.1 As the Transmission Licence holder in the North of Scotland, the Applicant has a duty under section 9 of the 1989 Act to facilitate competition in the generation and supply of electricity. The Applicant is obliged to offer non-discriminatory terms for connection to the transmission system, both for new generation and for new sources of electricity demand.
- 1.3.2 The Applicant is also required under section 9 of the 1989 Act to ensure that the transmission system is developed and maintained in an efficient, coordinated and economical manner in the interests of existing and future electricity consumers.
- 1.3.3 Separately, it is also the Applicant’s duty to consider the possible environmental impacts of new overhead, underground and subsea electric lines and to do what it ‘reasonably can’ to mitigate adverse impacts, in line with section 38 of, and Schedule 9 (para. 3) to, the 1989 Act. In terms of its statutory duties and licence obligations, the Applicant must therefore balance technical, cost (economic) and environmental factors.

- 1.3.4 The application for the Proposed Development is made to the Scottish Ministers under section 37 of the 1989 Act together with a request that Ministers issue a direction confirming that the development benefits from deemed planning permission under section 57(2) of the 1997 Act.
- 1.3.5 The Scottish Ministers are obliged to consider whether the Applicant has demonstrated that it has complied with its duties under sub-paragraph 3(1) of Schedule 9 to the 1989 Act. The Scottish Ministers must also have regard to the desirability of the matters specified in Schedule 9.
- 1.3.6 Applications made under Section 37 of the 1989 Act need to have regard to the provisions of Schedule 9 which relates to the preservation of amenity and fisheries.
- 1.3.7 Schedule 9, sub-paragraph 3(2) of the 1989 Act, requires a licence holder and the Scottish Ministers to have regard to:
“(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of the sub-paragraph.”
- 1.3.8 The matters referred to in Schedule 9 sub-paragraph 3(1)(a) and (b) of the 1989 Act apply to the Applicant as a licence holder. The matters set out in sub paragraph 3(1)(a) to which regard must be had are:
“.... the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; “
- 1.3.9 Sub-paragraph 3(1)(b) requires relevant parties to:
“....do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects”
- 1.3.10 At sub-paragraph 3(3), the Applicant is [required to...] *“avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.”*
- 1.3.11 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory Development Plan is not expressly identified as a consideration within the 1989 Act (unlike, for example, Section 25 of the 1997 Act, considered below). Nonetheless, it is a material consideration which should be taken into account, alongside all other relevant material considerations.

The Town & Country Planning (Scotland) Act 1997

- 1.3.12 Section 57(2) of the 1997 Act provides that on granting a consent under section 36 or 37 of the 1989 Act in respect of any operation or change of use that constitutes development, or any development ancillary to the operation or change of use to which the consent relates, the Scottish Ministers may direct that planning permission shall be deemed to be granted, subject to any conditions as may be specified in the direction.
- 1.3.13 Section 25 of the 1997 Act states that:
“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan”.
- 1.3.14 Section 57(2) of the 1997 Act makes no reference to the provisions of section 25 which requires regard to be had to the provisions of the Development Plan. The Courts have

confirmed that section 57(3) does not apply section 25 to a decision to make a direction to grant deemed planning permission pursuant to section 57(2)¹.

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

1.3.16 Accordingly, the purpose of this Planning Statement is to provide an assessment of the Proposed Development in the context of relevant national and local planning and energy policies and other material considerations. As such it is important to establish:

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

1.4 Key Facts

1.4.1 Key facts relevant to this application are:

- > The Proposed Development is identified as a National Development under the provisions of NPF4 ND3 under the class of development noted at (b) as “*new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kV or more*”.
- > ND3 supports expansion of the electricity grid. The infrastructure proposed is designated as a National Development and explicitly supported by NPF4 under the provisions set out in Policy 11(a)(ii) (Energy)).
- > The Statement of Need for the Proposed Development as contained in NPF4 is as follows:

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

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

Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience across Scotland. The Proposed Development will facilitate capturing renewable energy potential in Highland as well as delivering wider social and economic benefits.”

- > There is an established technical and economic need for the Proposed Development as identified by the ASTI transmission systems planning exercise encompassing the National Grid as a whole (considering the upgrades necessary to accommodate the UK

¹ William Grant & Sons Distillers Limited, Court of Session [2012] CSOH 98.

generation and demand requirements), and regulatory approval from Ofgem in principle of the need, as part of its ongoing assessment process.

- > The Proposed Development will provide critical reinforcement of the transmission network to ensure capability to transmit low carbon energy across the network on the key Beauly, Blackhillock, New Deer to Peterhead corridor.
- > The Proposed Development will deliver nationally important network and grid infrastructure that would facilitate the Scottish and UK Governments meeting their legally binding targets for net zero emissions and renewable energy electricity generation targets and policy objectives.
- > The Proposed Development will be delivered in such a way that it is, on balance, environmentally acceptable and will include a co-ordinated scheme of environmental mitigation to ensure the long-term protection of the local and wider environment and to deliver sustainable development.

1.5 Structure of Planning Statement

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

- > **Chapter 2** describes the Proposed Development, its alignment and provides a description of the approach followed for the assessment of the OHL alignment;
- > **Chapter 3** sets out the up-to-date position with regard to the renewable energy policy and emissions reduction legislative and policy framework and includes reference to the Scottish Government's Draft Energy Strategy and Just Transition Plan;
- > **Chapter 4** sets out the benefits of the Proposed Development;
- > **Chapter 5** appraises the Proposed Development against the most up to date element of the Development Plan, namely the relevant provisions of NPF4;
- > **Chapter 6** appraises the Proposed Development against the relevant provisions of the Local Development Plans and related guidance; and
- > **Chapter 7** examines the planning balance and presents overall conclusions.

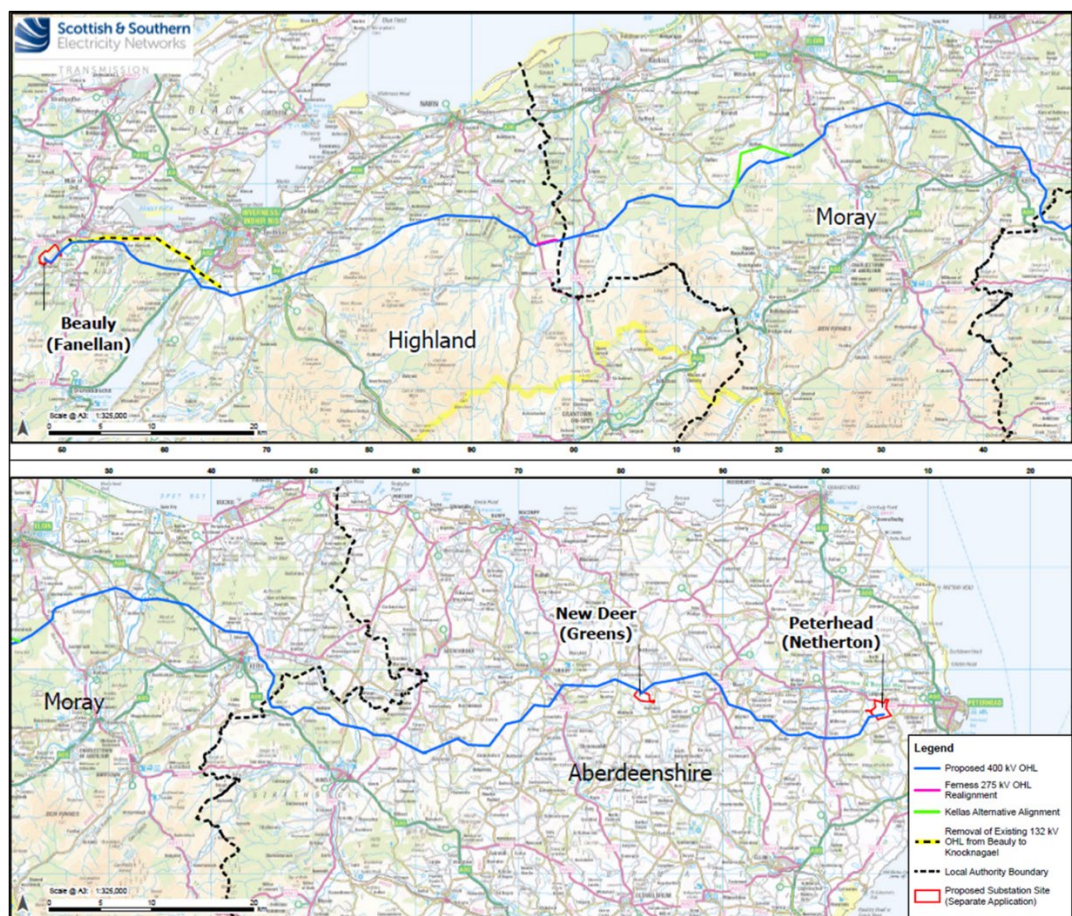
2. The Proposed Development

2.1 Site Location and Description

2.1.1 The Proposed Development comprises approximately 186 km of new 400 kV transmission OHL between new substation sites proposed at Beauly (Fanellan 400 kV substation), New Deer (Greens 400 kV substation) and Peterhead (Netherton Hub), including downloads into the respective substations. This is referred to as the 'proposed OHL alignment'. A full description of development is provided in **Volume 2, Chapter 3 of the EIA Report: Project Description**.

2.1.2 The overall proposed alignment is shown in **Figure 2.1** below.

Figure 2.1: Location and overall Route Plan



2.1.3 The description of the Proposed Development set out below travels from west to east. The Proposed Development originates at the proposed Fanellan 400 kV substation to the southwest of Beauly in the Highland Council area. The Proposed Development traverses three local authority areas – The Highland Council, Moray Council and Aberdeenshire Council. A summary of the route within each Council area follows.

The Highland Council Area (approximately 56 km)

2.1.4 The proposed OHL alignment initially routes northeast then east, crossing the River Beauly twice, the A833 and then runs parallel to the A862 as far as Easter Moniack. Here, the Proposed Development turns southeast past Reelig and then east across The Aird, passing over the Great Glen Way and then drops into the Great Glen, crossing the A82 and the Caledonian Canal and River Ness. Thereafter it continues in a southeasterly direction

passing Essich and Dummockie Muir and then east, crossing the A9 north of Daviot. Continuing east, the proposed OHL alignment passes to the south of Saddle Hill, then south of Assich Forest to mains of Clunas after which it travels southeast through Newlands of Fleenas Wood, crossing the River Findhorn and passing south of Ferness.

Moray Council Area (approximately 59 km)

- 2.1.5 Remaining south of the existing 275 kV OHL, the route continues east, passing over the A940 and the Dava Way, then turns northeast across the River Divie towards Hill of Tomechole. Turning east, the OHL crosses the upland forestry north of Loch Dallas and continues east and then northeast towards Kellas. East of Meikle Hill, there are two route options to pass the proposed Kellas Drum Wind Farm. As discussed below, if the wind farm development were to be consented, the Kellas alternative alignment would be constructed. The preferred southern option continues northeast, passing Glenlatterach Reservoir to the south, whereas the Kellas alternative alignment continues north, then east, passing Glenlatterach Reservoir to the north. Both options re-join north of Pikey Hill and continue northeast past Teindland. The Proposed Development then takes a southeasterly direction crossing the Spey Valley to the north of Inchberry, taking a similar route to two existing OHLs as it crosses the River Spey and through the Wood of Ordiequish. Here, it travels southeast, passing the A96 and B9016 before passing Newmill to the north, then dropping south, to the east of Keith, until it reaches the boundary with the Aberdeenshire Council area.

Aberdeenshire Council Area (approximately 71 km)

- 2.1.6 Travelling east, passing between Cairnie and Ruthven the route continues in a southeasterly direction, crossing the B9022 passing Cobairdy, the River Deveron, and the A97. At Aucharnie, the Proposed Development takes a north-easterly direction, passing Drumblair, Feith Hill and Pitglassie, towards Turriff. It continues east and passes between Turriff and Hatton Castle, crossing the Idoch Water, passing Roadside and then turns southeast to connect into the proposed Greens 400 kV substation. Thereafter, from the proposed Greens 400 kV substation, the route continues east past Allathan and the Culsh Monument to the north of New Deer. It then takes a southeasterly direction to the south of Maud, Stuartfield and Inverquhomery and then connects into the proposed Netherton 400 kV hub where the OHL terminates.

Beauly to Knocknagael 132 kV OHL Removal (Highland Council area)

- 2.1.7 As a result of the Proposed Development, the existing Beauly to Knocknagael 132 kV OHL would be removed. The existing route runs east from the existing Beauly Substation, across the River Beauly, and continues east until it reaches Inchberry Hill where it changes direction to travel southeast. It then passes Dunain Hill, the A82, the Caledonian Canal and the B852 until it reaches approximately 1 km northeast of Knocknagael Substation to the northeast of Essich, where it goes underground to connect into the substation.

Beauly to Blackhillock 275 kV OHL Realignment (Highland Council area)

- 2.1.8 In addition, realignment of the existing Beauly to Blackhillock 275 kV OHL, approximately 2.6 km long and located south of Ferness, is required. The realignment will start from where the existing OHL meets the A939 and ends where the existing OHL meets the Stripe of Muckle Lyne.

2.2 The Proposed Development for which Section 37 Consent and Deemed Planning Permission is sought.

- 2.2.1 The Proposed Development is described in detail within **Volume 2, Chapter 3 of the EIA Report**. It includes approximately 186 km of new 400 kV OHL and is summarised as follows:
- > Approximately 186 km of new 400 kV double circuit OHL between new substation sites proposed at Beauly (Fanellan 400 kV substation), New Deer (Greens 400 kV substation) and Peterhead (Netherton Hub), including downleads into the substation, also referred to as the 'Proposed OHL Alignment';

- > realignment of approximately 2.6 km section of the existing 275 kV OHL south of Ferness;
- > approximately 6.3 km in total of permanent modifications to existing OHLs at six locations where the Proposed Development crosses existing transmission infrastructure; and
- > approximately 5.8 km in total of temporary OHL diversions to facilitate the permanent modifications to existing OHLs required to construction the Proposed Development.

Kellas Alternative Alignment

- 2.2.2 To the south of Kellas, in Moray, an alternative alignment is proposed (Towers CB9C-10A to CB10-8) as illustrated on page 12 of **Figure 3.1: Site Layout within the EIA Report**. The need for this alternative has been set out above and is set out in more detail in the **EIA Report, Chapter 1: Introduction and Background, paragraph 1.1.4**. As explained, the Kellas Alternative Alignment would be subject to the outcome of the section 36 application for the proposed Kellas Drum Wind Farm. The total length of the Kellas Alternative Alignment is 8.8 km. If constructed, the total length of the new 400 kV double circuit OHL would be 187.5 km.

Ancillary Development for which Deemed Planning Permission is sought

- 2.2.3 The following works would be required as part of the Proposed Development, or to facilitate its construction and operation:
- > removal of approximately 16.9 km of the existing 132 kV OHL and approximately 1 km of underground cable from Beaully to Knocknagael substations;
 - > removal of the redundant section of the existing 275 kV OHL south of Ferness, following its realignment;
 - > the upgrade of existing, or creation of new, bell-mouths at public road access points;
 - > the formation of access tracks (permanent, temporary, and upgrades to existing tracks) and the installation of bridges and culverts to facilitate access;
 - > working areas around infrastructure to facilitate construction;
 - > formation of flat areas from which the conductor will be pulled during construction, which will contain earthed metal working surfaces referred to as Equipotential Zones ('EPZs');
 - > vegetation clearance and management;
 - > other temporary measures required during construction, such as measures to protect road and water crossing during construction (scaffolding etc); and
 - > public road improvements which would be required in some areas to facilitate construction traffic.

- 2.2.4 Further detail on ancillary development is contained in **Volume 2, Chapter 3 of the EIA Report**.

Associated Works

- 2.2.5 Other associated works are required to facilitate construction of the Proposed Development, or which would occur because of its construction and operation, is listed below. These works are not included in the application for section 37 consent, and do not form part of the description of the Proposed Development. As such, they are not assessed in detail within the EIA Report. The associated works include:
- > three proposed substations that the OHL would connect into include (described from west to east) Fanellan substation, Greens substation and Netherton Hub. Planning permission for each substation is being sought separately for these developments under the 1997 Act;

- > borrow pits and quarries to source stone for the construction of access tracks. The final location and design of borrow pits and quarries would be confirmed by the Principal Contractor and separate planning permissions would be sought as required;
- > temporary construction compounds would be required along the Proposed Development's alignment to facilitate its construction. 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;
- > temporary workers accommodation to supplement existing accommodation in the region; and
- > modification of the existing distribution network in some areas to accommodate the Proposed Development. These works are likely to comprise short sections of undergrounding within the vicinity of the Proposed Development and would be undertaken by Scottish Hydro Electric Power Distribution ('SHEPD'), who own and operate the electricity distribution network across the north of Scotland. Consent would be sought by SHEPD as required.

Limits of Deviation (LoD)

- 2.2.6 In general terms a Limit of Deviation ('LoD') defines the maximum extent within which a development can be built. An LoD is required for each of the key components, i.e. each of new steel lattice towers, access track routes and working areas.
- 2.2.7 The design of the Proposed Development, as assessed within the EIA Report, has been established following the identification of detailed environmental and technical considerations. It is possible that the location of individual towers or other infrastructure might alter following geotechnical investigations, and detailed design (micro-siting) to reflect localised land, engineering and environmental constraints. An LoD provides flexibility in this regard. The following LoD parameters (as set out in detail in **Volume 2, Chapter 3: Project Description, Section 3.6 of the EIA Report**) are proposed:

Horizontal LoD

- > Horizontal infrastructure:
 - Suspension towers: 100 m LoD radius around the tower position;
 - Tension towers: 200 m LoD radius around the tower position;
 - OHL Conductors: 100 m LoD either side of the alignment centreline.

(All construction working areas must remain within the LoD (public road improvement works are excluded from this requirement).)
- > Access Tracks out with the OHL infrastructure OHL (distance is either side of the track centre line):
 - 100 m LoD for new temporary or permanent access tracks;
 - 100 m LoD for upgrades to existing tracks in very poor condition;
 - 50 m LoD for upgrades to existing tracks in very good, good, fair or poor condition.

(where access tracks are within the OHL infrastructure LoD, the LoDs would be merged).
- > Widening of the LoD through areas of forestry and woodland to 145 m either side of the alignment centreline to allow for movement to the forestry operational corridor in the event of tower micro-siting.
- > Widening of LoD from towers NP2-9A to NP2-12A due to significant constraints at this location making micro-siting challenging in the event of unsuitable ground conditions.

- > Other areas within these LoDs will require exceptions and are excluded from the standard micro-siting zones and are listed in **Table 3.1, Volume 2, Chapter 3 of the EIA Report.**

Vertical LoD

- 2.2.8 It is possible that further engineering analysis at the detailed design stage might alter the required heights of towers necessary to maintain statutory ground clearance. A vertical LoD, i.e. the maximum height of a tower above ground level, is therefore also sought to allow an increase or decrease of 9 m on the proposed tower height presented within the **Appendix 3.1: Tower Schedule in the EIA Report.**
- 2.2.9 There are however exceptions where the full vertical LoD would not be acceptable, and these are detailed in **Table 3.1, in Volume 2, Chapter 3 of the EIA Report.**

Design Parameters

- 2.2.10 The EIA assessments have been made based upon a series of design parameters which are provided in **Chapter 3 of the EIA Report.** Details on access track upgrade requirements are also provided, alongside permanent access track detail and junctions and bellmouths, alongside Public Road Improvements (PRI) Works.

Construction

- 2.2.11 A description of the OHL infrastructure Construction works is provided in **Section 3.8, Volume 2, Chapter 3: Project Description of the EIA Report.** In summary, the OHL will comprise steel structure of lattice design from the SSEN Transmission ASTI SSE400 Tower Suite. The towers can vary in height between 48 m and 72 m, with the exception of one tower at the crossing of the Caledonian Canal which based on current assessments, would have a maximum proposed tower height of 97 m.
- 2.2.12 **Section 3.8 of the EIA Report** provides details on the typical construction activities for OHL infrastructure and sets out a series of enabling works required in advance of the OHL construction and commissioning. The detail within the EIA Report sets out the different consenting regimes under which such enabling works will be progressed for each element.
- 2.2.13 It is anticipated that the construction of the Proposed Development would commence in 2026 with an estimated energisation in Quarter 4 of 2030. Dismantling of existing OHLs and reinstatement would follow and is anticipated to be completed by Quarter 2 of 2032. The detailed construction phasing and programme would be subject to change as the design progresses and also due to necessary consents and wayleaves being agreed.
- 2.2.14 Construction working is likely to be during daytime periods only. Working hours are anticipated seven days a week between approximately 07.00 to 19.00 during British Summer Time ('BST') and 07.00 and 18.00 during Greenwich Mean Time ('GMT'). Special measures and arrangements would be made for works in proximity to sensitive receptors. Any out of hours working would be agreed in advance with the relevant planning authority.
- 2.2.15 The works would be carried out in accordance with best practice construction measures, guidance and legislation together with project specific General Environmental Management Plans ('GEMPs'), Species Protection Plans ('SPPs') and a Construction Environmental Management Plan ('CEMP').

Operation and Decommissioning

- 2.2.16 Although OHLs generally require very little maintenance, regular inspections are undertaken to identify deterioration or damage and from time-to-time inclement weather can cause damage which will require works to replace infrastructure or elements thereof. During operation it would be necessary to manage vegetation along the OHL corridor to maintain required safety clearance distances.

- 2.2.17 The Proposed Development would not have a fixed operational life. The effects associated with the construction phase can be considered to be representative of worst-case decommissioning effects, and no separate assessment on decommissioning has been undertaken as part of the EIA.

3. The Renewable Energy Policy & Legislative Framework

3.1 Introduction

- 3.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements and obligations, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and greenhouse gas emissions ('GHG') reduction law is based. This underpins what can be termed the need case for renewable energy and associated transmission infrastructure from which the Proposed Development can draw a high level of support.
- 3.1.2 The Proposed Development requires to be considered against a background of material UK and Scottish Government energy and climate policy and legislative provisions, as well as national and local planning policy and advice.
- 3.1.3 There is clear and consistent policy support at all levels, from international to local, for the deployment and transmission of renewable energy generally, to combat the global climate crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets.
- 3.1.4 The Proposed Development, reinforcing grid and increasing capacity and security of supply, would make a valuable contribution to help Scotland and the UK meet its renewable energy and electricity production targets, while supporting emission reductions to combat climate change in the current Climate Emergency.
- 3.1.5 UK and Scottish Government renewable energy policy and associated renewable energy and electricity targets are important considerations. In the sections to follow, the context of international climate change commitments by way of policy and targets is set out. This is followed by reference to key UK level statutory and policy provisions and then a detailed description of relevant Scottish Government statutory and policy provisions is set out.

3.2 International Commitments

The Paris Agreement (2015)

- 3.2.1 In December 2015, 196 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference ('COP21'). The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aim of stopping the increase in global average temperature to below 2°C above pre-industrial levels and to pursue efforts to limit global warming to 1.5°C.
- 3.2.2 An outcome of the Paris Agreement is that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links to the Climate Change Committee's ('CCC') advice to both the UK and Scottish Governments on 'net zero' targets which have now, at both the UK and Scottish levels, been translated into legislative provisions and targets for both 2045 (Scotland) and 2050 (UK).
- 3.2.3 The Paris Agreement does not represent Government policy in the UK or Scotland. However, it sets the general context to domestic policy and renewable energy and GHG reduction targets to meet the UK's commitment in the Paris Agreement.

United Nations - Intergovernmental Panel on Climate Change

- 3.2.4 The Intergovernmental Panel on Climate Change ('IPCC') is the United Nations Body for assessing the science related to climate change.
- 3.2.5 The IPCC prepares comprehensive assessment reports regarding the state of scientific, technical, and socio-economic knowledge on climate change and its impacts and future risks and options for reducing the rate at which climate change is taking place. IPCC reports are commissioned by Governments and are an agreed basis for COP² negotiations.
- 3.2.6 The IPCC's Special Report on Global Warming of 1.5°C, published in 2018, was a key piece of evidence for the CCC's recommendation to the UK Government for a 2050 net zero GHG emissions reduction target. The IPCC's reports since 2018 have provided an estimate of how close global temperatures are to 1.5°C of warming above pre-industrial levels and the remaining volume of global cumulative carbon dioxide that could be emitted to be consistent with keeping global warming below thresholds such as the 1.5°C and 2°C levels referred to in the Paris Agreement.
- 3.2.7 The IPCC's 6th Assessment Report was published in March 2023. The Summary of the Policymakers' Report³ at page 10 states that it is likely that warming will exceed 1.5°C during the 21st Century and make it harder to limit warming to 2°C. It states (page 12):
"Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards (high confidence). Deep, rapid and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades, and also to discernible changes in atmospheric composition within a few years (high confidence)".
- 3.2.8 Page 24 of the Summary states *"There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (very high confidence)".*

COP 28, Dubai (2023)

- 3.2.9 The United Nations Climate Change Conference (Conference of the Parties - COP28) closed on 13 December 2023. The UN press release of the same date states that the agreement reached *"Signals the 'beginning of the end' of the fossil fuel era by laying the ground for swift, just and equitable transition, underpinned by deep emissions cuts and scaled up finance."*
- 3.2.10 The statement adds:
"The stocktake recognises the science that indicates global greenhouse gas emissions need to be cut 43% by 2030, compared to 2019 levels, to limit global warming to 1.5°C. But it notes parties are off track when it comes to meeting their Paris Agreement goals."
The stocktake calls on parties to take actions towards achieving, at a global scale, a tripling of renewable energy capacity and doubling of energy efficiency improvements by 2030. The list also includes accelerating efforts towards the phase down of unabated coal power, phasing out inefficient fossil fuel subsidies, and other measures that drive the transition away from fossil fuels in energy systems, in a just, orderly and equitable manner, with developed countries continuing to take the lead." (underlining added)

UN Emissions Gap Report (2024)

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

² United Nations Framework Convention on Climate Change, Conference of the Parties (COP).

³ A Summary of the main 6th Assessment Report.

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

3.2.13 The Report states that in order to avoid the present trajectory of temperature increase far beyond 2°C over the course of this century:

"Nations must use COP29 in Baku, Azerbaijan, as the launch pad to increase ambition and ensure the NDCs collectively promise to almost halve greenhouse gas emissions by 2030. They must then follow up with rapid delivery of commitments, building on actions taken now. If they do not do so, the Paris Agreement target of 1.5°C will be gone within a few years and the 2°C target will be in danger".

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

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

COP 29, Baku (2024)

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

3.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

3.3.1 A critical part of the response to the challenge of climate change was the Climate Emergency, which was declared by the Scottish Government in April 2019 and by the UK Parliament in May 2019. The Climate Emergency needs to be viewed in the context in which it was declared (advice from the CCC), and in response to commitments under the Paris Agreement, and thereafter what followed from it, as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

3.3.2 The Climate Change Act 2008 ('the 2008 Act') provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.

3.3.3 The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.

3.3.4 The CCC has produced seven four yearly carbon budgets, covering 2008 – 2042. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 3.1** below. Essentially, they are five yearly caps on emissions.

3.3.5 These legally binding 'carbon budgets' act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament.

Table 3.1: Carbon Budgets and Progress⁴

Budget	Carbon budget level	Reduction below 1990 levels	Progress on Budgetary Period
1 st carbon budget (2008 – 2012)	3,018 MtCO ₂ e	26%	-27%
2 nd carbon budget (2013 – 2017)	2,782 MtCO ₂ e	32%	-42%
3 rd carbon budget (2018 – 2022)	2,544 MtCO ₂ e	38% by 2020	-50% ⁵
4 th carbon budget (2023 – 2027)	1,950 MtCO ₂ e	52% by 2025	n/a
5 th carbon budget (2028 – 2032)	1,725 MtCO ₂ e	57% by 2030	n/a
6 th carbon budget (2033 – 2037)	965 MtCO ₂ e	78% by 2035	n/a
7 th carbon budget (2038 – 2042)	535 MtCO ₂ e	87% by 2042	n/a
Net Zero Target	100%	By 2050	

Source: CCC

- 3.3.6 The Sixth Carbon Budget ('CB6') requires a reduction in UK GHG emissions of 78% by 2035 relative to 1990 levels. This is considered a world leading commitment, placing the UK *"decisively on the path to net zero by 2050 at the latest, with a trajectory that is consistent with the Paris Agreement"* (CB6, page 13).
- 3.3.7 Page 23 of CB6 refers to the devolved nations and sets out that UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland. Key points from CB6 include:
- > The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and doubling or even trebling by 2050.
 - > CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
 - > The related 'Methodology Report' from the CCC advice states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.
- 3.3.8 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world's most ambitious climate change target into law (by the Carbon Budget Order 2021 (the Order)⁶) to reduce emissions by 78% by 2035 compared to 1990 levels. This effectively brings forward the UK's previous commitment of an 80% reduction by 2050 by 15 years.
- 3.3.9 The Seventh Carbon Budget ('CB7') was published by the CCC in February 2025. The CCC's recommended level for CB7, namely a limit on the UK's GHG emissions over the five-year period 2038 to 2042 is 535 including emissions from international aviation and shipping.
- 3.3.10 Page 12 of the CB7 states:

⁴ Source: CCC.

⁵ Confirmed by CCC in 'Final Statement for the Third Carbon Budget' May 2024. By the end of the period in 2022, UK net GHG emissions were 50% lower than the base year emissions.

⁶ The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

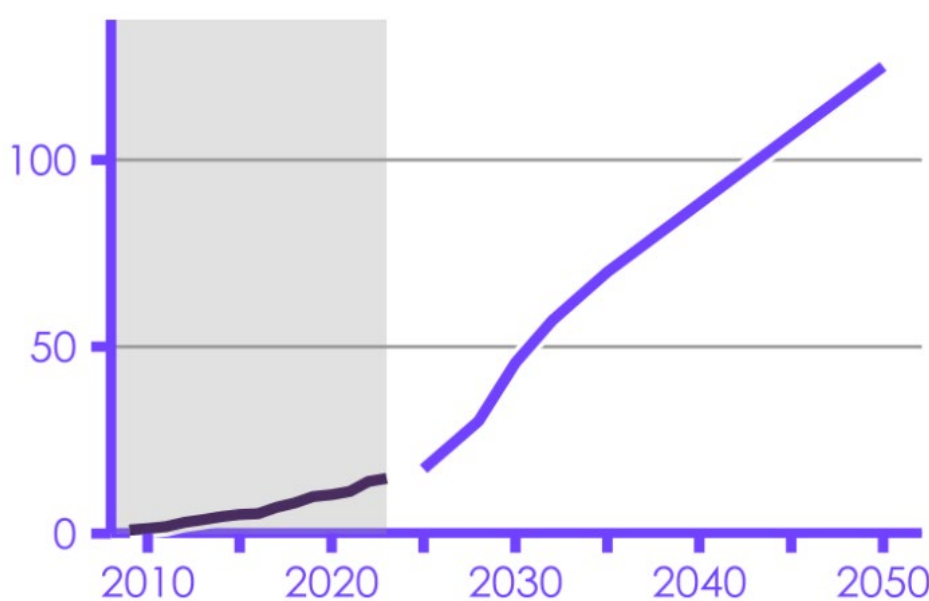
“By the middle of the Seventh Carbon Budget on our pathway, emissions in the UK will be only a quarter of the level they are today, and 80% lower than levels in 1990 (90% lower excluding emissions from international aviation and shipping.) Achieving this will require a significant reduction in emissions across sectors including surface transport, buildings, industry and agriculture.”

3.3.11 It sets out (page 12) that achieving CB7 will mean that UK based renewable energy provides the bulk of generation and this will replace oil and gas across most of the economy. It adds that *“this requires twice as much electricity as today by 2040”*.

3.3.12 In relation to the electricity grid, CB7 states (page 106) that in relation to the increase in renewable technology deployment that *“these technologies need to be accompanied by investment in network infrastructure, including rapidly building out the transmission grid and speeding up the grid connection process, which currently poses a barrier to electrifying industry.... Steep growth is needed from today out to 2040.”*

3.3.13 In relation to offshore, capacity increases from 15 GW in 2023 to reach 88 GW by 2040. It is stated on page 106 that this will *“require a rapid ramp up this decade”*. The anticipated growth of offshore wind capacity is shown in the Report (page 109) and illustrated in **Figure 3.1** below.

Figure 3.1: Offshore Wind Operational Capacity (GW) in CCC ‘Balanced Pathway’



The UK Energy White Paper (December 2020)

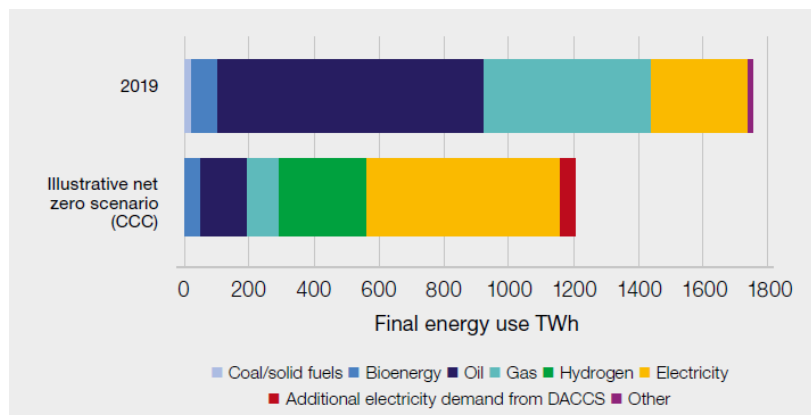
3.3.14 The Energy White Paper ‘Powering our Net Zero Future’, published on 14 December 2020, represented a sea change in UK policy, and highlighted the importance of renewable electricity.

3.3.15 It sets out that *“electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050”*. A key objective is to *“accelerate the deployment of clean electricity generation through the 2020s”* (page 38).

3.3.16 Electricity demand is forecast to double out to 2050, which will *“require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target”* (page 42).

3.3.17 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 3.2**.

Figure 3.2: Illustrative UK Final Energy Use in 2050⁷



- 3.3.18 Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that “onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios” (page 45). The Proposed Development is an important element in the connection of 11 GW of offshore wind projects associated with Scotwind.

The British Energy Security Strategy (April 2022)

- 3.3.19 The British Energy Security Strategy (“the Strategy”) was published by the UK Government on 7 April 2022. The Strategy focuses on energy supply and states that in the future nuclear and renewables will have expanded, and important roles, respectively. The foreword states, *inter alia*:

“Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables....

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies.”

- 3.3.20 Reducing the dependency of Scotland, and the wider UK, on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required more urgently.
- 3.3.21 The need for the Proposed Development and network reinforcements is underlined within the Strategy which recognises the significant impact on the cost of living from rising gas prices and sets out a plan to increase the supply of electricity from zero-carbon British sources to deliver affordable, clean, and secure power in the long term.

Climate Change Committee Report to UK Parliament (2024)

- 3.3.22 The CCC published the report ‘Progress in Reducing Emissions 2024 Report to Parliament’ in July 2024 (‘the CCC Report’). The Executive Summary (page 8) states:

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

The cost of key low-carbon technologies is falling, creating an opportunity for the UK to boost investment, reclaim global climate leadership and enhance energy security by accelerating take-up. British-based renewable energy is the cheapest and fastest way to reduce

⁷ Source: Energy White Paper page 9 (2020). Energy white paper: Powering our net zero future - GOV.UK

vulnerability to volatile global fossil fuel markets. The faster we get off fossil fuels, the more secure we become.”

- 3.3.23 The CCC Report makes it clear that urgent action is needed to get on track for the UK’s 2030 emissions reduction target. In this regard it states (page 8):

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

- 3.3.24 And further (page 9):

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

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

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

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

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

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

- 3.3.28 Chapter 3 of the CCC Report examines indicators of current delivery progress and at page 50 it references a number of key points including *inter alia*:

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

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

- 3.3.29 With regard to the Fourth Carbon Budget (2023-2027) it states (page 70) that although credible plans cover almost all of the emissions reductions required to meet it, “this budget was set before the UK’s Net Zero target was legislated. The UK will need to reduce emissions by double the amount implied by the target to be on a sensible path to Net Zero...”

- 3.3.30 With regard to the 2030 NDC and Sixth Carbon Budget (for the period 2023 to 2037) the CCC Report states that credible plans cover only around a third of emissions reductions

needed to meet the UK's 2030 NDC and a quarter of those needed to meet the Sixth Carbon Budget. It adds (page 70) *"that 2030 NDC is now only six years away. While our assessment of the policies and plans to deliver it has improved slightly, there remains significant risks to achieving these goals."*

Labour Government & Commitment to Renewables (2024)

- 3.3.31 The UK Government change at Westminster in 2024 and a Labour administration for the UK is of relevance in terms of the new UK Government policy approach to net zero.
- 3.3.32 Energy policy is reserved to Westminster and therefore, although the Scottish Government has progressed its own energy policy in parallel with its full devolved authority over the planning system in Scotland, UK Government policy is an important material consideration.

UK Government: Clean Power 2030 Action Plan (2024)

- 3.3.33 In addition, a key new material consideration is the Clean Power 2030 Action Plan, issued by The Department for Energy Security and Net Zero ('DESNZ'). It sets out (page 9) that Britain needs to install *"clean sources of power at a pace never previously achieved"*.
- 3.3.34 It further adds (page 10):
"clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and limit our contribution to the damaging effects of climate change. Clean power by 2030 is a sprint towards these essential goals".
- 3.3.35 The document adds that:
"Meeting the clean power 2030 goal is key to accelerating to net zero, not only in eliminating emissions that currently come from electricity generation, but also via the application of clean power in the buildings, transport and industry sectors... The shift to a clean power system by 2030 forms the backbone of the transition to net zero, as we move to an economy much more reliant on electricity".
- 3.3.36 Page 74 of the Action Plan states that *"Meeting the renewable capacity set out in the DESNZ 'clean power capacity range' is achievable but will require deployment at a sharply accelerated scale and pace"*.

3.4 Climate Change & Renewable Energy Policy: Scotland

The Scottish Energy Strategy (2017)

- 3.4.1 The Scottish Energy Strategy (SES) was published in December 2017. The SES preceded the important events and publications referred to above but nevertheless sets out that wind energy is recognised as a key contributor to the delivery of renewable energy targets – specifically 50% energy from renewable sources to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the net zero target, so it is out of date in that respect.
- 3.4.2 The SES refers to "Renewable and Low Carbon Solutions" as a strategic priority (page 41) and states *"we will continue to champion and explore the potential of Scotland's huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets"*.

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

- 3.4.3 The Scottish Government has set legal obligations to decarbonise and reduce emissions. Most notably, the Scottish Government has a statutory target to achieve "net zero" by 2045. It is clear that to have any hope of achieving the net zero target, significant expansion of renewable generation capacity is required.

- 3.4.4 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading GHG emissions reduction targets, including a target to reduce emissions by 80% by 2050. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the 2009 Act and has set more ambitious targets.

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

- 3.4.5 The CCC produced a report to the Scottish Parliament entitled 'Progress in reducing emissions in Scotland' in March 2024. The related press release of the same date states that Scotland's 2030 climate goals are no longer credible. It states that:

"Continued delays to the updated Climate Change Plan and further slippage in promised climate policies mean that the Climate Change Committee no longer believes that the Scottish Government will meet its statutory 2030 goal to reduce emissions by 75%. There is no comprehensive strategy for Scotland to decarbonise towards Net Zero.

The Scottish Government delayed its draft Climate Change Plan last year despite the 2030 target being only six years away. This has left a significant period without sufficient actions or policies to reach the target; the required acceleration in emissions reduction in Scotland is now beyond what is credible."

- 3.4.6 The related press release stated that there is a pathway to Scotland's post-2030 targets, but stronger action is needed to reduce emissions across the economy.
- 3.4.7 Page 18 of the Report addresses electricity supply, and it states that there has been some progress in delivering renewable electricity generation in Scotland. Reference is made to the Government's aim to develop 8-11 GW of offshore wind and 20 GW on onshore wind capacity, both by 2030. The Report notes that *"The growth in onshore wind capacity has slowed, however, and is slightly off track to deliver its 2030 target, which will require operational capacity to more than double."*
- 3.4.8 Page 40 states that in terms of onshore wind, Scotland must increase the deployment rate by more than a factor of 4 to an average annual rate of 1.4 GW.
- 3.4.9 In response to the CCC Report, the Scottish Government stated it remained committed to achieving net zero but would move to a multi-year carbon budget approach to measuring emissions reduction (instead of annual targets) which would bring the Scottish Parliament in line with the Welsh and UK approaches.

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

- 3.4.10 The Climate Change (Emission Reduction Targets) (Scotland) Act received Royal Assent on 22 November 2024. The Act repealed the annual and interim emissions reduction target framework that was established under the 2009 Act and established a carbon budget approach to target setting, with budgets to be set through secondary legislation using the latest advice from the CCC, to replace the concept of statutory annual and interim targets. The Act also makes provision for a new Climate Change Plan to be published that reflects the carbon budgets.
- 3.4.11 As explained, the Act followed advice from the CCC that Scotland's interim emissions reduction target for 2030 could not be achieved. The Act does not change the existing statutory target of net zero emissions by 2045.

3.5 The Draft Energy Strategy & Just Transition Plan

- 3.5.1 The Scottish Government published a new Draft 'Energy Strategy and Just Transition Plan' entitled 'Delivering a fair and secure zero carbon energy system for Scotland' on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period ended in April 2023. As a draft document it can only be afforded limited weight. The draft document is however consistent with the adopted policy set out in NPF4 and the

identification of the 2020s as a crucial decade for the large-scale delivery of renewable energy projects supporting the urgent transition to net zero.

3.5.2 The Ministerial Foreword states:

“The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generate economic opportunities, and builds a just transition...”

The delivery of this draft Energy Strategy and Just Transition Plan will reduce energy costs in the long term and reduce the likelihood of future energy cost crises....

It is also clear that as part of our response to the climate crisis we must reduce our dependence on oil and gas and that Scotland is well positioned to do so in a way that ensures we have sufficient, secure and affordable energy to meet our needs, to support economic growth and to capture sustainable export opportunities....

For all these reasons, this draft Strategy and Plan supports the fastest possible just transition for the oil and gas sector in order to secure a bright future for a revitalised North Sea energy sector focused on renewables.”

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

- > More than 20 GW of additional renewable electricity on and offshore by 2030.
- > Accelerated decarbonisation of domestic industry, transport and heat.
- > Generation of surplus electricity, enabling export of electricity and renewable hydrogen to support decarbonisation across Europe.
- > Energy security through development of our own resources and additional energy storage.
- > A just transition by maintaining or increasing employment in Scotland’s energy production sector against a decline in North Sea production.

3.5.4 The draft Strategy states (page 7, Executive Summary) that the vision for Scotland’s energy system is:

“...that by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland’s households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve a wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.

In order to deliver that vision, this Strategy sets out clear policy positions and a route map of actions with a focus out to 2030”.

3.5.5 The draft Strategy specifically addresses energy networks (page 36) and states *“Significant infrastructure investment in Scotland’s transmission system is needed to ameliorate constraints and enable more renewable power to flow to centres of demand.”*

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

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

3.5.8 Reference is made to the ambitious business plans of transmission businesses which *“reflect the scale and pace of delivery required to meet Scottish Government ambitions”.*

- 3.5.9 Chapter 5 of the Strategy refers to 'creating the conditions for a net zero energy system'. It states (page 125) that *"As we transition to a net zero energy system, renewables and other zero carbon technologies... will need to provide all the services required to ensure a secure energy system"*.
- 3.5.10 The Chapter goes on to reference in this regard energy markets and network regulation and with regard to network investment (page 126), it states that the Scottish Government is working closely with the network companies *"to support timely delivery of required electricity network infrastructure"*.
- 3.5.11 It further adds, with regard to constraint costs, that the Scottish Government will continue to work with National Grid ESO, transmission owners and Ofgem *"to explore opportunities to accelerate planned network investment to relieve constraints"*.
- 3.5.12 Therefore, a key aspect of the Energy Strategy in terms of network investment is the need for speed of delivery of infrastructure to ensure not only that need can be met, but that there can be energy security and resilience within the wider energy system.

3.6 The Green Industrial Strategy

- 3.6.1 The Scottish Government published a Green Industrial Strategy ('GIS') in September 2024. The Executive Summary sets out the mission of the GIS, namely:
- "This Green Industrial Strategy's mission is to ensure that Scotland realises the maximum possible economic benefit from the opportunities created by the global transition to net zero"*.
- 3.6.2 The GIS sets out five opportunity areas for Scotland where identified strengths are most likely to lead to growth and the potential to grow Scotland's exports. The opportunity areas relate to Scotland's wind economy, carbon capture and storage, supporting the green economy by way of professional and financial services, growing the hydrogen sector and establishing Scotland as a competitive centre for clean energy intensive industries of the future.
- 3.6.3 Point 4 of the "onshore wind" approach states:
- "work with UK Government, Ofgem and the National Energy System Operator to ensure that the interests of Scotland are best represented. Markets, policies, and regulation affecting the electricity sector are largely reserved to the UK Government under the UK Electricity Act (1989). We are working with the UK Government to enable a faster, more efficient, and strategic approach to designing and regulating the net zero energy system, in particular for accelerating grid connections and network build."*
- 3.6.4 Availability of grid connections is further referenced as a barrier to tackle as part of the decarbonisation of industrial processes.
- 3.6.5 The Strategy confirms that *"timely grid connections and strengthened grid infrastructure will be key to securing renewables project delivery and investor and supply chain confidence in Scotland."*
- 3.6.6 The Scottish Government's objectives clearly support the delivery of grid expansion and strengthened grid infrastructure. This support is not only critical towards attaining net zero targets but will also help deliver the Government's clean green industry mission.

3.7 CCC Report, Scotland's Carbon Budgets, Advice for the Scottish Government

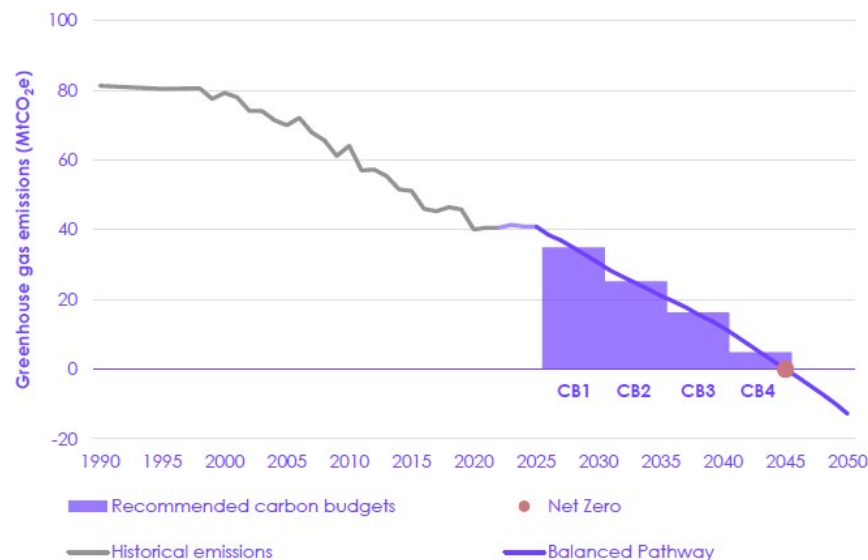
- 3.7.1 This CCC Report was published in May 2025 and sets out the CCC's advice on the level of Scotland's four proposed carbon budgets, covering the period 2026 to 2045. It recommends that the Scottish Government sets its carbon budgets, at annual average levels of emissions that are:
- > 57% lower than 1990 levels for the First Carbon Budget (2026 to 2030);
 - > 69% lower than 1990 levels for the Second Carbon Budget (2031 to 2035);

- > 80% lower than 1990 levels for the Third Carbon Budget (2036 to 2040); and
- > 94% lower than 1990 levels for the Fourth Carbon Budget (2041 to 2045).

3.7.2 The report sets out that the CCC's advice "shows that the proposed carbon budgets are deliverable and Scotland can achieve its 2045 Net Zero target." (page 8)

3.7.3 The recommended carbon budgets are illustrated in **Figure 3.3** below.

Figure 3.3: CCC Recommended Carbon Budgets for Scotland⁸



3.7.4 It states that getting to net zero by 2045 will require immediate action, at pace and scale and adds that decisions on the exact pathway and policies are for the Scottish Government to determine.

3.7.5 The Report explains that progress to date has largely come from electricity decarbonisation, reflecting Scotland's abundant renewable energy resources. It goes on to state (page 9) that:

"Action will increasingly be required in predominantly devolved policy areas to hit the Net Zero 2045 target and the proposed carbon budgets. Now that the framework for climate action has been reset, the Scottish Government has the opportunity to use its powers to match its ambitions with action."

3.7.6 The Report identifies priority actions, which over the period of the first two carbon budgets will be the remaining decarbonisation of electricity generation as well as further electrification of key technologies, particularly the roll-out of EVs and heat pumps.

3.7.7 The Report identifies the sources of future emissions reductions and notes that in the next decade, over the next two carbon budgets, they are predominantly met by the electrification of key technologies across the economy and measures to reduce demand for high-carbon activities.

3.7.8 Specifically in relation to electricity and low carbon supply the Executive Summary explains (page 12) that in the Balanced Pathway set out by the CCC:

"the capacity of variable renewables in Scotland (including offshore and onshore wind and solar) more than triples from 15 GW in 2023 to 49 GW by 2035, increasing to 66 GW by 2045. This provides 98% of electricity generation in Scotland in 2035 and caters for increasing demand in Scotland and the rest of Great Britain (GB). Grid storage, use of storable fuels on the GB-wide network, and smart demand flexibility ensure a reliable supply"

⁸ Source: CCC (May, 2025). The Report states that the 'Balanced pathway' sets the recommended level of Scotland's carbon budgets.

of electricity even in adverse weather years. These technologies need to be accompanied by rapidly expanding the transmission grid, upgrading the distribution network, and speeding up the grid connection process. To deliver clean electricity, the planning process to approve large electricity infrastructure projects in Scotland needs to be urgently improved.” Scotland currently has approximately 17.6 GW⁹ of renewable energy operating capacity, therefore, to achieve the Balanced Pathway figure of 66 GW by 2045 an additional 48.4 GW will require to be deployed.

- 3.7.9 The Report sets out in more detail the key actions to deliver the Balanced Pathway in electricity supply. At page 94 it refers to the key action for the Scottish Government which is to *“Urgently improve the planning process to approve large electricity infrastructure projects in Scotland, such as transmission lines and onshore wind farms.”* citing that it can currently take up to four years to approve large electricity infrastructure projects in Scotland.
- 3.7.10 The Report refers to the Scottish and UK Governments’ commitment to reform the energy consents system in Scotland, including through measures in the Planning and Infrastructure Bill. It states that *“Both governments should ensure that these reforms are now implemented at pace. All bodies involved in the planning and consenting process must also be adequately resourced and skilled.”*

3.8 Conclusions on the Renewable Energy Policy & Legislative Framework

- 3.8.1 The Proposed Development is strongly supported by the renewable energy policy and legislative framework.
- 3.8.2 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper than before and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the legally binding target of Net Zero by 2045 will not be met.
- 3.8.3 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.
- 3.8.4 Whilst there has been a move away from annual emission reduction targets in Scotland the overall target of net zero remains unchanged for both the UK and Scottish Governments.
- 3.8.5 Decisions made by the planning system must be responsive to the climate change policy imperative. Decision makers can do this by affording significant weight to the energy policy objectives, articulated above, in the planning balance.
- 3.8.6 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a ‘green thread’ which ties a number of related policy matters together: namely the urgent challenge of net zero and the need to substantially increase renewable energy capacity.
- 3.8.7 Overall, the Draft Energy Strategy and Just Transition Plan forms part of the new policy approach alongside NPF4. These documents confirm the Scottish Government’s policy objectives and related targets, reaffirming the crucial role that new electricity infrastructure will play in response to the climate crisis which is at the heart of all of these policies.
- 3.8.8 By way of illustration, this was demonstrated recently in the decision by Scottish Ministers on 9th June 2025 to approve the Applicant’s Skye Reinforcement Overhead Line Project, in the Highland Council area, where it is stated in the Ministers’ Decision Letter at paragraph 137 that:

“Scotland faces a real challenge in building an electricity grid which will allow Scotland to harvest and export its vast resources of clean energy. The Scottish Ministers recognised that to achieve the dual aims of maintaining a resilient electricity network for businesses and

⁹ Source: Scottish Government (March 2025) Energy Statistics for Scotland – Q4 2024.

consumers and enabling renewable ambitions to be realised, the need for grid reinforcement is greater than ever. The installation, and keeping installed, of the proposed OHL would allow the Company to comply with its statutory duty to develop and maintain an efficient, coordinated, and economical system of electricity distribution and delivery and major electricity transmission system reinforcement”.

3.8.9 Paragraph 138 continues further reinforcing the importance of energy and planning policies:

“Scotland’s energy policies and planning policies are all material considerations when weighing up the proposed Development. NPF4 makes it clear that low carbon energy deployment, maintaining security of electricity supply, and electricity system resilience remain a priority of the Scottish Government. These are matters which should be afforded significant weight in favour of the proposed Development. The Scottish Ministers conclude, for the reasons set out above, that the proposed Development is supported by Scottish Government policies”.

4. The Benefits of the Proposed Development

4.1 The Benefits: Summary

4.1.1 This Chapter summarises the benefits that would arise from the Proposed Development:

Renewable Energy Transmission

- > The Proposed Development will assist The Scottish Government to meet its net zero targets, which require the strategic reinforcement of the transmission grid to enable connections to transmit renewable energy development. This is consistent with the core aims of NPF4, National Development 3, which seeks to deliver additional generation from renewables and deliver enhanced transmission capacity to achieve a net zero economy and support network resilience in rural areas.
- > In July 2022 NESO published the Pathway to 2030 HND which identified a need to significantly increase the capacity of the on and offshore transmission infrastructure in response to the UK and Scottish Government's 2030 offshore wind allocations of 50 GW and 11 GW respectively (through the Crown Estate and ScotWind leasing rounds).
- > In 2024 NESO further reviewed network reinforcement requirements in a follow up exercise to the HND to facilitate an additional 21 GW of offshore wind from the 2024 ScotWind leasing round. New transmission infrastructure is necessary to unlock this new wind resource.

Security of Supply

- > The British Energy Security Strategy and the Clean Power 2030 Action Plan have been referenced. They provide express policy support for a substantial increase in the requirements for both the scale and the urgency of delivery of new low carbon generation capacity, by refocussing the requirement for low-carbon power for reasons of national security of supply and affordability, as well as for decarbonisation.
- > Within this context, the delivery of grid infrastructure improvements to deliver significant benefits to consumers through decarbonisation, security of supply and enhanced capacity to transmit renewable energy is clear.
- > The Proposed Development, if consented, would provide a valuable contribution to security of supply for the Highlands, Scotland and for the wider GB area.

Economic & Community Socio-Economic Benefits / Local Supply Chain Opportunities

- > The Applicant has in place Sustainable Procurement Codes to oblige suppliers and contractors to maximise local employment, economic gain and social benefits as a result of the investment in new energy infrastructure in their area. This includes measures to be put in place to maximise opportunities for local people and businesses close to the site and in the wider region.
- > A further obligation is that suppliers and contractors are expected to "*have in place education and employability programmes which promote the development of employee skills as well as local employment...*"
- > The Applicant's guidance as a basic commitment in this regard requires 'decent work and economic growth' alongside addressing environmental obligations, with a key objective to ensure the economic value is shared with particular focus on local supply chains.

- > A detailed Socio-Economic Assessment Report accompanies the section 37 application. In summary, it sets out under the core scenario that the Proposed Development could contribute £413.2 million to the total Gross Value Added ('GVA') in Scotland. At a regional level the Proposed Development could contribute up to £41.8 million in GVA. UK wide the economic impact is expected to be £1,068.1 million GVA.
- > Under an ambition scenario which seeks to retain local supply chains and inclusive ownerships the GVA across Scotland would rise to £495.5 million and at a regional level this would rise to £91.2 million. UK wide the economic impact would rise to £1392.1 million GVA.
- > The Proposed Development could directly support 4,010 years of employment across Scotland, where one job year represents one year of continuous employment. The total impact under an ambition scenario which assumes a higher level of local supply chain involvement would deliver 846 years of employment across the Regional area and 4,931 years of employment across Scotland. UK wide the predicted impact is 10,334 years of employment under the core scenario and 13,563 years of employment under the ambition scenario.
- > The Applicant has adopted the Five Pillars of Community Wealth Building ('CWB') as based on the Scottish Government's and the Council's approach to deliver a fairer, more equal society, these are: Inclusive Ownership, Spending, Workforce, Land and Property and Finance.
- > The Applicant launched a Community Benefit Fund in September 2024 with an initial value of £10 million. The fund can is designed to support projects that create a positive impact on communities. It is anticipated that significant funding will be available through the fund to support local economic development, community and wellbeing economy projects. A Regional Fund has been created to support strategic projects focusing on the themes of 'People', 'Place' and 'Alleviating Fuel Poverty'.
- > The Applicant published a housing strategy in relation to the delivery of the Pathway to 2030 projects (November 2024). The strategy focuses on capturing opportunities to create public benefit from the investment efficiently and with a strong balanced between cost and benefit. As a result, they are committed to creating housing legacies from worker accommodation investments associated with this and other ASTI projects.

Biodiversity Enhancement

- > Climate change is the biggest threat to Scotland's wildlife and habitats¹⁰, and delivering an enhanced grid transmission network, with enhanced capacity for renewable energy, is a critical step to meet net zero and, in so doing, reduces that threat.
- > The Proposed Development is consistent with the Applicant's commitment in all projects to deliver 10% net biodiversity gain.

¹⁰ Scottish Government, 'Climate Change Scottish National Adaptation Plan 2024-2029' (2024) pg 19

5. Appraisal against NPF4

5.1 Introduction & Approach to Appraisal

- 5.1.1 This Chapter provides an appraisal of the Proposed Development against NPF4. The EIA Report assesses the likely environmental effects of the Proposed Development. It also contains a separate statement for the assessment of the Kellas alternative alignment within each chapter as appropriate.
- 5.1.2 The policy appraisal against NPF4 has been informed by the findings of the EIA Report and associated supporting documents and reports. Cross references to the EIA Report are provided as appropriate.

5.2 NPF4

- 5.2.1 NPF4 was approved by resolution of the Scottish Parliament on 11 January 2023 and was adopted by Scottish Ministers and came into force on 13 February 2023.
- 5.2.2 A Chief Planner's Letter was issued on 8 February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contains advice intended to support consistency in decision making ahead of new style Local Development Plans being in place.
- 5.2.3 Section 13 of the Planning (Scotland) Act 2019 Act (the '2019 Act') amends Section 24 of the 1997 Act regarding the meaning of the statutory Development Plan, such that for the purposes of the 1997 Act, the Development Plan for an area is taken as consisting of the provisions of:
- > The National Planning Framework; and
 - > any Local Development Plan ('LDP').
- 5.2.4 Therefore, the statutory Development Plan against which the Proposed Development must be assessed consists of NPF4 and:
- > The Highland Wide Local Development Plan ('HwLDP') (2012)
 - > The Moray Local Development Plan ('MLDP') (2020); and
 - > The Aberdeenshire Local Development Plan ('ABLDP') (2023);
- 5.2.5 Whilst there are other more area specific LDPs within the Highland Council area along the proposed alignment, the HwLDP contains the overarching development management policies that need to be considered.
- 5.2.6 The publication of NPF4 coincided with the implementation of certain parts of the 2019 Act. A key provision (set out in section 24(3) of the 1997 Act) is that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. That will include where an LDP is silent on an issue that is now provided for in NPF4.
- 5.2.7 The Chief Planner's Letter also states, regarding Supplementary Guidance associated with LDPs which were in force before 12th February 2023 (the date on which Section 13 of the 2019 Act came into force), that they will continue to be in force and be part of the Development Plan.

How NPF4 is to be used

- 5.2.8 Annex A (page 94) of NPF4 explains how it is to be used. It states:
- "The purpose of planning is to manage the development and use of land in the long-term public interest ... Scotland in 2045 will be different. We must embrace and deliver radical change so*

we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places."

- 5.2.9 Annex A states that NPF4 is required, by law, to set out the Scottish Ministers' policies and proposals for the development and use of land. It adds that:
- "It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals¹¹. NPF4 includes a long-term spatial strategy to 2045."*
- 5.2.10 NPF4 contains a spatial strategy and Scottish Government development management policies to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan¹² ('IIP').
- 5.2.11 NPF4 therefore, for the first time, introduces centralised development management policies which are to be applied Scotland wide. It also provides guidance to Planning Authorities with regard to the content and preparation of LDPs.
- 5.2.12 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and discrimination and also, of particular relevance to the Proposed Development, *"meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity"*.

The National Spatial Strategy – Delivery of Sustainable Places

- 5.2.13 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to the Spatial Strategy states (page 3):
- "The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change."*
- 5.2.14 The principles are stated as playing a key role in delivering the United Nation's Sustainable Development Goals and the Scottish Government's National Performance Framework¹³.
- 5.2.15 The Spatial Strategy is aimed at supporting the delivery of:
- > 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";
 - > 'Liveable Places': "where we can all live better, healthier lives"; and
 - > 'Productive places': "where we have a greener, fairer and more inclusive wellbeing economy".
- 5.2.16 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, *inter alia*:
- "Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by*

¹¹ The 17 UN Sustainable Development Goals are set out at page 95 of NPF4 and include *inter alia* 'affordable and clean energy' and 'climate action'.

¹² The Scottish Government's five-year Infrastructure Investment Plan (2021-22 to 2025-26) was published in February 2021. It set out a vision for Scotland's future infrastructure in order to support and enable an inclusive net zero emissions economy.

¹³ The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

2030...Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment."

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

5.2.18 The National Spatial Strategy in relation to 'sustainable places' is described (page 7) as follows:

"Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.

Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.

Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation."

5.2.19 Six National Developments ('NDs') support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.

5.2.20 A summary description of this ND is provided at page 7 of NPF4 as follows:

"Supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply".

5.2.21 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing greenhouse gas emissions. It states that:

"The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment."

5.2.22 A key point in the statement above is that the climate emergency and nature crisis are expressly stated as forming the foundations of the national spatial strategy. Recognising that tackling climate change and the nature crisis is an overriding imperative which is key to the outcomes of almost all policies within NPF4.

5.3 National Developments

Overview

5.3.1 Page 97 of NPF4 sets out that 18 National Developments have been identified. These are described as:

"significant developments of national importance that will help to deliver the spatial strategy ... National development status does not grant planning permission for the development and all relevant consents are required".

5.3.2 It adds that:

"Their designation means that the principle for development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors. ... In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies".

- 5.3.3 Annex B of NPF4 sets out the various NDs and related Statements of Need. It explains that NDs are significant developments of national importance that will help to deliver the Spatial Strategy. It states (page 99) that:
- "The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes".*
- National Development 3 "Strategic Renewable Electricity Generation and Transmission Infrastructure"**
- 5.3.4 Page 103 of NPF4 describes ND3 and it states:
- "This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.*
- A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.*
- The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."*
- 5.3.5 The location for ND3 is set out as being all of Scotland and in terms of need it is described as:
- "Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas."*
- 5.3.6 The designation of classes of development confirms that the Proposed Development is a National Development, being of a scale or type that otherwise would have been classified as major by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (b) *new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kV or more".*
- 5.3.7 The Proposed Development will further the delivery of the national Spatial Strategy. The Strategy requires a *"large and rapid increase"* in electricity generation and the delivery of an enhanced transmission network to enable this. NPF4, (page 6) provides that *"we must make significant progress"* by 2030. This is also reflected within the NESO studies (2022 and 2024) for HND and follow up review, which identify the strategic transmission needs across GB and identify this project as required onshore and offshore transmission work that supports the large-scale delivery of electricity generated from offshore wind, taking electricity from where it is generated to where it is needed across GB.
- National Planning Policy**
- 5.3.8 Part 2 of NPF4 (page 36) addresses national planning policy by topic with reference to three themes formulated with the aim of delivering sustainable, liveable and productive places.
- 5.3.9 In terms of planning, development management and the application of the national level policies, NPF4 states at page 98:
- "The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. It is for the decision*

maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies".

5.3.10 In terms of "sustainable places" the relevant policies to the Proposed Development include the following:

- > Policy 1: Tackling the climate and nature crises;
- > Policy 3: Biodiversity;
- > Policy 4: Natural places;
- > Policy 5: Soils;
- > Policy 6: Forestry, woodland and trees;
- > Policy 7: Historic assets and places;
- > Policy 11: Energy.

5.3.11 In terms of "liveable" places, the relevant policies of the Proposed Development include the following:

- > Policy 22: Flood risk and water management.

5.3.12 These policies are addressed below.

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

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

5.4 NPF4 Policy 1: Tackling the climate and nature crises

Policy 1 & Principles

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

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

5.4.3 This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker. Significant weight should therefore be attributed to the Proposed Development which provides a nationally significant reinforcement of electricity transmission infrastructure.

5.4.4 The Chief Planner's Letter of 8th February 2023 also refers to Policy 1. It states:

"This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises."

5.4.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight, but it is for the decision maker to decide if it is for or against the proposal. The

Proposed Development's contribution is positive and therefore the significant weight in this case is in favour of the Proposed Development.

- 5.4.6 The term "Tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action. Furthermore, NPF4 (page 8) refers to cross cutting outcomes and states, with regard to Policy 1, that the policy gives significant weight *"to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions"*.

The application of Policy 1

- 5.4.7 Given the nature of the Proposed Development, being the provision of new electricity transmission infrastructure to extend and reinforce the grid, it would make a valuable contribution in relation to targets for achieving net zero. It will directly further the policy intent and outcomes of Policy 1 and should be afforded significant positive weight in terms of tackling the climate and nature crises.
- 5.4.8 The publication of the Pathway to 2030 detailed the onshore and offshore electricity transmission network infrastructure required to enable the forecasted growth in renewable electricity across GB, specifically the UK and Scottish Government's 2030 offshore wind allocations of 50GW and 11GW (through the Crown Estate and ScotWind leasing rounds) which are the main driver for this and other upgrades. This confirmed the need for a significant and strategic increase in the capacity of onshore and offshore electricity transmission infrastructure to deliver 2030 targets and support the pathway to net zero across GB and Scotland and both the UK and Scottish Governments commitments to meet legally binding net zero targets by 2050 and 2045 respectively.
- 5.4.9 The Proposed Development is consistent with the intent of Policy 1 and would make a positive contribution by helping to attain its outcome of net zero.
- 5.4.10 The Chief Planner's Letter of 8th February 2023 refers to Policy 1. It states:
"This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises."
- 5.4.11 This statement from the Chief Planner confirms that the decision maker must apply significant weight to the policy, but ultimately it is for the decision maker to decide if it is for or against the proposal. The Proposed Development's contribution is positive and is a critical element of the infrastructure required to help attain targets, therefore, applying significant weight in this case would be in favour of the Proposed Development.
- 5.4.12 A further important point is the need to recognise that a clear threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is enabling grid connection and transmission of a substantive volume of consented and proposed renewable energy generation, to facilitate the earliest possible decarbonisation of the energy system and the achievement of net zero no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). A key purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.
- 5.4.13 The Reporter's comments on this particular policy in the Sanquhar II Wind Farm Inquiry Report¹⁴ are informative on this policy. At paragraph 2.48 of the Supplementary Report, the Reporter addresses NPF4 Policy 1 and states that:
"tackling the nature crisis is required to be given significant weight alongside the climate crisis. There is no indication that one strand should be given greater priority over the other. That does not necessarily mean that an individual proposal must be shown to respond to both crises in

¹⁴ Sanquhar II Wind Farm, Section 36 Decision dated 31 August 2023, Supplementary Report of Inquiry dated 20 February 2023 (Case Reference WIN-170-2006) and Scottish Ministers' Decision dated 31 August 2023.

equal measure, however. The two matters are also inextricably linked, with the nature crisis being, in part, exacerbated by climate change.”

- 5.4.14 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development and will be satisfied through the Applicant’s commitment to a 10% net gain across all Proposed Developments. The approach to achieving this is set out within **EIA Report Appendix 8.3 Biodiversity Net Gain Assessment Report**, incorporating **Annex G: SSEN Transmission’s Biodiversity Net Gain and Irreplaceable Habitat Off-Site Strategy**.

5.5 NPF4 Policy 11: Energy

Policy 11 & Principles

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

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

- 5.5.2 Policy Outcomes are identified as: “*expansion of renewable, low carbon and zero emission technologies*”.

- 5.5.3 Policy 11 is in the following terms:

“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". (emphasis added).

- 5.5.4 The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, through encouragement, promotion and facilitation, all of which the Proposed Development will help to deliver.
- 5.5.5 The wording of Policy 11 Paragraph (a)(ii) makes it clear that the policy supports new and replacement grid transmission and distribution infrastructure subject to the appropriate approach to impact management via avoidance and mitigation set out in Policy 11(e) and which has been adopted in the EIA Report.

The application of Policy 11

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

- 5.5.8 With regard to maximising socio-economic benefits, the Applicant has adopted 'Sustainable Procurement Code – Supplier Guidance' and this is relevant to take into account. The Supplier Guidance is applied to development projects that the Applicant progresses, and its principal purpose is to ensure that the Applicant's key values are supported, managed and where possible improved. In addition, the Applicant has produced a paper to support their projects in THC setting out their response to the following key documents:
- > THC Community Wealth Building Strategy (2025);
 - > Aberdeenshire Council's Community Wealth Building Strategy (2025);
 - > Aberdeenshire Council's Charter for Energy Development in Aberdeenshire (2025);
 - > Moray Council's Community Benefit Guidance (2014); and
 - > Moray Council Community Wealth Building Strategy (2024).
- 5.5.9 The Code sets out various obligations on suppliers and contractors covering climate action and in relation to providing affordable clean energy. The Code also addresses environmental obligations and also sets out a clear commitment to *"decent work and economic growth"* (page 10). A key objective is to ensure that economic value is shared. Amongst the various specific obligations on the Applicant and suppliers is reference to local supply chains. In that regard, page 10 sets out that:
- "SSE has committed to being a global leader for a just energy transition to net zero, with a guarantee of fair work and commitment to paying fair tax and sharing economic value".*
- 5.5.10 Furthermore, within the obligations on suppliers and contractors are provisions that require the formation of *"constructive local relationships so that communities have the opportunity to directly benefit from significant capital investments... and to have measures in place to maximise opportunities for local people and businesses close to SSE sites and the wider region"*.
- 5.5.11 A further obligation is that suppliers and contractors are expected to *"have in place education and employability programmes which promote the development of employee skills as well as local employment, including graduate programmes and apprenticeships"*.
- 5.5.12 As regards local supply chains *"SSE is committed to ensuring that real economic and social benefits flow to local businesses as a result of its investment in new energy infrastructure. It aims to promote sustainable domestic employment, increased local content and more competitive domestic supply chains. It does this through engagement with its suppliers as well as government regulators and trade unions"*.
- 5.5.13 The related Supplier Guidance document sets out, with specific regard to local supply chains, that suppliers and contractors are:
- > Required to have measures in place to maximise opportunities for local people, supply chains and economies surrounding SSE sites. There may be a requirement to provide evidence of site-specific plans to SSE; Encouraged to work closely with SSE to promote and support the development of competitive domestic and local supply chains;
 - > Required to provide details of spend with local suppliers and subcontractors, when requested by SSE ("local" is defined as either, within a 50-mile radius of the site or the Local Authority area, unless otherwise defined);
 - > Required to provide reporting of attributed spend with Small Medium Enterprises ('SMEs').
- 5.5.14 Specific reference to the Code and the Guidance and these obligations would be set out in any invitation to tender for construction works for the Proposed Development. Therefore, there is clear evidence that, beyond the capital spend for the project and the direct, indirect and induced employment and economic benefits that would result, the Applicant has policies

and measures in place that seek to maximise the opportunity for socio-economic benefits as a result of the project.

- 5.5.15 It should also be noted that, under the terms of the Codes, appointed contractors are required to inform the Applicant of the supply chain engaged, within all three Council areas, and indeed, further afield.
- 5.5.16 Critically the provision of this new 400 kV OHL in this key area of renewable energy generation will ensure the delivery of the wider socio-economic benefits and commitments to be provided by enabling enhanced transmission of important renewable energy generation projects onshore and offshore, for Highland, Aberdeenshire, Moray and across Scotland as a whole.
- 5.5.17 In response to community wealth building the Applicant has adopted the Five Pillars of Community Wealth Building ('CWB') as based on the Scottish Government's and the separate Council's own approaches to deliver a fairer, more equal society, these are: Inclusive Ownership, Spending, Workforce, Land and Property and Finance.
- 5.5.18 The Applicant launched a Community Benefit Fund in September 2024 with an initial value of £10 million. The fund is designed to support projects that create a positive impact on communities. It is anticipated that significant funding will be available through the fund to support local economic development, community and wellbeing economy projects. A Regional Fund has been created to support strategic projects focusing on the themes of 'People', 'Place' and 'Alleviating Fuel Poverty'.
- 5.5.19 In addition, the Applicant published a housing strategy in relation to the delivery of the Pathway to 2030 projects (November 2024). The strategy focuses on capturing opportunities to create public benefit from the investment efficiently and with a strong balanced between cost and benefit. As a result, they are committed to creating housing legacies from worker accommodation investments associated with this and other ASTI projects.
- 5.5.20 A Socio-Economic Impact Assessment has been undertaken for the Proposed Development and indicates that significant economic benefits will be delivered as a result of the proposal. This relates to the significant capital expenditure and associated employment years which will result from the Proposed Development. A summary of the assessed benefits of the Proposed Development of is contained within Chapter 4 of this Planning Statement.
- 5.5.21 Critically the installation of the Proposed Development will ensure the delivery of the wider socio-economic benefits and commitments through the substantial reinforcement of this part of the electricity transmission system that will have the capacity to deliver the significant amount of renewable energy to be generated by offshore and onshore wind farms.
- 5.5.22 **Paragraph d) of Policy 11** states that development proposals that impact on international and national designations "*will be assessed in relation to Policy 4*". Policy 4 also deals with impacts in relation to local landscape designations. Therefore, the matter of the impacts of the Proposed Development in relation to such designations is examined further below with specific regard to the provisions of Policy.
- 5.5.23 **Paragraph e) of Policy 11** states that project design and mitigation "*will demonstrate how*" impacts are addressed. These are listed in the quotation of the policy above and are addressed in turn below. For initial reference, however, it is instructive to note **the Schedule of Mitigation at Chapter 18 of the EIA Report**, which sets out how the relevant impacts are to be addressed (cross-referenced with the applicable EIA technical chapters).
- Policy 11 (e) (i) - Impacts on Communities and Individual Dwellings**
- 5.5.24 The Proposed Development has been assessed as having significant adverse effects on the residential visual amenity of number of properties within the landscape and visual impact assessment ('LVIA') Study Area during both construction and operation. As a result of routeing, embedded design mitigation and good practice siting and location, the approach has been to minimise such effects.

Policy 11 (e) (i) - Noise

- 5.5.25 **Chapter 15: Noise and Vibrations of Volume 2 of the EIA Report** addresses the potential effects of the Proposed Development in relation to noise and vibration. The assessment has considered the potential noise effects that could arise during the construction and operational phases at the closest residential properties, referred to in the assessment as Noise Sensitive Receptors ('NSRs'). Where appropriate, mitigation measures are proposed. Embedded noise mitigation has been designed into the Proposed Development in the form of the choice of conductor type, and the approach to siting of towers more than 45 m from NSRs
- 5.5.26 A detailed construction noise assessment based on BS: 5228: Code of Practice for noise and vibration control on construction and open sites was carried out to assess the effects of the works on any nearby residents. In the absence of additional mitigation, potential significant impacts were identified at five nearby NSRs, particularly during evening and weekend hours. A Construction Noise Management Plan (CNMP) will be implemented to ensure that residual impacts will be minor. Measures to be included in the CNMP include scheduling noisy activities out with sensitive hours and reducing equipment idle time. In the event that construction extends beyond the planned schedule, a Construction Traffic Management Plan (CTMP) would be implemented if required. The additional mitigation will ensure that the construction noise from the Proposed Development would result in a minor impact, at worst.
- 5.5.27 Operational noise is predicted to have negligible impacts at all NSRs requiring no mitigation. Cumulative operational noise from nearby developments is also considered negligible. Any overlapping construction schedules will be managed through updates to the CNMP to avoid significant cumulative effects.

Policy 11 (e)(ii) - Landscape and Visual Considerations

Overview

- 5.5.28 Before examining the landscape and visual effects of the Proposed Development, Part e(ii) of Policy 11 makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy (and in turn this has been applied to transmission infrastructure which is included within 'energy policy' within NPF4's description of 'energy'). There is therefore a very clear steer that significant effects are to be expected, and where localised and/or subject to appropriate design mitigation, they should generally be acceptable.

Overview of Routeing & Mitigation

- 5.5.29 **Volume 2, Chapter 4: The Routeing Process and Alternatives of the EIA Report** provides detail on corridor, route and alignment selection and alternatives examined for the Proposed Development and explains how the proposed alignment was arrived at. It should be referred to for further detail.
- 5.5.30 The work undertaken by the Applicant during the corridor, route and alignment stages of the project in terms of iterative design, consultation, engagement with consultees, and detailed assessments on environmental and technical constraints and opportunities, has enabled a rigorous consideration of reasonable alternatives with respect to the Proposed Development to be undertaken.
- 5.5.31 It is explained in the EIA Report that the consideration of alternatives continued throughout the later stages of the design of the Proposed Development, with further consideration of tower positions and the siting of infrastructure such as access tracks. This was informed by detailed environmental and engineering information as it became available through fieldwork. In a number of areas, the design was modified where possible in response to assessment of stakeholder feedback, whilst meeting the technical requirements for the construction and operation of the Proposed Development, in often remote areas and challenging terrain.
- 5.5.32 In addition, additional mitigation measures, out with the Proposed Development scope, but associated with it, and subject to separate consenting, include undergrounding of a section of

existing 275 kV OHL, and additional screening and planting, are proposed to further reduce potential effects.

- 5.5.33 There was therefore a detailed consideration of the alternatives process which resulted in appropriate project design and mitigation, as required by NPF4 Policy 11 e).
- 5.5.34 This section of the Planning Statement also cross refers to summary information within the Landscape and Visual Impact Assessment ('LVIA') which is reported in **Volume 2, Chapter 7: Landscape and Visual Effects of the EIA Report**.
- 5.5.35 The overall proposed alignment is described in terms of the baseline landscape character in **Section 7.3 of Volume 2, Chapter 7 of the EIA Report**, running west to east from Beauly to Peterhead through the three Local Authority areas.
- 5.5.36 The Proposed Development LVIA Study Area falls out with the Cairngorms National Park which has been scoped out of further study. The Central Highland Wild Land Area ('WLA') lies approximately 6 km from the Proposed Development, but it is not anticipated to be subject to a significant effect due to intervening topography and vegetation, and as such has also been scoped out in relation to potential impacts. The Inventory of Gardens and Designed Landscapes ('GDLs') are considered cultural heritage assets and are appraised as such within the cultural heritage chapter (**Volume 2, Chapter 11: Cultural Heritage of the EIA Report**).
- 5.5.37 There are four Special Landscape Areas ('SLAs') scoped into the LVIA as follows:
- > Drynachan, Lochindorb and Dava Moors SLA;
 - > Findhorn Valley and the Wooded Estates SLA;
 - > The Spey Valley SLA; and
 - > Deveron Valley SLA.
- SLAs are non-statutory regional landscape designations identified to protect and enhance local landscape qualities and to promote their enjoyment.
- 5.5.38 The Proposed Development directly crosses through 22 Landscape Character Types ('LCTs') with an additional 3 LCTs likely to have intervisibility due to proximity. The LCTs are described in **Section 7.3, Volume 2, Chapter 7 of the EIA Report**.
- Landscape Mitigation*
- 5.5.39 It is explained in the EIA Report that principal mitigation measures have been embedded in the design process and relate to the identification of a proposed alignment, to firstly avoid, and thereafter reduce as far as possible, landscape and visual effects. **Volume 2, Chapter 4 of the EIA Report** provides further explanation of the routeing and alignment processes and the mitigation hierarchy that has been applied.
- 5.5.40 The requirement for, and location of permanent tracks has also been carefully reviewed. As a result, these have been limited, where possible, to the minimum required for long term maintenance.
- 5.5.41 The key design mitigation to be applied during construction can be summarised as:
- > Minimising land clearance / vegetation removal as far as possible;
 - > Protection of existing features such as field boundaries;
 - > Maintaining the Proposed Development site in a tidy and contained condition;
 - > Controlling construction lighting (construction works would be focused within daytime periods only wherever possible, recognising in winter daylight is lost earlier, and some element of lighting may be required to ensure full working hours);
 - > Use of existing tracks where possible;

- > Utilise temporary access tracks where ground conditions allow; and
- > Removal of the construction compounds and all temporary construction materials would be undertaken after construction works are completed.

- 5.5.42 Design mitigation during the operational phase primarily relates to the gradual re-establishment of any disturbed ground cover along the route of the Proposed Development. The reinstatement would focus on native moorland where appropriate, replanting of areas of woodland, reflecting the local ground conditions and landscape character, ensuring a natural context to the proposed built form, and also providing ecological habitat to the locality.
- 5.5.43 The LVIA also takes into account the likely benefits of general mitigation measures concerning the use of good practice construction and restoration techniques, which would be applied during the construction and re-instatement phases of the Proposed Development. While the mitigation of impacts on landscape and visual receptors has been partially achieved through consideration of the routeing of the Proposed Development, some significant adverse effects on landscape and visual receptors would be inevitable.
- 5.5.44 Furthermore, a key assumption made is that following completion of the construction phase, re-stocking and replanting of areas of woodland would be likely to occur as additional mitigation measures. This planting would be likely to reduce the visibility of the Proposed Development in some instances and, over time, reduce the residual effects on both landscape and visual receptors.

Designated Landscapes

- 5.5.45 The assessment of impacts on designated landscapes has identified that there would be significant effects on the Spey Valley SLA and the Deveron Valley SLA.
- 5.5.46 The Proposed Development crosses the Spey Valley SLA for approximately 4.5 km, between the B9015 east of Orbliston, to the west of the A96 at Slorach's Wood and Ordiequish Hill. The SLA incorporates the broad floodplain of the River Spey between the Cairngorms National Park in the south and the Moray Firth to the north. There are existing detracting features through the SLA, however the addition of another OHL with taller towers is considered to further deteriorate visual amenity, perceptual qualities and the setting of the River Spey, locally, although the earth pillars and viewpoints are not physically impacted. Vegetation within the SLA is predominantly coniferous forestry and as such the Proposed Development would result in only limited perceptual changes during summer months. The effects would be localised to a section of the SLA only at year of opening (summer).
- 5.5.47 Management felling planting of commercial forestry back to the edge of the OC and forest edge fringe planting within the OC is likely establish by year 15 of operation. The planting would partially screen the lower to mid portions of towers on Ordiequish Hill and soften the appearance of the linear corridor of cleared forestry within the views from the Spey Valley, albeit the Proposed Development would remain prominent.
- 5.5.48 Despite the significant adverse effects on a localised portion of the SLA, overall, it is considered that the Proposed Development would not result in the special qualities of the Spey Valley SLA being significantly impacted.
- 5.5.49 The Proposed Development crosses through the Deveron Valley SLA for approximately 8 km, between Brownhill Plantation in the west (to the north of The Bin) and the A97 in the east. The OHL would affect some key views from this SLA, reducing the sense of remoteness and isolation which are key characteristics of the SLA.
- 5.5.50 Construction activity will be highly prominent, and felling will impact within and beyond the SLA boundary, albeit contained. On operation the Proposed Development will be seen as a new detracting feature through the landscape, however this would be localised and where the OHL crosses the River Deveron, the setting of the river is not assessed as highly sensitive albeit the effect is assessed as moderate adverse and significant. Replanted forestry would partially screen the lower to mid portions but impacts to visual amenity and perceptual qualities would remain. Despite the significant localised effects identified within part of the

SLA it is assessed that the Proposed Development would not result in a significant impact on the integrity of the Deveron Valley SLA.

Landscape Character

- 5.5.51 As noted previously, the Proposed Development crosses through 22 different LCT areas, as well as passing adjacent to three more. For the three adjacent LCTs only a small portion of views would be affected with views towards the Proposed Development being limited and localised.
- 5.5.52 Of the 22 LCTs directly impacted by the OHL traversing through them, two would be significantly impacted during the construction phase, with significant effects both on the LCT as a whole, and within a local section of the LCT (the area within closest proximity to the Proposed Development). These two LCTs (in order west to east) are:
- > LCT 229 Enclosed Farmland; and
 - > LCT 290 Upland Moorland and Forestry (Moray Council (MC) Section).
- 5.5.53 The completion of construction effects associated with construction which introduce uncharacteristic heights and vehicle movements to the area, and their removal would result in slightly lower impacts during operation for the wider LCT characteristics of LCT 229 and would reduce effects to non-significant at operation year of opening.
- 5.5.54 Localised effects on both of these LCTs would remain significant at all phases of operation.
- 5.5.55 For LCT 290 (MC section) effects would reduce slightly for the local level LCT characteristics at operation years of opening and reduce further by operation year 15 (summer), as a result of management felling planting of surrounding felled coniferous woodland and fringe planting to the edges of the Proposed Development (moderate to moderate adverse and moderate adverse). Effects on the overall LCT are not anticipated to reduce through all phases of operation.
- 5.5.56 Of the 22 LCTs through which the Proposed Development crosses, a further 15 LCTs were predicted to be significantly impacted at construction with a small, local portion of the LCT only. The LCTs with these localised significant effects are:
- > LCT 342 Farmed River Plains;
 - > LCT 228 Rolling Farmland and Woodland;
 - > LCT 225 Broad Steep-Sided Glen;
 - > LCT 222 Rocky Moorland Plateau – Inverness;
 - > LCT 223 Flat Moorland Plateau with Woodland;
 - > LCT 227 Farmed Strath – Inverness;
 - > LCT 221 Rolling Uplands – Inverness;
 - > LCT 291 Open Rolling Upland (THC Section and MC section);
 - > LCT 286 Narrow Wooded Valley – Moray & Nairn;
 - > LCT 284 Coastal Farmlands – Moray & Nairn;
 - > LCT 293 Low Forested Hills;
 - > LCT 288 Upland Farmland;
 - > LCT 27 (MC and AC Sections)
 - > LCT 32 Farmed and Wooded River Valleys; and
 - > LCT 20 Undulating Agricultural Heartland.

- 5.5.57 Management felling and planting of surrounding felled coniferous woodland would help to mitigate adverse effects on local landscape character and significant localised effects are anticipated to decrease to non-significant at year of opening and year 15 for LCT 291 (THC section only) and LCT 288.
- 5.5.58 The management felling planting of surrounding felled coniferous woodland and establishing forest edge fringe planting within the OC would help to mitigate adverse effects on local landscape character and significant localised effects are anticipated to decrease to non-significant at year 15 for LCT 221, 223, 227, 228, 286 and 284.
- 5.5.59 Significant localised effects would remain at all phases of operation for LCT 342, 225, 222, 291 (MC section), 293, 27 (both MC and AC sections, 32 and 20).
- 5.5.60 A further eight intersected LCTs were not considered to be significantly impacted at either construction or operational phases – LCT 220, 345, 346, 285 (both THC and Moray sections) 287, 19, 21 and 17.
- 5.5.61 Potential further mitigation (subject to feasibility, agreements or consent) are identified and recorded within **Volume 2, Chapter 7 of the EIA Report**. Additional mitigation measures LV1 and LV2 would not result in changes to the significance of effects but would help to slightly soften views towards the Proposed Development.
- 5.5.62 In summary, the majority of effects arising in relation to landscape character would be localised and where effects on the character of an LCT as a whole arise these have been limited through mitigation and design such that when considered as a whole across the extent of the linear project, and relative to the significant nationally important benefits arising, the effects are not considered to fall contrary to Policy.
- Visual Effects*
- 5.5.63 A visual amenity assessment identified potentially significant effects on a range of visual receptors during construction and operational phases throughout the study area. The full assessment is contained in **Appendix 7.4: Visual Amenity Sensitivity and Effects within the EIA Report**.
- 5.5.64 A summary of effects on visual receptors is provided in **Table 7.18, Volume 2, Chapter 7 of the EIA Report**.
- 5.5.65 Residential receptors are generally considered to have the highest sensitivity; there would also potentially be significantly impacted recreational/amenity and transport receptors. Those identified as being significantly impacted are in summary:
- Residential**
- > 77 identified groups of residential receptors would potentially be significantly impacted during construction, of which 43 receptors groups are assessed as major adverse (from a total of 189 receptors groups);
 - > 72 identified groups of residential receptors would potentially be significantly impacted during operations year of opening (winter), of which 40 receptors groups are assessed as major adverse (from a total of 189 receptor groups);
 - > A total of 70 identified groups of residential receptors would potentially be significantly impacted during operation year of opening (summer), of which 37 receptors groups are assessed as major adverse (from a total of 189 receptors groups);
 - > A total of 68 identified groups of residential receptors would potentially be significantly impacted during operation year 15 (summer), of which 33 receptors groups are assessed as major adverse (from a total of 189 receptor groups).
- 5.5.66 Construction is therefore seen as a cause of a number of significant effects primarily due to the height of cranes and helicopters and uncharacteristic movements and activity associated with tower construction, access track construction and tree felling.

5.5.67 Operation year of opening (winter) would also have the potential to create the same number of impacted receptors as the height and scale of the Proposed Development cannot be readily screened or mitigated.

5.5.68 The magnitude and subsequent significance of effects would potentially decrease slightly in summer months due to deciduous trees providing some additional screening and filtering of views.

Recreational / Amenity

- > A total of 31 identified groups of recreational / amenity would potentially be significantly impacted during construction, of which five receptors are assessed as major adverse (from a total of 71 receptors);
- > A total of 31 identified groups of recreational / amenity receptors would potentially be significantly impacted during operation year of opening (winter), of which three receptors are assessed as major adverse (from a total of 71 receptors);
- > A total of 29 identified groups of recreational / amenity receptors would potentially be significantly impacted during operation year of opening (summer), of which two receptor groups are assessed as major adverse (from a total of 71 receptors);
- > A total of 29 identified receptors of recreational / amenity receptors would potentially be significantly impacted during operation year 15 (summer), of which two receptor groups are assessed as major adverse (from a total of 71 receptors).

5.5.69 For many recreational receptors, significant effects would only occur along a small portion of the route, which many sections of Core Paths or Long-Distance paths experiencing no change.

5.5.70 The recreational and amenity receptors specifically impacted are listed at **Paragraph 7.8.21, Volume 2, Chapter 7 of the EIA Report.**

Transport

- > A total of 22 identified groups or individual transport receptors would potentially be significantly impacted during construction, all of which are assessed as moderate adverse (from a total of 32 receptors);
- > A total of 20 identified groups of transport receptors would potentially be significantly impacted during operation year of opening (winter), all of which are assessed as moderate adverse (from a total of 32 receptor groups);
- > A total of 20 identified groups of transport receptors would potentially be significantly impacted during operation year of opening (summer), all of which are assessed as moderate adverse (from a total of 32 receptors);
- > A total of 20 identified groups of transport receptors would potentially be significantly impacted during operation year 15 (summer), all of which are assessed as moderate adverse (from a total of 32 receptors).

5.5.71 For most of the transport receptors, these significant effects would only occur along a small portion of the route as a result no major adverse or moderate to major adverse effects were identified.

5.5.72 The transport receptors significantly impacted are listed at **Paragraph 7.8.23, Volume 2, Chapter 7 of the EIA Report.**

5.5.73 The assessment of the potential cumulative landscape and visual effects resulting from the Proposed Development, in combination with related projects and 'third party' energy generation / transmission projects, has concluded that the Proposed Development would be likely to give rise to some significant adverse (localised) effects on both landscape and visual receptor, typically transient in nature.

Cumulative

- 5.5.74 Cumulative landscape and visual effects are likely throughout the 10 km Study Area, with significant cumulative effects anticipated primarily for those receptors in close proximity (localised effects) to both the Proposed Development and the cumulative development, except where there is potential for a concentration of cumulative developments around Keith on LCT 288.
- 5.5.75 In terms of Designated Landscapes, the cumulative assessment determines that the Proposed Development could result in a potential change from non-significant to significant effects on the Drynachan, Lochindorb and Dava Moors SLA during construction and operation, when considered cumulatively with the other unrelated developments of Cairn Duhie Wind Farm Redesign and Ourack Wind Farm.
- 5.5.76 The Proposed Development would result in cumulative significant landscape effects with Fanellan substation on localised portions of LCT 227 and LCT 229 during both construction and operations. In addition, it would also result in cumulative landscape effects with Greens substation and Netherton Hub on two LCTs increasing some effects from non-significant to significant but noting that such effects would be on localised portions of LCTs only. Likewise, a number of effects with other unrelated developments would increase LCT effects during construction only on a local portion of LCTs 290, 291, 221, 285, 21, 19 and 17 and on the overall character of LCT 293. During operation there would be a change from non-significant to significant on a local portion of LCTs 290, 291, 221, 285 and 19, and a change to a significant effect on the overall character of LCT 293.
- 5.5.77 In the area around Keith when considering all developments together within the cumulative study, with the Proposed Development, there would be a predicted change to significant cumulative effect on the overall landscape at LCT 288 during construction and operation.
- 5.5.78 As regards cumulative effects on Visual Amenity, the Proposed Development, when considered with Fanellan and Greens substation and Netherton Hub would result in cumulative visual effects on five residential receptors groups, one recreational receptors groups and one transport receptors group, during both construction and operation. The effects on three of these groups would result in a change to significant effects, from non-significant. Cumulative effects from other developments would result in an anticipated change from non-significant to significant visual effects for 29 residential receptors groups and three recreational receptors groups during construction, reducing to 23 residential receptor groups and two recreational receptor groups during operation.

Kellas Alternative Alignment

Designated Landscapes

- 5.5.79 There would be no changes to the assessment of significant effects as a result of the Kellas Alternative Alignment on any designated landscape.

Landscape Character

- 5.5.80 The Kellas Alternative Alignment would be slightly more noticeable from within the localised portion of LCT 285 immediately adjacent, despite it being located on slightly lower ground. Effects would therefore be considered to increase slightly to become significant on a localised portion of LCT 285 only. Within LCT 290 both alignments are situated on open upland moorland and would introduce a highly prominent new vertical feature through the open landscape. Despite the Kellas Alternative Alignment being located on slightly lower ground, both alignments are considered to result in the same significant effects during both construction and operation.

Visual Receptors

- 5.5.81 The Kellas Alternative Alignment would be situated closer to visual receptors to the north and would result in slightly increased impacts on residents at Dallas (MOR-R-14), to the north off Hart Hill (MOR-R-20) and to the north of Brown Muir and the south of Elgin (MOR-R-21) and

would increase the impact on visitors to Glenlatterach Reservoir and users of informal paths (MOR-REC-25).

- 5.5.82 The Kellas Alternative Alignment would result in a considerable increase in impact for residential receptors between the Hill of the Wangie and the Meikle Hill / Mill Buie (MOR-R-16) and in the valley between Buinach Hill and The Drum / Mill Ourt (MOR-R-17). Effects here increase from non-significant with the proposed OHL alignment, to significant with the Kellas Alternative Alignment, due to proximity, resulting in an increase in the perceived degree of change in views.
- 5.5.83 Similarly for visitors to Dallas Castle (ruin) (MOR-REC-25) and users of the B9010 (MOR-T-3) effects would change from non-significant to significant with the Kellas Alternative Alignment due to its increased prominence and proximity within the view. For users of Scotland Heritage Path 'Mannoch Road' (MOR-REC-9) effects would slightly decrease due to the Kellas Alternative Alignment being on slightly lower ground and better screened from the path.

Cumulative

- 5.5.84 The Kellas Alternative Alignment would result in the same cumulative effects as above.

Landscape and Visual Conclusions

- 5.5.85 Overall, the Proposed Development would result in significant adverse effects on a number of both landscape and visual receptors. Given the scale and extent of development this is not unexpected and is provided for within Policy. Extensive work has been undertaken during the previously project stages to ensure the avoidance of the most sensitive landscapes (such as National Parks) and larger centres of population, as well as considering topography and vegetation to provide a 'backcloth' wherever possible. Notwithstanding this approach, predominantly localised significant adverse landscape and visual effects would be likely at both construction and operation year of opening (winter and summer) and year 15 (summer).
- 5.5.86 Significant localised effects would remain for the Spey Valley SLA and the Deveron Valley SLA (Moderate Adverse or above), those being the SLAs within which the Proposed Development passes directly.
- 5.5.87 Of the 22 LCTs through which the Proposed Development crosses, two (LCT 229 Enclosed Farmland and LCT 290 Upland Moorland and Forestry (MC Section) would be significantly impacted during construction, with significant effects (Moderate Adverse or above) both on the LCT as a whole, and within a local section of the LCT (where it is in closest proximity to the Proposed Development). Effects on LCT 229 as a whole would reduce to non-significant upon operation. Localised effects would remain in close proximity to the Proposed Development. Localised effects on a further 15 LCTs are predicted during construction. Significant localised effects would remain on operation for eight LCTs namely: LCT 342, 225, 222, 291 (MC section), 293, 27 (both MC and AC sections) 32, and 20.
- 5.5.88 The Visual Amenity assessment has identified potentially significant effects on a range of visual receptors during both construction and operational phases within the Study Area.
- > A total of 77 identified groups of residential receptors would potentially be significantly impacted during construction, of which 43 receptors groups are assessed as Major Adverse (from a total of 189 receptor groups);
 - > A total of 72 identified groups of residential receptors would potentially be significantly impacted during operation year of opening (winter), of which 40 receptors groups are assessed as Major Adverse (from a total of 189 receptors groups);
 - > A total of 70 identified groups of residential receptors would potentially be significantly impacted during operation year of opening (summer), of which 37 receptors groups are assessed as Major Adverse (from a total of 189 receptors groups);

- > A total of 68 identified groups of residential receptors would potentially be significantly impacted during operation year 15 (summer), of which 33 receptor groups are assessed as Major Adverse (from a total of 189 receptors groups).

- 5.5.89 Recreational and Amenity receptors have a similar or slightly lower sensitivity than residential receptors, and with views being typically transient (e.g. a Core Path), or temporary (such as visitors to a cemetery). For many recreational receptors, significant effects would only occur along a small portion of the route, with many sections of Core Paths or Long-Distance paths experiencing no change.
- 5.5.90 Transport receptors have a slightly lower sensitivity and residential receptors, and with views being transient and changing, often at quite high speed, the magnitude of change is lessened. For most of the transport receptors, significant effects would only occur along a small portion of the route. No Major Adverse or Moderate to Major Adverse effects are identified.
- 5.5.91 Mitigation has primarily been embedded through the design process with potential additional mitigation to be employed where possible being clearly set out and assessed. These measures, given the scale of the Proposed Development, are likely to only slightly soften views towards the Proposed Development but would not result in changes to the significance of effects overall.
- 5.5.92 On the whole, given the extent and nature of Proposed Development, and the predominantly localised effects arising, with some exceptions, considered commensurate with the scale of the development, the Proposed Development is considered to be in accordance with Policy 11(e)(ii) and NPF4 Policy 4 (discussed further in Section 5.7 below).

Policy 11(e)(iii) - Public Access

- 5.5.93 The potential effects of the Proposed Development on public access have been assessed within **Volume 2, Chapter 14: Tourism and Recreation of the EIA Report**. The study area assessed for effects arising within the three local planning authority areas.
- 5.5.94 Although tourism impact is not a consideration in Policy 11, the assessment concluded that the effect on the availability, accessibility and amenity of tourist and recreational assets during construction would not lead to the loss of any recreation and / or tourist facilities or land associated with recreational and tourist resources.
- 5.5.95 An Outline Access Management Plan ('OAMP') has been prepared and submitted which confirms that all public access routes would be maintained throughout the construction of the Proposed Development. Construction works will be required to give priority to recreational users on the water, therefore maintaining public access to recreational waterway activities, such as kayaking and canoeing. Whilst it is expected that the construction and operation of the Proposed Development may impact on access, availability and amenity experienced by users of recreational and tourist facilities in a worst-case scenario are expected to be negligible to minor adverse across all local authority areas and therefore not significant.

Policy 11(e)(iv)(v) - Aviation, Defence Interests and Telecommunications

- 5.5.96 The Proposed Development will not give rise to any negative effects on the topics of aviation, defence and telecommunications. Whilst the detailed assessment of these topics was scoped out of the EIA, the Applicant has held detailed discussions with the Ministry of Defence (MoD) and Telecoms Operators to confirm that potential impacts on telecoms masts, including those for emergency services have been considered and built into the design and an Aviation Risk Assessment has been undertaken and no significant effects arise.

Policy 11(e)(vi) - Impacts on Road Traffic and Trunk Roads

- 5.5.97 The effects of the Proposed Development on road traffic and transport effects have been undertaken. **Volume 2, Chapter 13: Transport of the EIA Report** provides an assessment of the potential effects of construction on the surrounding public road network and sensitive receptors.

- 5.5.98 Operational traffic is considered to be so low that its effect would be negligible and has been scoped out of further assessment.
- 5.5.99 Baseline traffic flows were established, and sensitive receptors identified for the construction traffic routes to the Site and an assessment was undertaken. The overall increase in vehicle trips compared to the existing capacity of the road network has been assessed as low. As such it is considered that the existing road network can accommodate the anticipated temporary increase in traffic generated by construction activities, and that the effects predicted are not significant.
- 5.5.100 In terms of cumulative impact, it is considered that the coincidence of the construction phases is not predicted to result in significant cumulative traffic effects on the road network. Where data is available, the study has demonstrated that there is spare capacity on the local road network to accommodate the predicted level and type of vehicles associated with the various scenarios.
- 5.5.101 Mitigation measures are proposed via the approval Construction Traffic Management Plan (CTMP) which would reduce residual effects to minor adverse and not significant.
- Policy 11(e)(vii) - Historic Environment**
- 5.5.102 **Volume 2, Chapter 11: Cultural Heritage of the EIA Report** addresses the potential effects of the Proposed Development in relation to cultural heritage assets. There are 425 heritage assets noted within the LoD for the Proposed Development, consisting of 14 designated heritage assets and 411 non-designated heritage assets. The assessment identified that there would be predicted impacts from physical impacts during construction on 79 non-designated assets, including four within the Kellas alternative alignment.
- 5.5.103 A slight adverse significance of effect on the Beaufort Castle GDL during construction as a result of tree felling at its northern edge is predicted.
- 5.5.104 The assessment also concluded there would be a number of significant effects on non-designated heritage assets, prior to mitigation. Mitigation measures are proposed which would remove or reduce predicted impacts. Following this additional mitigation, and after further assessment, only one non-designated asset results in a residual moderate adverse (significant) effect – Cairnfield and hut circle, Cottartown (ND66). The effects on this asset cannot be avoided, the mitigation requirements proposed would, however, minimise the impacts through excavation, recording, analysis, archiving, and publication, ensuring preservation of the hut circle by record.
- 5.5.105 There are 393 designated heritage assets within the LoD and 2 km study area, with an additional 27 designated assets added following HES consultation.
- 5.5.106 The assessment noted there would be two moderate adverse and 52 slight adverse effects on the heritage assets during operation, prior to mitigation. The moderate adverse (significant) effects would be on two scheduled monuments:
- > Mains of Daviot Farm, ring cairn and stone circle 600 m NNE of (SM3085; S20); and
 - > Hare Stone, stone circle 480 m NW of Feith-Hill (SM338: S47).
- 5.5.107 Mitigation (potentially undergrounding) to reduce the impacts to Mains of Daviot Farm, ring cairn and stone circle would be put in place resulting in a residual effect of slight adverse, and not significant. Mitigation is discussed in greater detail below and within the EIA Chapter.

- 5.5.108 No mitigation measures are recommended for the Hare Stone, stone circle, as mitigation to reduce these impacts would require blocking or screening views of the Proposed Development using landscape planting around the scheduled monument, which in itself would cause an impact through changes within the setting of a heritage asset, which is not recommended as appropriate mitigation.
- 5.5.109 As such, the assessment concludes that the impacts on Hare Stone, stone circle would result in significant effects. However, there would not be a significant adverse impact on the integrity of the setting of the stone circle as it would retain the key relationships with the small burn that it overlooks, and other key aspects would be retained to allow for the stone circle to be adequately understood, appreciated and experienced.
- 5.5.110 A more detailed policy appraisal of the Proposed Development is set out below in the context of NPF4 Policy 7 (Historic assets and places).

Policy 11(e)(vii) - Hydrology, The Water Environment and Flood Risk

- 5.5.111 **Volume 2, Chapter 10: Water and the Geological Environment of the EIA Report** presents the appraisal of potential effects on the water environment resulting from the Proposed Development.
- 5.5.112 The assessment includes consideration of potential effects on Drinking Water Protected Areas ('DWPAs') and private water supplies ('PWS') and on habitats which could be sustained by groundwater (Groundwater Dependent Terrestrial Ecosystems ('GWDTE')).
- 5.5.113 In light of the commitment to adopt best practice construction techniques and additional mitigation including a project specific detailed CEMP, no significant adverse effects on the water environment have been identified. The CEMP will include provision for drainage management plans which will be agreed with statutory consultees, including SEPA, and which will be used to safeguard water resources and manage flood risk.
- 5.5.114 A commitment to deploy Sustainable Drainage Systems ('SuDs') has been made in the EIA Report. The CEMP will also include provision of a Pollution Prevention Plan ('PPP') which would be agreed with statutory consultees, including SEPA, prior to commencement of construction or dismantling works.
- 5.5.115 A programme of baseline and construction phase water quality monitoring is proposed in order to confirm that the Proposed Development does not have a significant effect on the water environment. The monitoring programme would be used to ensure PWS, DWPAs and water-dependent designated sites are safeguarded.
- 5.5.116 No significant cumulative effects are identified post mitigation.
- 5.5.117 Further consideration of how the Proposed Development accords with NPF4 Policy 22, Flood Risk and Water Management is provided below.

Policy 11(e)(vii) - Geology and Soils

- 5.5.118 An assessment of the likely effects of construction and operation on geology, peat and soils (the geological environment) is presented in **Volume 2, Chapter 10: Water and the Geological Environment of the EIA Report**.
- 5.5.119 The design of the Proposed Development has been informed by a detailed programme of peat depth probing as required by NPF4 Policy 5 (Soils) and more detail with regard to Policy 5 is provided in Section 5.8 below. It is explained in the EIA Report that the Proposed Development has been designed to avoid areas of significant deep peat as much as possible. The assessment of peat and carbon rich soils has considered all proposed infrastructure and potential associated effects.
- 5.5.120 The amount of peat that is unable to be reused within the temporary infrastructure (3,147 m²) is relatively small and there may be opportunities to reduce this volume further through micro-siting and also through the reuse of peat along the track verges.

- 5.5.121 The assessment has concluded that with regard to soils (including peat) and geology, that the potential effect of the Proposed Development on the Torvean Landforms Site of Special Scientific Interest ('SSSI') is not significant following consultation with NatureScot to ensure tower positions are such that they avoid the key Torvean SSSI features of interest.
- 5.5.122 The potential effects of the Proposed Development on the geological environment have therefore been assessed as not significant in relation to the disturbance of deep peat, loss and compaction of peat and soils, the impact on solid geology, geological designations and contaminated land across all sections.
- 5.5.123 In light of the commitments to adopt best practice construction techniques and a site-specific CEMP, no significant adverse effects on the geological environment have been identified within the construction phase. In addition, during the operational phase, no significant effects on the geological environment are expected.

Policy 11(e)(ix) - Biodiversity

- 5.5.124 **Volume 2, Chapters 8: Ecology and 9: Ornithology of the EIA Report** present the assessments of the potential effects on ecology and ornithology as a result of the Proposed Development.

Ecology

- 5.5.125 The Proposed Development has been designed to minimise impacts on designated sites, important habitats, peatland and protected species as far as practicable. This has been achieved through embedded mitigation and an iterative design process. Further commitments to specific mitigation measures during all stages of development from pre-construction through to operation, have enabled potential effects on habitats and species present to be assessed as not significant. A schedule of mitigation is provided in **Volume 2, Chapter 18: Schedule of Mitigation, of the EIA Report**.
- 5.5.126 Seventeen sites designated for non-avian ecological features were identified as having the potential for impact by the Proposed Development. All impacts on designated sites have been mitigated through mitigation by design, embedded mitigation and additional mitigation measures.
- 5.5.127 Targeted protected species surveys were undertaken to identify field evidence and to assess suitability for habitat. Of those assessed, all impacts on protected species, except bats, have been fully mitigated through mitigation by design, embedded mitigation and additional mitigation measures. With additional mitigation in place (including sensitive timing of works, sensitive lighting, compensation and monitoring) and the application of the Conservation (Natural Habitats &c.) Regulations 1994 ('1994 Habitats Regulations') for licensing works affecting bats, it is anticipated that the magnitude of impacts to bats which may be using the Proposed Development can be reduced. Any residual effects would however remain significant at a district scale in all local authority areas, which is what determines the effect as 'significant' in EIA terms; however, the effect is assessed as minor in nature, meaning a detectable change is predicted but it is not one which will affect the overall conservation status of bats.
- 5.5.128 A Habitats Regulations Appraisal Report ('HRA Report') was prepared. It concluded that the Proposed Development would result in a likely significant effect on a number of European Sites (as listed in **Table 8.5, Volume 2, Chapter 8: Ecology of the EIA Report**). It further concluded that the Proposed Development, whether alone or in combination with other plans or projects, will not adversely affect the integrity of any of the European sites.
- 5.5.129 As of 9th July 2025, Scotland's Chief Planner has directed that all listed Ramsar sites in Scotland should be treated as if they were European sites for the purposes of land use change decision making. Assessments have incorporated this approach as best practise.
- 5.5.130 An outline Habitat Management Plan ('oHMP') has been prepared, and it is anticipated to offset the loss of woodland or peatland habitat.

- 5.5.131 Further assessment of these effects against NPF4 Policy 4 (Natural places) and Policy 5 (Soils) and consistency with policy provisions and the overall planning balance is provided in Section 5.7 and 5.8 below.
- 5.5.132 Ancient woodland (1a and 2a) is affected by the Proposed Development. Additional mitigation comprising an area of 32.05 ha of woodland edge planting throughout the Proposed Development is proposed. Additionally, landscape screen planting will also contribute to compensation and replacement. A significant residual effect is retained due to the loss of irreplaceable habitat. Further reference to woodland impact is addressed with regard to NPF4 Policy 6 (Forestry, woodland and trees) below.
- 5.5.133 Significant effects to blanket bog are predicted due to habitat loss. Additional mitigation in the form of reuse of peat within the temporary infrastructure areas, or in reinstatement of earthworks is proposed. Areas of blanket bog where stringing of wires is required will require these wires to be installed on foot to provide further protection. **Volume 2, Chapter 8 of the EIA Report** discusses irreplaceable blanket bog (bog in good or moderate condition) in **paragraph 8.4.92**. It notes that it is this category of bog that will need to be compensated, and the proposed compensation approach is described in more detail in **Appendix 8.3 BNG Assessment Report**. Out with these specific areas, the effects on non-irreplaceable bog are not significant for the Proposed Development along. An approach of avoidance has been taken through all stages of the project, and further micro-siting in the detailed design stage will seek to avoid further blanket bog wherever possible.
- 5.5.134 Cumulative effects have been assessed and are reported within the EIA Report. Overall effects are assessed as significant due to there being insufficient detail from other projects covered in the cumulative assessment. However, it is assumed that these projects have followed the mitigation hierarchy but in the absence of the same level of details as for the Proposed Development, and as such the precautionary principle has been applied and a potential significant cumulative effect is recorded – for all projects in combination, and not for the Proposed Development in isolation.
- 5.5.135 As regards bats, a cumulative loss of roosting resources is identified and the overall cumulative impact on bats is assessed as significant. Additional mitigation is proposed in the form of compensatory measures and monitoring which aim to reduce effects where possible, particularly with proposed measures to further avoid roosts during detailed design stage and detailed licensing and compensatory measures proposed thereof.
- 5.5.136 No further significant cumulative effects are predicted.
- 5.5.137 Consideration of potential biodiversity enhancement measures arising from the ecological assessment are considered within the **BNG Assessment Report (Appendix 8.3 of the EIA Report)**. Measures include natural regeneration of habitats post construction, with additional specific targeted management interventions for woodland, hedgerows and blanket bog which would be incorporated together with the Applicant's commitment to biodiversity enhancement by way of 10% net gain on all projects, as set out in general terms in **Annex C to Appendix 8.3 of the EIA Report Volume 3, 'Biodiversity Net Gain Assessment Report'**.
- 5.5.138 Biodiversity is addressed in more detail in Section 5.6 below in the context of NPF4 Policy 3 (Biodiversity).
- Ornithology
- 5.5.139 **Volume 2, Chapter 9: Ornithology, of the EIA Report** assesses the potential effects of the Proposed Development on important ornithological features ('IOFs') from construction, operation and decommissioning of the Proposed Development. Additionally, the HRA Report has been submitted to inform an assessment of effects on European designated sites of nature conservation interests, including those designated for their ornithological features. As detailed previously such sites now include Ramsars per the Chief Planners letter in July 2025, and these assessments have been completed in line with best practise such that these features are included. Following the Appropriate Assessment, consideration of mitigation options, and other schemes in the surrounding areas, it is concluded that the Proposed

Development will not undermine the Conservation Objectives of any International Sites, and therefore, there will be no adverse effect on their integrity.

- 5.5.140 International statutory designated sites with ornithological interests within 10 km of the Proposed Development, extended to 20 km for site designated for overwintering geese are identified in **Table 9.6, Volume 2, Chapter 9 of the EIA Report**. The Site itself does not overlap with any International statutory designated sites with ornithological interests as such sites were avoided during the Proposed Developments design evolution as part of embedded mitigation. There are however 14 such sites / site complexes within the 20 km Study Area.
- 5.5.141 There is one SSSI within 2 km of the Proposed Development notified for its ornithological interests – the Beauly Firth SSSI which is located approximately 0.5 km north of the Proposed Development and which underpins the Inner Moray Firth SPA.
- 5.5.142 **Table 9.7, Volume 2, Chapter 9 of the EIA Report** provides a summary and distribution of Target Species within the Study Area. A summary of raptors and their presence is provided thereafter.
- 5.5.143 Designated site and species identified as IOFs are presented in **Table 9.13, Volume 2, Chapter 9 of the EIA Report**.
- 5.5.144 A number of features were able to be scoped out of further assessment where effects are deemed to be below predefined thresholds or where predicted effects are unlikely to occur.
- 5.5.145 Mitigation is set out within the assessment. Embedded mitigation included avoidance of designated site and areas used by associated qualifying species out with those sites. The Proposed OHL alignment has also avoided, as far as possible, important areas for species of conservation concern and areas possessing habitats which support high species diversity (e.g. woodlands known to support capercaillie and common crane, and semi natural woodland and wetland habitats).
- 5.5.146 A series of additional mitigation and enhancements measures are proposed which include habitat management measures and the adopted of Species Protection Plans ('SPP') for capercaillie during construction. In the operational phase collision risk measures are proposed via the use of line markers in key locations. In addition, further measures to reduce collision risk and disturbance for capercaillie where it traverses Dulsie Wood and associated woodlands are proposed.
- 5.5.147 No significant impacts, post mitigation, are predicted for any bird species during the construction or operation of the Proposed Development.

Policy 11(e)(x) - Trees, Woods and Forests

- 5.5.148 An assessment of potential significant construction and operational effects of the Proposed Development on forestry and woodland has been undertaken and is reported in **Volume 2, Chapter 12: Forestry of the EIA Report**. Mitigation by way of embedded design to route optioneering to avoid or minimise effects has been undertaken. In addition, good practice in terms of adherence to best practise is proposed.
- 5.5.149 It is explained in the assessment that the Proposed Development will result in the felling of 471.05 ha of woodland. This includes 376.16 ha of commercial woodland, 86.75 ha of native woodland, 4.53 ha of broadleaved woodland and 3.61 ha of ancient woodland (1a & 2a).
- 5.5.150 In the forests adjacent to the OC, it is anticipated that a further 684.72 ha of management felling of woodland will be required to mitigate the risk of windblow, comprising 683.40 ha of commercial forestry and 1.32 ha of native woodland.
- 5.5.151 For the Kellas alternative alignment, the estimated woodland loss includes 11.84 ha of commercial forestry and 2.41 ha of native woodland to accommodate the OHL and access tracks.
- 5.5.152 As the Proposed Development would result in the permanent loss of forestry or woodland, the Applicant is committed to the provision of compensatory planting offsite to meet the

Scottish Government Policy on woodland removal. The proposals meet the objective of no net loss of woodland in that regard.

- 5.5.153 The construction effect on both ancient woodland and semi-natural broadleaved woodland is considered in the assessment to be a significant adverse effect.
- 5.5.154 The policy wording is clear that development proposals will not be supported where they will result in any loss of Ancient Woodland or ancient and veteran trees. As such, there is some non-accordance with Policy 6 (see section 5.9 below for detailed assessment).
- 5.5.155 Nonetheless, it is also clear (as noted above) that conflicts among the NPF4 policies are to be expected. When one considers the overall planning balance, it is important to note that the Proposed Development has sought to minimise this impact through the application of their detailed routeing strategy and embedded mitigation within the design and alignment.
- 5.5.156 The Proposed Development represents an optimal solution against all environmental and technical assessments and has sought to minimise overall impact on trees and forestry wherever possible. The scale, nature and required OHL route location is such that an impact on woodland is considered to be unavoidable. However, the mitigation hierarchy has been applied to minimise impacts and the wider BNG strategy will result in a range of biodiversity benefits which can offset impacts.
- 5.5.157 The overall impact on forestry and predicated significant effects on ancient and native woodland addressed in more detail below in relation to NPF4 Policy 6.

Balancing the Contribution of a Development and Conclusions on Policy 11

- 5.5.158 Part e) ii) of NPF4 Policy 11 (Energy) makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of energy proposals. There is a very clear steer that significant effects are to be expected, and where localised and/or there has been consideration given to design mitigation, they should generally be acceptable.
- 5.5.159 A limited number of significant effects arise relative to the provisions of Policy 11 namely landscape and visual effects (largely localised), also including significant effects on two SLAs, residential amenity, blanket bog habitat, bats, recreational assets (during construction), cultural heritage assets (but not on integrity of setting) and ancient woodland. Given the scale and geographical coverage of the Proposed Development it is considered that the resultant findings of significant effects are proportionate.
- 5.5.160 The Proposed Development has sought to avoid and minimise impacts so far as possible via embedded and additional mitigation and residual effects would be managed and further mitigated as far as practicable. Notwithstanding this approach it has not been possible to reduce all effects to non-significant levels as regards bats (district level) and ancient woodland in particular.
- 5.5.161 The Proposed Development is considered to be acceptable in relation to Policy 11's environmental and technical topic criteria when considered as a whole and relative to the overall significant benefits the Proposed Development will bring in delivering essential and nationally important infrastructure. The additional transmission capacity would support the required need for a significant increase in the capacity of onshore and offshore electricity transmission infrastructure to delivery 2030 targets and support the pathway to net zero across GB, ensuring both Scottish and UK Government commitments are met.
- 5.5.162 The second last paragraph of Paragraph e) of Policy 11 is expressly clear that in considering any identified impacts of developments, significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets.
- 5.5.163 The various impacts set out in Policy 11 (e) have been fully addressed in relation to impacts that could arise and appropriate design and mitigation has been applied. The policy intent has therefore been achieved.

- 5.5.164 The “contributions” are inextricably related to the increase in renewable capacity which the Proposed Development is required to provide transmission for, and policy recognises that any identified impacts must be assessed in the context of these contributions.
- 5.5.165 In terms of contribution to targets, the proposal’s contributions have been set out in Chapter 3 above. The importance of delivering grid infrastructure is a critical consideration and one which is provided strong support within NPF4 having National Development status. Additionally, the need for the project has been established via NESO’s Pathway to 2030 projects whereby there is a confirmed need for a significant and strategic increase in the capacity of onshore and offshore electricity transmission infrastructure to deliver 2030 targets and support the pathway to net zero across Great Britain and Scotland and both the UK and Scottish Governments commitments to meet legally binding net zero targets by 2050 and 2045.
- 5.5.166 The proposal’s contribution towards meeting Government targets for net zero have been clearly set out in Chapters 1 and 4 above. Overall, the Proposed Development is considered to be in accordance with NPF4 Policy 11.

5.6 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

- 5.6.1 Policy 3 has an intent to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. The stated outcomes of the policy are that biodiversity is enhanced and better connected, including through strengthened nature networks and nature-based solutions.
- 5.6.2 Policy 3 requires developments to, wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided.
- 5.6.3 **Paragraph a)** of the Policy states that *“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”*.
- 5.6.4 **Paragraph b)** states that:

“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.”
- 5.6.5 The policy goes on to reference the need for an understanding of the existing characteristics of a site and states that an assessment of potential negative effects should be undertaken which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements.
- 5.6.6 **Paragraph b) iv)** of the policy sets out a requirement that *“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.”*
- 5.6.7 **Paragraph d)** adds 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. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services the natural environment*

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

Current Guidance Position

- 5.6.8 The **letter from the Chief Planner issued on 8 February 2023** refers to the application of Policy 3 where specific supporting guidance / parameters for assessment are not yet available to aid assessments.
- 5.6.9 NPF4 Policy 3 Biodiversity is specifically recognised therein as one such policy area where final guidance is not yet available. The Chief Planner’s letter states:
- “...recognising that currently there is no single accepted methodology for calculating and / or measuring biodiversity ‘enhancement’ – we have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise for opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case”.* (underlining added)
- 5.6.10 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance, but a timescale for the production of such guidance is at present unclear.
- 5.6.11 The Scottish Government published ‘**Draft Planning Guidance: Biodiversity**’ in November 2023. Paragraph 1.1 states that it:
- “Sets out the Scottish Minister’s expectations for implementing NPF4 policies which support the cross cutting NPF4 outcome ‘improving biodiversity.’”*
- 5.6.12 The guidance refers to ‘key terms’ and regarding relation to ‘enhancement’, states at Paragraph 1.10:
- “The terms ‘enhance’ and ‘enhancement’ are widely used in NPF4. In order for biodiversity to be ‘enhanced’ it will need to be demonstrated that it will be in an overall better state than before intervention, and that this will be sustained in the future. Development proposals should clearly set out the type and scale of enhancements they will deliver”.*
- 5.6.13 The guidance addresses development planning and, in terms of development proposals, references ‘core principles.’ At Paragraph 3.1 the guidance states that these principles can be followed when designing developments so that nature and nature recovery are an integral part of any proposal. Section 3.2 of the guidance states:
- “Applying these principles will not only help to secure biodiversity enhancements, they can also help to deliver wider policy objectives including for green and blue infrastructure, open space, nature-based solutions, nature networks and 30 x 30. Development proposals which follow these steps are also much more likely to result in more pleasant and enriching places to live, work and spend time.”*
- 5.6.14 The principles set out are as follows:
- > Apply the mitigation hierarchy;
 - > Consider biodiversity from the outset;
 - > Provide synergies and connectivity for nature;
 - > Integrate nature to deliver multiple benefits;
 - > Prioritise on-site enhancement before off-site delivery;
 - > Take a place-based and inclusive approach;
 - > Ensure long term enhancement is secured; and

- > Additionality (ensuring that enhancement delivered is additional to any measures which would have been likely to happen in the absence of the development).

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

5.6.16 Page 15 of the draft guidance makes specific reference to determining planning applications and, with regard to the policy context, Paragraph 4.1 makes it clear that NPF4 must be read and applied as a whole. Specific reference to NPF4 Policy 3 (Biodiversity) Part 3 b) is made and at Section 4.6 key points in the guidance include the following:

- > It is set out that NPF4 does not specify or require a particular assessment approach or methodology to be used, although the policy makes clear that best practice assessment methods should be utilised; and
- > Assessments can be qualitative or quantitative (for example through use of a metric).

5.6.17 Section 4.12 of the guidance states:

“In the meantime, the absence of a universally adopted Scottish methodology/tool should not be used to frustrate or delay decision making, and a flexible approach will be required. Wherever relevant and applicable, and as indicated above, information and evidence gathered for statutory and other assessment obligations, such as EIA, can be utilised to demonstrate those ways in which the policy tests set out in NPF4 have been met. Equally, where a developer wishes to use an established metric or tool, the planning submission should demonstrate how Scotland’s habitats and environmental conditions have been taken into account. Where an established metric or tool has been modified, the changes made and the reasons for this should be clearly set out”.

5.6.18 Section 4.14 of the guidance states that it will be for the decision maker to determine whether the relevant policy criteria have been met, taking into account the circumstances of the particular proposal. The guidance adds:

“NPF4 does not specify how much enhancement or ‘net gain’ should be delivered, though biodiversity should clearly be left in a ‘demonstrably better state’ than without intervention. Rather, the selection and design of enhancements will be a matter of judgement based on the circumstances of the individual case, taking into account a range of considerations.”

5.6.19 The guidance makes reference to the various considerations which are already set out in the NatureScot guidance issued in the Summer of 2023 with regard to NPF4 Policy 3 (as listed above).

5.6.20 The draft guidance also makes reference to off-site delivery of enhancement proposals and states at Paragraph 4.19 that:

“Where the relevant policy tests cannot be met on site, off-site provision may be considered alongside on site. In these circumstances, off-site delivery should be as close as possible to the development site, with consideration being given firstly to the immediate landscape context and existing ecological value of the site.”

5.6.21 In early 2024 **NatureScot consulted on ‘a Biodiversity Metric for Scotland’s Planning System’**. The consultation ended on 10 May 2024. The consultation paper outlines work that NatureScot has been commissioned by the Scottish Government to develop; a biodiversity metric for Scotland’s planning system, to support delivery of NPF4 policy 3(b).

5.6.22 This consultation paper does not propose solutions or reach conclusions on specific aspects of the Scottish biodiversity metric to be developed, as these are yet to be fully assessed. While work on developing a Scottish biodiversity metric is ongoing, NatureScot highlight the advice set out in the Scottish Government’s draft Planning Guidance on Biodiversity, as referenced above, namely that the absence of a universally adopted Scottish methodology / tool at the present time should not be used to frustrate or delay decision making

- 5.6.23 The commission's final outputs will include:
- > a Scottish biodiversity planning metric tool (to be hosted on the NatureScot website), which is based on current understanding of science and evidence, clear and transparent in its workings, accessible and easy to use by relevant professionals with outputs understandable by decision makers, and which informs siting and design of development as well as evidence-based decision making;
 - > a user guide supporting the metric (together with any supporting information); and
 - > recommendations on any requirements for maintaining and updating the metric and supporting information.
- 5.6.24 The **Highland Council has also consulted upon and approved (May 2024) their own non-statutory Biodiversity Planning Guidance (BPG)**. The guidance is intended for use by THC, applicants and agents to ensure the consistent and proportionate implementation and interpretation of NPF4 Policy 3. The BPG sets out what supporting information is required to be submitted to demonstrate that conservation, restoration and enhancement as required by Policy 3 is provided.
- 5.6.25 Key matters include a flexible approach to the use of a Biodiversity Net Gain (BNG) metric in relation to all development proposals of any scale until such time as the Scottish Government defines its own Scottish metric to support biodiversity net gain calculations. In the interim period, whilst this metric is being developed and is released, THC 'recommend the English DEFRA metric, but do not require use of a metric'. The use of a 'distance multiplier' relative to the location of biodiversity from the development is also on hold until such time as the Scottish metric is agreed and released.
- 5.6.26 The BPG has set a requirement that biodiversity enhancement arising from development within the THC area must be delivered within the Highland geographical area.
- 5.6.27 The BPG has set out a desire for all development to deliver 10% biodiversity enhancement as a minimum. This ratio has been arrived at via benchmarking with England. However, as noted, until such time as a Scottish metric has been delivered the guidance allows applications (Major and National Development) to demonstrate significant biodiversity enhancement in alternative ways. Such proposals should clearly and robustly set out how policy will be met in this regard. Where 10% / significant enhancement cannot be met, on-site alternative measures should be proposed.
- 5.6.28 The BPG also puts in place provisions for a mechanism to be developed for a financial payment to be made to THC in exchange for THC taking responsibility for securing the delivery of biodiversity or enhancement. This option, whilst being retained in the guidance, will remain 'unavailable' until such time as a detailed and robust methodology to identify costs and delivery payments is prepared and agreed. In the meantime, the delivery of compensation and enhancement on land within the control of a developer but out with the development areas, and use of third party offset providers / brokers to deliver enhancement off-site, are provided as options for developers.
- 5.6.29 Aberdeenshire and Moray Council to date, have not adopted separate planning guidance on this topic.
- The application of Policy 3**
- 5.6.30 The Applicant has a business commitment for all projects gaining consent to deliver a minimum 10% Biodiversity Net Gain ('BNG'). This aligns with THC requirement for a minimum 10% enhancement on medium / large scale development. NPF4 Policy 3 requires projects to leave nature in a 'demonstrably better state than without intervention'.
- 5.6.31 Given the nature of the Proposed Development as a linear route in multiple ownerships it is not possible to agree on-site enhancement opportunities in all instances – constraints as regards ownership of land forming the OC and other such restrictions also require to be

considered. As a result, it is likely that a mixed on-site and off-site approach to biodiversity enhancement will be proposed.

- 5.6.32 **EIA Report, Volume 3, Appendix 8.3 'BNG Assessment Report'** details the BNG assessment undertaken for the Proposed Development and sets out the results of the BNG calculations and the approach the Applicant will take to delivering the BNG commitments. The applicant has established their own Biodiversity Project Toolkit to produce calculations, and this has been utilised for the Proposed Development.
- 5.6.33 The report found that the baseline units (BU) and post development biodiversity values within each Council to be:
- > Highland Council:
 - 1566.82 BU and 4.72 Linear Units-Hedgerow (LU(H)) (baseline)
 - 623.87 BU and 0 LU(H) (post development)
 - On-site biodiversity value within the site post development loss of 942.94 BU and 4.72 LU(H), equating to an overall decrease of 60% in BU and 100% decrease in LU(H)
 - > Moray Council:
 - Proposed Alignment
 - 1084.73 BU and 1.89 Linear Units-Hedgerow (LU(H)) (baseline)
 - 668.57 BU and 0 LU(h) (post development)
 - On-site biodiversity value within the site post development loss of 416.16 BU and 1.89 LU(H), equating to an overall decrease of 38% in BU and 100% decrease in LU(H)
 - Kellas alternative arrangement
 - 1082.90 BU and 1.89 Linear Units-Hedgerow (LU(H)) (baseline)
 - 661.32 BU and 0 LU(h) (post development)
 - On-site biodiversity value within the site post development loss of 421.58 BU and 1.89 LU(H), equating to an overall decrease of 39% in BU and 100% decrease in LU(H)
 - > Aberdeenshire Council:
 - 433.36 BU and 4.78 Linear Units-Hedgerow (LU(H)) (baseline)
 - 304.27 BU and 0 LU(h) (post development)
 - On-site biodiversity value within the site post development loss of 129.09 BU and 4.78 LU(H) equating to an overall decrease of 30% in BU and 100% decrease in LU(H)
- 5.6.34 Within the temporary footprint of the Proposed Development during construction, the majority of the impacted habitats are anticipated to regenerate naturally to baseline condition. Exceptions are areas of woodland, hedgerows, and blanket bog which would require management interventions to facilitate their recovery, where not within the permanent Proposed Development footprint. Where woodland would be removed, these areas are expected to develop into a habitat mosaic of bracken, grassland and scrub.
- 5.6.35 Due to the scale and complexity of the Proposed Development, management interventions are restricted to areas of blanket bog and therefore, off-site compensation is required to

ensure the Proposed Development has an overall 10% net gain in biodiversity. This can be achieved by targeting woodland, grassland and heathland creation off-site.

5.6.36 Irreplaceable Habitats are habitats which are technically very difficult or impossible to restore, recreate or replace once destroyed. The Applicant considers Irreplaceable Habitats within their network to be ancient woodland (categories 1a and 2a of the Ancient Woodland Inventory (AWI), individual ancient or veteran trees and blanket bog or raised bog in good or moderate condition. Any loss or deterioration of such habitat will be recorded, by area, out with the Toolkit to allow for bespoke compensation to be determined. The Proposed Development is predicted to result in a loss of 12.59 ha of Irreplaceable Habitats within Highland Council, 4.72 ha in Moray Council (proposed alignment), 4.99 ha (Kellas alternative arrangement). No such habitat loss is predicted in Aberdeenshire Council area.

5.6.37 The Irreplaceable Habitat loss across the whole Proposed Development constitutes:

Preferred Alignment:

- > 12.86 ha blanket bog;
- > 3.18 ha Category 1a plantation on ancient woodland site ('PAWS');

Kellas Alternative Alignment:

- > 13.14 ha blanket bog;
- > 3.18 ha Category 1a PAWS;
- > 1.26 ha Category 2a broadleaved ancient woodland.

5.6.38 The Applicant's commitment to delivering 10% BNG on all projects and their quantification of the approach to be taken, insofar as possible at this stage of the Proposed Development, and mindful of future agreements on delivery mechanisms is such that the proposals are considered to accord with the aims and objectives of Policy 3 of NPF4.

5.6.39 It is important to keep in mind that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of energy transmission and security within a modern grid network with enhanced capacity, to facilitate the earliest possible decarbonisation of the energy system and the achievement of 'net zero' no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

5.7 NPF4 Policy 4: Natural places

Policy 4 & Principles

5.7.1 The policy has an intent to protect, restore and enhance natural assets making best use of nature-based solutions. Policy outcomes are stated as being natural places are protected and restored, and natural assets are managed in a sustainable way that maintains and grows their essential benefits and services.

5.7.2 **Policy 4, Paragraph a)** of the policy 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.

5.7.3 **Policy 4 paragraph b)** refers to development proposals which are likely to have a significant effect on a European designated site and sets out in such circumstances the requirement for appropriate assessment.

5.7.4 An HRA Report has been prepared to inform an assessment and identifies that there is no effect on the integrity or qualities for which the designations have been identified. It concludes that the integrity of each European site will not be adversely affected by the Proposed Development.

- 5.7.5 **Policy 4, Paragraph c)** deals with national landscape designations in terms of how a proposal that affects a National Park, or a National Scenic Area ('NSA') should be addressed.
- 5.7.6 No national designations would be significantly affected as a result of the Proposed Development.
- 5.7.7 **Policy 4, Paragraph d)** deals with local landscape designations. Policy 4, Paragraph d) is as follows:
- "Development proposals that affect a site designated as ...a local 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".*
- 5.7.8 The policy follows a similar construct to that which deals with national level designations. The first limb of the policy refers to significant effects on the *"integrity"* of the area or *"the qualities for which it has been identified"*.
- 5.7.9 The policy set out in the second limb of NPF4 Policy 4, Paragraph d) provides that development proposals that affect a site designated as a local landscape area will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:
- > this policy provision, reflects the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or NSA) must be balanced against the benefits of a proposed development;
 - > the second limb is independent of the first ("or") and is to be applied where a decision-maker concludes that a proposed development will have significant adverse effects on the integrity of a local designation;
 - > NPF4, Policy 4, Paragraph d) now expressly includes a balancing mechanism (*"clearly outweighed by social, environmental or economic benefits"*) and sets out the threshold to be used (*"of at least local importance"*).
- 5.7.10 In considering this policy, it is informative to note the Reporter's position in the Sanquhar II Supplementary Inquiry Report. In that case (paragraph 2.70 of the Report), the Reporter made reference to the impact of the proposed development in relation to a Local Landscape Area, which in that case was a Regional Scenic Area ('RSA'). The Reporter had concluded that the proposed development would not affect the integrity of the designation but would result in some significant adverse effects. The Reporter stated:
- "...even if the opposite conclusion was reached and the integrity of the RSA was considered to be significantly adversely affected by this proposal, I consider part (d)(ii) of the policy would continue to give support to the development. This is because, in my view, a national development which by definition supports the delivery of the national spatial strategy, must offer benefits of more than local importance. Having regard to the benefits of the development in the round, as outlined in chapter six of my original Report, I am firmly of the view that this proposal is capable of support under policy 4(d)(ii)."*
- 5.7.11 **Paragraph e)** addresses the precautionary principle.
- 5.7.12 Paragraph f) sets out that *"...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".

5.7.13 **Paragraph g)** of the policy deals with Wild Land Areas ('WLA') and states that:

"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."

The application of Policy 4

5.7.14 There would be no significant effects on the special qualities of National Parks or NSAs nor in relation to the integrity of their designations.

5.7.15 As explained, the Proposed Development has the potential to effect four SLAs, as noted below, albeit the proposed alignment only directly impacts the Spey Valley and Deveron Valley SLAs.

5.7.16 The Proposed Development would result in significant localised adverse effects on the Spey Valley SLA, with the Proposed Development crossing through the SLA for approximately 4.6 km incorporating the broad floodplain of the River Spey. Construction effects, although temporary, would be significant due to the open visibility across the broad river valley north of Inchberry. On operation there would be an accumulated wirescaping effect as a result of three OHLs (two existing and the Proposed Development) passing through the Spey Valley and impacts on visual amenity on highly valued recreational routes through the landscape. Large areas of felling would result in a prominent change to vegetation cover, to the east of the River Spey through the Wood of Ordiequish. The addition of new, substantially taller towers is considered to further deteriorate visual amenity, perceptual qualities, and the setting of the River Spey. It is not considered that the effects will directly impact upon the earth pillars or viewpoint.

5.7.17 Localised significant effects are also predicted within the Deveron Valley SLA as a result of construction and operation by virtue of being openly visible and introducing new, detracting built features through the landscape as a result of changes to the setting of the river which is sensitive due to the presence of the B9022 and the Aberdeen to Inverness railway line, flanked by open arable fields, and minimal riverside vegetation.

5.7.18 The Proposed Development would have some significant adverse effects on the special qualities of these two SLAs, however, the effects would be limited and localised, and would not be such that there would be an adverse effect on the integrity of the SLAs overall.

5.7.19 In addition, it is important to balance these effects against the overall benefits arising from the Proposed Development, and the need for the project in terms of delivering essential grid infrastructure to support net zero. It is material to also consider the scale of development and the hierarchy of mitigation employed to minimise overall landscape and visual effects.

5.7.20 The Proposed Development would not directly affect any WLA, predominantly as a result of embedded design at routeing stage and such potential impacts were scoped out of further assessment.

5.7.21 The EIA Report has fully addressed the ecological and ornithological effects of the Proposed Development in particular as regards effects on designated sites and protected species with a

significant effect on bats recorded. The HRA Report identified that the Proposed Development would result in a likely significant effect upon nine European sites. Adoption of the specific mitigation measures ensure that the Proposed Development whether alone, or in combination with other developments, would not adversely affect the integrity of any of those European sites.

- 5.7.22 A number of significant effects on protected species and conservation features are predicted as a result of construction and operation following assessment notwithstanding embedded mitigation. Following additional mitigation, in line with the mitigation hierarchy, residual effects are reduced to not significant for all features, with the exception of impacts on Bats. The effects on bats across all Council areas is assessed as significant due to:
- > Artificial Light at Night ('ALAN');
 - > Work affecting roosts / roosting bats (e.g. disturbance, destruction);
 - > Loss of roost resources (i.e. Potential Roost Features ('PRFs');
 - > Mortality and injury;
 - > Noise; and
 - > Habitat fragmentation.
- 5.7.23 It is noted that the effects of ALAN will be limited as in general lighting will not be required there may be some instances of use during winter construction periods (when bats are hibernating). A series of additional mitigation measures are proposed including retention of buildings and trees at detailed design stage, avoidance of vegetation works in roosting periods, avoidance of maternity or hibernation roosts, approach to lighting and compensatory PRF measures along with monitoring. The residual significant effect on bats occurs at LPA or district level but is minor in nature. By minor, it means there is a detectable change, but that the effect is not one that will affect the overall conservation status of the bats. Further information on this definition is presented in **Table 8-4 of EIA Report Volume 2, Chapter 8**.
- 5.7.24 Overall, the assessment undertaken has been very detailed insofar as the assessment focused on woodlands where bat roosts are most likely to occur – e.g. the greatest risk – rather on each specific roost – due to time and survey validity thereof. The approach has been discussed with NatureScot and is described further in **Volume 2, Chapter 8: Ecology of the EIA Report** and was considered acceptable to enable appropriate assessment at application stage by the ECU as to risk to bats. The mitigation approach proposed reflects the level of risk and the future detailed design process to be undertaken prior to construction of the Proposed Development and is considered likely to lead to a further reduction in overall effect to below district level and therefore not resulting in a significant effect – however a precautionary principle applies and as such the reported effect remains at district scale and significant.
- 5.7.25 The Proposed Development constitutes nationally significant development and has sought to minimise effects on natural heritage interests through embedded and secondary mitigation and best practice. Significant residual effects on protected species (Bats) are reported, but it is important to note that the effect is not considered to affect the overall conservation status of the protected species and as such it is not considered to give rise to a non-accordance with Policy 4 of NPF4.
- 5.7.26 As regards SLAs the predicted significant effects are considered to arise in localised sections of the Spey Valley and Deveron Valley designations only, and whilst these effects impact some of the special qualities of the SLA, there is not such an effect that it is assessed that there is adverse effect on the integrity of the SLAs as a whole.
- 5.7.27 The Proposed Development is therefore considered to be in accordance with Policy 4 overall.

5.8 NPF4 Policy 5: Soils

Policy 5 & Principles

- 5.8.1 The policy intent for Policy 5 is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. This is very similar to the policy position that was in the former SPP; however, a key difference, as set out in **paragraph c(ii)**, is that renewable energy proposals are one of the types of development expressly envisaged to be acceptable in principle on peatlands, reflecting the net benefits in carbon emissions reduction and peatland restoration potential which can be gained.
- 5.8.2 **Paragraph a)** states that “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.”*
- 5.8.3 **Paragraph c)(i)** states “Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:
- i. *Essential infrastructure and there is a specific location need and no other suitable site”.*
- 5.8.4 **Paragraph d)** states: “Where development on peatland, carbon rich soils or a priority peatland habitat is proposed, a detailed site-specific assessment will be required to identify:
- ii. *the baseline depth, habitat condition, quality and stability of carbon rich soils;*
 - iii. *the likely effects of the development on peatland, including on soil disturbance; and*
 - iv. *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.”

The application of Policy 5

- 5.8.5 **Volume 2, Chapter 10: Water and Geological Environment of the EIA Report** assesses the potential impacts of the Proposed Development on geology, peat and soils. The design of the Proposed Development has been informed by a detailed programme of peat depth probing, consistent with NPF4 Policy 5 requirements. The route and alignment have been designed to avoid areas of significant deep peat where possible. An appropriate mitigation hierarchy has been applied in order to protect resources and comply with policy and best practice guidance.
- 5.8.6 An assessment of peat and carbon rich soils has considered all proposed infrastructure and associated effects. The assessment is supported by **Appendix 10.1 Peat Survey Report, Appendix 10.2 Peat Management Plan and Appendix 10.3 Peat Landslide Hazard Risk Assessment along with Peatland Condition Mapping.**
- 5.8.7 The reuse of peat on site is promoted and where the volume unable to be reused is relatively small and there may be opportunities to reduce this volume further through micro-siting and reuse along track verges.

- 5.8.8 A peat landslide and hazard risk assessment concludes that there are 14 localised study areas of stability concern. The magnitude of effect of a peat stability failure on peat and surface watercourse receptors in these typically headwater locations results in an overall minor adverse and therefore not significant effect during construction.
- 5.8.9 Subject to adoption of best practice construction techniques, no significant adverse effects on the geological environment have been identified across the Proposed Development.
- 5.8.10 The Applicant has proposed an appropriate design, mitigation and restoration approach to peatland resources. Appropriate planning conditions could be attached to a grant of consent in relation to peatland and carbon rich soil matters as required.
- 5.8.11 The Proposed Development is considered to be in accordance with Policy 5.

5.9 NPF4 Policy 6: Forestry, Woodland and Trees

Policy 6 & Principles

- 5.9.1 The policy intent is to protect and expand forests, woodland and trees. It states that development proposals that enhance, expand and improve woodland and tree cover will be supported.
- 5.9.2 **Paragraph b)** states that “*development proposals will not be supported where they will result in:*
- i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;*
 - ii. Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;*
 - iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;*
 - iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.”*
- 5.9.3 **Paragraph c)** states that:
- “Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered”.*
- ### The application of Policy 6
- 5.9.4 **Volume 2, Chapter 12: Forestry and Woodland of the EIA Report** provides a detailed assessment of impacts on forestry and woodland. In total, approximately 96 km of the route of the Proposed Development was assessed as being within forest or woodland and associated open ground where tree clearance would be required to form an Operational Corridor (OC).
- 5.9.5 The following direct and gross loss of woodland from construction of the Proposed Development for each woodland type and Council area is reported within Chapter 12 of the EIA Report:

Council Area	Woodland Type Area (ha)				Total Area (ha)
	Commercial	Native	Broadleaved	Ancient (1a & 2a)	
Highland	154.45	60.28	0.87	2.16	217.76
Moray	176.13	12	0.00	1.45	189.58
Aberdeenshire	45.58	14.47	3.66	0.00	63.71
TOTAL AREA (ha)	376.16	86.75	4.53	3.61	471.05

- 5.9.6 A more detailed breakdown of felling requirements for construction is provided in **Table 12.7, EIA Report, Volume 2, Chapter 12** which also categorises further the designation and area for each category. In summary, the total direct gross loss of forestry for construction equates to 471.05 ha which includes 376.16 ha of commercial forestry removal, 90.36 ha of ancient and native woodland removal and 4.53 ha of broadleaved woodland.
- 5.9.7 As regards **commercial forestry**, the sensitivity is considered low in the context of noticeable change over a limited area, equating to:
- > 0.06 % impact of woodland removal within the Highland Council regional resource forest area of 232,500 ha;
 - > 0.42% impact of woodland removal within the Moray Council regional resource forest area of 51,648 ha; and
 - > 0.05% impact of woodland removal within the Aberdeenshire Council regional resource forest area of 91,225 ha.
- The effects are assessed as not significant.
- 5.9.8 For **native woodland**, the combined and direct loss including recently planted woodland would be 90.36 ha for construction. The sensitivity of native woodland is considered as medium and is broken down as follows:
- > 130,000 ha of native woodland, with an impact area of 60.28 ha representing a maximum of 0.05% of the regional resource in Highland Council area;
 - > 10,268 ha of native woodland, with an impact area of 12 ha representing a maximum of 0.1% of the regional resource in Moray Council area; and
 - > 37,855 ha of native woodland, with an impact area of 14.47 ha, representing a maximum of 0.04% of the regional resource.
- The effect is assessed as moderate adverse, and significant.
- 5.9.9 **Ancient woodland** is reported as the combined and direct loss of ancient woodland (1a and 2a) due to construction of 3.61 ha. The effect is assessed as major adverse and significant. Within each Council are the breakdown is as follows:
- > 0.001% maximum of the Highland Council area regional resource of 130,000 ha of ancient and native woodland with an impact area of 2.16 ha;
 - > 0.009% maximum of the Moray Council area regional resource of 10,628 ha with an impact area of 1.45 ha; and
 - > No AWI impacted within the Aberdeenshire Council area.
- 5.9.10 For **broadleaved woodland**, the combined and direct loss due to construction would be 4.53 ha - this is assessed as a moderate adverse and significant effect.
- 5.9.11 In total 96.46 ha of ancient, native and broadleaved woodland habitat types would be impacted by the construction of the Proposed Development.
- 5.9.12 In addition, works will result in an indirect effect of increasing potentially unstable forest edges and increased risk of wind throw. The assessment identifies an additional area of

684.72 ha of woodland which would be at increased risk of windthrow which includes 683.40 ha of commercial forestry and 1.32 ha of native woodland, the effect on native woodland in this regard is assessed as moderate adverse and significant.

- 5.9.13 On operation, the majority of effects are assessed as not significant with the exception of future forest management systems and requirements for revisions thereof, which is assessed as moderate adverse, and significant.
- 5.9.14 For the Kellas Alternative Alignment, a total loss of 2.41ha of native woodland in Moray is predicted with a total woodland loss of 14.25 ha (Moray). The loss of native woodland in this regard is assessed as significant and again, operational effects on forest management plans is also assessed as significant.
- 5.9.15 A series of good practice mitigation measures are proposed which reduces a number of effects, but the residual effect on native and broadleaved woodland remains moderate adverse and significant, and the residual effect on ancient woodland remains major adverse and significant.
- 5.9.16 The policy wording is clear that development proposals will not be supported where they will result in any loss of Ancient Woodland or ancient and veteran trees. As such, there is some non-accordance with Policy 6.
- 5.9.17 Nonetheless, it is also clear (as noted above) that conflicts among the NPF4 policies are to be expected. When one considers the overall planning balance, it is important to note that the Proposed Development has sought to minimise this impact through the application of their detailed routeing strategy and embedded mitigation within the design and alignment.
- 5.9.18 The Proposed Development represents an optimal solution against all environmental and technical assessments and has sought to minimise overall impact on trees and forestry wherever possible. The scale, nature and required OHL route location is such that an impact on these important assets is considered to be unavoidable. However, the mitigation hierarchy has been applied and the wider BNG strategy will result in a range of biodiversity benefits which can offset impacts.
- 5.9.19 As explained earlier, NPF4 is required to be read as a whole and the weight to be placed on different policies will vary. The Ancient Woodland impact therefore requires to be seen in the context that NPF4 as a whole and all impacts in the round need to be balanced against the benefits of the Proposed Development.

5.10 NPF4 Policy 7: Historic assets and places

Policy 7 & Principles

- 5.10.1 The intent of the policy is to protect and enhance the historic environment, assets and places and to enable positive change. Key parts of the policy include the following:
- > **Paragraph a)** states that *“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 impact 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.”*
 - > **Paragraph c)** states that *“development proposals affecting the setting of a Listed building should preserve its character, and its special architectural or historic interest”.*
 - > **Paragraph d)** states that *“development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced”.*

- > **Paragraph h)** states that *“development proposals affecting Scheduled Monuments will only be supported where:*
 - i) *direct impact on the Scheduled Monument are avoided;*
 - ii) *significant adverse impacts on the integrity of the setting of the Scheduled Monument are avoided; or*
 - iii) *exceptional circumstances have been demonstrated to justify the impact on a Scheduled Monument and its setting and impact on the monument or its setting have been minimised.*
- > **Paragraph i)** states that *“development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site or its setting”.*
- > **Paragraph j)** states *“Development proposals affecting nationally important historic battlefields will only be supported with a protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.”*
- > **Paragraph o)** states that *“non designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impact”.*

The application of Policy 7

- 5.10.2 **Volume 2, Chapter 11: Cultural Heritage of the EIA Report** addresses the potential effects of the Proposed Development in relation to cultural heritage assets. Throughout the route selection and alignment selection design process potential impacts to heritage assets have been considered and consultation undertaken with HES and the three Council archaeology teams, to avoid impacts so far as possible. This exercise has included avoidance of known heritage assets and consideration of potential impacts through changes within the setting of heritage assets during operation of the Proposed Development.
- 5.10.3 There are 425 heritage assets noted within the LoD for the Proposed Development, consisting of 14 designated heritage assets and 411 non-designated heritage assets. The assessment identified that there would be predicted impacts from physical impacts during construction on 79 non-designated assets, including four within the Kellas alternative alignment.
- 5.10.4 A slight adverse significance of effect on the Beaufort Castle GDL during construction as a result of tree felling at its northern edge is predicted. The assessment also concluded there would be two large adverse, 16 moderate adverse, 50 slight adverse and 11 neutral significances of effects on non-designated heritage assets, prior to mitigation.
- 5.10.5 Mitigation measures are proposed which would remove or reduce predicted impacts and would involve demarcation and avoidance, earthwork and historic building recording, and archaeological investigations to be undertaken in line with an appropriate Archaeological Project Design. Following this additional mitigation, and after further assessment, only one non-designated asset results in a residual moderate adverse (significant) effect – Cairnfield and hut circle, Cottartown (ND66).
- 5.10.6 The effects on this asset cannot be avoided, the mitigation requirements proposed would however minimise the impacts through excavation, recording, analysis, archiving, and publication, ensuring preservation of the hut circle by record.
- 5.10.7 There are 393 designated heritage assets within the 2 km study area for the assessment, with an additional 27 designated assets added following HES consultation.

- 5.10.8 During the operational phase, the impacts from changes within the setting of heritage assets are anticipated on 26 scheduled monuments, 18 listed buildings two GDLs, the Culloden Battlefield, and eight non-designated heritage assets. The assessment noted there would be two moderate adverse and 52 slight adverse effects on the heritage assets during operation, prior to mitigation. The moderate adverse (significant) effects would be on two scheduled monuments:
- > Mains of Daviot Farm, ring cairn and stone circle 600 m NNE of (SM3085; S20); and
 - > Hare Stone, stone circle 480 m NW of Feith-Hill (SM338; S47).
- 5.10.9 The predicted effects on Mains of Daviot Farm arise from changes in views due to the proposed alignment and the introduction of new electrical infrastructure to the south, east and southwest at close proximity impacting upon views from the ring cairn and stone circle. Mitigation to reduce the impacts to Mains of Daviot Farm, ring cairn and stone circle would be to remove a section of the existing 275 kV OHL that lies to the north of the ring cairn and stone circle, removing the enclosed effect of the Proposed OHL alignment on the heritage asset, resulting in a residual effect of slight adverse. Separate consenting to remove the 275 kV OHL in this location will be progressed.
- 5.10.10 No mitigation measures are recommended for the Hare Stone, stone circle, as mitigation to reduce these impacts would require blocking or screening views of the Proposed OHL Alignment using landscape planting around the scheduled monument, which in itself would cause an impact through changes within the setting of a heritage asset, which is not recommended as appropriate mitigation.
- 5.10.11 As such, the assessment concludes that the impacts on Hare Stone, stone circle would result in a moderate adverse, significant effect. However, there would not be a significant adverse impact on the integrity of the stone circle's setting as it would retain the key relationships with the small burn that it overlooks, and other key aspects would be retained to allow for the stone circle to be adequately understood, appreciated and experienced. There are also no impacts to views towards the stone circle from the local road or on approach from Carlincraig cottage which are also key to how the stone circle is understood, appreciated and experienced.
- 5.10.12 The assessment also identifies a detailed framework mitigation approach which sets out the proposed mitigation design to be implemented, and which the Applicant anticipates would be secured by way of planning condition.
- 5.10.13 Overall, given all of the above, it is considered that the Proposed Development is in accordance with Policy 7 when read as a whole.

5.11 Policy 22 – Flood Risk and Water Management

- 5.11.1 The intent of Policy 22 is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. **Paragraph c)** is the most relevant part of the policy for the Proposed Development, which states that development proposals should not increase the risk of surface water flooding to others, or itself be at risk. In addition, all rain and surface water should be managed through SuDs.
- 5.11.2 As set out above, effects on hydrology, the water environment and flood risk are an assessment criterion within NPF4 Policy 11 (Energy). **Volume 2, Chapter 10 of the EIA Report** addresses hydrology matters in detail including flood risk, sustainable drainage and private water supplies. There are no issues arising with regard to these topics given the appropriate mitigation measures which are proposed. The Proposed Development is therefore considered to be in accordance with Policy 22.

5.12 Conclusions on NPF4 Appraisal

- 5.12.1 A detailed assessment of the Proposed Development has been undertaken referencing the EIA Report and other supporting documents.

- 5.12.2 The lead policy in this case is **Policy 11 (Energy)**, consistent with the approach taken in the Kendoon to Tongland 132kV Reinforcement) Section 37 Decision (ECU00002124-2128), where paragraph 99 stated that for energy proposals:
- “Scottish Ministers consider that, in considering NPF4 holistically, most weight should be placed on Policy 11 in considering whether the Proposed Development is supported by NPF4”).*
- 5.12.3 It is promoted that this approach is applicable to the Proposed Development.
- 5.12.4 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria when read as a whole. Embedded and secondary mitigation has resulted in comparatively few significant effects arising as a result of the Proposed Development, which will deliver nationally important development and essential infrastructure.
- 5.12.5 Significant adverse effects are limited to the following:
- > Significant effects on some special qualities of SLAs in localised sections of both the Spey Valley SLA and the Deveron Valley SLA, but with no adverse effect the on the integrity of the SLAs overall;
 - > Largely localised significant landscape and visual effects on LCTs / and some visual receptors, with the exception of significant overall effects on LCT 290 (MC section) where the overall character of the LCT is considered to be compromised;
 - > Some significant effects in relation to residential amenity;
 - > Significant adverse effect (minor and district / LPA level) on bats across the Proposed Development alignment;
 - > Significant adverse effect during construction on recreational users and tourists within Highland (Farm Ness, Reelig Horse Riding Centre, and woodlands at Daviot Wood, The Aird and Clunas Wood) and Moray Council (Speymouth Forest, Moss of Bednawinny and Badentinan Wood);
 - > Significant adverse effects on two scheduled monuments at Hare Stone, stone circle and mains of Daviot. However, it is considered that there would not be a significant adverse impact on the integrity of the setting of the Hare Stone, stone circle. At Mains of Daviot the effects will be mitigated through the undergrounding of a section of existing 275 kV OHL, subject to the proposals being granted permission. On this basis no significant adverse effect on the integrity of either asset is predicted.
 - > Significant adverse effect on ancient woodland / forestry through the loss of 3.61 ha of ancient woodland and 86.75 ha of native woodland (Proposed Alignment) and 2.41 ha of native woodland (Kellas alternative alignment).
- 5.12.6 A key point within Policy 11 (Energy) is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant positive weight in this case.
- 5.12.7 It has been demonstrated that the Proposed Development attracts strong support from Policy 11.
- 5.12.8 Significant weight is also afforded in relation to Policy 1 (Tackling the climate and nature crises). This policy direction fundamentally alters the planning balance compared to the position that was set out in in NPF3 and SPP.
- 5.12.9 The term “tackling” the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action.
- 5.12.10 The National Spatial Strategy set out in NPF4 is intended to support the delivery of three types of ‘place’ in Scotland: namely, Sustainable, Liveable and Productive places.

- 5.12.11 Eighteen National Developments are identified to support the Strategy, and they are to be the *“focus for delivery”* (NPF4 page 4). National Development 3 (strategic renewable electricity generation and transmission infrastructure) is one of six National Developments which support the delivery of Sustainable Places.
- 5.12.12 Sustainable Places are primarily concerned with dealing with the climate crisis, and this issue is seen as a fundamental threat to the capacity of the natural environment to provide the services and amenities relied on, including clean air, water and food (NPF4, page 6).
- 5.12.13 In order to deliver Sustainable Places, NPF4 makes it clear that there must be significant progress in achieving net zero emissions by 2030 in order to hit the overall target of net zero by 2045.
- 5.12.14 Furthermore, it sets out that meeting the Government's climate ambition will require a rapid transformation across all sectors of the economy and society and that this means ensuring *“the right development happens in the right place”*. (Page 7)
- 5.12.15 As set out above the appraisal against the policies of NPF4 identifies an element of non-accordance in Policy 6, as a result of the potential significant impacts as noted. However, as explained above the Chief Planners letter makes it clear that the application of planning judgement remains essential in all decision making and states that:
- “It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.”*
- 5.12.16 The importance of applying NPF4 and its aims and objectives as a whole is demonstrated within the Creag Dhubh to Dalmally 275 kV Section 37 decision (ECU00002199) which recognised that conflict with some areas of policy can arise - in that case Policy 6 (ancient woodland loss) and to a lesser degree due to localised amenity harm. However, in applying NPF4 as a whole, there was recognition of the wider benefits and accordance with policy. Scottish Ministers stated the following in their decision letter on that proposed development:
- “However, it would satisfy the requirements of all other development plan policies and would benefit from being a national development in NPF4 and from the support that is given within NPF4 to developments that contribute to renewable energy generation and greenhouse gas emissions reduction. Therefore, the Scottish Ministers conclude that the Development is, overall, in accordance with and supported by NPF4”.*
- 5.12.17 The Proposed Development would be in accordance with all other relevant NPF4 policies and draws particularly strong support from Policies 1 and 11. Accordingly, when read as a whole in line with the Chief Planner's advice, the Proposed Development is considered to be the right one, in the right location and one which will contribute to Scotland being a Sustainable Place.

6. Appraisal against the Local Development Plan

6.1 Introduction

6.1.1 The other elements of the statutory Development Plan covering the Proposed Development comprise:

Highland Council

- > The Highland Wide Local Development Plan ('HwLDP') (2012); and
- > The Inner Moray Firth Local Development Plan 2 ('IMFLDP2') (2024).

6.1.2 The IMFLDP2 focus is largely on regional and settlement strategies and specific site allocations, rather than planning policies of relevance for the Proposed Development.

Moray Council

- > The Moray Local Development Plan ('MLDP') (2020).

Aberdeenshire Council

- > The Aberdeenshire Local Development Plan ('ABLDP') (2023).

6.1.3 The LDPs were prepared and adopted prior to NPF4 coming into force and as such reflect the provisions of NPF3 and Scottish Planning Policy, both now superseded. Where conflicts or contradictions exist between the LDP and NPF4, or where LDP is silent, the provisions of NPF4 prevail.

6.1.4 Relevant policies from the LDPs are referenced below in Table 6.1, 6.2 and 6.3. This Chapter does not present a detailed assessment of the Proposed Development as that has been covered in Chapter 5 against the policy provisions of NPF4. An assessment of key policy and consideration of areas of conflict or contradictions with NPF4 is provided.

6.2 The Highland Council

Lead LDP Policy: Electricity Transmission Infrastructure

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

6.2.2 Policy 69 – 'Electricity Transmission Infrastructure' states:

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

- 6.2.3 The Proposed Development should be primarily assessed against Policy 69 considering the impact on the environment with particular focus on natural, built and cultural heritage features. The assessment should include detail on proposed mitigation and demonstrate the effects thereafter.
- 6.2.4 The assessments of the impact of the Proposed Development on these features should be guided, where appropriate, by the provisions of specific policy as summarised in Section 5.3. The consideration of the cumulative effects arising on such features is also relevant.
- 6.2.5 In light of the age of the HwLDP relative to NPF4, where conflict arises or the LDP is silent, NPF4 takes precedence. It should be noted that the Reporter in the Meall Buidhe Appeal Decision Notice of 14 June 2023, commented on the relationship between the HwLDP and NPF4 (and stated (paragraph 76):
- “I find some inconsistency overall between the Local Development Plan approach and the relevant balance of considerations now applied through NPF4.*
- The later adopted document places emphasis on the significant weight to be placed on the contribution to renewable energy targets. It also states that landscape and visual impacts of a localised scale will generally be acceptable subject to appropriate design mitigation. The Act advises that in the event of any incompatibility between the provision of National Planning Policy Framework 4 and the provision of an LDP, the later in date is to prevail. In that context I rely on my conclusions above in relation to the topic specific National Planning Framework 4 Policy 11.”*
- 6.2.6 It is considered in more detail that there is a partial conflict between Policy 55 Peat and Soils and Policy 5. The Reporter in the Meall Buidhe decision (paragraph 82) commented in relation to Policy 55 as follows:
- “Framework Policy 5: Soils applies in relation to peat and peatland habitat. Similar considerations are applied in Policy 55 of the Highland-wide Local Development Plan. However, this is the older expression of Development Plan policy and unlike Policy 5, it does not specifically reference the location of energy generation proposals, nor does it reflect Part (d) of that policy. Consequently, I have applied the more recent statement of Development Plan Policy.”*
- 6.2.7 As regards Policy 57 the Reporter in the Meall Buidhe decision (paragraph 81) commented in relation to Policy 57 and stated that the HwLDP Policy does not contain: “...the same clarification as Policy 4(g). Consequently, I rely on the terms of Framework Policy 4.”

Other Relevant HwLDP Policies

- 6.2.8 The other policies of relevance in the HwLDP are summarised below in **Table 6.1** with brief comment added with regard to how the policies relate to the policies of NPF4, where relevant:

Table 6.1: HwLDP Policy Summaries

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
Policy 28	Sustainable Design	Provides support for development which promote and enhance social, economic and environmental wellbeing to communities in Highland. Proposals will be assessed on the extent to which they are compatible a range of listed factors and should utilise good siting and design etc. Developments which are considered detrimental will	The provisions of this general policy insofar as they are relevant are contained within the scope of NPF4 Policy 11. No incompatibility with NPF4.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
		not accord with the LDP. All development must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance to conserve and enhance the character of the area, use resources efficiently, minimise environmental impact and enhance the viability of Highland Communities. Where appropriate a Sustainable Design Statement should be submitted. The precautionary principle will be applied where appropriate, developments with significant detrimental impact will only be supported where this is demonstrable over-riding strategic benefit or if satisfactory mitigation measures are incorporated.	
Policy 30	Physical Constraints	Requirement to consider Physical Constraints to development and refer to Supplementary Guidance of same name if relevant. Main principles are to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.	NPF4 Policy 11 deals with impacts in relation to aviation and other infrastructure safeguarding. No incompatibility with NPF4.
Policy 51	Trees and Development	Support for development which promotes significant protection to existing hedges, trees and woodlands on and around sites. Where appropriate woodland management plans will be required. Enables the Council to secure additional planting to compensate for removal.	NPF4 Policy 4 deals with forestry, woodland and trees. No incompatibility with NPF4.
Policy 52	Principle of Development in Woodland	Requires applicants to demonstrate the need to develop a woodland site and to show that the site has capacity to accommodate that development. A strong presumption in favour of protecting woodland resources is retained. Support is provided only where development offers clear and significant public benefit and where compensatory planting is provided.	NPF4 Policy 4 deals with forestry, woodland and trees. No incompatibility with NPF4.
Policy 55	Peat and Soils	Requires proposals to demonstrate how they have avoided unnecessary disturbance, degradation or erosion	NPF4 Policy 5 deals with soils including peatland and

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
		of peat and soils. Unacceptable disturbance will not be accepted unless it is shown that the adverse effects are clearly outweighed by social, environmental or economic benefits arising from the proposals. Requirement for Peat Management Plans where development on peat is demonstrated as unavoidable in order to show how impacts have been minimised and mitigated.	related habitat. There is conflict with NPF4. The Reporter in the <u>Meall Buidhe decision</u> (paragraph 82) commented in relation to Policy 55 as follows: <i>“Framework Policy 5: Soils applies in relation to peat and peatland habitat. Similar considerations are applied in Policy 55 of the Highland-wide Local Development Plan. However, this is the older expression of Development Plan policy and unlike Policy 5, it does not specifically reference the location of energy generation proposals, nor does it reflect Part (d) of that policy. Consequently, I have applied the more recent statement of Development Plan Policy.”</i>
Policy 57	Natural, Built and Cultural Heritage	Requires proposals to be assessed taking into account the level of importance and type of heritage features, the form and scale of development and the impact on the feature and its setting. The policy sets a series of criteria based on level of features importance (local, regional or international). Appendix 2 of the HwLDP defines the features. For features of local / regional importance – developments will be permitted if it can be demonstrated that they will not have an unacceptable effect. For features of national importance, where any significant adverse effects arise, they must be clearly outweighed by social or economic benefits of national importance. In international designations development with adverse effects on integrity will only be allowed where no alternative solution exists and there are imperative reasons of overriding public interest (IROPI).	NPF4 Policies 4 and 7 deal with natural heritage and historic assets and places respectively. There is conflict with NPF4. The Reporter in the <u>Meall Buidhe decision</u> (paragraph 81) commented in relation to Policy 57 and stated that the HwLDP Policy does not contain: “...the same clarification as Policy 4(g). Consequently, I rely on the terms of Framework Policy 4.” The policy is also considered to conflict with the NPF4 Policy 4 provisions in relation to local landscape designations whereby localised effects are deemed acceptable.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
Policy 58	Protected Species	Requirement for surveys to establish presence of protected species and to consider necessary mitigation to avoid or minimise any impacts. Development likely to have an adverse effect, individually or cumulatively on European Protected Species will only be permitted where there is no satisfactory alternative, where there is IROPI, the development is required in the public interest, health or safety, where there is no other satisfactory solution, or it can be demonstrated the effects will not be detrimental to the population of species concerned, or impact on the conservation status thereof.	NPF4 Policy 4 deals with natural heritage matters. No incompatibility with NPF4.
Policy 59	Other Important Species	Protection of other species not protected by other legislation or nature conservation site designations.	NPF4 Policy 4 deals with natural heritage matters. No incompatibility with NPF4.
Policy 60	Other Important Habitats	Safeguards the integrity of features of the landscape which are of major importance because of their linear or continuous structure or combinations. The Council will also seek to create new habitats which are supportive of this concept.	NPF4 Policy 4 deals with natural heritage matters. No incompatibility with NPF4.
Policy 61	Landscape	New development should be designed to reflect the landscape characteristics and special qualities identified in the area they are located as well as considering cumulative effects. Measures to enhance landscape characteristics of the area in which they are located are encouraged. The policy requires the Council to take into account Landscape Character Assessments. The policy contains no balancing provision to allow benefits to be taken into account.	NPF4 Policy 4 deals with natural heritage matters including landscape designations. No incompatibility with NPF4.
Policy 63	Water Environment	Supports proposals that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection of the water environment.	NPF4 Policies 11 and 22 deals with hydrology, the water environment and flood risk. No incompatibility with NPF4.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
Policy 66	Surface Water Drainage	All proposals must be drained by SuDs designed in accordance with CIRIA C697.	NPF4 Policy 22 deals with hydrology, the water environment and flood risk. No incompatibility with NPF4.
Policy 72	Pollution	Proposals that may result in significant pollution (noise, air, water and light) will only be approved where a detailed assessment on the levels character and transmission and receiving environment of the potential pollution is provided and mitigated if necessary.	NPF4 Policy 11 deals with impacts in relation to amenity arising from energy developments. No incompatibility with NPF4.
Policy 77	Public Access	Provides protection to Core Paths and access points to water or rights of way providing presumption of retention and enhancement of amenity value, and use of alternative access that is no less attractive or safe where necessary.	NPF4 Policy 11 public access and recreational routes. No incompatibility with NPF4.

THC Planning Guidance

6.2.9 THC issued the 'Highland Council Biodiversity Planning Guidance' which was formally adopted as non-statutory planning guidance on 2nd May 2024. The guidance responds to the twin global climate and nature emergency crisis that sit at the heart of NPF4 and national strategy. The guidance explains the approach that is required by THC to deliver biodiversity conservation, restoration and enhancement through the planning system. It has been prepared to support the application of NPF4 and is intended to be used in conjunction with the relevant national and local policy and planning guidance, including NatureScot's 'Development with Nature Guidance' where applicable.

6.2.10 The non-statutory guidance, not being linked to policy, will not have the same weight as the Local Development Plan, but might, nevertheless, constitute a material consideration in the decision-making process.

6.2.11 NPF4 Policy 3 (Biodiversity) and related NatureScot guidance, together with THC's 'Highland Council Biodiversity Planning Guidance', are the key policy and guidance references at this time.

Conclusions on the HwLDP

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

6.2.13 It is considered that the effects arising from the Proposed Development would not be unacceptable in terms of Policy 69 or indeed other relevant policies within the HwLDP when considered as a whole, and relative to the substantial benefits and national importance of the development proposed.

6.2.14 Moreover, following assessment of the other relevant policies it is considered that the Proposed Development accords with the HwLDP when it is read as whole.

- 6.2.15 The transmission policy provisions of the HwLDP are based on those of the pre-2014 SPP. In addition, there are a number of incompatibilities between the HwLDP and the policies of NPF4 as explained above. This means, as per the amendments made to the 1997 Act, the provisions of NPF4 (which is the most recent part of the Development Plan) must prevail.
- 6.2.16 Insofar as there are other relevant policies within the HwLDP, they are considered to be generally consistent with those of NPF4 and given the appraisal set out above in Chapter 4 in relation to the various environmental and technical topics of relevance to the proposal, there would be no conflict with their terms.

6.3 Moray Council – MLDP

MLDP Overview

- 6.3.1 There is no specific MLDP policy for transmission infrastructure.
- 6.3.2 Policy DP9 (Renewable Energy) is the 'lead' LDP policy for the assessment of renewable energy proposals. The policy contains a number of criteria which generally address the environmental topics that are referred to in other policies within the LDP and the topics are already covered by the provisions of NPF4 Policy 11 which has been considered in the previous chapter.
- 6.3.3 The policy has been formulated in line with the former SPP and conflicts with NPF4 Policy 11 (Energy). The Policy is therefore deemed to have limited weight in the assessment of the Proposed Development.
- 6.3.4 Part a) of the policy relates to all renewable energy proposals which will be considered favourably where they meet a number of criteria as follows:
- "i) They are compliant with policies to safeguard and enhance the built and natural environment;*
- ii) They do not result in the permanent loss or permanent damage of prime agricultural land;*
- iii) They avoid or address any unacceptable significant adverse impacts including:*
- *Landscape and visual impacts.*
 - *Noise impacts.*
 - *Air quality impacts.*
 - *Electromagnetic disturbance.*
 - *Impact on water environment.*
 - *Impact on carbon rich soils and peat land hydrology.*
 - *Impact on woodland and forestry interests.*
 - *Traffic impact -mitigation during both construction and operation.*
 - *Ecological Impact.*
 - *Impact on tourism and recreational interests.*

In addition to the above criteria, detailed assessment of impact will include consideration of the extent to which the proposal contributes to renewable energy generation targets, its effect on greenhouse gas emissions and net economic impact, including socio-economic benefits such as employment."

A review of policies has determined conflict with

Other LDP Policies

- 6.3.5 The other policies of relevance in the MLDP are summarised below in **Table 6.2** with brief comment added with regard to how the policies relate to the policies of NPF4, where relevant:

Table 6.2: Relevant MLDP Policies & Comment regarding NPF4

LDP Policy	Policy Summary	Comment re NPF4
PP1 Placemaking	The policy is one of three Primary policies. It relates more to traditional forms of development such as housing and streetscapes as stated in the justification notes to the policy.	The provisions of this general policy insofar as relevant are contained within the scope of NPF4 Policy 11. No incompatibility with NPF4.
PP2 Sustainable Economic Growth	The policy is supportive of proposals that deliver sustainable economic growth where the quality of the natural and built environment is safeguarded, and where there is a clear locational need, and all potential impacts can be satisfactorily mitigated.	No incompatibility with NPF4.
PP3 Infrastructure and Services	The policy requires that development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services. Proposals will not be supported where they have an adverse impact on active travel routes, core paths, rights of way, long distance routes and other access routes, blue green infrastructure, community or recreational sites. Mitigation to the existing transport network to address the impact of the proposed development in terms of safety and efficiency may be required.	No incompatibility with NPF4.
DP1 Development Principles	Development proposals will be supported if they conform to the relevant LDP policies, proposals and additional guidance and meet certain criteria relating to design; transportation; and water environment, pollution and contamination. Impact assessments will be required to determine the impact of a proposal on the environment, transport, noise, air quality, landscape, trees, flood risk, protected habitats and species and built heritage. The policy states that it will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.	No incompatibility with NPF4.
EP1 Natural Heritage	The policy deals with European, National and local sites designated for nature conservation as well as European and other protected species.	No incompatibility with NPF4.
EP2 Biodiversity	The policy requires that all development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. The policy aims to deliver biodiversity enhancement. Development must safeguard and where physically possible extend or enhance	No incompatibility with NPF4.

LDP Policy	Policy Summary	Comment re NPF4
	wildlife corridors and green/blue networks and prevent fragmentation of existing habitats. The policy also requires that where development would result in loss of natural habitats of ecological amenity value, compensatory habitat creation will be required where deemed appropriate.	
EP3 Special Landscape Areas and Landscape Character	The policy states development proposals within SLAs will only be permitted where they do not prejudice the special qualities of the designated area, adopt the highest design standards, minimise adverse impacts on the landscape and visual qualities of the area and fall within a certain category of development: including for nationally significant infrastructure developments identified in the National Planning Framework. In relation to landscape character, new developments must be designed to reflect the landscape characteristics identified in the Landscape Character Assessment of the area in which they are proposed.	NPF4 Policy 4 deals with natural heritage matters and contains a different policy test. The LDP policy contains a different development management test wording in relation to development impacts on local landscape designations as set out in NPF4 Policy 4 (Natural places) but it is not considered incompatible.
EP7 Forestry Woodland and Trees	The policy seeks to protect forestry and woodlands from removal. Development proposals which result in the permanent loss of woodland will be required to provide compensatory planting which will be of an appropriate species and will include the cost of management and establishment of the woodland/ greenspace.	No incompatibility with NPF4.
EP8 Historic Environment	The policy deals with Scheduled Monuments, and unscheduled Archaeological Sites of Potential National Importance. Development will be refused where they adversely affect the integrity of the setting of an asset, unless the applicant can prove any significant adverse effects are clearly outweighed by exceptional circumstances, including social or economic benefits of national importance. The policy also relates to sites of local archaeological importance where development will be refused unless local public benefits outweigh the value of the site, consideration has been given to alternatives and where adverse effects has been satisfactorily mitigated,	The LDP policy contains a different development management test in relation to development impacts on Scheduled Monuments as set out in NPF4 Policy 7 (Historic assets and places). This policy is therefore incompatible with NPF4.
EP10 Listed Buildings	The policy deals with listed buildings and states that development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of a listed building.	No incompatibility with NPF4.
EP11 Battlefield, Gardens and	The policy states that "<i>Development proposals which adversely affect nationally designated Battlefields or Gardens and</i>	No incompatibility with NPF4.

LDP Policy	Policy Summary	Comment re NPF4
Designed Landscapes	<i>Designed Landscapes or their setting will be refused unless;</i> <i>a) The overall character and reasons for the designation will not be compromised,</i> <i>or</i> <i>b) Any significant adverse effects can be satisfactorily mitigated and are clearly outweighed by social, environmental, economic or strategic benefits."</i>	
EP12 Management and Enhancement of Water	The policy deals with flooding, surface water drainage systems (SUDs), and the water environment and seeks to direct development away from areas at risk from flooding and to ensure that potential risk from flooding is adequately considered. SUDs are a statutory requirement for all new development.	No incompatibility with NPF4.
EP14 Pollution Contamination Hazards	The policy deals with pollution, contamination and hazardous sites. The latter two matters are not relevant to the proposed development. Detailed assessments may be required for development which may impact noise, air quality, water or soil.	No incompatibility with NPF4.
EP15 MOD Safeguarding	The policy deals with safeguarding in relation to Ministry of Defence operations.	No incompatibility with NPF4.
EP16 Geodiversity and Soil Resources	The policy deals with peat and other carbon rich soils. Applications should minimise disturbance to peat and where peat is affected the application must be accompanied by an assessment of likely effects and aim to mitigate any adverse effects. For large scale renewable energy proposals, development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, geological interests, peat and any associated vegetation is avoided. Large scale renewable energy proposals on areas of peat and/or land habitat will only be permitted where: a) The economic, social and/or environmental benefits of the proposal outweigh any potential detrimental effect on the environment (in particular with regard to the release of carbon dioxide into the atmosphere); and b) It has been clearly demonstrated that there is no viable alternative. A peat dept survey will be submitted to demonstrate that areas of deepest peat have been avoided.	Incompatibility with NPF4. NPF4 Policy 5 permits development of renewable energy on areas of peatland / carbon rich soils. Policy EP16 will only permit large renewable energy development on peat where economic, social and/or environmental benefits of the proposal outweigh any potential detrimental effect on the environment, and it has been clearly demonstrated that there is no viable alternative.

- 6.3.6 It is considered that the Proposed Development would be in accordance with all of the relevant policies in the MLDP as set out in **Table 6.2** above. As highlighted, it is considered that policies EP3 and EP8 with regard to local landscape areas and Scheduled Monuments have different wording with the policy provisions of NPF4, as well as EP16 in relation to development on peat. The policies of NPF4 must prevail in relation to these topics.

Conclusions on the MLDP

- 6.3.7 The relevant development management considerations have been addressed above (Chapter 4) in the context of NPF4 Policy 11 and have not been repeated with reference to the LDP.
- 6.3.8 The policy provisions of the MLDP are based on those of the former SPP (2014). In addition, there are a number of incompatibilities between the MLDP policies and those of NPF4 as explained above. This means, as per the amendments made to the 1997 Act, the provisions of NPF4 (which as part of the Development Plan) must prevail. This situation reduces the weight to be placed on the MLDP, and the focus of the policy appraisal should therefore be in relation to the policies of NPF4.
- 6.3.9 It is considered that the effects arising from the Proposed Development would not be unacceptable and that the Proposed Development accords with the Development Plan when it is read as whole.

6.4 Aberdeenshire Council – ABLDP

Lead Policy / Overview

- 6.4.1 Spatial framework mapping on page 86 of the LDP identifies national development sites, including high voltage transmission infrastructure. The LDP makes reference to high voltage infrastructure being required at various locations within Aberdeenshire.
- 6.4.2 This is set out under Policy PR2 Reserving and Protecting Important Development Sites which is concerned with protecting sites that may be required for certain categories of development including ‘*sites to support the national developments identified in the National Planning Framework.*’ It notes that high-voltage electricity transmission infrastructure, including cabling, substations, and converter stations, will be at a range of locations within Aberdeenshire.
- 6.4.3 The Proposed Development can draw direct support from this Policy. As noted, the Proposed Development is an identified National Development in NPF4.
- 6.4.4 The policy wording of Policy PR2 Reserving and Protecting Important Development Sites is as follows:

“PR2.1 We will protect and not allow alternative development on sites that may reasonably be needed in the future for:

- *delivering improvements to transportation including projects identified in the Settlement Statements, the Aberdeen City and Shire Strategic Development Plan, the Local or Regional Transport Strategy, or the Strategic Transport Projects Review, routes recognised in the Core Paths Plan network, closed railways and their abutments, embankments and cuttings, existing airports and airfields and operational areas of ports and harbours;*
- *generating and providing energy;*
- *waste management facilities;*
- *education facilities;*
- *cemeteries;*

- other community facilities and infrastructure; and
- sites to support the national developments identified in the National Planning Framework.

PR2.2 National developments that directly affect the area covered by this Plan include proposals for contribution to capturing and storing carbon and making use of heat generation. Carbon Capture is specifically promoted at the St Fergus Gas Terminal but also at other locations associated with the pipeline from the central belt to St Fergus. High-voltage electricity transmission infrastructure, including cabling, substations, and converter stations, will be at a range of locations but are expected to include sites associated with the electricity substation south of Peterhead.

PR2.3 Where we know about the above, we have identified them in the relevant Settlement Statements typically identified as 'Reserved Land'."

- 6.4.5 There is some non-accordance with Policy PR2.1 in relation to impacts on recreational airstrips, which need to be balanced with the national development status of the Proposed Development which is also offered protection and support through Policy PR2.1.
- 6.4.6 Conflicts are to be expected within planning policy and while significant effects on these recreational airfields are predicted, the needs case for the Proposed Development is strongly in favour of the Proposed Development, outweighing those significant effects.

Other Relevant ABLDP Policies

- 6.4.7 The other policies of relevance in the ABLDP are summarised below in **Table 6.3** with brief comment added with regard to how the policies relate to the policies of NPF4, where relevant.

Table 6.3 Relevant Aberdeenshire LDP Policy Summaries

Policy	Topic	Policy Summary	Position against NPF4
Policy E1	Natural Heritage	This policy seeks to protect sites designated for nature conservation interests at European, National, and local levels, seeks to avoid unacceptable adverse impacts on protected species and seeks to generally enhance the wider biodiversity and geodiversity of development sites. The Council will not permit new development which may unacceptably adversely impact on a site designated for nature conservation interests at a European level unless there are no alternative solutions; there are imperative reasons of overriding public interest; and compensatory measures have been identified and agreed. Similarly for sites designated at the national and local levels, development will only be permitted where assessments demonstrate that the designation objectives and overarching site integrity will not be compromised, or any significant adverse effects on the qualities for which the	NPF4 Policy 4 Nature Places deals with natural heritage matters and NPF4 Policy 3 Biodiversity covers the protection and enhancement of biodiversity. The provisions of Policy E1 are contained within the scope of NPF4 Policy 4 and Policy 3. No incompatibility have been identified with NPF4 in relation to ABLDP Policy E1.

Policy	Topic	Policy Summary	Position against NPF4
		area has been designated are clearly outweighed by social, environmental or economic benefits. In all cases, there is a requirement that any impacts are minimised through careful design and mitigation measures. Development proposals must seek to avoid any unacceptable detrimental impact on protected species. Where it is believed protected species may exist on or adjacent to the site, a Protected Species Survey will be required and a Species Protection Plans detailing appropriate avoidance and mitigation measures may be required. Development which will impact protected species will be refused unless justified in accordance with the relevant protected species legislation. The Council will only approve development proposals when evidence of a baseline ecological survey is provided; when proposals have been designed to avoid impacts where possible; when an ecological or geological management plan is provided that includes necessary mitigation and compensation measures to result in ecological net gain; and, where impacts cannot be avoided, the public benefits clearly outweigh the site's ecological or geological value. Development proposals must also identify what the proportionate measures are that will be taken to enhance biodiversity on Site.	
Policy E2	Landscape	The Council will refuse development that causes unacceptable impacts as a result of its scale, location or design on key characteristics, natural landscape elements, features or the composition or quality of the landscape character (as defined in the Landscape Character Assessments produced by NatureScot) whether impacts are alone or cumulatively with other recent developments. The policy outlines that a Landscape and Visual Impact Assessment (LVIA) may be	NPF4 Policy 11 Energy deals with landscape and visual impacts and Policy 4 Natural Places deals with natural heritage matters including landscape designations. The provisions of policy E2 insofar as relevant are contained within the scope of NPF4 Policy 11 and Policy 4. No incompatibilities have been identified with NPF4 in relation to ABLDP Policy E2.

Policy	Topic	Policy Summary	Position against NPF4
		required to assess the effects of change on a landscape as a result of a development proposal. The Council also requires appropriate mitigation be included in a proposal to address adverse impacts on the landscape and ensure that there are not unacceptable.	
Policy HE1	Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)	The Council will resist developments that have an adverse impact on the character, integrity or setting of Listed Buildings, Scheduled Monuments, or other archaeological sites. In situations where adverse impacts are not avoidable, the Council require these to be minimised through the exploration of mitigation measures and other alternatives. Development on nationally or locally important sites (or which will have an adverse impact on their setting) will only be permitted under exceptional circumstances, including those of a social or economic nature, and so long as there is no alternative Site. Development proposals should include details of any mitigation measures for the conservation of important sites.	NPF4 Policy 7 Historic Assets and Places seeks to protect and enhance historic environment assets and places, and Policy 11 Energy requires project design and mitigation to demonstrate how impacts on the historic environment will be addressed. The provisions of policy E2 insofar as relevant HE1 contained within the scope of NPF4 Policy 7 and Policy 11. No incompatibilities have been identified with NPF4 in relation to ABLDP Policy HE1.
Policy PR1	Protecting Important Resources	This policy seeks to protect important environmental resources associated with air quality, the water environment, important mineral deposits, prime agricultural land, peat and other carbon rich soils, open space, and important trees and woodland. Development proposals which will impact any of these resources will only be permitted when public economic or social benefits clearly outweigh any negative effects on the protected resource, and where there are no reasonable alternative sites. Development proposals which will impact water bodies, or their catchment areas must not prejudice water quality or flow rates, or their ability to achieve or maintain good ecological status. Policy PR1 requires opportunities for the improvement of water quality, physical enhancement of waterbodies and for the creation, enhancement and management	NPF4 Policies 11 Energy and 22 Flood Risk and Water Management deal with hydrology and the water environment. The provisions of policy PR1 insofar as relevant to hydrology and the water environment are contained within the scope of NPF4 Policy 11 and Policy 22. When considering hydrology and the water environment, no incompatibilities have been identified with NPF4 in relation to ABLDP Policy PR1. Separately, NPF4 Policy 6 deals with forestry, woodland and trees. The general provisions of policy PR1 with regard to forestry, woodland and trees are contained within the scope of NPF4 Policy 6. <i>Nonetheless, a conflict is identified in that NPF4 Policy 6 does not require a specific Tree Survey to be submitted to establish whether</i>

Policy	Topic	Policy Summary	Position against NPF4
		of habitats to be included in development proposals where feasible. Policy PR1 establishes a strong presumption in favour of retaining woodland on development sites. Development resulting in the loss of, or serious damage to, trees and woodlands of significant ecological, recreational, historical, landscape or shelter value will not normally be permitted. In order to determine whether there are significant public benefits that would outweigh any loss or damage to trees and woodlands, developers are required to submit a Tree Survey to the British Standard for Trees 5837. Where removal is considered appropriate, damage to existing trees must be minimised and compensatory planting will be required.	<i>the public benefits from the development proposal outweigh any proposed tree or woodland loss and/or damage.</i>
Policy C2	Renewable Energy	Policy C2 supports solar, wind, biomass and hydro-electricity projects, as well as energy storage projects, which are located and designed appropriately. The Council's assessment of the acceptability of such development proposals will take into consideration anticipated impacts on socio-economic aspects; renewable energy targets; greenhouse gas emissions; communities; landscape and visual aspects; natural heritage; carbon rich soils; the historic environment; tourism and recreation; aviation, defence, telecommunications and broadcasting interests; road traffic; hydrology; and opportunities for energy storage.	Policy 11 'Energy' states renewable energy developments (including grid transmission infrastructure) will generally be considered to be acceptable where any significant landscape and visual impacts are localised, and where appropriate design mitigation has been incorporated. Furthermore, Policy 11 also places significant weight on the contribution of the proposal to renewable energy generation targets, which also encompasses associated grid transmission infrastructure. No incompatibility between Policy C2 and NPF4 Policy 11, as Policy C2 does not explicitly reference or set a compliance threshold for grid transmission infrastructure.
Policy C4	Flooding	This policy requires Flood Risk Assessments to be undertaken (in accordance with SEPA's Technical Flood Risk Guidance) for development proposals that are located in the medium to high flood risk category. Development should avoid location within areas of medium to high flood risk, functional floodplains or other areas where the risks are otherwise assessed	NPF4 Policies 11 Energy and 22 Flood Risk and Water Management deal with hydrology and the water environment. The provisions of policy C1 insofar as relevant are contained within the scope of NPF4 Policy 11 and Policy 22. No incompatibilities have been identified with NPF4 in relation to ALDP Policy C4.

Policy	Topic	Policy Summary	Position against NPF4
		as heightened or unacceptable, except, <i>inter alia</i>, where it is essential infrastructure, and an alternative lower risk location is not available. Policy C4 states that developments should not increase flood risk vulnerability on site or elsewhere. Developments will not be approved if they enclose culverting of watercourses for land gain and all developments are subject to Sustainable Urban Drainage principles.	
Policy RD1	Providing Suitable Services	Developments that are located and designed to take advantage of or incorporate the services, facilities and infrastructure necessary to support the development will be permitted. Developments must be well related to existing developments and is close to existing public transport services (if available) or deliver major improvements to these. Safe and convenient access should also be provided for service, delivery and other goods vehicles required by the development. When development proposals require the formation of new accesses, Policy RD1 requires these to be designed to the agreed standard and should minimally impact the character of the site and surrounding area. Satisfactory arrangements for future maintenance of any new access facilities should also be made. If a new private access onto a public road is required, this must be designed to the satisfaction of Aberdeenshire Council's Road and Transportation Service and, in the case of a trunk road, Transport Scotland. The policy also explains that a Transport Assessment or Statement may be required to illustrate how the development proposal will not significantly impact existing transport infrastructure and services. The Council will support development where the required standards for water, wastewater	NPF4 Policy 18 Infrastructure First encourages, promotes and facilitates an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. NPF4 Policies 13 Sustainable Transport and 11 Energy consider access, traffic and transport while NPF4 Policies 11 Energy and 22 Flood Risk and Water Management consider the water environment and drainage. The provisions of policy RD1 insofar as relevant to the Proposed Development are contained within the scope of NPF4 Policy 11, Policy 13 and Policy 22. No incompatibilities have been identified with NPF4 in relation to ALDP Policy RD1.

Policy	Topic	Policy Summary	Position against NPF4
		and surface-water drainage servicing are satisfactorily met. Surface water drainage must be dealt with in a sustainable way, in ways that promote its biodiversity value, and in ways that avoid pollution and flooding, through the use of an integrated Sustainable Drainage System.	

Conclusions on the ABLDP

- 6.4.8 The relevant development management considerations have been addressed above (Chapter 5) in the context of NPF4 Policy 11 and are not repeated with reference to the policies of the HwLDP, MDLP and ABLDP.
- 6.4.9 It is considered that the effects arising from the Proposed Development would not be unacceptable with the policies of the ABLDP and it is considered that the Proposed Development accords with the ABLDP overall.

7. Conclusions

7.1 The Development Plan

- 7.1.1 NPF4 comprises the primary Development Plan document for the purposes of decision-making on this electricity application under Section 37 of the Electricity Act 1989. In that regard the lead policy, which should be afforded most weight in this case, is considered to be **Policy 11 (Energy)**. **NPF4 Policy 1 (Tackling the climate and nature crises)** is also key in the decision-making process, stating that in considering all development proposals, significant weight will be given to the global climate and nature crises.
- 7.1.2 The Proposed Development is considered to be acceptable in relation to all of the relevant environmental and technical topic criteria within Policy 11, when read as a whole. The adoption of embedded, applied and additional mitigation measures have resulted in comparatively few significant adverse effects arising as a result of the Proposed Development, which would deliver nationally important essential infrastructure.
- 7.1.3 A key point within **Policy 11 (Energy)** is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant positive weight in this case. **It has been demonstrated that the Proposed Development is in accordance with Policy 11.**
- 7.1.4 Landscape and visual effects have been assessed as being largely localised with limited exceptions. There would be no significant effects on the integrity of local landscape designations, and such impacts have been minimised so far as possible through best practise, embedded and additional appropriate design mitigation and optimal routing.
- 7.1.5 A district level significant effect on bats is predicted but this is not considered an adverse effect on the species as a whole such that the population is at risk. Appropriate mitigation is proposed to further mitigate effects as detailed design and construction progress. It is considered that there has been appropriate design mitigation and therefore effects should generally be considered acceptable relative to **Policy 4 (Natural Places)**.
- 7.1.6 The appraisal against the policies of NPF4 identifies an element of non-accordance in **Policy 6 (Forestry, woodland and trees)** as a result of the potential significant impacts on Ancient Woodland.
- 7.1.7 As noted, this matter has been addressed in a recent decision by Scottish Ministers: the Kendoon to Tongland 132kV OHL Section 37 decision. In that case the Reporters, following a Public Inquiry, had recommended refusal of the application due to the loss of ancient and semi-natural woodland. The Scottish Ministers however concluded that the Proposed Development, on a balance of the relevant policies, would be supported by NPF4 and that ultimately, significant weight should be attached to the benefits of the proposal in terms of the expansion of the electricity grid.
- 7.1.8 At paragraph 107 of the Decision Letter for the Kendoon to Tongland Section 37, the Scottish Ministers state that in their view, the KTR development was supported by NPF4 Policy 1. They add that the policy does not require proposals to respond equally to both the climate emergency and the nature crisis. They stated (paragraph 107):
- “While significant weight must be given to the environmental impacts of the removal of woodland, and to the conclusion that those impacts will not be fully mitigated, the resultant emissions and biodiversity impacts would be offset to an extent over time by planting and other measures committed to by the company and secured by conditions. More significant weight is afforded to the long term environmental benefits associated with an expanded grid, capable of connecting a significant amount of renewable energy over a lifetime of the assets. The contribution that the proposed development would make to tackling the global climate emergency would in time assist in mitigating the damage to natural habitats and biodiversity caused by climate change itself.”*

- 7.1.9 Furthermore, at paragraph 132 the Ministers state:
- “It is regrettable that the proposed development will result in the loss of a significant area of irreplaceable woodland. Scottish Ministers have attached conditions to the consent requiring a woodland planting strategy to address the loss of woodland, but it is accepted that this is an impact that cannot be fully mitigated. Scottish Ministers have given significant consideration to this impact but consider that the proposed development is both urgent, and necessary. The greater weight is attached to the benefits of the proposal in terms of the replacement of end-of-life electricity infrastructure and a need for security of supply for local people. The proposed development will make a significant contribution to national renewable energy targets, reducing emissions and addressing the global climate emergency. The Scottish Ministers conclude, for the reasons set out above, that the proposed development is supported by Scottish Government policies.”*
- 7.1.10 It is evident from the KTR decision that a planning balance has to be struck and a number of similar benefit factors also apply in this case with arguably greater emphasis and weight to be attributed to the overall contribution the Proposed Development could make by way of delivery of 400 kV OHL designed to unlock substantial new quantities of renewable energy. Furthermore, it is important to note that the Proposed Development does not result in the loss of a significant area of irreplaceable woodland, with the loss of ancient woodland mitigated and minimised as far as possible.
- 7.1.11 Where impact has arisen with regard to cultural heritage interests in the context of NPF4 **Policy 7 (Historic assets and places)**, it is assessed that there would be no effect on integrity of the assets concerned, subject to the application of mitigation as proposed in the case of Mains of Daviot (subject to separate permissions which will be developed in consultation with statutory consultees to aid this process).
- 7.1.12 Furthermore, the Proposed Development is a nationally significant project and is an important element in securing the decarbonisation of the electricity grid due to the levels of renewable energy generation it will enable to be connected to the electricity network from both committed and proposed on and offshore generation, as set out by NESO and approved by Ofgem.
- 7.1.13 It is therefore concluded that the Proposed Development is in accordance with **NPF4 Policy 7 (Historic assets and places)**.
- 7.1.14 The other significant residual effects are not considered to give rise to non-accordance with NPF4 or LDP policies.
- 7.1.15 As set out in the Chief Planner’s letter of February 2023, *“Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.”*
- 7.1.16 This point is further demonstrated in the Scottish Ministers’ KTR decision referenced above. It is clear that the application of planning judgement remains essential in all decision making, particularly in complex, large scale transmission projects of this nature which traverse large geographical areas with a multitude of environmental and physical constraints, which need to be balanced across the project.
- 7.1.17 It is considered overall, taking cognisance of the scale and extent of the Proposed Development, and taking full account of the degree of embedded design mitigation (including by way of routeing and alignment) and the application of the mitigation hierarchy thereto, that the Proposed Development would be in accordance with NPF4 when read as a whole.
- 7.2 The Climate Crisis & Renewable Energy Policy Framework**
- 7.2.1 The nationally important benefits of the Proposed Development have been set out in the context of the current climate emergency – the Proposed Development would help address the climate emergency and very challenging net zero targets and would contribute to improving security of supply.

- 7.2.2 The technical requirement for the Proposed Development has been established, and it responds to the need for a significant and strategic increase in the capacity of onshore and offshore electricity infrastructure to support the UK and Scottish Government commitments and legal obligations on emissions reduction. The Proposed Development is identified as a key requirement to take power from large-scale onshore and offshore renewable generation to be transported to demand centres.
- 7.2.3 The level of weight to be applied to the identification and assessment of the Proposed Development through the mechanisms administered by NESO and Ofgem is a matter for the Scottish Ministers. In the KTR decision, paragraph 61 it was stated that:
- “The Scottish Ministers have considered the main deciding factors advised by the reporters...While the need for and benefits of the proposal are key considerations, Scottish Ministers consider that the technical and economic justification as considered...goes beyond what Scottish ministers require to consider, in examining the roles of the system operator and the authority, and the decisions or assessments made by them in undertaking these roles, in advance of submission of the applications”.*
- 7.2.4 However, it has been observed that the Draft Energy Strategy and Just Transition document emphasises a collaborative approach between the Scottish Government and the industry. With regard to Ofgem’s role, it has been noted that the Proposed Development is within the scope of the ASTI Framework. In relation to these projects Ofgem observed, in their ASTI Framework decision that *“By including projects within the list of ASTI projects, we are accepting the needs case for these projects in terms of the technical capabilities reflected in the HND/NOA Refresh”*. There is a clear expectation from Government and the energy regulator, Ofgem, that this project will be delivered by 2030.
- 7.2.5 More specifically, the project is needed to deliver Government’s 2030 renewable energy targets set out in the British Energy Security Strategy and the Clean Power 2030 Action Plan.
- 7.2.6 The need for a high voltage electricity transmission network to support renewable energy and meet net zero, and to ensure energy security and supply, is included within NPF4:
- “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”.* (pg. 103)
- 7.2.7 NPF4 identifies 18 National Developments described as *“significant developments of national importance that will help to deliver the spatial strategy”*. National Developments are acknowledged as projects necessary for the delivery of the national spatial strategy and *“Their designation means that the principle for development does not need to be agreed in later consenting processes.”*
- 7.2.8 The Proposed Development falls within ND3: ‘Strategic Renewable Electricity Generation and Transmission Infrastructure’.
- 7.3 The Planning Balance**
- 7.3.1 In NPF4 there is a clear recognition that climate change must become a primary guiding principle for all plans and decisions. Significant weight is to be given to the climate emergency and the contribution of individual developments to tackling climate change.
- 7.3.2 NPF4 came into force on 13th February 2023 and provides up to date statements of Scottish Government policy, directly applicable to determination of this application. This should be afforded very considerable weight in decision-making.
- 7.3.3 NPF4 is unambiguous as regards the policy imperative to combat climate change, the crucial role of facilitating further renewable energy production and transmission and the scale and urgency of renewables deployment required. As described in this Planning Statement:
- > The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are *“at the*

heart of our vision for a future Scotland” so that “the decisions we make today will be in the long-term interest of our country”¹⁵;

- > NPF4 Policy 1 (Tackling the climate and nature crises) directs decision-makers to give significant weight to the global Climate Emergency in all decisions. This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker; and
- > NPF4 is clear that grid transmission infrastructure plays a crucial role in combatting climate change, transitioning to a net zero Scotland and ensuring security of energy supply. NPF4 Policy 11 (Energy) strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including transmission infrastructure. The Proposed Development does give rise to some non-accordance with the Development Plan. As noted, some policy conflicts are inevitable, especially given a project of this scale. It is considered that the Proposed Development is in accordance with NPF4 when read as a whole.

7.3.4 Moreover, it is clear from the NPF4 Statement of Need, that need considerations and benefits of national importance attract significant weight.

7.3.5 The Proposed Development would deliver nationally important essential infrastructure and has been carefully routed and designed such that the level of significant effects remaining post-mitigation is low in the context of the project as a whole. When assessed in overall terms, it is considered that the benefits arising outweigh the relatively limited and localised significant adverse effects, and that the Proposed Development should be supported.

¹⁵ NPF4, page 2.

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