

Skye Reinforcement Project Proposed 132kV Overhead Line:

Planning Statement

September 2022

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1. Introduction & Overview

1.1 Background

- 1.1.1 Scottish Hydro Electric Transmission plc ("the Applicant") who, operating and known as Scottish and Southern Electricity Networks Transmission ("SSEN Transmission"), has submitted an application under section 37 of the Electricity Act 1989, along with a request that Ministers issue a direction that planning permission be deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997 for consent to construct and operate approximately 110 kilometre (km) of new double circuit steel structure 132kV overhead transmission line (OHL) between Fort Augustus Substation and Edinbane Substation, and 27km of new single circuit trident H wood pole (H pole) OHL between Edinbane Substation and Ardmore Substation. The project would also comprise approximately 24km of underground cable, proposed to mitigate the likely significant effects, or as a means of rationalising the OHL network. In total the proposed transmission connection extends to approximately 160km in length. The Proposed Alignment is shown in Figures C1-1.1a to 1c: 'Overview of the Proposed Development' within the Environmental Impact Assessment (EIA) Report.
- 1.1.2 The project, known as the Skye Reinforcement Project, hereafter referred to as 'the Proposed Development', is required to replace existing transmission assets that are approaching the end of their operational life, and to provide additional capacity for new renewable generation.
- 1.1.3 The Applicant also seeks consent under section 37 of the 1989 Act and deemed planning permission for an Alternative Alignment within Section 3 of the project between Broadford and Kyle Rhea. This is further described and explained below.
- 1.1.4 In addition, the Applicant is seeking consent for a temporary diversion of the existing 132kV OHL at Inchlaggan for approximately 750m to facilitate construction of the new OHL in this location. The scope of the application includes the construction and operation of the OHL and ancillary development including sealing end compounds, access tracks etc, for which deemed permission will be sought, and associated works, including drainage, borrow pits site compounds, and access tracks. Deemed planning permission is sought for these associated works which are required to facilitate the OHL construction and operation.
- 1.1.5 Separate applications for planning permission for substation extension works at Broadford and Edinbane are being progressed alongside the section 37 application. The cumulative effects of the development as a whole is considered within the relevant EIA which accompany each application.
- 1.1.6 Works are also required at Quoich Tee, near Kingie, to construct and operate a new switching station. These works are being progressed separately and do not form part of the Proposed Development.
- 1.1.7 On completion of the Proposed Development, the existing 132kV OHL would be dismantled and removed and deemed planning permission is being sought for these works as part of this Application.
- 1.1.8 This Planning Statement considers the case for approval in land use planning terms at the local (The Highland Council) level, and with reference to national planning and energy policy which supports the delivery of electricity infrastructure that will assist in the delivery of the Government's legally binding 'net zero' commitments and will ensure security of supply to customers.

1.2 The Statutory Framework

The Electricity Act 1989

- 1.2.1 As the Transmission License holder in the North of Scotland the Applicant has a duty under section 9 of the Electricity Act 1989 to facilitate competition in the generation and supply of electricity. The Applicant is obliged to offer non-discriminatory terms for connection to the Transmission system both for new generation and for new sources of electricity demand.
- 1.2.2 In response to the statutory duties and licence obligations upon it, the Applicant requires to ensure that the transmission system is developed and maintained in an economic, coordinated and efficient manner in the interests of existing and future electricity consumers.
- 1.2.3 It is also the Applicant's duty to consider the possible environmental impacts of new electric lines and to do what can 'reasonably be done' to mitigate any adverse impacts, in line with section 38 of, and Schedule 9 to, the 1989 Act. In terms of its statutory duties and licence obligations, the Applicant must therefore balance technical, cost (economic) and environmental factors.
- 1.2.4 The application is made to the Scottish Ministers under section 37 of the Electricity Act 1989 (the Electricity Act) together with a request that Ministers issue a direction confirming that the development benefits from deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). The Planning Authority is the relevant planning authority under the 1989 Act.
- 1.2.5 The applicant has, through the EIA process, had full regard to the matters set out in Schedule 9 paragraph 3(1)(a).
- 1.2.6 The EIA Report identifies how various factors were taken into account in the formulation of the applications. In addition, it includes assessment of likely significant environmental effects and also, where appropriate, the identified appropriate mitigation and residual effect. This includes both embedded mitigation, which is integral to the design, and also specific additional mitigation measures which have been identified as a result of assessments.
- 1.2.7 The Scottish Ministers are obliged to consider whether the Applicant has provided sufficient information to enable them to address its duties under sub-paragraph 3(1) of Schedule 9 of the 1989 Act. The duty on the Ministers is to have regard to the matters specified in Schedule 9, it is not a development management test.
- 1.2.8 Applications made under Section 37 of The Electricity Act need to have regard to the provisions of Schedule 9 which relates to the preservation of amenity and fisheries.
- 1.2.9 Schedule 9, Sub-paragraph 3(2) of the Electricity Act, requires a licence holder and the Scottish Ministers to have regard to:
“(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of the sub-paragraph.”
- 1.2.10 The matters referred to in Schedule 9 sub-paragraph 3 (1) (a) and (b) of the Electricity 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 physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; “
- 1.2.11 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”

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

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

The Town & Country Planning (Scotland) Act 1997

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

1.2.15 Section 57(2) of the 1997 Act provides:

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

1.2.16 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 shall be made in accordance with the plan unless material considerations indicate otherwise”.

1.2.17 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.

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

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

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

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

1.2.20 The Proposed Development constitutes ‘Schedule 2’ development under the EIA Regulations and the application for Section 37 consent is accompanied by an EIA Report.

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

1.2.21 A request for Scoping Opinion was made to Scottish Ministers under Regulation 12 of the EIA Regulations in December 2021, supported by a Scoping Report which sought the views from the Energy Consents Unit (ECU) and statutory and non-statutory consultees regarding the scope of information to be provided within the EIA Report.

1.2.22 A Scoping Opinion was received from Scottish Ministers on 26th April 2022. The content of this has informed the EIA Report submitted in support of the application for the Proposed Development.

1.3 Key Facts

1.3.1 Key facts relevant to this application are:

- > The Proposed Development is identified within Annex A of National Planning Framework 3 (NPF3) as a National Development under the class of development noted as “*new and / or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts and supporting pylons*”.
- > The Proposed Development is for a critical reinforcement of the transmission network to ensure security of supply by replacing infrastructure at end of its operational life, and to enable renewable connections and transmission of energy to the wider GB network.
- > The Proposed Development will deliver important network and grid infrastructure required to deliver the Government’s legally binding targets for net zero emissions and renewable energy electricity generation objectives.
- > The Proposed Development will be delivered in such a way that it is environmentally acceptable and will include a co-ordinated scheme of environmental mitigation to ensure the long-term protection of the local and wider environment and to deliver development which is sustainable.

1.4 Structure of Planning Statement

1.4.1 This Report seeks to address the pertinent issues relevant to the determination of the application to aid decision makers in their assessment and conclusions on the proposal.

1.4.2 The Proposed Development extends some 160km across a varied landscape and environment. A significant level of consultation has been undertaken to date based upon a series of geographical ‘sections’ of the route (Sections 0-6). For consistency, the planning appraisal presented in this Report has followed this approach and assesses the consistency of the proposals against the national policy framework and the Development Plan on a section by section basis, before providing an overall assessment and conclusion.

1.4.3 The Report is structure as follows:

- > Chapter 2 sets out a summary description of the Proposed Development and its route;
- > Chapter 3 refers to the need case for the Proposed Development and includes an appraisal of the Proposed Development in relation to national energy, legislative and policy considerations. It is supported by Appendix 1;
- > Chapter 4 provides an appraisal of the Proposed Development in relation to national planning policy;
- > Chapter 5 sets out relevant Development Plan policies and provides an assessment, by route section, of the Proposed Development against the primary policies; and
- > Chapter 6 presents overall conclusions.

2. The Proposed Development and Routing

2.1 Introduction

- 2.1.1 The Proposed Development is located within the Highland Council administrative area between Fort Augustus Substation and Ardmore Substation.
- 2.1.2 The need for the Proposed Development is an important consideration and is detailed in Volume 1: Chapter 2 of the EIA Report. This matter is considered further in Chapter 3 of this Planning Statement which refers to national energy policy and the need for the project in that context.
- 2.1.3 The issue of ‘Alternatives’ and the routing process is a consideration and is detailed in EIA Report Volume 1: Chapter 4. The route selection process and consideration of alternatives is important to the assessment of some key elements of the Proposed Development, where the effects are known to result in an adverse impact on European designations. A high-level summary of the key aspects of this process is provided in Section 2.2 to provide context to the decision maker as relevant to the planning considerations associated with consenting the OHL.
- 2.1.4 A detailed description of the proposed OHL route alignment is provided in Volume 1: Chapter 3 of the EIA Report. For ease of assessment and understanding, the Proposed Development has been split into route sections 0-6.
- 2.1.5 EIA Volume 1, Chapter 2 provides full details of the route sections, and a summary is provided in Section 2.3 below.
- 2.1.6 EIA Volume 1, Chapter 3 provides a description of the Proposed Development, and a summary is provided at Section 2.4 below.

2.2 Route Selection and Alternatives: Overview

Route Selection

- 2.2.1 The Need for the Proposed Development is addressed in EIA Volume 1, Chapter 2 and is referenced in Chapter 3 of this Planning Statement relative to national energy policy considerations. In summary, the key drivers for the Skye Reinforcement Project are summarised as:
- > The existing line is approaching end of its operational and economic life.
 - > There are a number of renewable energy projects requiring connection to the national grid arising from the renewable generation policies and the drive to attain net zero. The Applicant is contracted to provide an additional 424 Mega Watts (MW) of generation on the Skye circuit by 2027 and a further 57 MW is in the connection application process.
 - > The existing OHL is the sole connection from the mainland transmission system to Skye and the Western Isles. The proposed reinforcement will result in the replacement of an existing single circuit with a double circuit transmission line of modern and robust construction type, therefore significantly improving security of supply.
- 2.2.2 Having established the need for the project, the Applicant is required to fulfil their obligations to deliver and maintain an efficient, co-ordinated and economical transmission system considering technical, economic and environmental factors. To deliver this, they are required to evaluate reasonable alternatives, with the objective of identifying a proposed alignment

and associated Limit of Deviation (LoD) which is technically feasible and which causes the least disturbance to the environment, and to people who live, work, visit and recreate within it.

- 2.2.3 The Applicant is required to follow a series of guidelines for the routeing of new high voltage OHLs which have been established within the electricity supply industry – known as the Holford Rules. They set a hierarchical approach to routeing which advocates avoiding areas of high amenity value, minimises changes in direction, takes advantage of topography and which minimise visual interaction with other transmission infrastructure. The Applicant has further refined this guidance to reflect contemporary practice, and to provide a framework to ensure environmental, technical and economic considerations are identified and appraised at each stage of the routeing process.
- 2.2.4 Four stages have been followed in the routeing process as follows:
- > Stage 0 – Routeing Strategy Development;
 - > Stage 1 – Corridor Selection;
 - > Stage 2 – Route Selection; and
 - > Stage 3 – Alignment Selection.
- 2.2.5 Each stage is iterative and involves an increased level of detail and resolution bringing together a process which enables the best balance to be achieved.
- 2.2.6 Stage 0 sets the Proposed Strategy for routeing from the known start and end points. Thereafter Stage 1 seeks to establish a corridor within which the OHL will be positioned. In this instance, a corridor had been identified previously named the ‘Fort Augustus to Skye Project’ when an additional 132 kV wood pole OHL connection was proposed to run in addition to the existing. As the project evolved into the Skye Reinforcement Project as currently proposed, the Corridor was reviewed in tandem with the conclusions of the reinforcement study to determine the appropriateness in delivering the specific needs of the project. The review concluded that, subject to an extension of the Corridor to Ardmore, the previously chosen Corridor represented the appropriate area within which to appraise specific route options.
- 2.2.7 Route Selection stage involves the identification of route options, circa 1 km wide, and an appraisal of the environmental, technical and economic constraints, prior to arriving at a preferred route, for consultation, which resulted in a proposed route to take forward to alignment selection stage. Given the previous work undertaken as part of the previous Skye to Fort Augustus Project, a review of the previous routes was undertaken with further appraisals to determine if modifications were required, or new routes emerged. Following desk-based and site visit reviews, it was concluded that the previously identified route options were still applicable. Additional route options were however developed for Section 0 as this part of the project was new.
- 2.2.8 Each route option was assessed under a series of topic headings and criteria and rated Red-Amber-Green (RAG). Detailed summaries of the route option appraisals are provided in EIA Volume 1, Chapter 4, Section 4.7.
- 2.2.9 Consultation on the preferred route was undertaken with statutory stakeholders and the public, with the Report on Consultation confirming the Proposed Route to be progressed.
- 2.2.10 The Alignment Selection Stage seeks to assess the detailed placing of the OHL along the route and examines a Baseline Alignment and potential Variants which are then assessed against environmental and technical considerations. A preferred alignment is then identified, consulted upon and then confirmed. A summary of this process for the Skye Reinforcement Project is provided at Section 4.10 of the EIA Report Volume 1, Chapter 4. This explains the detailed approach taken to the design of the proposed project and sets out the various alternatives considered for each route section and confirms the Proposed Alignment.

2.3 The Proposed Development & Route Sections

- 2.3.1 The route of the OHL has been divided into six sections as summarised below:
- 2.3.2 Between Ardmore Substation and Edinbane Substation, a new single circuit trident H wood pole OHL is proposed.
- 2.3.3 The route between Edinbane Substation and Fort Augustus would primarily comprise the construction of a new double circuit steel structure 132kV OHL, totalling 110km in length. In two distinct areas (Section 2 within the vicinity of the Cuillins) and in Section 6 (between Loch Lundie and Fort Augustus Substation) an underground cable is proposed to either mitigate likely significant effects (Section 2) or to rationalise the existing OHL network (Section 6).
- 2.3.4 In total a 160km length of new transmission connection will be delivered. On completion the existing OHL will be dismantled and removed.
- 2.3.5 In addition, and outside the scope of the Proposed Development, other works will be subject to separate consent under the 1997 Act including extensions to Broadford and Edinbane Substations, and a new switching station at Quoich Tee, near to the existing tee off at Kingie.
- 2.3.6 Planning applications for the substation extensions are being progressed in parallel with the OHL application submission. The consideration of the cumulative effects of these developments have been considered within the EIA Report for the OHL.
- 2.3.7 A detailed description of key elements of the Proposed Development and technical information is provided in the EIA Report, Chapter 3, Project Description and is summarised in Section 2.4 below.
- 2.3.8 A summary description of the route Sections and the Proposed Development within each is set out in **Table 2.1** below.

Table 2.1: Summary of main elements of the Proposed Development by Route Section

Route Section	Design Solution	Ancillary / Associated Works
Section 0: Ardmore Substation to Edinbane Substation	Wood pole OHL for the entirety of this Section (approximately 27km).	<p><u>Ancillary Works:</u></p> <ul style="list-style-type: none"> > Temporary construction access via tracked vehicles. Use of helicopters proposed to deliver materials; > Establishment of temporary measures to protect road and water crossings (e.g. scaffolding); > Tree felling and vegetation clearance to facilitate construction and operation of the Proposed Development; and > Dismantling of the existing 132kV wood pole OHL. <p><u>Associated Works:</u></p> <ul style="list-style-type: none"> > Public road improvement works as required; > Temporary construction compounds; and > Edinbane Substation Extension.
Section 1 – Edinbane to North of Sligachan	Steel lattice OHL for the entirety of this Section (approximately 20km in length) from Edinbane Substation to a terminal tower and cable sealing end compound(CSE compound).	<p><u>Ancillary Works:</u></p> <ul style="list-style-type: none"> > CSE compound to facilitate the transition between OHL and underground cable; > Temporary and permanent construction access including use of existing access tracks, new permanent access tracks and temporary spurs to tower positions. > The upgrade of existing, or creation of new bell-mouths at public road access points;

Route Section	Design Solution	Ancillary / Associated Works
		<ul style="list-style-type: none"> > Establishment of temporary measures to protect road and water crossings (e.g. scaffolding); > Tree felling and vegetation clearance to facilitate construction and operation of the Proposed Development; and > Dismantling of the existing 132 kV wood pole OHL. <p><u>Ancillary Works:</u></p> <ul style="list-style-type: none"> > Public road improvement works as required; > Temporary construction compounds; and > Borrow pits and / or quarries.
<p>Section 2 – North of Sligachan to Broadford</p>	<p>Underground cable for approximately 15km, from a new CSE compound (as per Section 1) to a new CSE compound near Luib. From here, a new steel lattice OHL proposed to Broadford Substation for 8km.</p>	<p><u>Ancillary Works:</u></p> <ul style="list-style-type: none"> > Approximately 15km of new double circuit 132kV underground cable; > CSE compound to facilitate the transition between OHL and underground cable; > Temporary and permanent construction access including use of existing access tracks, new permanent access tracks and temporary spurs to tower positions. > The upgrade of existing, or creation of new bell-mouths at public road access points; > Establishment of temporary measures to protect road and water crossings (e.g. scaffolding); > Tree felling and vegetation clearance to facilitate construction and operation of the Proposed Development; and > Dismantling of the existing 132kV wood pole OHL. <p><u>Associated Works:</u></p> <ul style="list-style-type: none"> > Public road improvement works as required; > Temporary construction compounds; and > Borrow pits and / or quarries.
<p>Section 3 – Broadford to Kyle Rhea</p>	<p>Steel lattice OHL for the entirety of this Section (approximately 20km in length) from Broadford Substation to the existing crossing towers at Kyle Rhea (to be retained).</p> <p>Due to sensitivities of routeing a new OHL through the Kinloch and Kyleakin Hills SAC, an Alternative Alignment in Section 3 has been given consideration in the EIA process.</p>	<p><u>Ancillary Works:</u></p> <ul style="list-style-type: none"> > Temporary and permanent construction access including use of existing access tracks, new permanent access tracks and temporary spurs to tower positions. > The upgrade of existing, or creation of new bell-mouths at public road access points; > Establishment of temporary measures to protect road and water crossings (e.g. scaffolding); > Tree felling and vegetation clearance to facilitate construction and operation of the Proposed Development; > Foundation works required at existing crossing and anchor towers at Kyle Rhea that are to be utilised as part of the Proposed Development; and > Dismantling of the existing 132 kV steel lattice OHL. <p><u>Associated Works:</u></p> <ul style="list-style-type: none"> > Public road improvement works as required; > Temporary construction compounds;

Route Section	Design Solution	Ancillary / Associated Works
		<ul style="list-style-type: none"> > Borrow pits and / or quarries; and > Broadford Substation Extension.
<p>Section 4 – Kyle Rhea to Loch Quoich</p>	<p>Steel lattice OHL for the entirety of this Section (approximately 38km in length) from the existing crossing towers at Kyle Rhea to Loch Quoich Dam.</p>	<p><u>Ancillary Works:</u></p> <ul style="list-style-type: none"> > Temporary and permanent construction access including use of existing access tracks, new permanent access tracks and temporary spurs to tower positions. > The upgrade of existing, or creation of new bell-mouths at public road access points; > Establishment of temporary measures to protect road and water crossings (e.g. scaffolding); > Tree felling and vegetation clearance to facilitate construction and operation of the Proposed Development; and > Dismantling of the existing 132 kV steel lattice OHL. <p><u>Associated Works:</u></p> <ul style="list-style-type: none"> > Public road improvement works as required; > Temporary construction compounds; and > Borrow pits and / or quarries.
<p>Section 5 – Loch Quoich to Invergarry</p>	<p>Steel lattice OHL for the entirety of this Section (approximately 24km in length) from Loch Quoich Dam to a new CSE compound near Loch Lundie.</p>	<p><u>Ancillary Works:</u></p> <ul style="list-style-type: none"> > CSE compound to facilitate the transition between OHL and underground cable (into Section 6); > Temporary and permanent construction access including use of existing access tracks, new permanent access tracks and temporary spurs to tower positions. > The upgrade of existing, or creation of new bell-mouths at public road access points; > Establishment of temporary measures to protect road and water crossings (e.g. scaffolding); > Tree felling and vegetation clearance to facilitate construction and operation of the Proposed Development; and > Dismantling of the existing 132 kV wood pole (Quoich to Aberchalder) OHL and steel lattice towers. <p><u>Associated Works:</u></p> <ul style="list-style-type: none"> > Public road improvement works as required; > Temporary construction compounds; and > Borrow pits and / or quarries.
<p>Section 6 – Invergarry to Fort Augustus</p>	<p>An underground cable for the entirety of this Section, from a new CSE compound near Loch Lundie to Fort Augustus Substation, a distance of approximately 9.5km.</p>	<p><u>Ancillary Works:</u></p> <ul style="list-style-type: none"> > Approximately 9 km of new double circuit 132 kV underground cable; > Construction access via Existing access tracks and > New temporary access tracks; > Tree felling and vegetation clearance to facilitate construction and operation of the Proposed Development; and > Dismantling of the existing 132 kV wood pole OHL (Fort Augustus to Skye Tee).

Route Section	Design Solution	Ancillary / Associated Works
		<u>Associated Works:</u> > Temporary construction compounds; and > Borrow pits and / or quarries.

2.3.9 Volume 2 Chapter 2 of the EIA Report provides a detailed section by section descriptive overview of each of the seven geographically defined ‘sections’ referred to throughout the EIA assessments and as referenced within this Planning Statement. A summary of each Section from west to east is provided below.

Section 0 – Ardmore to Edinbane

2.3.10 Section 0 is the most westerly section of the route, located between Ardmore Substation and Edinbane Substation on the Isle of Skye. The Proposed Development in this section comprises a new 132kV Pole OHL.

2.3.11 The northern part of the section includes the Waternish peninsula. Beyond Fairy Bridge, at the southern extent of the peninsula, the route follows the A850 and a minor road prior to its connection with Dunvegan Substation. Beyond here, the area between Dunvegan and Edinbane Substations is sparsely populated and characterised by large areas of open moorland on gently sloping and undulating terrain. The terrain throughout this section largely comprises gently undulating open moorland. Settlements are found on the peninsula within the vicinity of the B886.

2.3.12 From Ardmore Substation and Hallistra / Hallin, the new OHL heads south-east and passes just to the east of Hallistra Loch before heading east, crossing Cnoc a’ Chatha and the minor road to Trumpan. The OHL is then routed east and then south-east, following the route of the existing OHL before crossing it and head to the east of Beinn na Mointich. Thereafter the route tracks to the east of Beinn na Mointich in order to move the OHL further away from properties at Hallin, thereafter following the western extent of the forest plantation on its descent towards Stein. From here, it follows close to the existing OHL towards Bay. At Bay, the OHL deviates approximately 35m from the existing OHL to account for localising topography and gradually narrows to the existing OHL north of Fairy Bridge. At Fairy Bridge the OHL again takes a slight diversion from existing as it crosses the A850 and Allt a’ Ghille, before being routed adjacent to existing to follow the A850 toward Horneval and then onto Dunvegan Substation. From Dunvegan Substation the OHL is routed adjacent to the existing OHL towards Glen Heysdal, where a further slight deviation to the east is made to avoid nearby properties. Thereafter the OHL routes adjacent to existing again, and to the east, then north of the existing as it traverses towards open moorland toward Balmeanach, through plantation forestry to connect with Edinbane Substation.

Section 1 – Edinbane to north of Sligachan

2.3.13 Section 1 commences from Edinbane Substation to a point north of Sligachan and west of Meall Odhar Mor. The Proposed Development comprises a steel lattice tower 132 kV OHL replacing existing 132kV wood pole, broadly following a similar route to the existing, with some localised deviations.

2.3.14 The area comprises open moorland and commercial forestry with coastal views to the west over Loch Harport. Settlement is found at Glenmore and Mugeary within the central part of the section, and at Glen Vic Askill, near Edinbane Substation. Sligachan is located to the south-east and Bracadal and Glen Drynoch on the west coast. Portree is also a short distance to the north-east. Access in this section comprises the A863 to the west, the A87 to the east and the B885 and minor single-track roads. The terrain throughout this section comprises largely low-lying topography.

2.3.15 Leaving Edinbane Substation, the OHL routes south-east following the existing OHL on its north side but deviating further east, cutting through forestry to maintain sufficient clearance distance to the site of the consented Glen Ullinish Wind Farm. The OHL turns east to follow the existing OHL deviating slightly north near Benn a Mhadadh to account for localised topography. North of Am Maol, the OHL routes south south-east crossing the existing OHL and tracking south – east across open moorland, skirting Tungadal Forest to the west of Glenmore, before cutting through the forest west of Mugeary. After exiting the forestry, the OHL routes back towards the existing OHL and crosses to its eastern side from where it again follows the existing route until north of Sligachan. Here the new OHL skirts the west side of Glen Varragill Forest, prior to crossing the A87, crossing through the forest briefly, then skirting the east side of the forest and terminates at a Cable Sealing End (CSE) compound.

2.3.16 Access would be taken largely from the existing local road network to facilitate construction using existing access points, junctions and tracks in the main. New access would be required on the B885.

Section 2 – North of Sligachan to Broadford

2.3.17 This section is located between the proposed CSE compound to the North of Sligachan at the south-east corner of Glen Varragill Forest and Broadford Substation. For this section a combination of underground cabling and a steel lattice tower 132 kV OHL is proposed as a replacement to the existing wood pole OHL.

2.3.18 Section 2 transitions from open moorland and the relatively gently sloping nature of Sections 0 and 1, into the mountainous and steep hillsides of the Cuillin Hills, before flattening out again upon reaching Broadford Substation. The Section is characterised by the mountains of the Black and Red Cuillin ranges which rise steeply from the shore and provide a prominent focus, together with the long fjord like sea-lochs of Loch Sligachan and Loch Ainort which cut deeply inshore, close to the the mountains. Settlement is concentrated along the A87. This is a sensitive and dramatic landscape and the accessibility provided by the A87 results in this area being a highly popular tourist route.

2.3.19 From the CSE compound north of Sligachan, the underground cable is routed south south-east towards the River Sligachan, under which it will cross by Horizontal Directional Drill (HDD). The underground cable will then run along the route of the A87 before crossing the lower slopes of Glamaig, to the south of Sconser, then following the contours of the slopes to the southeast until Gleann Torra-mhichaig, where it would follow a southerly course within the valley. At the southern extent of Gleann Torra-mhichaig, to the east of Beinn Dearg Mhor, the cable would cross the A87 and descend towards Loch Ainnort. Thereafter, the cable is routed south then east around the head of the loch, crossing the A87 again, before continuing north-east to the south side of the road: traversing the north tops of Glas-Bheinn Mhor, terminating at the CSE compound south of Luib. At this point the route transitions back to OHL, moving east around the south side of Am Meall, and to the south of Loch nam Madadh Uisge, before heading south-east, thereafter broadly following the route of the existing OHL towards Broadford Substation, passing to the west of Strollamus.

Section 3 – Broadford to Kyle Rhea

2.3.20 Section 3 is located between Broadford Substation and the existing crossing towers at Kyle Rhea which connect the OHL 132kV electricity network between Skye and the mainland. The section comprises a new 132kV steel lattice OHL to replace the existing.

2.3.21 From the existing Broadford Substation, the section initially traverses a relatively flat area of open moorland and commercial forestry plantation to the south of the populated A87 corridor. Further east, the terrain turns mountainous with areas of steep gradient before reaching the existing OHL crossing at Kyle Rhea. At this point, the Proposed Development crosses the Kyleakin and Kinloch Hills Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

- 2.3.22 To the north at this point of the route is the settlement of Kyelakin, and to the south and east, is Kylerhea. Access to the northern and western parts of this section is provided by the A87 and A851, whilst further east access is limited to single track roads and forestry tracks.
- 2.3.23 From the Substation at Broadford the route follows the existing OHL south-east through forest plantation before crossing the existing OHL to be on its southern side and heads east, to the south of Broadford and Harrapool. Thereafter, the OHL crosses the A851 north-west of Lochan Cruinn and continues across open moorland prior to reaching the minor road to Glen Arroch. Here, the OHL crosses the minor road and the Allt Mor, before entering commercial forestry plantation to the south of Kyleakin. The OHL continues to follow the existing OHL north-east thereafter continuing in an easterly direction, climbing higher than the existing OHL which is routed along the coast. The proposed OHL continues east, along the southern extent of the woodland at Mudalach before following the contours of the lower slopes of Sgurr na Coinnich and returning close to the existing OHL to the south-east of Stron an Tuirbn. Thereafter the route follows the existing OHL to the crossing towers at Kyle Rhea.

Alternative Alignment at Section 3

- 2.3.24 As noted in the Introduction, the Applicant is also seeking consent under section 37 of the 1989 Act for an Alternative Alignment within Section 3 of the project between Broadford and Kyle Rhea. The Alternative Alignment would follow the same alignment as the Proposed Alignment from Broadford Substation to the minor road to Glen Arroch. At this point, the Proposed Alignment continues eastwards following a similar course to the existing OHL to the existing crossing towers at Kyle Rhea, whereas the Alternative Alignment would follow the minor road through Glen Arroch and Kylerhea Glen. Prior to reaching the settlement at Kylerhea, the Alternative Alignment is routed in a northerly direction via the lower slopes of Beinn Bhuidie and through commercial forestry to the existing crossing towers at Kyle Rhea. The total length of the Alternative Alignment would be approximately 20 km in length.
- 2.3.25 Whilst this is a single consent application submitted by the Applicant to the Scottish Ministers, only one of the two route alternatives within Section would be built and the Applicant requests Scottish Ministers consent only one of those two options.
- 2.3.26 This approach has been taken by the Applicant given that both the Proposed Alignment and the Alternative Alignment cross the Kinloch and Kyleakin Hills SAC within Section 3. As the competent authority under the terms of the Habitats Regulations, Scottish Ministers will be required to consider the effect of the proposal on the SAC before it can be consented, applying a 4-step process.
- 2.3.27 Step 1 is to consider whether the Route Options are likely to have a significant effect on the SAC. If there is such a likelihood, Step 2 is an appropriate assessment by the Scottish Ministers of the effects of the project on the integrity of the SAC. If the appropriate assessment concludes there are adverse effects on the integrity (“AEOI”) of the SAC, then Scottish Ministers must refuse consent for that aspect of the project unless Steps 3 and 4 are undertaken.
- 2.3.28 Step 3 is to consider whether there are feasible alternatives that would avoid AEOI or have less severe AEOI. If there are no feasible alternatives Step 4 is to consider whether, despite the AEOI, the project should proceed for Imperative Reasons of Overriding Public Interest (“IROPI”). If IROPI are present the Scottish Ministers may consent the project, provided that any necessary compensatory measures to ensure the coherence of the national site network are secured.
- 2.3.29 While it is for the Scottish Ministers to undertake the four steps above, the Applicant has provided information to assist the process. This is presented in a shadow Habitats Regulations Appraisal (Appendix v2-4.7 of the EIA Report) (“shadow HRA”). It is for the Scottish Ministers to reach their own conclusions, but the shadow HRA predicts that, after the consideration of mitigation measures, an AEOI cannot be ruled out for either route alignment

for four of the SAC's qualifying features (Western acidic oak woodland, blanket bog, wet heathland with cross-leaved heath and dry heaths).

- 2.3.30 The Applicant therefore presents the Proposed Alignment as its preferred option. If Scottish Ministers were to agree, the Applicant would request that consent be granted for the Proposed Development and refused in respect of the Alternative Alignment.
- 2.3.31 However, if the Scottish Ministers were to conclude at Step 2 that the route of the Proposed Alignment within Section 3 had more severe AEOI compared to the Alternative Alignment, then they would have to refuse consent for the route of the Proposed Alignment within Section 3. Sufficient detail for the Alternative Alignment is therefore provided within Volume 6 of the EIA Report so that, in that event, the Alternative Alignment can be consented without the need to bring forward a separate application. Doing so is important to ensuring security of supply is maintained, and that proposed renewable developments in support of Net Zero targets can be accommodated within reasonable timescales. The importance of this consideration is set out in Chapter 3 of this Planning Statement.

Section 4 – Kyle Rhea to Loch Quoich

- 2.3.32 This section runs north-west to south-east between the east landing point at the Kyle Rhea crossing on the mainland to Loch Quoich dam. The Proposed Development in this section comprises a steel lattice tower 132kV OHL, replacing the existing, broadly following a similar route, with some localised deviations.
- 2.3.33 The terrain through this section is technically challenging for construction, dominated by extensive areas of mountainous topography, with exposed steep to very steep rock. Settlements within the vicinity of the OHL in this section are focussed mainly to the west, and within the areas of Glenelg and Scallasaig. Access to the west of this section comprises minor, often single-track road, connected to the A87 via the old military road from Shiel Bridge. To the east of this section, access from the A87 is available via the minor road to Kinlochhourn. Access to the areas between Balvraid and Kinlochhourn has no public road access, although some forestry and estate tracks, as well as walking paths exist.
- 2.3.34 The OHL crosses the Kyle Rhea channel from Section 3 and continues south-east through forestry, following the existing OHL on its south side. The route passes between Creag Dubh and Cnoc Mor before crossing Glen More. After crossing the valley, the OHL climbs the hill to the south of Glen More, requiring some felling of native woodland, before continuing south and passing to the east of Loch a' Mhuillin. Continuing to the south east, the OHL heads toward Druim Iosal. This is a particular pinch point given the presence of the existing OHL and local topography. The Proposed Development would be built on the route of the existing OHL for a short section up and over the hill. Between Balvraid and Kinlochhourn the proposed OHL closely follows the route of the existing OHL. On approach to Kinloch Hourn, the steepness of the topography and terrain is such that the most viable option is to utilise the existing alignment. New towers will be built approximately 15-20m from existing. After passing the north side of Kinloch Hourn, the OHL turns south at Tom nan Ramh, towards Loch Coire Shubh, crossing a minor road and following a southerly course to the west of the road and loch, prior to crossing back over to the south of Loch an Doire Dubh. Thereafter, passing Loch Coire Shubh and Loch an Doire Duibh the route turns east, past the north shore of Loch Coire nan Cnamh and meets the north shore of Loch Quoich. The OHL continues to the north of a minor road and to the south of the existing OHL, before crossing Glen Quoich just to the north of the bridge, then continuing south-east and following the existing OHL to the north of Loch Quoich.

Section 5 – Loch Quoich to Invergarry

- 2.3.35 Section 5 is located between Loch Quoich Dam and a point northwest of Invergarry, south of Loch Lundie. A steel lattice tower 132 kV OHL is proposed as a replacement to the existing between Loch Quoich Dam and Kingie, and the wood pole OHL from Kingie to Aberchalder (also referred to as the 'Skye Tee').

- 2.3.36 The OHL is routed west to east from Loch Quoich dam and following to the north of Loch Poullary and Loch Garry prior to crossing the A87 and heading towards Loch Lundin, to the north of Invergarry where it would terminate at a CSE compound to the south of the Loch.
- 2.3.37 The terrain is hilly in places, but generally even ground is found in the vicinity of the OHL with much of the land forested. Settlement is present at Invergarry, Munerigie and Leacan Dubh and other dispersed properties. Road access within the section comprises the minor road to Kinloch Hourn, and the A87 to the east.

Section 6 – Invergarry to Fort Augustus

- 2.3.38 Section 6 is located between a CSE compound north-west of Invergarry, south of Loch Lundie, and Fort Augustus Substation. The Proposed Development is underground cable for the entirety of this section. Settlement within the vicinity is limited to Auchertaw, near Fort Augustus Substation.
- 2.3.39 From the CSE compound, the underground cable would follow the route of the existing wood pole OHL north-east between Loch Lundie to the west, and forestry plantation to the east. Continuing north-east the route follows the existing OHL crossing beneath Invervigar Burn before entering Inchnacardoch Forest Plantation. Continuing north-east through an area marked as Auchteraw Wood, the cable then meets the existing Beauly to Denny wayleave corridor and follows this south-east where it terminates at Fort Augustus Substation.

2.4 Summary Project Description

Development for which Section 37 Consent is sought

- 2.4.1 The Proposed Development includes the following elements for section 37 consent and deemed planning permission:
- > 110km of new double circuit 132kV OHL on steel lattice towers;
 - > 27km of new single circuit 132kV OHL on trident wood poles (H Poles); and
 - > Temporary diversion of the existing 132kV OHL at Inchlaggan for 750m to facilitate construction of the new OHL.

Ancillary Development for which Deemed Planning Permission is sought

- 2.4.2 The following elements or works are required as part of the Proposed Development, or to facilitate its construction and operation, for which deemed planning permission is sought:
- > approximately 24km of new double circuit 132kV underground cable;
 - > Sealing end compounds to facilitate the transition between OHL and underground cable, including permanent access to these compounds;
 - > The formation of access tracks (temporary, permanent and upgrades to existing tracks) and the installation of bridges and culverts to facilitate access;
 - > The upgrade of existing, or creation of new bell-mouths at public road access points;
 - > Establishment of temporary measures to protect road and water crossings (e.g. scaffolding);
 - > Working areas around infrastructure to facilitate construction;
 - > Tree felling and vegetations clearance to facilitate construction and operation of the Proposed Development;
 - > Foundation works required at existing crossing and anchor towers at Kyle Rhea that are to be utilised as part of the Proposed Development; and

- > Dismantling of the existing 132kV OHL following completion and commissioning of the Skye Reinforcement Project.

Associated Works

2.4.3

Other associated works are required to facilitate construction of the Proposed Development or would occur as a consequence of the construction or operation of the OHL. These works do not form part of the application for consent but will be addressed and consented as necessary at the appropriate time in the construction process. The works in this regard are as follows:

- > Borrow pits and quarries will be required to source stone for the construction of access tracks. Separate planning applications for these works would be submitted by the Principal Contractors.
- > Temporary construction compounds will be required along the route of the Proposed Development to facilitate construction. The locations will be confirmed by the Principal Contractor and separate consents sought as required. It should be noted that permitted development rights exist for such works in some instances.
- > Modification of the existing 11 and 33kV distribution network in some areas to accommodate the new OHL will be required. Works and consents would be undertaken by SHEPD as required.
- > Public road improvements will be required in some areas to facilitate construction traffic. Further detail on these works is included in the Transport Assessment; and
- > Extensions to Broadford and Edinbane Substations, and a new switching station at Quoich Tee, near to the existing tee off at Kingie. Separate consent under the Town and County Planning (Scotland) Act 1997 would be sought by SSEN Transmission for extensions to Broadford and Edinbane Substations, and for a new Quoich Tee Switching Station.

Limits of Deviation

2.4.4

A Limit of Deviation (LoD) defines the maximum extent within which a development can be built. In the case of the Proposed Development, a LoD is required for all key components of the project i.e. each of the new poles and towers being installed, cable sealing end compounds, underground cable alignments and access track routes.

2.4.5

The horizontal LoD for which consent is sought is typically as follows:

- > OHL (Wood Pole and Steel Lattice) – 80m LoD (40m either side of the centre line);
- > Underground Cable – 80m LoD (40m either side of the centre line);
- > CSE Compound – 40m LoD from the edge of the CSE compound; and
- > Access Tracks – 50m LoD (25m either side of the centre line).

2.4.6

In some areas the LoD is increased to account for local constraints or known engineering challenges and environmental sensitivities.

2.4.7

A vertical LoD, i.e. the maximum height of a pole or tower above ground level, is also sought to allow a height increase or decrease of 3 m on the proposed pole or tower height presented within Appendix V1-3.1: Pole and Tower Schedule of the EIA Report. The 3m variation is consistent with the extensions to which steel lattice towers are designed, and therefore any increase or decrease of steel lattice towers would be no greater than 3m. This also allows sufficient variation for wood pole structures.

3. Energy Policy and Needs Case

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, supported by **Appendix 1**. The framework of international agreements, legally binding targets and climate change global advisory reports provides the foundation upon which national energy policy and emissions reduction law is based. This underpins what can be termed the need case for renewable energy from which the Proposed Development can draw a high level of support.
- 3.1.2 Reference is also made to the technical and economic Needs Case which is set out in detail in Chapter 2 of the EIA Report. Cross references are made to this detail where appropriate.
- 3.1.3 From a planning perspective, a key point is that much of the energy and climate policy and most of the key legislative provisions postdate the current in force national planning policy (i.e. Scottish Planning Policy and National Planning Framework 3). Energy and climate change related policy can, and should, be given great weight, noting in particular the legal obligations to attain interim targets en route to reaching Net Zero by 2045.
- 3.1.4 Relevant Government policy is a material consideration. It is not necessary for new Government policy, where relevant, to find explicit expression in national planning policy for it to be or become a material consideration. The weight given to any policy, subject to taking a reasonable and rational approach, is a planning judgement and a matter for the decision maker.
- 3.1.5 The Proposed Development must therefore be considered against a background of material UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice.
- 3.1.6 It is evident that there is clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally (including onshore wind) to combat the global heating crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets. It is essential therefore that the necessary infrastructure is put in place to enable that energy to be utilised.
- 3.1.7 Government renewable energy policy and associated renewable energy and electricity targets, and the need for a 'green recovery' from the Covid-19 pandemic are important considerations. It is important to be clear on the current position as it is a fast-moving topic of public policy. Much of the detail of climate change and energy policy is contained in **Appendix 1**.

3.2 The Wider Energy and Climate Change Policy Context

- 3.2.1 Appendix 1 sets out the wider energy and climate change policy context. In summary, it references the UK Government's commitment to climate change action under the Paris Agreement (2015) and the advice to both UK and Scottish Governments from the Committee on Climate Change, which both Governments have now acted upon. This position has been fundamental to the setting of Net Zero greenhouse gas emission targets which have been translated into new legislative provisions. For Scotland this means achieving Net Zero by 2045 and for the UK five years later, by 2050.
- 3.2.2 Reference is also made to the UK policy position with particular regard to the provisions of the Climate Change Act 2008 and related Carbon Budgets. It is explained in Appendix 1 that whilst the UK is on track to meet its first and second Carbon Budgets, it is off track with the others (i.e. from 2022).

- 3.2.3 A key point within the UK policy provisions including the UK Energy White Paper (December 2020) and the UK Net Zero Strategy (October 2021) is that electricity is seen as a key enabler for the transition away from fossil fuels and decarbonising the economy. A fundamental objective is to accelerate the deployment of clean electricity generation, in particular through the 2020s. Electricity demand is forecast to at least double out to 2050 which will require a substantial increase in clean electricity generation with decarbonisation of electricity intended to underpin the delivery of the net zero target.
- 3.2.4 Appendix 1 also sets out in more detail the Scottish climate change and renewable energy policy position, explaining how the legislative provisions set out in the Climate Change (Emissions Reductions Targets) (Scotland) Act 2019 were precipitated by the declaration of the Climate Emergency in Scotland. The targets set out in the 2019 Act reflect the recommendations of the Committee on Climate Change for Net Zero greenhouse gas emissions by 2045. The Act also introduces challenging interim targets: a 75% reduction in emissions by 2030 and 90% by 2040. The latest Scottish Government statistics on emissions reduction have been referred to, and, whilst the figures show that greenhouse gas emissions reduced by some 58.7% between the baseline period and 2020 (and therefore met the target for that year), the drop in emissions was primarily down to lower emissions having occurred due to lockdown actions during the Covid-19 pandemic. The Scottish Government has indicated that it expects a substantial rebound in emissions in the 2021 figures when they are released in 2023.
- 3.2.5 Overall, the emissions reduction targets for Scotland demonstrate the scale of change that is required, in particular within the next decade to achieve the 2030 interim target. Delivering the necessary transmission infrastructure in Scotland will be critical to enabling the necessary increase in renewable capacity to meet the considerable increase in renewable electricity use which is forecast in the transition to a Net Zero society.
- 3.2.6 The Scottish Government's 'Programme for Government', published in September 2022 acknowledges that the Climate Emergency is becoming more urgent and it maintains the national focus on the transition to Net Zero, and also recognises the significant economic opportunity that such change creates.

3.3 Summary of Skye Reinforcement Specific Project Need

- 3.3.1 Chapter 2 of the EIA Report explains the specific project Needs Case – an evidence-based case that sets out the economic justification for the project and the strategic drivers considered in assessing the transmission infrastructure requirements for delivering the project in the context of the national need for reinforcing the grid transmission network.
- 3.3.2 Over recent years, several assessments have been carried out to determine the condition of the existing Skye 132kV OHL connection and associated electricity infrastructure, including existing substation equipment. The studies have concluded that much of the existing 132kV OHL requires replacement as it is fast approaching the end of its economic and operational life. Intervention through the replacement of the existing single 132kV OHL is required for the continued safe operation of the OHL, and to maintain security of supply for homes and businesses on the Isle of Skye and the Western Isles.
- 3.3.3 Separately, at the present time the existing 132kV OHL is operating under a derogation from the transmission licence planning standards that has been approved of Ofgem, in order to facilitate connection of 137 MW of existing renewable generation. However, those renewable generators are subject to output limitations depending on the operating conditions on this part of the network.

- 3.3.4 In addition, more applications are being made by renewable energy developers for connections of their new renewable generation schemes to the national grid, thereby necessitating an increase in the capacity of the existing Skye transmission connection to the mainland GB national grid. As a result, SSEN Transmission has had to review the Needs Case for the Skye Reinforcement Project and ensure the approach for upgrading and reinforcing the existing transmission network serving Skye and the Western Isles is based on the identification of the best sustainable long-term solutions.
- 3.3.5 The drivers for the Skye Reinforcement Project can be summarised as:
- > The existing 132kV line is approaching end of its economic and operational life. Condition studies have identified deterioration of wood poles and extensive corrosion and galvanisations in more exposed areas of steel lattice towers. As a result, the towers, as well as fittings, earth-wires and phase conductors, require upgrade or replacement throughout most of the existing single 132kV circuit to maintain security of supply to over 32,000 homes and businesses.
 - > As explained earlier in this Chapter, the UK and Scottish Government's Net Zero legislation and policy contributes to drive increased numbers of renewable energy projects. The area served by the existing OHL contains considerable opportunity for new renewable generation projects (as evidenced from the volume of consents and projects in the planning system) but the area lacks available transmission capacity to connect such projects to the grid. The Applicant is contracted to provide an additional 424 MW of generation on the Skye Circuit by 2027, with a further 57 MW in the connection application process. The need to increase capacity for this and further future capacity requirements is therefore clear, and necessary.
 - > The existing OHL is the sole connection from the mainland to Skye and the Western Isles. The proposed reinforcement works will result in the replacement of the existing single circuit with a double circuit transmission connection between Fort Augustus Substation and Edinbane Substation, and with a single circuit 132kV OHL of more robust and modern construction type from Edinbane Substation to Ardmore Substation, thereby significantly improving the security of supply. The reinforcement will reduce the requirement to rely on the diesel generation backup at Stornoway, Loch Carnan and Barra, which is consistent with the policy objectives of both the UK and the Scottish Governments in relation to net zero.
- 3.3.6 To deliver the asset replacement and also meet increased capacity, the Proposed Development represents a long-term approach in relation to planning for future transmission infrastructure requirements to and from Skye, particularly having regard to targets fixed by the Scottish and UK Governments to achieve Net Zero by 2045 and 2050 respectively.
- 3.3.7 Further detail of the options considered to deliver the reinforcement is provided in more detail within Chapter 2 of the EIA Report. Upon conclusion of the options assessment, the Proposed Development was proposed as the Applicant's preferred design solution to deliver the project need requirements. Thereafter, the Proposed Development Solution was subject to further consideration of environmental, engineering and cost factors during the routing and alignment stage of the project, which is documented within EIA Volume 1, Chapter 4, The Routing Process and Alternatives.

3.4 Energy Policy and Needs Case: Conclusions

- 3.4.1 Overall, the energy and climate change legislative and policy framework is a very important consideration and one that should attract great weight in the balance of factors in the determination of the Application for consent. As explained, there is also specific project need arising from the technical and condition circumstances of the transmission assets and the demand for connections and to improve security of supply.
- 3.4.2 A further factor to take into account, and as highlighted in Chapter 2 of the EIA Report, is that SSEN Transmission has submitted its Initial Needs Case **Error! Bookmark not defined.** to Ofgem, setting out an evidence-based case that supports the economic justification for the project. That case has now been accepted by Ofgem in their Initial Needs Case Decision document² where it has been confirmed that the replacement of the existing OHL with a double circuit 132 kV connection between Fort Augustus and Edinbane Substations, and a replacement 132 kV single circuit OHL between Edinbane and Ardmore is justified. Ofgem does not support the refurbishment of the existing 132 kV OHL.
- 3.4.3 It also needs to be acknowledged that the need case with regard to renewable generation and electricity infrastructure as set out in National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) was predicated on emissions reduction targets that are now superseded by more challenging targets, to be achieved sooner. The documents are under review and the targets referred to in them have been overtaken by new statutory greenhouse gas emission reduction targets. This is further referenced in the next Chapter.
- 3.4.4 The Needs Case should be afforded substantial weight in the planning balance. It is not an over-riding consideration; however, it must be acted on. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual renewable projects which will move Scotland towards where it needs to be. It is critical that the necessary transmission infrastructure is in place to enable the outputs from these projects to be realised.
- 3.4.5 The function and benefits of the Proposed Development should be seen in the context of the current Climate Emergency– the infrastructure would help address the issue of global heating and very challenging ‘net zero’ targets and moreover, would deliver socio-economic benefits at a time of economic recovery. Chapter 11 of the EIA Report addresses socio-economic benefits and explains that the Proposed Development represents a significant investment of approximately £480 million in a key economic sector and that an estimated 638 person years of employment would be generated in the construction phase.

² Isle of Skye Project – Initial Needs Case Decision on the Projects Initial Needs Case and on its suitability for competition (08/04/22) (Ofgem).

4. National Planning Policy

4.1 Introduction

4.1.1 Relevant national planning policy guidance and advice is addressed in this Chapter. Reference is also made to the emerging new national planning policy by way of draft NPF4. National planning policy is a very important consideration: amongst other matters it sets the framework of development management factors.

4.2 National Planning Policy

National Planning Framework 3

4.2.1 National Planning Framework 3 (2014) (NPF3) is the current long-term strategy for Scotland. It is the spatial expression of the Scottish Government's Economic Strategy, and of plans for development and investment in infrastructure.

4.2.2 Part of the vision is of Scotland as a low carbon place, where the opportunities arising from the ambition to be a world leader in low carbon energy generation have been seized. NPF3 is informed by, and aims to help achieve, the Scottish Government's climate change and renewable energy targets.

4.2.3 NPF3 acknowledges that the energy sector accounts for a significant share of the country's greenhouse gas emissions, and that addressing this requires capitalising on Scotland's outstanding natural advantages, including its significant wind resource.

4.2.4 Chapter 3 of NPF3 focuses on the promotion and achievement of a low carbon economy and the ambition to reduce greenhouse gas emission by 80% by 2050.

4.2.5 NPF3 acknowledges that:

- > *"electricity grid enhancements will facilitate increased renewable electricity generation across Scotland"* (para 3.28);
- > *"an updated national development focusing on enhancing the high voltage transmission network supports this"* (para 3.28); and
- > *"strengthening the electricity grid will be essential in unlocking renewable resources, both onshore and offshore"* (para 3.40).

4.2.6 The Proposed Development will provide secure and reliable electricity supplies to existing and future customers, improving resilience in the transmission network and would also 'unlock' renewable resources.

4.2.7 NPF3 also identifies that *"both terrestrial and marine planning have a key role to play in reaching these ambitious targets by facilitating development, linking generation with consumers and guiding new infrastructure to appropriate locations"* (para 3.12).

4.2.8 NPF3 identifies 14 national developments that are needed to help to deliver the Scottish Government's spatial strategy. The High Voltage Electricity Transmission Network is specifically referenced.

4.2.9 Paragraph (2) (a) of Annex A to NPF 3 contains the fourth development priority statement which relates to national developments consisting of electricity transmission developments. It is in the following terms:

2 – Description of Classes of Development: Development consisting of: a) new and/or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts, and supporting pylons. b) new and/or upgraded onshore sub stations directly linked to electricity transmission cabling of or in excess of 132 kilovolts.”

4.2.10 An extract from NPF3 (Part 4) is provided below and clearly establishes the need for the enhanced transmission infrastructure and establishes the proposed development as ‘national development’.

Figure 4.1 – Extract from NPF3 Statement of Need

**4. STATEMENT OF NEED AND DESCRIPTION –
High Voltage Electricity Transmission Network**

1 – Location: Throughout Scotland.

2 – Description of Classes of Development: Development consisting of:

- a. new and/or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts, and supporting pylons.
- b. new and/or upgraded onshore sub stations directly linked to electricity transmission cabling of or in excess of 132 kilovolts.
- c. new and/or upgraded onshore converter stations directly linked to onshore and/or offshore electricity transmission cable(s) of or in excess of 132 kilovolts.
- d. new and/or upgraded offshore electricity transmission cabling of or exceeding 132 kilovolts.

3 – Designation: A development within one or more of the Classes of Development described in paragraph (2) (a) to (d) is designated a national development.

4 – Need: These classes of development are needed to support the delivery of an enhanced high voltage electricity transmission grid which is vital in meeting national targets for electricity generation, statutory climate change targets, and security of energy supplies.

4.2.11 Paragraph 3.28 highlights further that *“The environmental impacts of this type of infrastructure require careful management”*.

4.2.12 The Applicant fully recognises that in order to deliver this essential infrastructure, they must fully assess and mitigate where possible, the significant impacts of development on the environment. A full EIA has been undertaken and an EIA Report prepared which identifies any necessary mitigation.

The Fourth National Planning Framework ‘Scotland 2045’ Consultative Draft (2021)

4.2.13 Scotland’s Fourth National Planning Framework Consultative Draft (draft NPF4) was published in November 2021. NPF4 will incorporate Scottish Planning Policy and will, when approved, receive enhanced status as part of the statutory Development Plan.

4.2.14 The draft NPF4 acknowledges on page 68 that there will have to be a rebalancing of the planning system so that climate change is a guiding principle for all plans and decisions, with a need to focus efforts on actively encouraging all developments that help to reduce emissions and to achieve net zero emissions by 2045. It also recognises that this will require significant progress by 2030 in terms of the need for new development and infrastructure across Scotland.

4.2.15 The draft NPF4 (page 44) continues the planning policy approach of identifying ‘national developments’ which refers to the allocation of national development status to certain classes of development. It designates Strategic Renewable Electricity Generation and Transmission Infrastructure as ‘national development’ to support renewable electricity generation, repowering, and expansion of the electricity grid. The classes of national development

include new electricity generation from renewables exceeding 50MW and new or replacement high voltage electricity lines of 132kV or more, as well as new and upgraded infrastructure supporting those lines.

4.2.16 A total of 18 National Developments are proposed to support the delivery of the Government's new Spatial Strategy including 'National Development' No.12 entitled 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.

4.2.17 Page 44 of the draft addresses national developments and sets out that this designation means:

"that the principle of the development has no need to be agreed in later consenting processes, providing more certainty for communities, business and investors".

4.2.18 This specific National Development is addressed in some detail at page 59 of the draft NPF4 where it states this National Development supports expansion of the electricity grid. It sets out that:

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

4.2.19 In terms of designation of development designated as National Development this includes:

"b. New and/or replacement high voltage electricity lines and interconnectors of 132kV or more".

4.2.20 At page 59, it states that *"Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas."*

4.2.21 The supporting text to Policy 19: Green Energy states that: *"Scotland's energy sector has a significant role to play in reducing carbon emissions and contributing to a green, fair and resilient economic recovery. A wide range of renewable technologies are capable of delivering these benefits, although it is likely that the onshore wind sector will play the greatest role in the coming years."*

4.2.22 In terms of draft national planning policy, set out at page 69 in the draft NPF is draft Policy 2 entitled 'Climate Emergency': it states that when considering all development proposals *"significant weight should be given to the global climate emergency"*.

NPF4: Contribution to National Outcomes

4.2.23 The Town and Country Planning (Scotland) Act 1997 directs that the NPF must contribute to a series of six outcomes and one of these includes *"meeting targets for emissions of greenhouse gases"* (draft NPF4 page 1). Annex A to the draft NPF4 refers to six 'outcome statements' which are described as *"how the Scottish ministers consider that the development will contribute to each of the outcomes identified in section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997"*.

4.2.24 Outcome (e) is *"meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act"*.

4.2.25 The outcome statement sets out that the Scottish Ministers consider:

"that development of land supported by the policies and proposals in the NPF will contribute to this outcome by placing the global climate emergency at the heart of our strategy which addresses both emissions reduction and adaptation. Policy 2 'climate emergency' states that when considering all development proposals significant weight should be given to the global climate emergency."

- 4.2.26 *More generally, on emissions reduction our policies address ...electricity generation from renewable sources and support for appropriately emissions abated low carbon fuels”.*
- 4.2.27 Therefore, whilst only limited weight can be placed on the detailed wording of the specific policies in the draft NPF4 at this stage, it is clear that the generation of renewable energy (in particular from onshore wind) “*in the coming years*” is recognised as being of national importance and is a key part of the way in which the emissions reduction statutory ‘outcome’, and the attainment of the legally binding net zero, will be fulfilled.
- 4.2.28 These statutory outcomes are not being consulted on and are set in law.
- 4.2.29 The Proposed Development would make a valuable contribution to outcome (e) and the delivery of Net Zero.
- 4.2.30 Furthermore, it has been explained in Chapter 3 of this Planning Statement, that the targets for each year clearly illustrate the speed and scale of change that is required over the next decade to achieve the 2030 target. That statutory footing and context for the proposed development can be afforded significant weight.
- 4.2.31 The Proposed Development is a ‘National Development’ in the draft NPF4 and the need for the Proposed Development is confirmed under that framework. It will play a key role in the objective to move to a ‘net zero economy and society’ and the technical justification for the project is supported by this objective of national planning policy.
- 4.2.32 NPF4 is likely to come into force during the determination period for the Proposed Development.

Scottish Planning Policy

- 4.2.33 Scottish Planning Policy (SPP) was published in June 2014 and is a statement of Scottish Government policy on nationally important development and land use planning. In general terms, SPP seeks to direct the right development to the right places and guide new infrastructure to appropriate locations.
- 4.2.34 Of relevance to the Proposed Development, SPP states that:
- “Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector” (para 152).*
- “Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions” (para 153).*
- “The planning system should support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity” (para 154).*
- 4.2.35 *“The planning system should:...*
- > guide development to appropriate locations...*
 - > help to reduce emissions and energy use...from new infrastructure by enabling development at appropriate locations that contributes to:*
 - Energy efficiency;*
 - Heat recovery;*
 - Efficient energy supply and storage;*
 - Electricity and heat from renewable sources” (para 154).*

“Strategic development plans should support national priorities for the construction or improvement of strategic energy infrastructure, including generation, storage, transmission and distribution networks” (para 156)”.

4.2.36 With regard to the built and natural environment (cultural heritage, landscape, ground conditions, ecology, woodland/forestry, flooding and drainage), the SPP guidance detailed below is relevant for consideration in the assessment of Proposed Development and aligns with the policies considered at the local level through the Local Development Plan.

Principal Policies

4.2.37 SPP contains a number of principal policies, one of which expresses *“a presumption in favour of development that contributes to sustainable development”*. Paragraph 28 states that:

“the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”.

4.2.38 Paragraph 29 highlights a series of criteria which should guide decision-making in this regard and the following provisions are considered relevant to the Proposed Development:

- > Net economic benefit;
- > Economic issues, challenges and opportunities;
- > Good design and qualities of successful places;
- > Delivery of infrastructure;
- > Climate change mitigation and adaptation;
- > Principles of sustainable land use as set out in the land use strategy;
- > Protecting, enhancing and promoting cultural heritage;
- > Protecting, enhancing and promoting natural heritage and landscape;
- > Reducing waste; and
- > Over-development, amenity and effects on water, soil and air.

4.2.39 The proposed development has been assessed against the relevant principles and a summary appraisal is presented below in **Table 4.1**. The conclusion reached is that the proposed development would be one that contributes to sustainable development, and therefore there is a presumption in favour of development.

Table 4.1: SPP Paragraph 29 Principles

Policy Principle	Proposed Development
1 - Giving due weight to net economic benefit	There would be net positive socio-economic effects, as summarised in Vol 2 Chapter 11 of the EIA Report. The proposed development would deliver a wide range of benefits including job creation and wider stimulus through supply chain effects.
2 - Respond to economic issues, challenges and opportunities, outlined in local economic strategies	The proposed development would deliver socio-economic benefits as noted above.
3 - Supporting good design and the six qualities of successful places	Limited relevance as the six qualities are framed with conventional built form of development in mind. In the context of OHL infrastructure development, the proposed development represents good design as a satisfactory route has been achieved, with regard to landscape character and local context while meeting functionality requirements - without unacceptable effects arising.
4 - Supporting delivery of infrastructure, for example transport, education, energy, digital and water	The proposed development would deliver necessary energy infrastructure and would also contribute strong support with regard to the delivery of contracted renewable capacity. Furthermore, the proposed development is consistent with the policy to support infrastructure delivery in line with the policy approach for transmission infrastructure in the HwLDP
5 - Supporting climate change mitigation and adaptation including taking account of flood risk	This is of some relevance. The proposed development would help to support climate change mitigation through the provision of necessary infrastructure, thereby helping to reducing emissions of climate changing gases. Flood risk has been considered and no issues arise as a consequence of careful routeing.
6 - Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation	Not relevant to the proposed development.
7 - Having regard to the principles for sustainable land use set out in the Land Use Strategy	The Land Use Strategy (2016-21) is a key commitment in the Climate Change (Scotland) Act 2009. While the 2016-21 Strategy has now been replaced by the 2021-26 Strategy, the principles set out in the 2016-21 Strategy remain relevant to SPP. The Strategy cross refers to Development Plans and their policies such as landscape protection, biodiversity, and renewable energy development which, through planning decision making will help deliver the Strategy and the principles for sustainable land use. The proposed development would contribute positively to climate change action.
8 - Protecting, enhancing and promoting access to cultural heritage, including the historic environment	The proposal would not hinder access to cultural heritage and the design and proposed mitigation has ensured that cultural heritage is protected.
9 - Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment	The proposed development would not hinder access to the surrounding area and whilst there would be some localised significant visual amenity effects (which are inevitable), the landscape has the capacity for the scale and nature of the proposal.
10 - Avoiding over-development, protecting the amenity of new and existing	These matters have been addressed through the EIA process. There would be no conflict with this policy principle.

Policy Principle	Proposed Development
development and considering the implications of development for water, air and soil quality	

4.2.40 The proposed development would be consistent with the relevant principles set out at paragraph 29 of SPP and in particular is supported by principles 1,4,7 and 10. It would also assist in delivering SPP Outcomes, in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) – indicating that overall, the proposal is sustainable development.

A Low Carbon Place

4.2.41 SPP sets out at paragraph 154 that to achieve the outcome of making Scotland a low carbon place, the planning system should support the change to a low carbon economy, including deriving the equivalent of 100% of electricity demand from renewable sources. It should support the development of electricity generation from a diverse range of renewable sources. It should guide development to appropriate locations and advise on the issues that should be taken into account when specific proposals are being assessed.

4.2.42 For the environmental topics, as summarised in the following paragraphs, the policy approach in SPP is considered to be consistent with the policies within the Development Plan. Chapter 5 ‘Development Plan Appraisal’, which follows, contains a detailed policy appraisal which addresses all of these topics.

Cultural Heritage

The following SPP guidance is relevant for consideration in the cultural heritage assessment of the Proposed Development. “*The siting and design of development should take account of all aspects of the historic environment*” (SPP, para 140).

“*Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest.*” (para 141).

“*Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances*” (para 145).

“*There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are however, an important part of Scotland’s heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible*” (para 151).

Landscape

4.2.43 The following text from SPP is relevant for consideration with regard to the LVIA :

“*The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement*” (para 202).

“Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development” (para 203).

Hydrology, Hydrogeology and Water Resources and Peat

4.2.44 The following text from SPP is relevant in the context of the assessment of potential effects on hydrology, hydrogeology, water resources and peat:

“Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release” (para 205).

“Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries; they are time-limited; tied to a particular project and appropriate reclamation measures are in place” (para 243).

“Flood Risk Assessments (FRA) should be required for development in the medium to high category of flood risk, and may be required in the low to medium category in the circumstances described in the framework above, or where other factors indicate heightened risk. FRA will generally be required for applications within areas identified at high or medium likelihood of flooding/flood risk in SEPA’s flood maps” (para 266).

“Drainage Assessments, proportionate to the development proposal and covering both surface and foul water, will be required for areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects” (para 267).

“Proposed arrangements for Sustainable Drainage System (SuDS) should be adequate for the development and appropriate long-term maintenance arrangements should be put in place” (para 268).

Ecology and Ornithology

4.2.45 The following text from SPP is relevant for consideration in the ecological and ornithological assessments:

“Where non-native species are present onsite, or where planting is planned as part of a development, developers should take into account the provisions of the Wildlife and Countryside Act 1981 relating to non-native species” (para 206).

“Sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 network of protected areas. Any development plan or proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an “appropriate assessment” of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an “appropriate assessment” that there will be no adverse effect on the integrity of the site” (para 207).

“All Ramsar sites are also Natura 2000 sites and/or Sites of Special Scientific Interest (SSSI) and are protected under the relevant statutory regimes” (para 211).

“Development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve should only be permitted where:

- > the objectives of designation and the overall integrity of the area will not be compromised; or*
- > any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance” (para 212).*

- 4.2.46 In January 2019, the Scottish Government prepared a guidance note on the *'Implementation of Scottish Government policy on protecting Ramsar sites'* which sets out how the Government expects the policy on the protection of Ramsar sites to be implemented.
- 4.2.47 The guidance note references the policy on the protection of Ramsar sites (and other nationally or internationally important sites) as detailed in SPP (details of which are covered in paragraph 6.26 above). The guidance note states that the protection is achieved through co-designation of Ramsar sites with Natura sites and/or Sites of Special Scientific Interest are protected under the relevant statutory regime. The guidance note provides the following clarifications in relation to the implementation of the policy:
- "Where Ramsar interests coincide with Natura qualifying interests protected under SPA or an SAC, as the case may be, the interests are thereby given the same level of (legal) protection as Natura sites"*
- "Where Ramsar interests are not the same as Natura qualifying interests but instead match SSSI features, these receive protection under the SSSI regime"*
- 4.2.48 When making a decision which affects a SSSI, the Scottish Ministers must consult and have regard to the advice of SNH. Additionally, they have to take reasonable steps to further the conservation and enhancement of the features specified in the SSSI notifications.
- Forestry and Woodland
- 4.2.49 The following text from paragraph 218 of SPP is relevant for consideration in the assessment of effects on forestry and woodland:
- "The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications"* (para 218).
- 4.2.50 In February 2019, Scottish Forestry published guidance on implementing the Scottish Government's policy on control of woodland removal³.
- Traffic and Transport
- 4.2.51 The following text from SPP is relevant for consideration in the traffic and transport assessment:
- "Consideration should be given to appropriate planning restrictions on construction and operation related transport modes when granting planning permission, especially where bulk material movements are expected"* (para 291).

³ Scottish Government's Policy on Control of Woodland Removal: Implementation Guidance

4.3 Conclusions on National Planning Policy & Guidance

- 4.3.1 Both NPF3 and SPP set out a strong position of support in relation to electricity infrastructure and also renewable energy and renewable energy targets. NPF3 clearly sets out the need for the enhanced transmission infrastructure and establishes the Proposed Development as 'national development'. The Proposed Development is also a 'national development' in the draft NPF4.
- 4.3.2 The strategic nature of the Skye Reinforcement Project, reinforcing existing supply connections and increasing connection capacity, is important to the local and national transmission network. The project team has designed an optimal routing for the proposed OHL, taking into account environmental effects and conditions and ensuring the OHL links the key areas of connection need. It is considered that the Proposed Development can be considered to be "*the right development in the right place*".
- 4.3.3 With regard to national planning policy, it has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP is both out of date and out of step with current targets set out in emissions reduction law (as explored in Chapter 3). These documents are under review and have to a large extent been overtaken by new legal and policy renewable energy targets and statutory provisions on greenhouse gas emissions reductions which have been explained.
- 4.3.4 The Applicant's position is that the planning balance clearly needs to take into account SPP and NPF3 since they remain important material considerations unless and until replaced. However, as noted, other legislative interventions and statements of Government policy such as described above are also material considerations of relevance that should be afforded weight, and indeed increasingly greater weight.
- 4.3.5 SPP and NPF3 are of their time and did not predict the scale of the transformation needed to be a carbon free society. However, it is clear now (by way of the 2019 Act) that Scotland was not moving fast enough to achieve the necessary emissions reduction. In the overall context of climate change, the current NPF3 and SPP reflect the targets and thinking of almost a decade ago. Those matters have been updated by further legislation and policy approaches.
- 4.3.6 Furthermore, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a 'low carbon economy' – there is now an ambitious policy imperative underpinned by new statute to move to a Net Zero economy and society. The Proposed Development can help achieve that clear national planning policy objective.
- 4.3.7 Nevertheless, as noted, SPP remains the main statement of national policy at this time. The Proposed Development would be consistent with the principles set out at paragraph 29 of SPP and it would also assist in delivering SPP Outcomes in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) – indicating that overall, the proposal is sustainable development. Furthermore, the Proposed Development is considered to be consistent with the relevant environmental policies in SPP. As noted, a more detailed policy appraisal in relation to these topics follows in Chapter 5.

5. Development Plan Appraisal

5.1 Introduction

- 5.1.1 This Chapter contains an assessment the Proposed Development against the Development Plan and relevant local guidance in order to assist the decision makers, and the Local Authority as statutory consultee, in their consideration of the appropriateness of the proposal in the context of local planning policy, with particular regard to the environment in which it is located and the environmental effects arising.
- 5.1.2 In applications for section 37 consent and deemed planning permission, there is no 'primacy' of the Development Plan since the provisions of section 25 of the 1997 Act do not apply to the determination by Scottish Ministers. However, the Development Plan is a relevant consideration to the decisions on consent applications under the 1989 Act, along with considerations such as those identified under Schedule 9 to the 1989 Act, national policy, the environmental effects of proposals and the views of consultees.
- 5.1.3 Consideration of the Application will involve striking a balance between the need for the proposed development, technical and economic considerations, and the mitigation of likely environmental effects.

5.2 The Development Plan

- 5.2.1 The statutory Development Plan covering the route of the Proposed Development comprises the following:
- > The Highland Wide Local Development Plan (HwLDP) (2012);
 - > The West Highland and Islands Local Development Plan (WestPlan) (2019); and
 - > The Inner Moray Firth Local Development Plan (IMFLDP) (2015).
- 5.2.2 The IMFLDP and WestPlan focuses largely on regional and settlement strategies and specific site allocations, rather than planning policies of relevance for the Proposed Development.

5.3 Lead LDP Policy: Electricity Transmission Infrastructure

- 5.3.1 Policy 69 of the HwLDP is the lead policy in relation to the Proposed Development. If there are tensions between policies, then Policy 69 should prevail given it is specific to the land use proposed.
- 5.3.2 Policy 69 – 'Electricity Transmission Infrastructure' states:

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

- 5.3.3 It is clear therefore that the Proposed Development should be assessed against Policy 69 considering the impact on the environment with particular focus on natural, built and cultural heritage features. The assessment should include detail on proposed mitigation and demonstrate the effects thereafter.
- 5.3.4 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 5.4. The consideration of the cumulative effects arising on such features is also relevant.

5.4 Other Relevant LDP Policies

- 5.4.1 The other policies of most relevance in the HwLDP are summarised below in **Table 5.1**:

Table 5.1: HwLDP Policy Summaries

HwLDP Policy	Topic	Policy Summary
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 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.
Policy 31	Developer Contributions	Provision for the Council to seek fair and reasonable contribution in cash or kind towards any additional costs or requirements which arise from the proposed development that create a need for new or improved public services, facilities or infrastructure.
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.
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.
Policy 55	Peat and Soils	Requires proposals to demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils. Unacceptable disturbance will not be accepted unless it is shown that the adverse effects are clearly outweighed by

HwLDP Policy	Topic	Policy Summary
		social, environmental or economic benefits arising from the proposals. Requirement for Peat Management Plans where development on peat is demonstrated as unavoidable in order to show how impacts have been minimised and mitigated.
Policy 56	Travel	Sets a requirement to consider the travel generation arising from development for on and off site considerations.
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).
Policy 58	Protected Species	Requirement for surveys to establish presence of protected species and to consider necessary mitigation to avoid or minimise any impacts. Development likely to have an adverse effect, individually or cumulatively on European Protected Species will only be permitted where there is no satisfactory alternative, where there is IROPI, the development is required in the public interest, health or safety, where there is no other satisfactory solution, or it can be demonstrated the effects will not be detrimental to the population of species concerned, or impact on the conservation status thereof.
Policy 59	Other Important Species	Protection of other species not protected by other legislation or nature conservation site designations.
Policy 60	Other Important Habitats	Safeguards the integrity of features of the landscape which are of major importance because of their linear or continuous structure or combinations. The Council will also seek to create new habitats which are supportive of this concept.
Policy 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.
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.
Policy 66	Surface Water Drainage	All proposals must be drained by Sustainable Urban Drainage Systems (SUDs) designed in accordance with CIRIA C697.
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

HwLDP Policy	Topic	Policy Summary
		receiving environment of the potential pollution is provided and mitigated if necessary.
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.

5.5 Policy Appraisal: Approach and Overview

5.5.1 In the first instance a review of the key elements of Policy 69 is provided, such as its requirement to consider strategic importance and potential impacts on the environment. More detailed consideration of specific environmental effects against the provisions of Policy 69 and other policies follows thereafter for each specific geographic route section.

Strategic Importance of the Proposal

5.5.2 The national importance of the delivery of new and upgraded transmission infrastructure to support local and regional communities with an enhanced secure electricity supply, and to support renewable energy generation and the drive to Net Zero, is established by way of legislation and policy (as explained in Chapter 3) and should be afforded substantial weight in the balanced assessment of the proposal having regard to environmental and other material impacts.

5.5.3 The proposed route alignment has been selected following detailed option assessments and pre-construction surveys and consideration of engineering criteria within the wider search area and defined route corridor taking account of environmental constraints and assessing these against alternatives. Mitigation through design has formed an integral part of the design process to ensure significant environmental effects are minimised whilst securing the best technical and operational option.

5.5.4 As explained, Policy 69 is the lead policy for assessing the proposal and states that OHL proposals will be considered with “*regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption*”. The importance of the Skye Reinforcement project in achieving this aim is in capturing extensive renewable generation on the Island of Skye, committed and proposed, and transmitting it for use across the wider network. This is essential and critical for Net Zero legislative and policy objectives.

5.5.5 Moreover, delivering a replacement of the existing line has been identified as essential to maintain security of supply and meet current standards for transmission. This strategic need for the Proposed Development needs to be balanced against potential environmental effects, including any proposed mitigation.

Impact on the Environment

5.5.6 Having established the strategic importance of the Proposed Development, the other key planning matters to be considered for the determination of the application in the context of lead Policy 69 relate to environmental effects. The assessments set out below examines the OHL route by geographical route sections (see Chapter 2 Table 2.1) and assesses the effects arising against the HwLDP policy framework. Cross references are made to the EIA Report where appropriate. The focus is on the consideration of effects that are significant in EIA terms: namely effects assessed in the EIA as being of ‘major’ or ‘moderate’.

5.5.7 The key topics of assessment as derived from Policy 69 are broken down as follows:

- > Landscape and visual, including landscape character, visual effects, landscape designations and effects on Wild Land Areas. Reference is also made to the built environment with reference to visual residential amenity where relevant;
- > Nature conservation, including ecology / ornithology;
- > Cultural Heritage, including designations, setting effects and indirect and direct effects;
- > Natural Environment, including peat, hydrology and hydrogeology and associated habitats.

5.5.8 Consideration of tourism and recreation and traffic and transportation considerations are also assessed for completeness due to their potential environmental effects and inter-relationship with the criteria set within Policy 69.

5.5.9 Impacts in relation to forestry and woodland are referenced in relation to the topic specific policies 51 and 52 in relation to forestry and woodland.

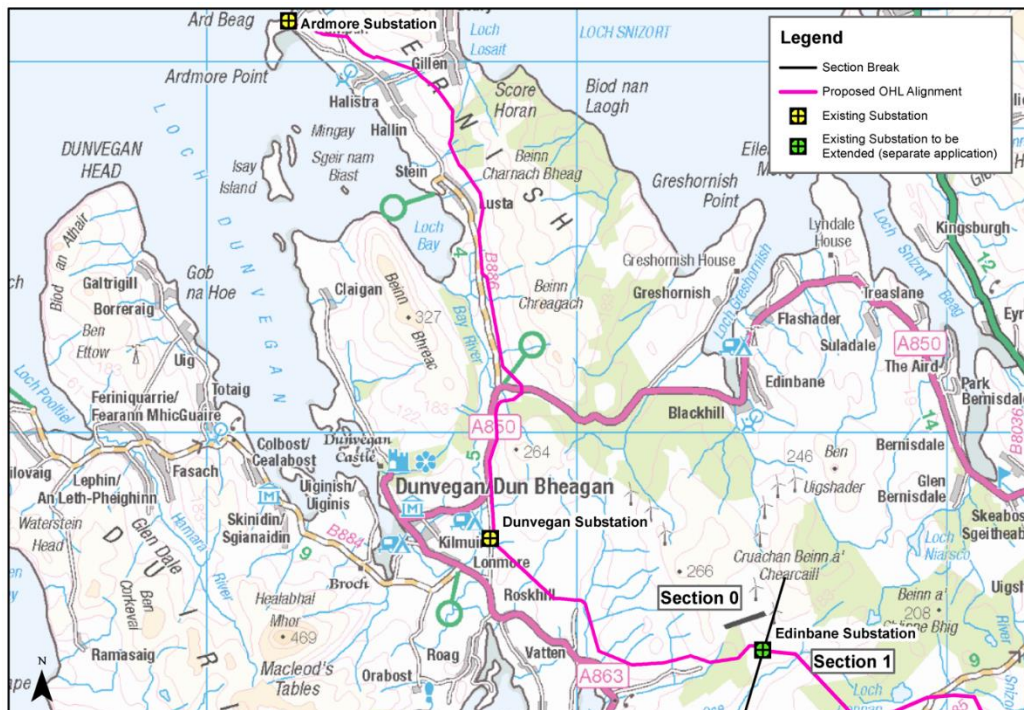
5.5.10 The assessment is presented for each route section in summary tabular form, followed by conclusions. It should be noted that Chapter 8 of the EIA Report 'Summary of Effects' records all the predicted residual significant effects (post the application of mitigation) that would arise for each route section. That Chapter and the wider EIA Report should be referred to for its detail and is cross referenced below. The approach taken has been to highlight particular policy implications arising from predicted significant environmental effects.

5.5.11 At the end of the Chapter an overall conclusion is drawn as to the accordance of the Proposed Development with policies and the Development Plan as a whole, insofar as that is a relevant consideration for the application for consent.

5.6 Policy Appraisal Section 0: Ardmore to Edinbane

5.6.1 For Section 0 a new wood pole OHL is proposed for the entirety of the section of circa 27km, following, in the main, an alignment on the existing OHL route. Where small realignments are proposed, the existing OHL will be dismantled and removed.

Figure 5.1: Plan of Section 0



5.6.2 The key designations and protected features with connectivity to the Proposed Development within Section 0 are summarised in **Table 5.2** below:

Table 5.2: Designations and Protected Features: Section 0

Key Planning Matter	National Context	Local and Other
Landscape & Visual	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> North West Skye Special Landscape Area (SLA)
Nature Conservation /Natural Environment	<ul style="list-style-type: none"> An Cleireach Site of Special Scientific Interest (SSSI) and Geological Conservation Review (GCR) 	<ul style="list-style-type: none"> Skye & Lochalsh Biodiversity Action Plan (BAP) Highland BAP Plantation Conifer Forest
Cultural Heritage	<ul style="list-style-type: none"> None 	

5.6.3 The assessment of Section 0 against relevant policies of the HwLDP is as follows:

Table 5.3: Summary Appraisal against key HWLDP Policy – Section 0

Policy 69: Electricity Transmission Infrastructure
<p>The strategic importance of the Proposed Development has been set out in Section 5.5 above and mitigation by design has formed an integral part of the design process.</p> <p>There are no significant adverse effects on any environmental topic predicted within Section 0. This is due primarily to the similarity of the Proposed Development to the existing 132kV wood pole OHL which it would replace, largely on the existing route alignment.</p> <p><u>Landscape & Visual (L&V):</u></p> <p>The Landscape and Visual Impact Assessment (LVIA) reported in the EIA Report concludes that there would be no significant landscape effects are identified during construction or operation within Section 0. The similarity of the Proposed Development to the existing OHL it would replace, would lead to minimal landscape change during operation as the features are already a characteristic of the existing landscape baseline and as a result the receiving landscape is less sensitive to the type of development proposed. The long-term landscape effect through the study area of Section 0 is predicted in the EIA Report to be barely perceptible.</p> <p>In visual terms, in locations where the alignment deviates from the existing in some locations, this would form a more perceptible change to the view, but this is not anticipated to form a significant detractor to the visual amenity for visual receptors. There would also be some limited beneficial effects where the existing OHL would be removed as a feature within a view.</p> <p>The principal mitigation measures relating to landscape and visual considerations have been embedded in the design process and relate to the identification of a preferred alignment to reduce, as far as possible, landscape and visual effects. Further mitigation would involve the use of best practice construction and reinstatement methods during the implementation phase. This will include the use of a Landscape Clerk of Works to monitor works within designations and other areas as required.</p> <p>There are also no significant landscape and visual cumulative effects predicted.</p> <p><u>Nature Conservation:</u></p> <p><i>Ornithology</i></p> <p>There are no statutory nature conservation designations for ornithological interests in Section 0 and no residual significant effects during construction or operation are identified on bird species. It is considered highly unlikely Section 0 will contribute cumulatively to adverse effects on the conservation status of regional populations of any bird species, as such no requirement for a cumulative assessment in this location was identified.</p>

The An Cleireach SSSI and GCR is designated for geological interest. No significant residual effect is predicted in relation to this SSSI.

Terrestrial Ecology

There are no designated sites for nature conservation / ecological interest in Section 0 and no significant effects are identified after mitigation. Local features including peatland and BAP sites have been assessed and no significant residual effects are identified.

Built & Cultural Heritage:

The EIA Inner Study Area (ISA) for the cultural heritage assessment referred to in the EIA Report contains 73 non designated heritage assets, and a further 19 assets with statutory designations are identified within 1.5km of the Proposed Development. Potential direct impacts arising from construction works have been identified affecting up to 61 assets within the ISA. Mitigation measures to reduce and offset predicted adverse direct impacts are set out including archaeological investigations, recording and archaeological monitoring. Following mitigation, all residual adverse effects would be of negligible significance. When completed, the Proposed Development would result in residual effects of only minor significance on the settings of Scheduled Monuments, and negligible significance upon the settings of Listed Buildings within 1.5km.

Policies 51 & 52: Trees & Principle of Development in Woodland

Chapter 9 (Volume 2) of the EIA Report assesses the impact of the proposed development on forest and woodland areas, supported by Appendix v2-9.1 'Woodland Reports' which detail the current baseline in terms of describing the woodland type (including species, condition, current management), and future management. The Woodland Reports contain the detailed assessment of impacts likely to result from the construction and operation of the proposed development.

The forestry assessment is based on the woodland removal required to form, and maintain, an Operational Corridor (OC) along the route for the OHL and in relation to required access tracks.

The various Woodland Reports demonstrate how the proposed development would be incorporated within ongoing forest management activities. The Woodland Reports identify further areas of felling to establish and leave a windfirm edge for the remaining forestry or woodland.

In Section 0 the woodland type is plantation conifer forest (known as Balmeanach Woodland) with Sitka Spruce as the principal species. The area of felling required for the OC is 7.8 ha. Whilst there would be some additional clear-felling harvesting required out with the OC in order to create 'wind firm boundaries' (to reduce wind blow risk) the net felling requiring compensation under the Scottish Government Control of Woodland Removal Policy (CoWRP) is 7.8 ha.

Policy 55: Peat and Soils

Appendix V2.7.2 and V2.7.3 of the EIA Report provide a Peat Landslide Hazard and Risk Assessment (PLHRA) and a Peat Management Plan (PMP) for the project. No significant effects in relation to peat and soils in predicted for Section 0.

Policy 56: Travel

Chapter 10 of the EIA Report provides an assessment of the likely significant effects of the Proposed Development in relation to transportation and travel.

Strategic access to Section 0 is available from the A82 (T) and A87 (T). For the purposes of assessing impact on roads it has been assumed that each Section of OHL will be developed concurrently. The assessment indicates that there are no road capacity issues within the trunk and local road network to accommodation construction phase traffic.

A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. These will be confirmed by way of a Construction Traffic Management Plan (CTMP) to be agreed prior to the commencement of construction activities.

Policy 57: Natural, Built and Cultural Heritage

The main principles of this Policy replicate those addressed within Policy 69 and are addressed above with reference to local, regional and national level designations.

Policy 58, 59 & 60: Protected Species, Other Important Species and Habitats
Detailed surveys and assessment of ornithological protected species have been carried out and no significant adverse effects have been identified. Surveys and assessments of all species with potential to interact or be affected by the Proposed Development have been completed and for ornithological interest there are no significant effects predicted, with all assessments concluding negligible impact on species.
Policy 61: Landscape
<p>Policy 61 states that development should be designed to reflect the landscape characteristics and special qualities of the areas they are located, and consideration is to be given to scale, form and construction material and cumulative effects where that is an issue. Landscape and visual considerations have been addressed above with regard to Policy 69. The policy requires Landscape Character Assessments to be taken into account – these have been referenced in the LVIA.</p> <p>The Proposed Development’s alignment has been designed as far as possible to reduce landscape and visual effects. In Section 0 there are no landscape designations significantly affected by the alignment, and where possible the route follows the existing OHL therefore avoiding significant new impacts. The removal of existing OHL in locations where the new line follows and alternative alignment, will also offer some limited beneficial effects in visual terms. An assessment of cumulative landscape effects is reported within the EIA Chapter 3 and there are no significant cumulative residual landscape and visual effects predicted.</p>
Policy 63 & 72: Water Environment & Pollution
An assessment has been undertaken in relation to hydrology and hydrogeology (the water environment) during the construction and operational phases of the Proposed Development. The assessment also considered the effects of dismantling the existing 132kV OHL. Subject to adoption of best practice techniques and a project specific Construction Environmental Management Plan (CEMP), no significant residual effects on surface water or groundwater receptors, including designated water dependent sites, Groundwater Dependent Terrestrial Ecosystems (GWDTE), Private Water Supplies (PWS) sources are predicted during the construction and operation of the Proposed Development, nor associated with dismantling the existing OHL. Chapter 6 of the EIA Report provides the findings of the assessments. No unacceptable disturbance to water resources is identified. Where relevant appropriate Sustainable Urban Drainage (SuDs) would be implemented.
Policy 77: Public Access
A review of core paths affected by the Proposed Development has been undertaken alongside consideration of cycle and pedestrian networks. A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. A Core Path Management Plan will be prepared to ensure measures to protect users of paths and ensure rights of way are protected.

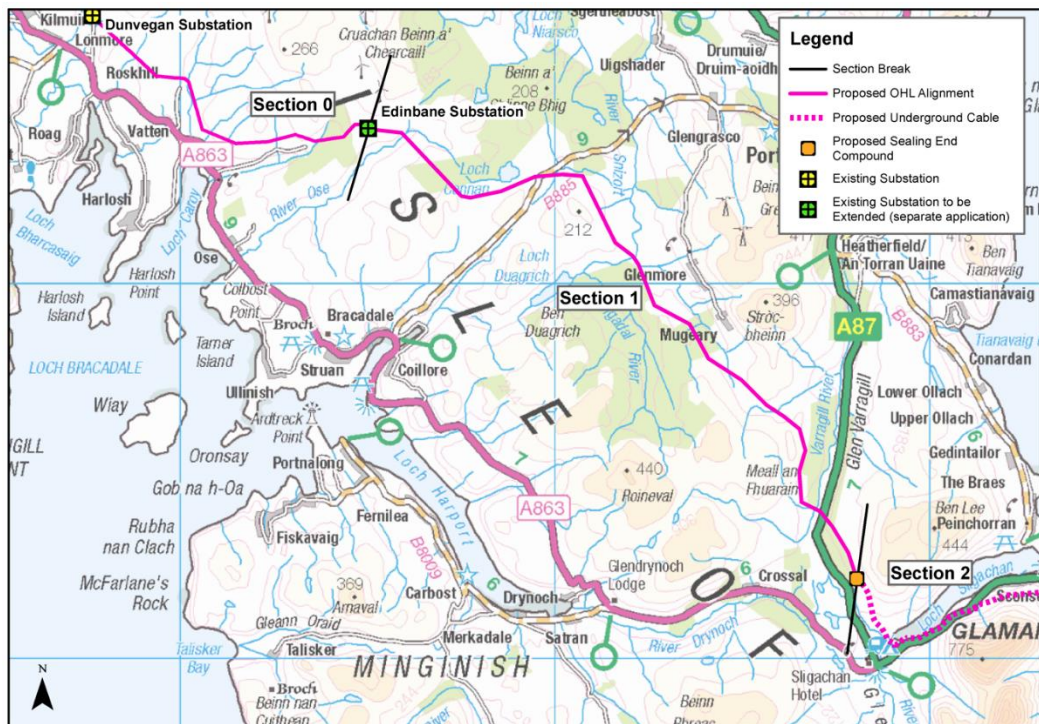
- 5.6.4 In Section 0, which involves a new wood pole OHL for circa 27 km following in the main, the existing route of the 132 kV OHL, there are no significant adverse residual environmental effects predicted. The route has been specifically designed to avoid key designations and features of importance. The effect of largely following the existing OHL alignment is reflected in the outcome of the landscape and visual impact assessment (LVIA) which has identified there would be no significant effects on landscape character. The assessment has highlighted the similarity of the proposed wood poles to those which would be removed. This leads to a less pronounced change in landscape characteristics and in terms of visual effects. The route also avoids any areas of particular natural heritage conservation value.
- 5.6.5 The design and delivery of the Proposed Development has centred on the Applicant’s duty to mitigate the Proposed Development (in line with Schedule 9 of the Electricity Act, and also mindful of the Habitats Regulations where applicable). In doing so, alternatives have been examined, and an assessment of the benefits of dismantling the existing line, as required by policy, has been provided within the EIA and is an important consideration in the overall assessment. This approach applies to all 7 of the geographic Sections of the proposed route.

5.6.6 The Proposed Development in this Section is considered to be in accordance with HwLDP policies, delivering a reinforced and upgraded electricity transmission line to help deliver renewable connections and which provides enhanced transmission capability.

5.7 **Policy Appraisal Section 1: Edinbane to North of Sligachan**

5.7.1 For Section 1, a steel lattice OHL is proposed (circa 20km in length) from Edinbane Substation to a terminal tower and cable sealing end compound north of Sligachan. The existing 132 kV wood pole OHL will be dismantled upon completion. A series of new access tracks and bell-mouths from the public road will be required to facilitate construction and maintenance.

Figure 5.2: Plan of Section 1



5.7.2 **Table 5.4** summarises the designations and protected features with connectivity to the Proposed Development in Section 1.

Table 5.4: Designations and Protected Features: Section 1

Key Planning Matter	National Context	Local / Other
Landscape & Visual	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None
Nature Conservation	<ul style="list-style-type: none"> • Cuillins SPA (Golden Eagle) • Sligachan SSSI • Sligachan Peatlands Special Area of Conservation (SAC) • Ros a'Mheallain GCR • Roineval GCR and SSSI • Cuillins Hills GCR and SSSI 	<ul style="list-style-type: none"> • Skye & Lochalsh Biodiversity Action Plan (BAP) • Highland BAP • Plantation Conifer Forests
Cultural Heritage	<ul style="list-style-type: none"> • Scheduled Monuments & Listed Buildings 	<ul style="list-style-type: none"> • Non-designated heritage assets

5.7.3

The assessment of Section 1 against the relevant policies of the HwLDP is as follows:

Table 5.5: Summary Appraisal against key HwLDP Policy: Section 1

Policy 69: Electricity Transmission Infrastructure
<p>In this section existing wood pole OHL would be replaced with steel lattice towers and the route alignment differs, which results in a greater effect overall than in Section 0. The only significant effects that would arise in relation to this section would be landscape and visual effects.</p> <p><i>Landscape & Visual:</i></p> <p>The LVIA has identified anticipated significant effects during the construction phase within three of five landscape character zones (LCZs) assessed. These effects would largely occur within open, expansive parts of the landscape around Loch Connan, Achaleathan and Glenmore, and An Leitir, mostly associated with LCT 259 (Upland Sloping Moorland) and also affecting localised parts of LCT 360 (Stepped Moorland).</p> <p>Construction activities are anticipated to form a noticeable distracting feature through these simple upland areas. Associated temporary access tracks are anticipated to affect the sense of remoteness in the Loch Connan areas (characterised by distinctive flat topped rocky knolls): the works would have the potential to appear imposing and reduce the prominence of the distinctive landform.</p> <p>During operation, the activity and disturbance through these areas would cease, and once habitat restoration had established, by 10 years post construction, this is predicted to lead to the majority of these effects reducing to a level considered not to be significant. Long-term significant effects would be limited therefore to a localised part of Section 1 within the Achaleathan areas, where the Proposed Development would cut across an areas of expansive open peatland and would appear more prominent within the open moorland that the wood pole OHL it would replace.</p> <p>The LVIA identifies significant effects to three building-based receptor locations (Glen Vic Askill, Glenmore and Mugeary) and users of three routes, comprising one road route (b885) and two paths (Glen Vic Askill and to the south of Loch Connan) during construction. During operation these effects will be reduced with longer term effects occurring only for receptors using the Core Path and at an isolated property at Glen Vic Askill, properties at Mugeary and travellers on the B885 Minor road where the proposed Development would appear in closer proximity and would form a larger and more noticeable feature than the existing wood pole OHL.</p> <p>There are no significant cumulative landscape or visual effects predicted in this section.</p>

Nature Conservation:

Ornithology

The majority of the Proposed Development within Section 1 is not covered by any statutory nature conservation designations for ornithology, however approximately 1.2km of the new OHL would pass through the Cuillins SPA which is classified for its breeding population of golden eagles. An assessment of effects on the integrity of the SPA under the Habitats Regulations is required.

A Shadow HRA for the Cuillins SPA has been prepared and is presented in Appendix 5.4 of the EIA Report, to allow the Scottish Ministers to conduct an assessment of potential effects of the Proposed Development on the integrity of the Cuillins SPA. The information demonstrates that the Proposed Development would not have adverse effect. Mitigation including line marking is proposed either side of the known white-tailed eagle roost site as a potential effect on this species is identified via assessments. The residual effects for all bird species, with this mitigation are negligible and not significant. No requirement for cumulative assessment arises in this Section given the effects are assessed as negligible.

Terrestrial Ecology

Assessments have concluded that given the distance and scope of the works, there would be no significant impacts on the designated Allt Grillan SSSI located 4.9 km from the Proposed Development LoD in this section. (Upland mixed ash woodland being the qualifying feature).

Protected species studies identified two areas of conifer plantation forest with low potential for supporting roosting bats. One potential otter couch was recorded and Spraint was recorded on four water bodies. Potential hibernacula and refuges were recorded in reptile surveys near Glen Vic Askill in stone wall structures. No other signs or sightings of notable species were recorded during field surveys for this section. Routeing and alignment has been specifically designed to avoid key designations and protected species and further significant effects are predicted on these features.

Built and Cultural Heritage:

There are 15 heritage assets identified within the Inner Study Area all of which are non-designated sites. Two assets with statutory designations are located within 2.5 km of the Proposed Development. Designated assets comprise one Scheduled Monument and one Category B Listed Building.

Potential direct impacts arising from construction works are identified to affect up to 14 heritage assets within the ISA. Mitigation measures including archaeological investigation, recording and monitoring. Residual adverse effects would be of negligible significance. When completed the Proposed Development would result in residual effects of negligible significance on the setting of the Scheduled Monument and no residual effects on the setting of the Category B listed building, which are as noted, located within 2.5km of the Proposed Development.

Policy 51 & 52: Trees and the Principle of Development in Woodland

Chapter 9 (Volume 2) of the EIA Report assesses the impact of the proposed development on forest and woodland areas, supported by Appendix v2-9.1 'Woodland Reports' which detail the current baseline in terms of describing the woodland type (including species, condition, current management), and future management.

In Section 1 the woodland type is three plantation conifer forests (Glenvarigill, Glenvicaskill and Mugeary) with Sitka Spruce and Lodgepole Pine as the species mix. The area of felling required for the Operation Corridor (OC) and associated tracks for these three forest areas is 29.3 ha. Whilst there would be some additional clear-felling harvesting required out with the OC in order to create 'wind firm boundaries' (to reduce wind blow risk) the net felling requiring compensation under the Scottish Government's CoWRP is 29.3 ha.

Policy 55: Peat and Soils

Appendix V2.7.2 and V2.7.3 of the EIA Report provides a Peat Landslide Hazard and Risk Assessment (PLHRA) and a Peat Management Plan (PMP) for the project. No significant effects in relation to peat and soils in predicted for Section 1.

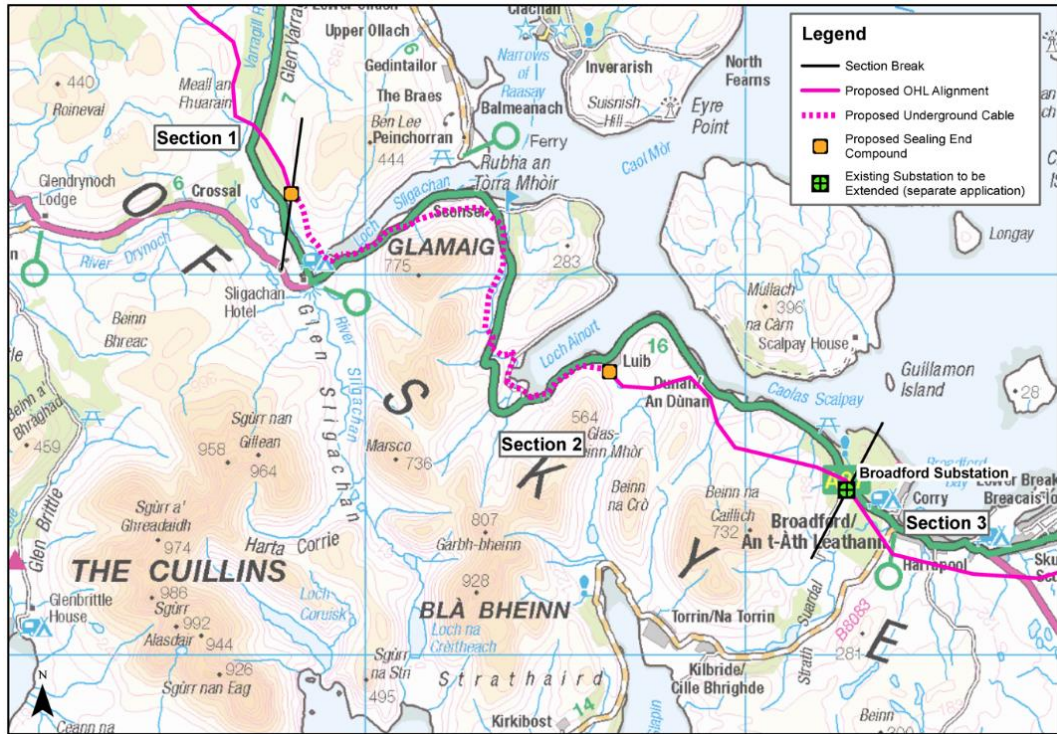
Policy 56: Travel
<p>Chapter 10 of the EIA Report provides an assessment of the likely significant effects of the Proposed Development in relation to transportation and travel.</p> <p>Section 1 would be accessed from a combination of new and existing access tracks. Access junctions to the tracks will be in the form of existing, new and temporary bell-mouth junctions designed to THC standards. Proposed access points are shown in EIA Volume 5 Appendix 10.1. For the purposes of assessing impact on roads it has been assumed that each Section of OHL will be developed concurrently.</p> <p>Assessments indicate that there are no road capacity issues within the trunk and local road network to accommodate construction phase traffic.</p> <p>A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. These would be set out in a Construction Traffic Management Plan (CTMP) which would be agreed with the Council prior to the commencement of construction activities. No significant traffic and transport impacts would arise.</p>
Policy 57: Natural, Built and Cultural Heritage
<p>The main principles of this Policy replicate those addressed within Policy 69 and are addressed above with reference to local, regional and national level designations.</p>
Policy 58, 59 & 60: Protected Species, Other Important Species and Habitats
<p>Detailed surveys and assessment of ornithological protected species have been carried out and no significant effects have been identified. Shadow HRAs are provided within EIA Appendices to enable Ministers to assess potential effects on integrity of SPAs, however no adverse effects on integrity have been identified.</p> <p>Surveys and assessments of all species with potential to interact or be affected by the Proposed Development have been complete and for ornithological interest there are no predicted significant effects, with all assessments concluding negligible impact on species.</p>
Policy 61: Landscape
<p>Policy 61 states that development should be designed to reflect the landscape characteristics and special qualities of the areas they are located and consideration is to be given to scale, form and construction material and cumulative effects where that is an issue. Landscape and visual considerations have been addressed above with regard to Policy 69. The policy requires Landscape Character Assessments to be taken into account – these have been referenced in the LVIA.</p> <p>The Proposed Development's alignment has been designed as far as possible to reduce landscape and visual effects, however significant effects have been identified as noted in the consideration of Policy 69 above. As noted in the policy summary at the start of this Chapter, unlike Policy 69, this Policy does not contain a balancing provision to allow benefits to be taken into account.</p> <p>The delivery of this essential strategic infrastructure is critical to the transmission grid infrastructure for supply and connection in this location and the solution proposed offers the optimal solution in this location. The balance of effects against strategic requirement and benefits that would result in meeting the Net Zero policy objectives and delivering connection and transmission of electricity is a material consideration in the planning balance.</p>
Policy 63 & 72: Water Environment & Pollution
<p>An assessment has been undertaken on hydrology and hydrogeology (the water environment) during construction and operational phases of the Proposed Development, the assessment also considered the effects of dismantling the existing 132kV OHL. Subject to adoption of best practise techniques and a project specific Construction Environmental Management Plan (CEMP), no significant residual effects on surface water or groundwater receptors, including designated water dependent sites, Ground Water Dependent Terrestrial Ecosystem (GWDTE), Private Water Supply (PWS) sources and Drinking Water Protected Areas (DWPAs) are predicted during the construction and operation of the Proposed Development, nor associated with dismantling the existing OHL.</p> <p>Chapter 6 of the EIA provides the findings of the assessments. No unacceptable disturbance to resources are identified. Where relevant appropriate Sustainable Urban Drainage System (SUDs) proposals have been made consistent with Policy 66.</p>

Policy 77: Public Access

A review of core paths affected by the Proposed Development has been undertaken alongside consideration of cycle and pedestrian networks. A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. A Core Path Management Plan will be prepared to ensure measures to protect users of paths and ensure rights of way are protected.

- 5.7.4 This section comprises 20 km of new steel lattice OHL, replacing an existing 132kV wood pole OHL which will be dismantled upon completion. A series of new access tracks are required, the impacts of which have been fully considered and assessed. A significant landscape effect during construction is anticipated in this Section due to the effects on areas of remote and mountainous landscapes which are of high sensitivity including Achaleathan and An Leitir. These effects would be temporary.
- 5.7.5 In the operational period, residual localised effects on parts of the landscape, within the Achaleathan area will remain, with the lattice towers replacing wood poles assessed as giving rise to a more noticeable degree of change in the landscape. A limited number of significant visual effects during construction and operation within this Section, affecting residents, tourists and visitors, travellers and recreational users are predicted. Residual effects in the operational period are limited to recreational users of a Core Path and residents of an isolated property at Glen Vic. Two cumulative effects around the Sligachan area when considered in addition to Section 2, and cumulative visual effects for travellers on the A87 are predicted.
- 5.7.6 There are no further significant residual environmental effects arising from the Proposed Development in Section 1 in relation to any other environmental topic. As noted, Policy 69 provides that proposals such as this will be considered having regard to their level of strategic significance, subject to balancing their need and delivery, with environmental and technical considerations, and taking into account proposed mitigation. The effects in this section have been specifically mitigated, through design and routeing and the outcome has been a reduction of residual effects to minor to moderate localised effects only. When taken alongside the beneficial effects of removal of existing line, the balance of effects to enable the delivery of strategically importance new transmission infrastructure is considered acceptable in terms of Policy 69 and other detailed topic specific policies.
- 5.8 Policy Appraisal Section 2: North of Sligachan to Broadford**
- 5.8.1 Section 2 involves underground cable for approximately 15km, from a new sealing end compound north of Sligachan, to a new cable sealing end compound near Luib. Thereafter, a new steel lattice OHL is proposed to connect to Broadford Substation for a length of approximately 8km. A series of temporary and permanent access tracks are proposed to enable construction, with new bell-mouths from public roads and borrow pits and construction compounds also proposed. Upon completion the existing 132kV wood pole OHL is proposed to be dismantled.

Figure 5.3: Plan of Section 2



5.8.2

Table 5.6 summarises the statutory designations and protected features within Section 2, where there is potential for connectivity.

Table 5.6: Designations and Protected Features: Section 2

Key Planning Matter	National Context	Local / Other
Landscape & Visual	<ul style="list-style-type: none"> The Cuillin Hills National Scenic Area (NSA) Wild Land Area (WLA) 23: Cuillin 	<ul style="list-style-type: none"> None
Nature Conservation	<ul style="list-style-type: none"> Cuillins SPA (Golden Eagle) Meall A'Mhaoil GCR and SSSI Sligachan Peatlands SAC and SSSI 	<ul style="list-style-type: none"> Skye & Lochalsh Biodiversity Action Plan (BAP) Highland BAP Plantation Conifer Forest
Cultural Heritage	<ul style="list-style-type: none"> Scheduled Monuments & Listed Buildings 	<ul style="list-style-type: none"> Non-designated heritage assets

5.8.3

An assessment of the proposals within Section 2 against the policies of the HwLDP is as follows.

Table 5.7: Summary Appraisal against key HWLDP Policy: Section 2

Policy 69: Electricity Transmission Infrastructure
<p>The strategic importance of the Proposed Development has been set out in Section 5.5 above and mitigation by design has formed an integral part of the design process.</p> <p><u>Landscape & Visual:</u></p> <p>The LVIA predicts some significant effects would occur as a result of the Proposed Development, the majority of which would be temporary, as a result of an anticipated focussed corridor of construction activity around the base of the Cuillin mountains. Construction activities would result in a level of disturbance which would disrupt the remote characteristics of the more southerly parts of Section 2 and would form a distraction and disconnect between mountain and coastal landscapes within the more northerly part of the Section. This is anticipated to lead to significant landscape effects on the coastal edge and foothill areas between Glen Varragill and Creag Strollamus, largely affected LCT367 (Smooth Mountain Range) and locally influencing parts of LCT 357 (Farmed and Settle Lowlands – Skye and Lochalsh) along more settled parts of the coast.</p> <p>During operation, and upon habitat restoration becoming established by 10 years post construction, this is predicted to lead to the majority of these effects reducing to a level considered to be not significant. The use of buried cable though the northern part of Section 2, would also help to reduce the extent of significant effects occurring, with the addition of mitigation measures to reduce the longer term effect of tracks.</p> <p>Longer term significant effects are therefore only anticipated within the area to the south of Luib and Strollamus, where the establishment of steel lattice towers as replacement to wood pole is anticipated to create a stronger delineation between upland and settled coastal areas, affecting the relationships of coastal and upland (LCTs 357 and 367 respectively) as well as locally influencing the qualities of remoteness within valleys to the rear of Am Meall and Creag Strollamus. These effects are anticipated to lead to a localised significant effect (Luib and Strollamus) to the landscape character of the Cuillin Hills NSA during construction, alongside a significant effect to the Special Landscape Qualities (SLQs) “Magnificent mountain scenery” and “Surrounding wild landscape, a fitting foil for the mountains”. These effects would however be temporary with longer term operational effects on the NSA predicted as being not significant.</p> <p>The LVIA identified a limited number of significant visual effects during construction to residential receptors located at Luib and Strollamus, visitors to Sligachan Hotel and campsite, travellers on the A87 and the Sconser to Moll minor road around Loch Ainort, recreational receptors using footpaths and tracks around Luib and Strollamus and along the norther shore of Loch Sligachan to Peniachorrain and visitors to laybys located at the head of Loch Ainort. However, during operation the number of significant effects reduces with effects being directly linked to the greater impact of steel lattice towers against existing wood poles to receptors using the footpath close to Luib, where the Proposed Development would cross the route and steel lattice towers would form a new feature, close alongside the route.</p> <p>There are no significant cumulative effects identified.</p> <p><u>Nature Conservation:</u></p> <p><i>Ornithology:</i></p> <p>The Proposed Development would pass through the Cuillins SPA, classified for 8 pairs of breeding golden eagles for circa 22km of which approximately 15km would be underground. The remaining 7km would comprise a new steel lattice tower OHL. An assessment of effects on the integrity of the SPA under the Habitats Regulations is required. A Shadow HRA for the Cuillins SPA has been prepared and is presented in Appendix 5.4 of the EIA, to allow the Scottish Ministers to conduct an assessment of potential effects of the Proposed Development on the integrity of the Cuillins SPA. This information demonstrates that the Proposed Development would not have an adverse effect on the integrity of the SPA.</p> <p>No potential adverse effects on other ornithological species are identified with predicted effects on all bird species being negligible and not significant. As a consequence, there is no requirement for a cumulative assessment.</p> <p><i>Terrestrial Ecology:</i></p> <p>The Proposed Development would not pass through the SAC or SSSI identified in close proximity to this section. A new permanent access track is proposed on the eastern side of the A87 and crosses</p>

a minor tributary watercourse that feeds into the Allt Dubh and Sligachan Peatlands SAC and SSSI on the west of the A87. A small degree of cabling works would also be undertaken within the catchment of the same minor watercourse. The Proposed Development is entirely located downstream of the SSSI and no impacts are identified in this regard.

The Proposed Development does not interact with any areas of ancient woodland within Section 2 although several areas of Category 2a Ancient Woodland are present within 5 km. Two watercourses, River Sligachan and Abhainn Ceann Loch Ainort were assessed in 2014 as having High overall condition with High access for fish migration and High water quality. Both bats and pin marten have been recorded within 5 km of the Proposed Development within the last 15 years but no protected features were recorded. No activity was recorded in the ground investigation works conducted in 2021-2022 in this Section. Otter were sited in the Section however no protected features were recorded.

No significant effects on protected species or other terrestrial ecology are identified for Section 2.

Built & Cultural Heritage:

The assessment identified 75 non-designated heritage assets within the ISA and 10 with statutory designations within 2.5km of the Proposed Development, including a Scheduled Monument and five Category B Listed Buildings and four C listed buildings. Potential direct impacts arising from construction works have been identified that would affect up to 53 heritage assets within the ISA. After mitigation, including archaeological investigation, recording and monitoring, all residual adverse effects would be of negligible significance. When completed, the Proposed Development would result in residual effects of negligible significance on the setting of the Scheduled Monument and no residual effects on the settings of the Category B or C Listed Buildings within 2.5 km.

Policy 51 & 52: Trees the Principle of Development in Woodland

Chapter 9 (Volume 2) of the EIA Report assesses the impact of the proposed development on forest and woodland areas, supported by Appendix v2-9.1 'Woodland Reports' which detail the current baseline in terms of describing the woodland type (including species, condition, current management), and future management.

In Section 2 the woodland type is one plantation conifer forests (known as Broadford West) with Sitka Spruce as the principal species. The area of felling required for the OC for this forest area is 5.5 ha. For this forest area the younger age of the trees significantly reduces the need to create a wind firm edge, therefore there is no additional clear-felling harvesting required out with the to reduce wind blow risk. The net felling requiring compensation under the Scottish Government's CoWRP is 5.5 ha.

Policy 55: Peat and Soils

Appendix V2.7.2 and V2.7.3 of the EIA Report provides a Peat Landslide Hazard and Risk Assessment (PLHRA) and a Peat Management Plan (PMP) for the project. No significant effects in relation to peat and soils in predicted for Section 2.

Policy 56: Travel

Chapter 10 of the EIA Report provides and assessment of the likely significant effects of the Proposed Development in relation to transportation and travel.

Section 2 access is available from the A82(T) and A87(T). A combination of new and existing access tracks would be utilised with any new junctions designed to THC standards. The location of access points for Section 2 are provided in the EIA Volume 5, Appendix 10.1. A section of cable would be required to be installed under the A87 to the east of Sligachan. This would require single lane closures along the A87 and appropriate traffic management.

For the purposes of assessing impact on roads it has been assumed that each Section of OHL will be developed concurrently. Assessments indicate that there are no road capacity issues and ample spare capacity exists within the trunk and local road network to accommodate construction phase traffic.

A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. These would be set out in a CTMP which would be agreed with the Council prior to the commencement of construction activities. No significant traffic and transport impacts would arise.

Policy 57: Natural, Build and Cultural Heritage
The main principles of this Policy replicate those addressed within Policy 69 and are addressed above with reference to local, regional and national level designations.
Policy 58, 59 & 60: Protected Species, Other Important Species and Habitats
Detailed surveys and assessment of ornithological protected species have been carried out and no significant effects have been identified. Shadow HRAs are provided within EIA Appendices (V2-5.4 in the EIA Report) to enable Ministers to assess potential effects on integrity of SPAs, however no adverse effects on integrity have been identified.
Surveys and assessments of all species with potential to interact or be affected by the Proposed Development have been complete and for ornithological interest there are no significant effects, with all assessments concluding negligible impact on species.
Policy 61: Landscape
Policy 61 states that development should be designed to reflect the landscape characteristics and special qualities of the areas they are located and consideration is to be given to scale, form and construction material and cumulative effects where that is an issue. Landscape and visual considerations have been addressed above with regard to Policy 69. The policy requires Landscape Character Assessments to be taken into account – these have been referenced in the LVIA.
Anticipated significant landscape effects are identified in this section with a localised significant effect on the landscape character of the Cuillin Hills NSA during construction, and within a very localised part of the Luib to Strollamus areas, a significant effect on the SLQs would arise. These effects would however be temporary with longer term operational effects on the NSA being not significant in the longer term.
The design and routeing has specifically sought to limit the significance of effect and seeks to balance the delivery of essential infrastructure appropriate against the need to protect and preserve landscape and visual character. The removal of existing infrastructure in some locations where the route deviates, will offer some limited beneficial effects in visual terms. There are no significant cumulative residual landscape and visual effects arising in this Section.
Policy 63 & 72: Water Environment & Pollution
An assessment has been undertaken on hydrology and hydrogeology (the water environment) during construction and operational phases of the Proposed Development. The assessment also considered the effects of dismantling the existing 132kV OHL. Subject to adoption of best practice techniques and a project specific CEMP, no significant residual effects on surface water or groundwater receptors, including designated water dependent sites, GWDTE, PWS sources and DWPA are predicted during the construction and operation of the Proposed Development, nor associated with dismantling the existing OHL.
Chapter 6 of the EIA provides the findings of the assessments. No unacceptable disturbance to resources are identified. Where relevant appropriate SUDs proposals have been made consistent with Policy 66.
Policy 77: Public Access
A review of core paths affected by the Proposed Development has been undertaken alongside consideration of cycle and pedestrian networks. A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. A Core Path Management Plan will be prepared to ensure measures to protect users of paths and ensure rights of way are protected.

5.8.4

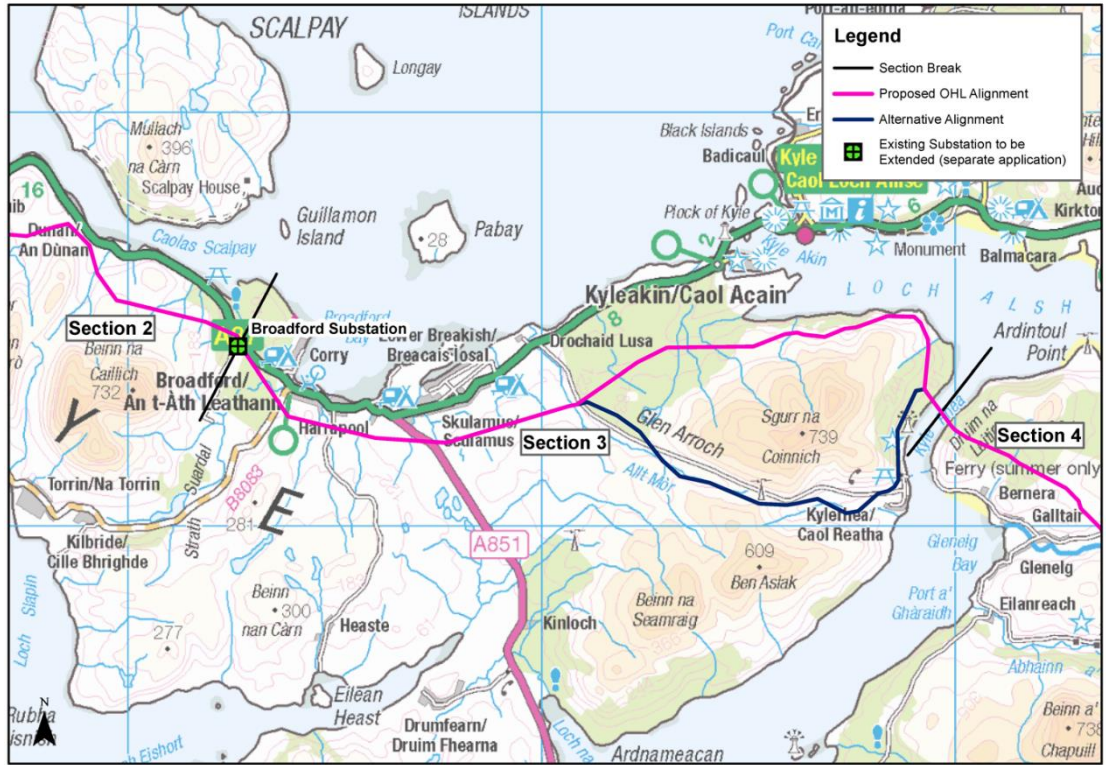
The Proposed Development in this Section involves 15km of underground cabling between two new sealing end compounds, thereafter, transitioning onto a new steel lattice OHL for a length of 8km. A series of temporary and permanent tracks, new bell-mouths to public roads and borrow pits and construction compounds are required. The existing OHL, which will be dismantled upon operation, comprises wood pole construction.

- 5.8.5 As a result of the change from wood pole to steel lattice structure, and due to the proposed routeing through remote and mountainous landscapes, significant landscape effects during construction are anticipated at the coastal edge and foothill areas between Glen Varragill and Creag Strollamus. During the operational period, following reinstatement, with the application of mitigation to minimise the effects of tracks, the majority of effects would reduce to become not significant.
- 5.8.6 Residual significant environmental effects would be limited in this Section to localised parts of the areas to the south of Luib and Strollamus. It is noted that there will also be some limited beneficial effects in parts of Section 2, between Glen Varragill and Luib, where the existing wood pole OHL would be replaced with a buried cable.
- 5.8.7 In addition, the landscape effects described are anticipated to lead to a localised significant effect to the landscape character of the Cuillin Hills NSA during construction within Section 2, but this is predicted to be temporary only, with no significant landscape character effects resulting on operation. Limited significant residual effects for recreational users of a footpath close to Luib (the Torrin Ring from Luib) on operation are identified. A series of cumulative landscape and visual effects in associated with Section 1 and 3 are identified at Sligachan and on the A87. These effects would, however, be localised in nature.
- 5.8.8 No further significant residual environmental effects are predicted as a result of the Proposed Development in Section 2. As with Section 1, the balance of effects in relation to the value of the delivery of the Proposed Development is considered to be consistent with the parameters of Policy 69 and associated policy and guidance within the HwLDP.

5.9 Policy Appraisal Section 3: Broadford to Kyle Rhea

- 5.9.1 The Section 3 Proposed Alignment comprises a steel lattice OHL for the entire 20km length from Broadford Substation to the existing crossing towers at Kyle Rhea. Temporary and permanent construction access and working areas, alongside the formation of new junctions from public road, construction compounds, borrow pits and tree / vegetation clearance are associated with these works. The dismantling of the existing 132kV steel lattice OHL would follow on completion.
- 5.9.2 As explained in Chapter 2, due to sensitivities of routeing a new OHL through the Kinloch and Kyleakin Hills SAC and SSSI, an Alternative Alignment through Glen Arroch and Kylerhea has been given consideration in the EIA process (see Appendix 4.2 to Chapter 4 of Volume 6 of the EIA Report in relation to Route 3B). This Alternative Alignment would comprise a new steel lattice OHL from Broadford Substation to the existing OHL crossing towers at Kyle Rhea by way of Glen Arroch (approximately 20km in length). This is shown in **Figure 5.4** below.

Figure 5.4: Plan of Section 3



5.9.3

A summary of the statutory designations and protected features in Section 3, where there is potential for connectivity is provided in **Table 5.8**.

Table 5.8: Designations and Protected Features: Section 3 Preferred Alignment

Key Planning Matter	National Context	Local / Other
Landscape & Visual	<ul style="list-style-type: none"> Loch Alsh Woodland GDL 	<ul style="list-style-type: none"> None
Nature Conservation	<ul style="list-style-type: none"> Cuillins SPA (Golden Eagle) Kinloch and Kyleakin Hills SAC Kinloch and Kyleakin Hills SSSI Mointeach nan Lochain Dubha SAC Mointeach nan Lochain Dubha SSSI Strath SAC Strath SSSI Loch Duich Long and Alsh Reefs SAC Inner Hebrides and the Minches SAC Lochs Duich Long and Alsh Maine Protection Area (MPA) Mudalach Ancient Woodland. 	<ul style="list-style-type: none"> Mudalach Ancient Woodland Skye & Lochalsh Biodiversity Action Plan (BAP) Highland BAP Plantation Conifer Forest Semi-natural broadleaved woodland

Cultural Heritage	<ul style="list-style-type: none"> Scheduled Monuments & Listed Buildings 	<ul style="list-style-type: none"> Non-designated heritage assets
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- 5.9.4 Before the detail of the policy appraisal is presented, it should be noted that the Shadow HRA undertaken in relation to the Kinloch and Kyleakin Hills SAC concludes that with the application of standard good practice mitigation measures, AEOI of the site can be ruled out for mixed woodland on base-rich soils associated with rocky slopes (priority habitat) and alpine and subalpine heaths, and otter, for both options. However, after consideration of mitigation, an AEOI of the site cannot be ruled out for the following four qualifying features for both the Proposed Alignment and the Alternative Alignment as follows:
- > Western acidic oak woodland (primary reason for site selection);
 - > Dry heaths;
 - > Wet heathland with cross-leaved heath; and
 - > Blanket bogs (priority habitat).
- 5.9.5 Four key impacts result in an adverse effect on site integrity for the Preferred Alignment and three key impacts arise for the Alternative Alignment.
- 5.9.6 Should Scottish Ministers form the conclusion that the Proposed Development would adversely affect the integrity of the SAC, the project can only be consented if Scottish Ministers are satisfied by a derogation case presented under the Habitats Regulations. Scottish Ministers would require to be satisfied that project must nevertheless be carried out (in the absence of alternative solutions) for imperative reasons of over-riding public interest (IROPI), and appropriate compensatory measures must be put in place to ensure that the overall coherence of the Natura 2000 network and contribution to favourable conservation status is maintained. The Habitats Regulations therefore place stringent legal duties on a consenting authority to ensure that environmental effects on the integrity of a European Site are justified, and judged acceptable, by virtue of the IROPI and compensatory measures.
- 5.9.7 Compensatory measures are a very specific consideration. Mitigation measures are seen as an integral part of the project and are designed to reduce or remove negative impacts and can be considered in the appropriate assessment; compensatory measures however are independent of the project and are intended to offset remaining negative impacts where integrity is known to be affected. Further consideration of such compensation is provided within the Shadow HRA.
- 5.9.8 The Shadow HRA states in summary, in this regard, that preliminary analysis of possible compensation options and compensation areas indicate there are a number of potential options in and around, and contiguous with, the SAC for the four qualifying habitats predicted to be adversely affected by the Proposed Development. These include extension of the SAC to include further adjoining areas of existing qualifying habitat types, creation or restoration of qualifying habitat types on non-designated land within or adjacent to the SAC and extension of the SAC to cover these, and bracken control and management in the SAC and subsequent replanting and management for qualifying woodland.
- 5.9.9 Given the position set out in the Shadow HRA, it is anticipated by the Applicant that it will be necessary to demonstrate that the importance of the project clearly outweighs any environmental effects, and this will be addressed within an IROPI derogation case prepared in support of the Proposed Development. In this context, it is therefore important for the Council to note that, should consent for the Proposed Development be granted by Scottish Ministers, as a consequence of the requirements of the Habitats Regulations, satisfactory and appropriate legal mechanisms would be in place to ensure that the project would not have 'unacceptable' significant impacts on the environment, as referred to in the context of Development Plan policy.

5.9.10 The assessment of Section 3 against the relevant policies of the HwLDP is as follows:

Table 5.9: Summary Appraisal against key HwLDP Policy: Section 3 Proposed Alignment

Policy 69: Electricity Transmission Infrastructure
<p>The strategic importance of the Proposed Development has been set out in Section 5.5 above and mitigation by design has formed an integral part of the design process.</p> <p><u>Landscape & Visual:</u></p> <p>The LVIA has identified that there would be no significant effects to landscape character during both construction and operational phases within Section 3. Within this section the similarity of the Proposed Development to the existing OHL which it would replace, would lead to minimal landscape change during the operational period as the OHL already comprises a characteristic of the existing landscape baseline and therefore the receiving landscape is less sensitive to the type of development proposed. Forestry and woodland influencing the character in Section 3 would also help to limit intervisibility of construction works and permanent features across the study area. Whilst greater levels of disturbance would lead to landscape effects during construction, due to the presence of forestry, existing OHL infrastructure and other land management activities within the Section, reduce sensitivity, and means that effects would not be significant.</p> <p>No significant visual or cumulative effects have been identified in Section 3.</p> <p><u>Nature Conservation:</u></p> <p><i>Ornithology</i></p> <p>The majority of Section 3 is not covered by any statutory nature conservation designations for ornithology. Approximately 0.8km of new OHL passes through the Cuillins SPA, classified for its breeding population of golden eagles. An assessment of effects on the integrity of the SPA under the Habitats Regulations is required. A Shadow HRA for the Cuillins SPA has been prepared and is presented in Appendix 5.4 of the EIA, to allow the Scottish Ministers to conduct an assessment of potential effects of the Proposed Development on the integrity of the Cuillins SPA. This information demonstrates that the Proposed Development would not have an adverse effect on the integrity of the SPA. Consideration of other bird species and likely effects has been given with particular regard to known populations of white-tailed eagle in this locale.</p> <p>The substantial majority of construction activities would be to the south of the crossing tower at Kyle Rhea within Section 3. Predicted effects are stated as being negligible and not significant and no mitigation is required with no requirement for cumulative assessment arising.</p> <p><i>Terrestrial Ecology</i></p> <p>Likely significant effects as a result of the Proposed Development with respect to the Kinloch and Kyleakin Hills SAC within this section are predicted for four of the SAC's qualifying features (western acidic oak woodland, blanket bog, wet heathland with cross-leaved heath and dry heaths). As such a shadow HRA has been prepared to provide information for Scottish Ministers, as competent authority, to consider (Appendix V2-4,7 in the EIA Report). Likely significant effects were also predicted for the same features on the Kinloch and Kyleakin Hills SSSI.</p> <p>To compensate residual significant adverse effects on the Kinloch and Kyleakin Hills SAC and SSSI habitats, a Habitat Management Plan (HMP) would be developed for the relevant qualifying features affected.</p> <p><u>Built and Cultural Heritage:</u></p> <p>13 non-designated heritage assets have been identified within the ISA and three assets with statutory designations are located within 2.5 km of the Proposed Development. These designated features include two Scheduled Monuments, eight Category B Listed Buildings and three C Listed Buildings. Potential direct impacts from construction works have been identified that would affect up to 12 heritage assets within the ISA. Following mitigation, including archaeological investigation, recording and monitoring, all residual adverse effects would be of negligible significance. When completed, the Proposed Development is predicted to result in residual effects of minor significance on the settings of the Scheduled Monuments and residual effects of negligible significance on the settings of the Listed Buildings within 2.5 km.</p>

Policy 51: Trees and Principle of Development in Woodland

Chapter 9 (Volume 2) of the EIA Report assesses the impact of the proposed development on forest and woodland areas, supported by Appendix v2-9.1 'Woodland Reports' which detail the current baseline in terms of describing the woodland type (including species, condition, current management), and future management.

The area of felling required for the OC and associated tracks for these the forest areas affected is 10.4 ha. The breakdown by woodland type is: commercial woodland (9.4ha), semi-natural woodland (non-SAC) (0.85ha) and semi-natural woodland (within the SAC) (0.15ha). Whilst there would be some additional clear-felling harvesting required out with the OC in order to create 'wind firm boundaries' (to reduce wind blow risk) the net felling requiring compensation under the Scottish Government's CoWRP is 10.4 ha.

Policy 55: Peat and Soils

Appendix V2.7.2 and V2.7.3 of the EIA Report provides a Peat Landslide Hazard and Risk Assessment (PLHRA) and a Peat Management Plan (PMP) for the project. No significant effects in relation to peat and soils in predicted for Section 3.

Policy 56: Travel

Chapter 10 of the EIA Report provides and assessment of the likely significant effects of the Proposed Development in relation to transportation and travel.

Section 3 access is available from the A82(T) and A87(T). A combination of new and existing access tracks would be utilised with any new junctions designed to THC standards. The location of access points to Section 3 are provided in the EIA Volume 5, Appendix 10.1. For the purposes of assessing impact on roads it has been assumed that each Section of OHL will be developed concurrently.

Assessments indicate that there are no road capacity issues within the trunk and local road network to accommodate construction phase traffic. A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. These will be confirmed by way of a CTMP to be agreed with the Council prior to the commencement of construction activities. No significant impacts are predicted in relation to traffic and transport.

Policy 57: Natural, Build and Cultural Heritage

The main principles of this Policy replicate those addressed within Policy 69 and are addressed above with reference to local, regional and national level designations.

Policy 58, 59 & 60: Protected Species, Other Important Species and Habitats

Significant effects are predicted in relation to impacts on habitats within the Kinloch and Kyleakin Hills SAC and SSSI. A shadow HRA has been prepared which predicts that, after the consideration of mitigation measures, an AEOI cannot be ruled out for four of the SAC's qualifying features (Western acidic oak woodland, blanket bog, wet heathland and cross-leaved heath and dry heaths). Longer-term beneficial effects are predicted for ancient woodland as a consequence of the dismantling of the existing line.

Surveys and assessments of all species with potential to interact or be affected by the Proposed Development have been complete and for ornithological interest there are no significant effects, with all assessments concluding negligible impact on species.

Policy 61: Landscape

Policy 61 states that development should be designed to reflect the landscape characteristics and special qualities of the areas they are located and consideration is to be given to scale, form and construction material and cumulative effects where that is an issue. Landscape and visual considerations have been addressed above with regard to Policy 69. The policy requires Landscape Character Assessments to be taken into account – these have been referenced in the LVIA.

The Proposed Developments alignment has been designed as far as possible to reduce landscape and visual effects and in this Section forestry and woodland help to further limit the overall effect on landscape.

In Section 3 there are no landscape designations effected by the alignment, and the route follows the existing OHL therefore minimising significant impact. The removal of existing OHL in some locations

<p>where the route deviates, will offer some limited beneficial effects in visual terms. There are also no significant cumulative residual landscape and visual effects predicted.</p>
<p>Policy 63 & 72: Water Environment & Pollution</p> <p>An assessment has been undertaken on hydrology and hydrogeology (the water environment) during construction and operational phases of the Proposed Development, the assessment also considered the effects of dismantling the existing 132kV OHL.</p> <p>Subject to adoption of best practise techniques and a project specific CEMP, no significant residual effects on surface water or groundwater receptors, including designated water dependent sites, GWDTE, PWS sources and DWPAs are predicted during the construction and operation of the Proposed Development, nor associated with dismantling the existing OHL.</p> <p>Chapter 6 of the EIA provides the findings of the assessments. No unacceptable disturbance to resources is identified. Where relevant appropriate SUDs proposals have been made consistent with Policy 66.</p>
<p>Policy 77: Public Access</p> <p>A review of core paths affected by the Proposed Development has been undertaken alongside consideration of cycle and pedestrian networks. A series of mitigation measures has been designed to ensure safety during construction and to minimise delay and disruption. A Core Path Management Plan will be prepared to ensure measures to protect users of paths and ensure rights of way are protected.</p>

- 5.9.11 Mitigation through design has formed an important element of the design of the OHL, particularly in relation to the Section 3 alignments where a number of environmental assets are located.
- 5.9.12 No significant effects on landscape character during construction or operation are predicted for the Section 3 Proposed Alignment, largely due to the similarity of the proposed steel lattice towers to those already existing. Likewise, no significant visual effects are identified.
- 5.9.13 The Proposed Alignment crosses part of the Kinloch and Kyleakin Hills SAC and SSSI and areas of habitat listed on the Ancient Woodland Inventory. Most of the study area consists of open upland heath and bog habitats. Patches of other habitat types break up the expanses of wet heath and blanket bog; with the respective communities often forming complex mosaics and transitional areas. The Proposed Development has been designed to minimise impacts on important habitats, peatland and protected species as far as practicable. This has been achieved through embedded mitigation and through the iterative design process. The following Important Ecological Features (IEFs) were taken forward to the assessment stage: the Kinloch and Kyleakin Hills SAC and SSSI sites (including lichen and bryophyte assemblages), ancient woodland, broadleaved woodland, blanket bog (including wet modified bog), wet heath, dry heath and otter.
- 5.9.14 The most tangible effect during construction of the Proposed Development on most IEFs would be direct habitat loss due to the construction of the infrastructure, in addition to some indirect drainage effects on wetland habitats. Dismantling of the existing OHL could however have beneficial effects on woodland habitats due to removal of the need for maintaining an operational corridor, although disturbance could be caused to otter through proximity of suitable habitat and known resting sites. Operational impacts could have adverse impacts on the woodland habitat of the Kinloch and Kyleakin Hills SAC and SSSI through maintenance of the operational corridor.
- 5.9.15 With respect to the Kinloch and Kyleakin Hills SAC, the assessment predicted likely significant effects as a result of the Proposed Development for four of the SAC's qualifying features (Western acidic oak woodland, blanket bog, wet heathland with cross-leaved heath and dry heaths). As such, a shadow HRA has been prepared to provide information for Scottish Ministers, as competent authority, to consider (see Appendix V2-4.7 of the EIA Report). Likely significant effects were also predicted for the same features of the Kinloch

and Kyleakin Hills SSSI. To compensate residual significant adverse effects on the Kinloch and Kyleakin Hills SAC and SSSI habitats, a HMP would be developed for the relevant qualifying features affected.

- 5.9.16 The Applicant’s position is that there are no other feasible alternatives to the Proposed Development and there are IROPI that would justify the grant of consent for the Proposed Development comprising the Proposed Alignment as presented, notwithstanding an AEOL, and provided compensatory measures are taken.
- 5.9.17 Should Ministers conclude, contrary to the Applicant’s view, that the Proposed Alignment should not be consented, the Applicant seeks consent for the Alternative Alignment as presented. Sufficient detail for the Alternative Alignment has been provided to enable Scottish Ministers to determine their preferred option. Only one of the options would be built, and the Applicant requests that Scottish Ministers consent only one of the two options.
- 5.9.18 The dual approach undertaken avoids the need to bring forward separate applications and allows all relevant issues to be considered together whilst ensuring security of supply is maintained and enabling renewable connections to be accommodated in reasonable timescales.
- 5.9.19 Although significant effects are identified in this Route Section, it is important to balance these effects against the level of strategic importance of the Proposed Development as provided within LDP Policy 69 and with regard to wider national level policy factors. Detailed consideration of how the effects can be mitigated and compensated have been set out, and the beneficial effects of the removal of the existing line, and alternative working practices for construction to minimise disruption are material to the overall balance of considerations. The Applicant considers that the effects of this Alignment and delivery of the Proposed Development by way of bespoke construction methods and careful micro siting and design, allows the balance to be struck such that it enables the delivery of strategically important infrastructure.
- 5.9.20 In order to ensure Scottish Ministers, as Competent Authority, have sufficient detail to assess the Proposed Development, the Shadow HRA also considers the Alternative Alignment. Environmental information in relation to the Alternative Alignment is provided within Volume 6 of the EIA Report. An assessment follows below, with an overall summary and assessment on this key issue following thereafter.
- 5.9.21 The assessment for the Section 3 Alternative Alignment against the relevant policies of the HwLDP is as follows:

Table 5.10: Summary Appraisal against key HwLDP Policy: Section 3 Alternative Alignment

Policy 69: Electricity Transmission Infrastructure
<p>The strategic importance of the Proposed Development has been set out in Section 5.5 above and mitigation by design has formed an integral part of the design process.</p> <p><u>Landscape & Visual:</u></p> <p>The LVIA has concluded that significant effects would be likely to occur in number of locations during construction and operation and these are described in detail within the Section 3B LVIA Chapter 3.</p> <p>The LVIA has established that significant landscape and visual effects and cumulative landscape and visual effects would occur within an area around Glen Arroch and Kyle Rhea where the proposed Development would form a noticeable feature within the landscape and views. Whilst some of these effects would reduce to non-significant levels during the operation of the Proposed Development, the presence of steel lattice towers and permanent new access tracks within this area is anticipated to lead to on-going significant landscape effects in these locations which comprise a locally valued landscape, and significant visual effects for residents, and visitors accessing some parts of this area. Mitigation measures are proposed which may help to offset some of these effects.</p>

Landscape and visual effects to the remaining parts of the study areas, including the Broadford areas and east of the Kyle Rhea strait would not be significant.

Nature Conservation:

Ornithology

The majority of Section 3B is not covered by any statutory nature conservation designations for ornithology. However, approximately 0.8km of the new OHL passes through the Cuillins SPA which is classified for its breeding population of golden eagles. Mitigation is embedded into the Proposed Development including Bird Protection Plans and line marking and the use of exclusions zones where appropriate.

As line marking is proposed for the duration of the operational period of the OHL the residual effects on all bird species are assessed as negligible and not significant.

Terrestrial Ecology

The assessment of this alternative alignment for Section 3 also predicted likely significant effects for four of the SAC's qualifying features (Western acidic oak woodland, blanket bog, wet heathland with cross-leaved heath, and dry heaths). These are the same qualifying features predicted to be adversely affected by the Proposed Alignment. Given the likely significant effects predicted, a shadow HRA has been prepared to provide information to Scottish Ministers, as the competent authority, to consider with respect to the Alternative Alignment (Appendix V2-4,7). Likely significant effects were also predicted for the same features of the Kinloch and Kyleakin SSSI.

To compensate residual significant adverse effects on the SAC and SSSI habitats, a HMP would be developed for the relevant qualifying features affected.

Built and Cultural Heritage:

The study identified 24 non designated heritage assets within the Inner Study Area and 10 assets with statutory designations within 2.5km of the Proposed Development. Designated assets within 2.5km comprise one Scheduled Monument of national heritage value and high sensitivity, six Category B Listed Buildings of regional heritage value and medium sensitivity and three C Listed Buildings of local value and low sensitivity. Potential direct impacts arising from construction have been identified to affect up to 20 heritage assets within the Inner Study Area, these would result in potential adverse effects of minor adverse significance on three assets, and adverse effects of negligible significance on 17 others. Mitigation measures re proposed that would reduce predicted adverse direct impacts, through archaeological investigations, recording and monitoring. All residual adverse effects would be of negligible significance. When completed, a residual effect of minor significance on the setting of the Scheduled Monument and residual effects of negligible significance on the settings of Listed Buildings within 2.5km of the Proposed Development area identified.

Policy 51: Trees and Principle of Development in Woodland

Chapter 9 (Volume 2) of the EIA Report assesses the impact of the proposed development on forest and woodland areas, supported by Appendix v2-9.1 'Woodland Reports' which detail the current baseline in terms of describing the woodland type (including species, condition, current management), and future management.

The area of felling required for the OC and associated tracks for these the forest areas affected is 20.5ha. The breakdown by woodland type is: commercial woodland (19.89ha) and native woodland (0.7ha). Within the native woodland the breakdown relative to the SAC is semi-natural woodland (non-SAC) (0.6ha) and semi-natural woodland (within the SAC) (0.1ha).

Whilst there would be some additional clear-felling harvesting required out with the OC in order to create 'wind firm boundaries' (to reduce wind blow risk) the net felling requiring compensation under the Scottish Government's CoWRP is 20.6 ha.

Policy 55: Peat and Soils

Appendix V2.7.2 and V2.7.3 of the EIA Report provides a Peat Landslide Hazard and Risk Assessment (PLHRA) and a Peat Management Plan (PMP) for the project. No significant effects in relation to peat and soils in predicted for Section 3.

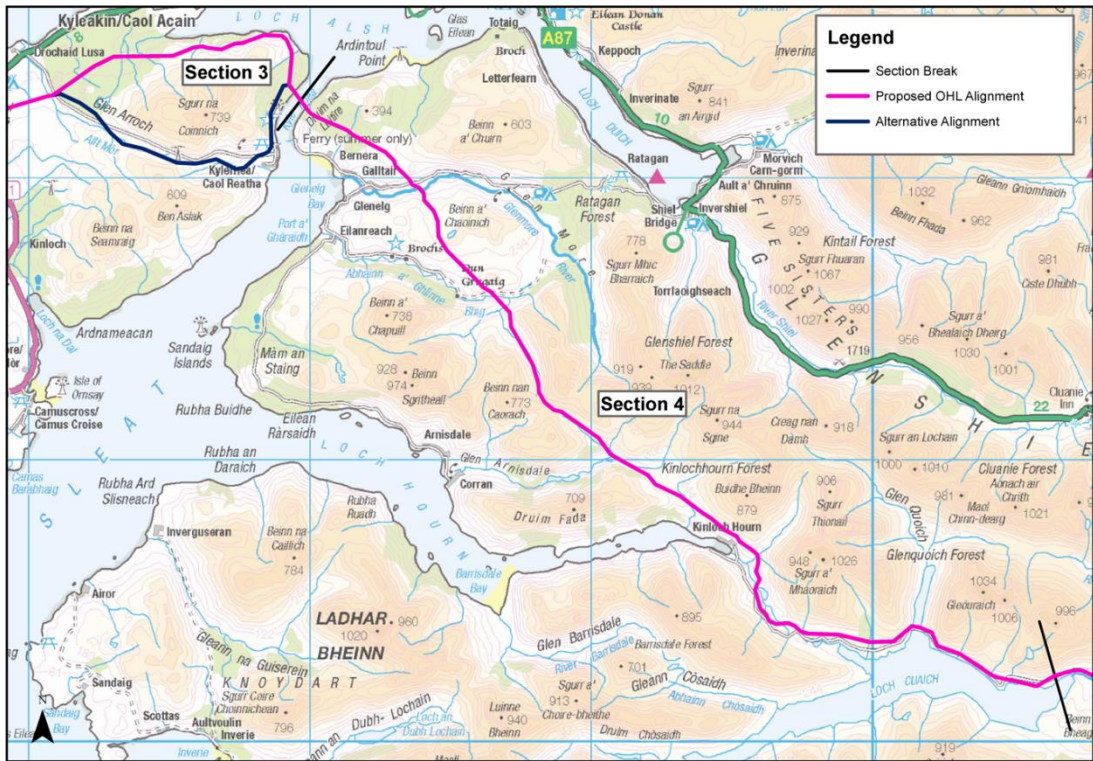
Policy 56: Travel

Chapter 10 of the EIA Report for 3B provides and assessment of the likely significant effects of the Proposed Development in relation to transportation and travel.

<p>Section 3 access is available from the A82(T) and A87(T). A combination of new and existing access tracks would be utilised with any new junctions designed to THC standards. The location of access points to Section 3 are provided in the EIA Volume 5, Appendix 10.1. For the purposes of assessing impact on roads it has been assumed that each Section of OHL will be developed concurrently.</p> <p>Assessments indicate that there are no road capacity issues within the trunk and local road network to accommodate construction phase traffic. A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. These will be confirmed by way of a CTMP to be agreed with the Council prior to the commencement of construction activities. No significant impacts are predicted in relation to traffic and transport.</p>
<p>Policy 57: Natural, Build and Cultural Heritage</p>
<p>The main principles of this Policy replicate those addressed within Policy 69 and are addressed above with reference to local, regional and national level designations.</p>
<p>Policy 58, 59 & 60: Protected Species, Other Important Species and Habitats</p>
<p>Significant effects are predicted in relation to impacts on habitats within the Kinloch and Kyleakin Hills SAC and SSSI. A shadow HRA has been prepared which predicts that, after the consideration of mitigation measures, an AEOI cannot be ruled out for four of the SAC's qualifying features (Western acidic oak woodland, blanket bog, wet heathland and cross-leaved heath and dry heaths). Benefits to ancient woodland are predicted to arise on dismantling of the existing line. Surveys and assessments of all species with potential to interact or be affected by the Proposed Development have been complete and for ornithological interest there are no significant effects, with all assessments concluding negligible impact on species.</p>
<p>Policy 61: Landscape</p>
<p>Policy 61 states that development should be designed to reflect the landscape characteristics and special qualities of the areas they are located and consideration is to be given to scale, form and construction material and cumulative effects where that is an issue. Landscape and visual considerations have been addressed above with regard to Policy 69. The policy requires Landscape Character Assessments to be taken into account – these have been referenced in the LVIA.</p> <p>The Proposed Development's alignment has been designed as far as possible to reduce landscape and visual effects and in this Section the effects are considered greater in landscape and visual terms, than the Alternative route for Section 3. The ability to utilise forestry and existing features to 'set' the OHL are less and the effects are therefore considered greater.</p> <p>The routing has sought to avoid national and regionally designated sites and mitigation has been proposed to offset some of these effects. The significant effects resulting from this route require to be considered in balance with other considerations in the determination of the application.</p>
<p>Policy 63 & 72: Water Environment & Pollution</p>
<p>An assessment has been undertaken on hydrology and hydrogeology (the water environment) during construction and operational phases of the Proposed Development, the assessment also considered the effects of dismantling the existing 132kV OHL.</p> <p>Subject to adoption of best practise techniques and a project specific CEMP, no significant residual effects on surface water or groundwater receptors, including designated water dependent sites, GWDTE, PWS sources and DWPAs are predicted during the construction and operation of the Proposed Development, nor associated with dismantling the existing OHL.</p> <p>Chapter 6 of the EIA provides the findings of the assessments. No unacceptable disturbance to resources are identified. Where relevant appropriate SUDs proposals have been made consistent with Policy 66.</p>
<p>Policy 77: Public Access</p>
<p>A review of core paths affected by the Proposed Development has been undertaken alongside consideration of cycle and pedestrian networks. A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. A Core Path Management Plan will be prepared to ensure measures to protect users of paths and ensure rights of way are protected.</p>

- 5.9.22 The Alternative Alignment comprises an alternative route for the Proposed Development within Section 3. Nevertheless, both options pass through the Kinloch and Kyleakin Hills SAC and SSSI.
- 5.9.23 The assessment of the Alternative Alignment also predicted likely significant effects for four of the SAC's qualifying features (Western acidic oak woodland, blanket bog, wet heathland with cross-leaved heath and dry heaths). These are the same qualifying features that are predicted to be adversely affected by the Proposed Alignment. Given the likely significant effects predicted, a shadow HRA has been prepared to provide information for Scottish Ministers, as competent authority, to consider with respect to the Alternative Alignment (see Appendix V2-4.7 of the EIA Report). Likely adverse significant effects were also predicted for the same features of the Kinloch and Kyleakin Hills SSSI.
- 5.9.24 To compensate residual significant adverse effects on the Kinloch and Kyleakin Hills SAC and SSSI habitats, a HMP would be developed for the relevant qualifying features affected. Significant adverse effects through the loss of ancient woodland would be reduced through compensatory planting, which would be detailed in a HMP for habitats outwith the SAC. The HMP would also be formulated to reduce the effects on other IEF habitats and provide environmental enhancement.
- 5.9.25 Should Ministers conclude, contrary to the Applicant's view, that the Proposed Alignment should not be consented, the Applicant seeks consent for the Alternative Alignment as presented. As stated previously the Applicant is of the view that there are no further feasible alternatives to the Proposed Development. Sufficient detail for the Alternative Alignment has been provided to enable Scottish Ministers to determine their preferred option. Only one of the options would be built, and the Applicant requests that Scottish Ministers consent only one of the two options.
- 5.9.26 The dual approach undertaken avoids the need to bring forward separate applications and allows all relevant issues to be considered together whilst ensuring security of supply is maintained and enabling renewable connections to be accommodated in reasonable timescales.
- 5.9.27 Although significant effects are identified in this Route Section, it is important to balance these effects against the level of strategic importance of the Proposed Development as provided within LDP Policy 69. Detailed consideration of how the effects can be mitigated and compensated have been set out, and the beneficial effects of the removal of the existing line, and alternative working practices for construction to minimise disruption are material to the overall balance to be struck.
- 5.10 Policy Appraisal Section 4: Kyle Rhea to Loch Quoich**
- 5.10.1 Section 4 would involve a 38km length of steel lattice OHL from the existing crossing towers are Kyle Rhea to Loch Quoich Dam. Associated work to enable access, construction, borrow pits, vegetation and tree clearance is also required. The existing 132kV steel lattice OHL would be removed upon completion.

Figure 5.5: Plan of Section 4



5.10.2

Table 5.11 below summarises the designations and protected features where there is potential for connectivity within Section 4.

Table 5.11: Designations and Protected Features: Section 4

Key Planning Matter	National Context	Local / Other
Landscape & Visual	<ul style="list-style-type: none"> • Knoydart NSA • WLA 18: Kinlochhour-Knoydart-Morar 	<ul style="list-style-type: none"> • Moidart, Morar and Glen Shiel SLA
Nature Conservation	<ul style="list-style-type: none"> • Lochs Duich, Long and Alsh Reefs SAC • Inner Hebrides & the Minches SAC. • Druim Losal SSSI & GCR • Beinn a'Chapuill SSSI & GCR • Kinloch Hourn GCR • Ancient Woodland 	<ul style="list-style-type: none"> • 9 areas of Ancient Woodland including Glac an Tobair. • Skye & Lochalsh Biodiversity Action Plan (BAP) • Highland BAP • Plantation conifer forest • Semi-natural broadleaved woodland
Cultural Heritage	<ul style="list-style-type: none"> • Scheduled Monuments & Listed Buildings 	<ul style="list-style-type: none"> • Non-designated heritage assets

5.10.3

A summary appraisal of Section 4 against the policies of the HwLDP is as follows.

Table 5.12: Summary Appraisal against key HwLDP Policy: Section 4

Policy 69: Electricity Transmission Infrastructure
<p>The strategic importance of the Proposed Development has been set out in Section 5.5 above and mitigation by design has formed an integral part of the design process.</p> <p><u>Landscape & Visual:</u></p> <p>Significant landscape effects are anticipated in parts of Section 4. The Section contains greater areas of remote and mountainous landscape and is considered to be of a higher sensitivity to the nature of development proposed. During construction the activities proposed would result in a level of disturbance which would disrupt remote characteristics. This is anticipated to lead to significant landscape effects in remote mountain glen areas, and rugged knolls and lochans between Druim Iosal and Kinloch Hourn, and Kinloch Hourn and Loch Cuaich, affecting localised parts of LCT365 (Rugged Massif- Skye and Lochalsh) and LCY 239 (Interlocking Sweeping Peaks – Lochaber).</p> <p>Significant landscape effects during construction are also anticipated to lead to temporary and localised significant effects to Wild Land Area (WLA) 18, localised to the landscape character zone between Druimm Iosal and Kinloch Hourn, however these effects are not anticipated to continue upon operation with the absence of construction activities, and the use of mitigation measures to reduce the longer term effects of tracks.</p> <p>During operation, and 10 years post habitat restoration this majority of these effects are predicted to reduce to a level considered to be not significant. The similarity of the steel lattice towers with existing towers in Section 4 would also reduce the extent of significant effects, with the addition of mitigation measures to reduce the longer term effects of tracks.</p> <p>No significant effects would result to the character and Special Qualities of Knoydart NSA or Moidart Morar and Glen Sheil SLA within Section 4.</p> <p>The visual assessment has identified a limited number of significant visual effects that would occur within Section 4 during construction – residential receptors located in Glen More, users of the minor road to Kinloch Hourn, and recreational users of walking routes which form parts of the Old Drove Road between Balvraid and Kinloch Hourn, and a localised part of a track to the north of Loch Coire Shubh. Effects would largely occur where they would be crossed by construction works, alongside routes, or where routes would be upgraded or used for construction access. No operational stage significant visual effects are anticipated within Section 4. Furthermore, no long term significant cumulative effects are identified.</p> <p><u>Nature Conservation:</u></p> <p><i>Ornithology</i></p> <p>Section 4 is not covered by any statutory nature conservation designations relating to ornithology. The nearest designated site is the West Inverness-shire Lochs SPA which lies approximately 4.6km to the east. The qualifying species of the SPA are breeding black-throated diver and common scoter. No flights by either species were recorded passing over the Proposed Development and all flights were at elevations below 10m above water level. Other flights recorded incidentally during other surveys were also over waterbodies. It is predicted therefore that the Proposed Development would not result in a likely significant effect on either of the qualifying features of the SPA. Consequently, an assessment of effects within Section 4 on the integrity of the SPA is not required under the Habitats Regulations. Assessment of other species potential collision risk has also been undertaken with regard to Golden Eagle identified as a protected species. The assessment concludes the potential effects of collision due to the Proposed Development in Section 4 are predicted as negligible and not significant and no cumulative assessment is required.</p> <p><i>Terrestrial Ecology</i></p> <p>Nine areas of Ancient woodland are located in this Section (three areas of Category 1a, five of Category 2a and one 2b) with numerous other areas of ancient woodland within the wider 5km area. These are mostly small, highly fragmented areas of woodland, with some more extensive areas, including a 320 ha site at Glac an Tobair.</p> <p>The assessment predicts residual significant effects for ancient woodland, whereby the majority of predicted habitat loss of ancient woodland for the Proposed Development is located within Section 4. Additional mitigation such as good practice construction measures and working methods and plans</p>

will be specified in the Principal Contractors Construction Method Statement (CMS). Significant minor to moderate beneficial effects on Ancient Woodland are predicted following the dismantling of the existing OHL due to the removal of the need for maintaining an operational corridor.

There are no identified impacts on the three designated SSSI's within 5 km of the Proposed Development LoD given the distance and scope of works proposed. A number of protected species are identified in this section including badger, potential bat roost locations, and some evidence of lizard and stone structures with potential hibernacula and refuges for reptiles. No significant adverse effects are predicted on protected species.

Built & Cultural Heritage:

The EIA has identified 23 non-designated heritage assets within the ISA, and eight assets with statutory designations within 2.5 km of the Proposed Development. Designated assets comprise three Scheduled Monuments, one Category A Listed Building, nine Category B Listed Buildings and one C listed Building. Potential direct impacts from construction works have been identified that would affect up to 18 heritage assets within the ISA. Mitigation measures including archaeological investigation, recording and monitoring and when applied would result in all residual adverse effects being of negligible significance. The Proposed Development, when completed would result in residual effects of minor significance on the setting of two Scheduled Monuments and one Category A Listed Building, and residual effects of negligible significance upon the settings of eight Listed Buildings within 2.5 km of the Proposed Development.

Policy 51: Trees and Principle of Development in Woodland

Chapter 9 (Volume 2) of the EIA Report assesses the impact of the proposed development on forest and woodland areas, supported by Appendix v2-9.1 'Woodland Reports' which detail the current baseline in terms of describing the woodland type (including species, condition, current management), and future management.

In Section 4 the woodland types are in 7 locations as summarised below with reference to the woodland name, woodland type and principal species and area of felling required.

- Arnisdale, native woodland (upland birch): felling required of 0.43 ha;
- Bernera Farm, conifer plantation (Lodgepole Pine): felling required of 15 ha;
- Eileanreach Estate, conifer plantation (Lodgepole Pine & Sitka Spruce: felling required of 1.36 ha;
- Glenquoich, native woodland (upland birch), with some parts recorded on the Ancient Woodland Inventory (AWI) as Ancient of semi-natural origin: felling required of 6.8 ha;
- Kinloch Hourn Estate, native woodland (upland birch) with parts recorded on the AWI as Ancient of semi-natural origin, felling required of 1.29 ha;
- Scallasaig, native woodland (upland birch), recorded on the AWI as Ancient of semi-natural origin: felling required of 2.78 ha;
- Land covered by Towers BF95-BF96, native woodland (Scot Pine) recorded on the AWI as Ancient of semi-natural origin: felling required of 0.33 ha.

The area of woodland removal required for the OC and any associated tracks for these forest areas overall in Section 4 is 28.2 ha. This is also the net felling area requiring compensation under the Scottish Government's CoWRP.

Policy 55: Peat and Soils

Appendix V2.7.2 and V2.7.3 of the EIA Report provides a Peat Landslide Hazard and Risk Assessment (PLHRA) and a Peat Management Plan (PMP) for the project. No significant effects in relation to peat and soils in predicted for Section 4.

Policy 56: Travel

Chapter 10 of the EIA Report provides and assessment of the likely significant effects of the Proposed Development in relation to transportation and travel.

<p>Section 4 access is available from the A82(T) and A87(T). A combination of new and existing access tracks would be utilised with any new junctions designed to THC standards. The location of access points to Section 4 are provided in the EIA Volume 5, Appendix 10.1. For the purposes of assessing impact on roads it has been assumed that each Section of OHL will be developed concurrently.</p> <p>A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. These would be set out in a CTMP which would be agreed with the Council prior to the commencement of construction activities. No significant impacts are predicted in relation to traffic and transport.</p>
<p>Policy 57: Natural, Build and Cultural Heritage</p>
<p>The main principles of this Policy replicate those addressed within Policy 69 and are addressed above with reference to local, regional and national level designations.</p>
<p>Policy 58, 59 & 60: Protected Species, Important Species and Habitats</p>
<p>Detailed surveys and assessment of ornithological protected species have been carried out and no significant effects are predicted. Shadow HRAs are provided within EIA Appendices to enable Ministers to assess potential effects on integrity of SPAs, however no adverse effects on integrity have been identified.</p> <p>Surveys and assessments of all species with potential to interact or be affected by the Proposed Development have been complete and for ornithological interest there are no significant effects, with all assessments concluding negligible impact on species.</p>
<p>Policy 61: Landscape</p>
<p>Policy 61 states that development should be designed to reflect the landscape characteristics and special qualities of the areas they are located and consideration is to be given to scale, form and construction material and cumulative effects where that is an issue. Landscape and visual considerations have been addressed above with regard to Policy 69. The policy requires Landscape Character Assessments to be taken into account – these have been referenced in the LVIA.</p> <p>In Section 4 there are no landscape designations affected by the alignment. Where significant effects are predicted on LCTs or WLAs these are localised construction phase effects and are not predicted to continue in the operational period and following restoration of habitats. There are no significant cumulative residual landscape and visual effects predicted.</p>
<p>Policy 63 & 72: Water Environment & Pollution</p>
<p>An assessment has been undertaken on hydrology and hydrogeology (the water environment) during construction and operational phases of the Proposed Development. The assessment also considered the effects of dismantling the existing 132kV OHL. Subject to adoption of best practise techniques and a project specific CEMP, no significant residual effects on surface water or groundwater receptors, including designated water dependent sites, GWDTE, PWS sources and DWPAAs are predicted during the construction and operation of the Proposed Development, nor associated with dismantling the existing OHL.</p> <p>Chapter 6 of the EIA provides the findings of the assessments. No unacceptable disturbance to resources are identified. Where relevant appropriate SUDs proposals have been made consistent with Policy 66.</p>
<p>Policy 77: Public Access</p>
<p>A review of core paths affected by the Proposed Development has been undertaken alongside consideration of cycle and pedestrian networks. A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. A Core Path Management Plan will be prepared to ensure measures to protect users of paths and ensure rights of way are protected.</p>

5.10.4

This section comprises 38km of steel lattice towers and associated tracks and works replacing the existing steel lattice 132 kV OHL. Significant landscape effects during construction only are predicted due to temporary disruption of remote and mountainous landscape characteristics of rugged knolls and lochans between Kinloch Hourn and Loch Quich. No residual significant adverse effects post construction are identified. No significant

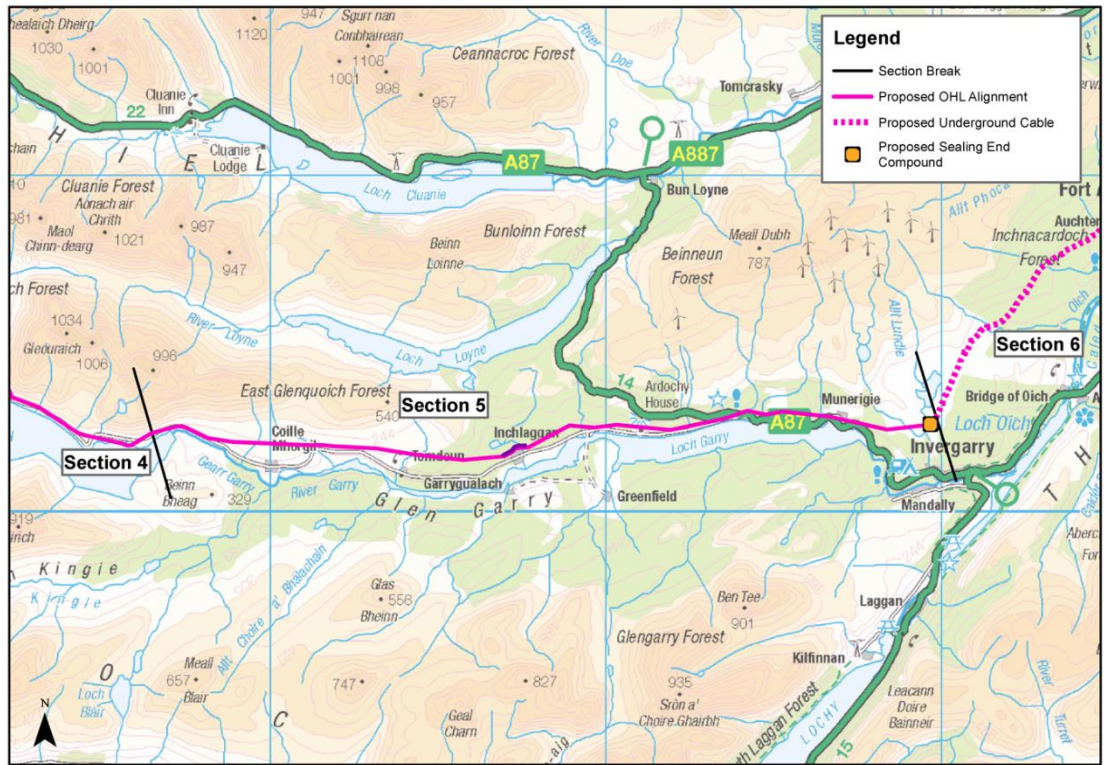
effects to the character of the Special Qualities of the Moidart, Morar and Glen Shiel Special Landscape Area (SLA) which falls within this Section are predicted. In terms of visual effects, no permanent significant effects are predicted post construction and mitigation.

- 5.10.5 Residual significant adverse effects are predicted for ancient woodland, whereby the majority of predicted habitat loss of ancient woodland for the Proposed Development is predicted within Section 4 and 5. This is offset in part by moderate beneficial and significant effects on ancient woodland and broadleaved semi-natural woodland resulting from the dismantling of the existing OHL and removal of the operational corridors and potential for repopulation thereof. Micro-siting within the LoD will seek to further reduce the areas of ancient woodland to be affected within the operational corridor where possible to reduce impact. Significant adverse effects through the loss of ancient woodland will be reduced through compensatory planting in line with policy requirements, which would be detailed in a HMP to reduce the effects on other IEF habitats and provide enhancement: and which can be secured by way of condition on a grant of consent.
- 5.10.6 While there is some conflict with Policy 52 (and the related Trees, Woodland and Development Supplementary Guidance) in light of the impacts on ancient woodland, the policy allows for the Council to support proposals where there would be “clear and significant public benefit” and the policy also requires compensatory planting. It is considered that such public benefit would result from the Proposed Development and as noted, compensatory planting is proposed, consistent with HwLDP and national planning policy.
- 5.10.7 One cultural heritage asset (Cup marked Stone MHG 5351 (non-designated) is identified as a potential significant effect pre mitigation due to proximity to the OHL. No residual significant effect is predicted post mitigation, which will involve marking out surviving remains and establishing a clear buffer zone during construction. Careful design and routeing have ensured the effects on cultural heritage assets have been limited by avoiding known assets where possible.
- 5.10.8 No other significant residual environmental effects are predicted in Section 4. As noted, Policy 69 provides that proposals such as this will be considered having regard to their level of strategic significance, subject to balancing their need and delivery, with environmental and technical considerations, and taking into account proposed mitigation. The effects in this section have been specifically mitigated, through design and routeing and remaining residual effects are largely localised in nature, and / or compensation is in place which in the long-term should serve to offset in so far as practicable the predicted losses to protected features. The importance of delivering this key infrastructure is an important material consideration in the application of this balance as provided within Policy 69 in this regard.

5.11 Policy Appraisal Section 5: Loch Quaich to Invergarry

- 5.11.1 Section 5 involves a length of approximately 24km of steel lattice OHL from Loch Quoich Dam to a new cable sealing end compound near Loch Lundie, together with associated works to enable access, construction compounds, borrow pits and tree/vegetation clearance. The dismantling of the existing 132kV wood pole (from Quoich to Aberchalder) and steel lattice OHL would be undertaken upon completion.

Figure 5.6: Plan of Section 5



5.11.2

Table 5.13 summarises the key designations and protected features with potential connectivity to the Proposed Development within Section 5.

Table 5.13: Designations and Protected Features: Section 5

Key Planning Matter	National Context	Local / Other
Landscape & Visual	<ul style="list-style-type: none"> WLA 18: Kinlochhour-Knoydart-Morar 	<ul style="list-style-type: none"> Moidart, Morar and Glen Shiel SLA
Nature Conservation	<ul style="list-style-type: none"> West Inverness-shire Lochs SPA (Black throated diver and Common Scoter) West Inverness-shire Lochs SSSI (Black throated diver, Common Scoter) Quoich Spillway SSSI Ancient Woodland 	<ul style="list-style-type: none"> 12 areas of Ancient Woodland. Skye & Lochalsh Biodiversity Action Plan (BAP) Highland BAP Aldernaig Burn (WFD classified). Class 1 Peatland directly adjacent to woodland west of Tomdoun. Plantation conifer forest Semi-natural broadleaved woodland
Cultural Heritage	<ul style="list-style-type: none"> Scheduled Monuments & Listed Buildings 	<ul style="list-style-type: none"> Non-designated heritage assets

5.11.3 A summary appraisal of Section 5 against the policies of the HwLDP is as follows.

Table 5.14: Summary Appraisal against key HwLDP Policy: Section 5

Policy 69: Electricity Transmission Infrastructure
<p>The strategic importance of the Proposed Development has been set out in Section 5.5 above and mitigation by design has formed an integral part of the design process.</p> <p><u>Landscape & Visual:</u></p> <p>No significant effects in relation to landscape character during both construction or operation are predicted to occur in Section 5. The similarity of the Proposed Development to the existing OHL to which it is replacing (in part) and the presence of other existing, similar steel lattice OHLs, would lead to minimal landscape change during operation. The features proposed already comprise a characteristic of the existing landscape baseline and therefore the receiving landscape is less sensitive to the Proposed Development.</p> <p>Forestry and woodland influence the landscape character within the Section and would also help to limit intervisibility of construction works and permanent features across the LVIA study area. Whilst greater levels of disturbance would lead to landscape effects during construction, due to the presence of forestry, existing OHL infrastructure and other land management activities in the Section this would reduce sensitivity such that these effects would not be significant.</p> <p>Some significant visual effects are predicted in Section 5 during construction at residential receptors located at Leacan Dubh and Munerigie. Construction would feature either within the main, front of oblique views from properties. During operation this would remain with the Proposed Development featuring within the main front view, however this new feature replaces a former steel lattice tower in a similar location to the front, and a wood pole OHL to the rear. The Proposed Development does not therefore introduce a new effect nor add to the existing features in place.</p> <p>No significant cumulative landscape and visual effects are anticipated within the Section.</p> <p><u>Nature Conservation:</u></p> <p><i>Ornithology:</i></p> <p>There are no statutory nature conservation designations for ornithology located within Section 5. A length of OHL passes between some of the component lochs of the West Inverness-shire Lochs SPA, across moorland and areas of commercial forestry that are outwith the SPA. The SPA is classified for breeding black-throated diver and common scoter. The proximity to these features requires that the potential impact is assessed for this Section of the OHL. An assessment of the effects on the integrity of the SPA under the Habitats Regulation is required. Information is presented in Appendix 5.5 of the EIA which provides a Shadow Appropriate Assessment for the West Inverness-shire Lochs SPA to allow Scottish Ministers to conduct an assessment of potential effects of the Proposed Development on the integrity of the SPA. This information demonstrates that, with mitigation, the Proposed Development would not have an adverse effect. Line marking is the most common and practical form of mitigation and is it proposed that line marking the earth wider along the length of the two separate parts of the OHL within Section 5 is undertaken. With this mitigation, the residual effects on all bird species in this Section are assessed as not significant and there is not requirement for a cumulative assessment.</p> <p><i>Terrestrial Ecology:</i></p> <p>The assessment predicts residual significant effects for ancient woodland, whereby the majority of predicted habitat loss of ancient woodland for the Proposed Development is located within Section 4. Additional mitigation such as good practice construction measures and working methods and plans will be specified in the Principal Contractors Construction Method Statement (CMS). Significant minor to moderate beneficial effects on Ancient Woodland are predicted following the dismantling of the existing OHL due to removal of the need for maintaining an operational corridor.</p> <p>No impacts on two designated SSSI's in the Section corridor are predicated given the distance and scope of Proposed works from these features.</p> <p>In terms of protected species one badger sett was recorded. Four buildings were assessed as high potential for roosting bats, alongwith numerous potential tree roosts further along the route. No other protected features were recorded for other species other than two sightings of common lizard and</p>

potential reptile hibernacula within stone structures. No significant adverse effects on protected species in this Section are recorded.

Built & Cultural Heritage:

11 non-designated heritage assets have been identified within the Isa and two assets with statutory designations are identified within 2.5km of the Proposed Development. Designated assets within 2.5 km comprise one Category B Listed Building and one Category C Listed Building. Direct impacts arising from construction works have been identified that would affect up to four heritage assets within the Isa. Following mitigation, proposed as archaeological investigation, recording and investigation, all residual adverse effects would be of negligible significance. The Proposed Development, when completed, would result in residual effects of negligible significance upon the settings of both Listed Buildings within 2.5 km of the Proposed Development.

Policy 51 & 52: Trees and Principle of Development in Woodland

Chapter 9 (Volume 2) of the EIA Report assesses the impact of the proposed development on forest and woodland areas, supported by Appendix v2-9.1 'Woodland Reports' which detail the current baseline in terms of describing the woodland type (including species, condition, current management), and future management.

In Section 5 the woodland types are in 7 locations as summarised below with reference to the woodland name, woodland type and principal species and area of felling required.

- Ardochy, conifer plantation and native woodland (Sitka Spruce and upland birch) with part of the native woodland recorded on the AWI as Ancient of semi-natural origin: felling required of 5.4 ha;
- Druim Buidhe, native woodland (upland birch and oak) with part of the woodland recorded on the AWI as Ancient of semi-natural origin: felling required of 1.46 ha;
- Kilfinnan, conifer plantation and native woodland (Sitka Spruce and upland birch) with small sections of the native woodland recorded on the AWI as Ancient of semi-natural origin: felling required of 9.7 ha;
- Leacan Dubha, native woodland (upland birch) with small sections of the woodland recorded on the AWI as Ancient of semi-natural origin: felling required of 0.35 ha;
- Lochan Tor, conifer plantation and native woodland (Sitka Spruce, Scots Pine and upland birch) with part of the native woodland recorded on the AWI as Ancient of semi-natural origin: felling required of 1.9 ha;
- Tomdoun and East Glenquoich, conifer plantation and semi-natural broadleaved woodland (Lodgepole Pine, Scots Pine and upland birch) with part of the native woodland recorded on the AWI as Ancient of semi-natural origin: felling required of 10.3 ha.

The area of woodland removal required for the OC and any associated tracks for these forest areas overall in Section 6 is 29.2 ha. This is also the net felling area requiring compensation under the Scottish Government's CoWRP.

Policy 55: Peat and Soils

Appendix V2.7.2 and V2.7.3 of the EIA Report provides a Peat Landslide Hazard and Risk Assessment (PLHRA) and a Peat Management Plan (PMP) for the project. No significant effects in relation to peat and soils in predicted for Section 5.

Policy 56: Travel

Chapter 10 of the EIA Report provides and assessment of the likely significant effects of the Proposed Development in relation to transportation and travel.

Section 5 access is available from the A887 (T), A82(T) and A87(T). A combination of new and existing access tracks would be utilised with any new junctions designed to THC standards. The location of access points to Section 5 are provided in the EIA Volume 5, Appendix 10.1.

For the purposes of assessing impact on roads it has been assumed that each Section of OHL will be developed concurrently. Assessments indicate that there are no road capacity issues within the trunk and local road network to accommodate construction phase traffic. A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and

<p>disruption. These will be confirmed by way of a CTMP to be agreed with the Council prior to the commencement of construction activities.</p> <p>No significant impacts are predicted in relation to traffic and transport.</p>
<p>Policy 57: Natural, Build and Cultural Heritage</p>
<p>The main principles of this Policy replicate those addressed within Policy 69 and are addressed above with reference to local, regional and national level designations.</p>
<p>Policy 58, 59 & 60: Protected Species, Other Important Species and Habitats</p>
<p>Detailed surveys and assessment of ornithological protected species have been carried out and no significant effects have been identified. Shadow HRAs are provided within EIA Appendices (V2-5.5 in the EIA Report) to enable Ministers to assess potential effects on integrity of SPAs, however no adverse effects on integrity have been identified.</p> <p>Surveys and assessments of all species with potential to interact or be affected by the Proposed Development have been complete and for ornithological interest there are no significant effects, with all assessments concluding negligible impact on species.</p>
<p>Policy 61: Landscape</p>
<p>Policy 61 provides a presumption that development will be designed to reflect the landscape characteristics and special qualities of the areas they are located as well as considering cumulative effects. The Proposed Developments alignment has been designed as far as possible to reduce landscape and visual effects. In Section 5 there are no statutory designations effected by the alignment, and where possible the route follows the existing OHL therefore minimising significant impact. The removal of existing in some locations where the route deviates, will offer some limited beneficial effects in visual terms. There are no significant cumulative residual landscape and visual effects.</p>
<p>Policy 63 & 72: Water Environment & Pollution</p>
<p>An assessment has been undertaken on hydrology and hydrogeology (the water environment) during construction and operational phases of the Proposed Development, the assessment also considered the effects of dismantling the existing 132kV OHL. Subject to adoption of best practise techniques and a project specific CEMP, no significant residual effects on surface water or groundwater receptors, including designated water dependent sites, GWDTE, PWS sources and DWPA's are predicted during the construction and operation of the Proposed Development, nor associated with dismantling the existing OHL.</p> <p>Chapter 6 of the EIA provides the findings of the assessments. No unacceptable disturbance to resources are identified. Where relevant appropriate SUDs proposals have been made consistent with Policy 66.</p>
<p>Policy 77: Public Access</p>
<p>A review of core paths affected by the Proposed Development has been undertaken alongside consideration of cycle and pedestrian networks. A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. A Core Path Management Plan will be prepared to ensure measures to protect users of paths and ensure rights of way are protected.</p>

- 5.11.4 This Section involves the construction of approximately 24km of steel lattice OHL to a new cable sealing end compound near Loch Lundie, replacing in part, an existing similar steel lattice OHL. As a result of the existence of existing similar infrastructure, there are no significant adverse effects predicted in relation to landscape character or on designated landscapes. Some significant visual effects during construction and operation for residents of properties at Leacan Dubh and Munerigie are predicted where steel lattice towers replace existing the wood poles, which will appear larger and more prominent in views.
- 5.11.5 Residual significant adverse effects are predicted in relation to ancient woodland, whereby the majority of predicted habitat loss of ancient woodland for the Proposed Development would occur within Section 4 and 5. Significant adverse effects through the loss of ancient

woodland would be reduced through compensation planting, which would be detailed in a HMP for habitats. A minor to moderate beneficial and significant effect on Ancient Woodland and Broadleaved semi-natural woodland is predicted on dismantling of the existing OHL in this location. Micrositing within the LoD will seek to reduce the areas of ancient woodland and semi-natural native woodland effected by the operational corridor to further limit impact where possible.

5.11.6 As explained with regard to the impacts that are predicted in Section 4, while there would be some conflict with Policy 52 (and the related Trees, Woodland and Development Supplementary Guidance) in light of the impacts on ancient woodland, the policy allows for the Council to support proposals where there would be “clear and significant public benefit” and the policy also requires compensatory planting. It is considered that such public benefit would result from the Proposed Development and as noted, compensatory planting is proposed, consistent with HwLDP and national planning policy.

5.11.7 No further significant adverse residual environmental effects are identified in Section 5 as a result of the Proposed Development. A balance of effects in relation to the value of the delivery of the Proposed Development is considered to be consistent with the parameters set within Policy 69 particularly with regard to the mitigation proposed to minimise significant effects to largely very localised visual effects and to compensate in so far as possible for the loss of woodland and habitat thereof. The existence of extensive existing infrastructure within this Section is material, and the removal of some of this redundant infrastructure as a result of the Proposed Development is an important significant benefit enabling re-establishment of habitat over time.

5.12 Policy Appraisal Section 6: Invergarry to Fort Augustus

5.12.1 The final section involves an underground cable for the entirety of the Section (circa 9km) from a new cable sealing end compound near Loch Lundie to Fort Augustus Substation. Associated works including temporary and permanent access, construction working areas, cable sealing end compounds, borrow pits and vegetation / tree clearance are also required. Dismantling of the existing 132kV wood pole (Fort Augustus to Skye Tee) OHL would follow.

Figure 5.7: Plan of Section 6



5.12.2 The key designations and protected features with potential connectivity to the Proposed Development in Section 6 are listed below in **Table 5.15**.

Table 5.15: Designations and Protected Features: Section 6

Key Planning Matter	National Context	Local / Other
Landscape & Visual	<ul style="list-style-type: none"> None 	None
Nature Conservation	<ul style="list-style-type: none"> West Inverness-shire Lochs SPA (Black throated diver and Common Scoter) West Inverness-shire Lochs SSSI (Black throated diver and Common Scoter) Fort Augustus GCR 	<ul style="list-style-type: none"> 2 Ancient Woodland at Achadh nan Darach Beag and Auchteraw Wood. Skye & Lochalsh Biodiversity Action Plan (BAP) Highland BAP
Cultural Heritage	<ul style="list-style-type: none"> Scheduled Monuments & Listed Buildings 	<ul style="list-style-type: none"> Non-designated heritage assets

5.12.3 A summary appraisal of Section 6 against the policies of the HwLDP is as follows.

Table 5.16: Summary Appraisal against key HwLDP Policy: Section 6

Policy 69: Electricity Transmission Infrastructure
<p>The strategic importance of the Proposed Development has been set out in Section 5.5 above and mitigation by design has formed an integral part of the design process.</p> <p><u>Landscape & Visual:</u> Given the proposed undergrounding in this section no significant effects in relation to landscape character or visual amenity would result.</p> <p><u>Nature Conservation:</u> <u>Ornithology:</u> Section 6 is not covered by any statutory nature conservation designations for ornithology, however as part of the Proposed development within this Section (underground cable) passes within 100m of Loch Lundie, a component loch of the West Inverness-shire Lochs SPA, classified for breeding black-throated diver and common scoter. An assessment of the effects on the integrity of the SPA under the Habitats Regulations is required. Information is presented in Appendix 5.5 of the EIA Report which provides a Shadow Appropriate Assessment for the West Inverness-shire Lochs SPA to allow Scottish Ministers to conduct an assessment of potential effects of the Proposed Development on the integrity of the SPA. This information demonstrates that, with mitigation, the Proposed Development would not have an adverse effect. No potentially adverse effects in relation to ornithology were identified during any phases of the Proposed Development and no mitigation is required. The residual effects are not significant and no cumulative assessment is required.</p> <p><u>Terrestrial Ecology:</u> No predicted terrestrial ecological effects of significance are identified in this route section.</p> <p><u>Built & Cultural Heritage:</u> The assessment has identified six heritage assets within the ISA all of which are non-designated. Potential direct impacts arising from construction works have been identified that could affect all six</p>

assets. Following proposed mitigation of archaeological investigation, recording and monitoring, all residual adverse effects would be of negligible significance.
Policy 51 & 52: Trees and Principle of Development in Woodland
There would be no impact on forestry and woodland in Section 6.
Policy 55: Peat and Soils
Appendix V2.7.2 and V2.7.3 of the EIA Report provides a Peat Landslide Hazard and Risk Assessment (PLHRA) and a Peat Management Plan (PMP) for the project. No significant effects in relation to peat and soils in predicted for Section 6.
Policy 56: Travel
Chapter 10 of the EIA Report provides and assessment of the likely significant effects of the Proposed Development in relation to transportation and travel. Section 6 access is available from the A887 (T), A82(T) and A87(T). A combination of new and existing access tracks would be utilised with any new junctions designed to THC standards. The location of access points to Section 6 are provided in the EIA Volume 5, Appendix 10.1. For the purposes of assessing impact on roads it has been assumed that each Section of OHL will be developed concurrently. Assessments indicate that there are no road capacity issues within the trunk and local road network to accommodation construction phase traffic. A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. These will be confirmed by way of a CTMP to be agreed with the Council prior to the commencement of construction activities. No significant impacts are predicted in relation to traffic and transport.
Policy 57: Natural, Build and Cultural Heritage
The main principles of this Policy replicate those addressed within Policy 69 and are addressed above with reference to local, regional and national level designations.
Policy 58, 59 & 60: Protected Species, Other Important Species and Habitats
Detailed surveys and assessment of ornithological protected species have been carried out and no significant effects have been identified. Shadow HRAs are provided within EIA Appendices (V2-5.5 in the EIA Report) to enable Ministers to assess potential effects on integrity of SPAs, however no adverse effects on integrity have been identified. Surveys and assessments of all species with potential to interact or be affected by the Proposed Development have been completed and for ornithological interest there would be no significant effects, with all assessments concluding negligible impact on species.
Policy 61: Landscape
Policy 61 provides a presumption that development will be designed to reflect the landscape characteristics and special qualities of the areas they are located as well as considering cumulative effects. The Proposed Development involves underground cable in this section which reduces landscape and visual effects. In Section 6 there are no statutory designations effected by the alignment, and where possible the route follows the existing OHL therefore further minimising impact. The removal of existing OHL and replacement with underground cabling will offer some beneficial effects in visual terms. There are no significant cumulative residual landscape and visual effects arising.
Policy 63 & 72: Water Environment & Pollution
An assessment has been undertaken on hydrology and hydrogeology (the water environment) during construction and operational phases of the Proposed Development, the assessment also considered the effects of dismantling the existing 132kV OHL. Subject to adoption of best practise techniques and a project specific CEMP, no significant residual effects on surface water or groundwater receptors, including designated water dependent sites, GWDTE, PWS sources and DWPA are predicted during the construction and operation of the Proposed Development, nor associated with dismantling the existing OHL.

Chapter 6 of the EIA provides the findings of the assessments. No unacceptable disturbance to resources are identified. Where relevant appropriate SUDs proposals have been made consistent with Policy 66.

Policy 77: Public Access

A review of core paths affected by the Proposed Development has been undertaken alongside consideration of cycle and pedestrian networks. A series of mitigation measures have been designed to ensure safety during construction and to minimise delay and disruption. A Core Path Management Plan will be prepared to ensure measures to protect users of paths and ensure rights of way are protected.

- 5.12.4 There are no likely significant residual environmental effects identified within Section 6. The approach for this Section has been designed to minimise impact and rationalise electricity infrastructure. The Proposed Development in Section 6 involves underground cabling for the entire Section, alongside removal of existing wood pole OHL. The design and routing has been deliberately formulated to reduce existing impact and address visual amenity in the Fort Augustus area.
- 5.12.5 The Proposed Development in this Section is considered to be in accordance with HwLDP policies, delivering a reinforced and upgraded electricity transmission line to help deliver renewable connections and which provides enhanced transmission capability.

5.13 Development Plan Policy Appraisal - Conclusions

- 5.13.1 The relevant policies have been considered and there is some non-accordance identified with some policies as follows:
 - > Policies 58, 59 and 60 relating to protected species and habitats as a result of the predicted impacts in relation to the Kinloch and Kyleakin Hills SAC and SSSI in Section 3.
 - > Policy 52 in relation to woodland impact and specifically ancient woodland in Sections 3, 4 and 5 – it has been explained however, that the policy allows for the Council to support proposals where there would be “clear and significant public benefit” and the policy also requires compensatory planting. It is considered that such public benefit would result from the Proposed Development and as noted, compensatory planting is proposed, consistent with HwLDP and national planning policy.
- 5.13.2 Whilst there are some significant landscape and visual effects identified, these are generally localised. Undergrounding is proposed in the most sensitive landscape sections where technically feasible and routeing has avoided landscape designations and has sought to take advantage of topography and forestry where appropriate. Furthermore, there would be some positive effects arising as a result of the removal of the existing overhead line.
- 5.13.3 Within the HwLDP, Policy 69 has been specifically formulated to address the specific land use proposed in the Application and it is considered that the Proposed Development would accord with that policy. The policy recognises that the strategic significance of electricity transmission infrastructure will be a key balancing consideration. It is considered that the matter of strategic significance should be afforded substantial weight.
- 5.13.4 The policy recognises that it is inevitable that with such infrastructure there will be some significant environmental impacts arising. The key question is whether such effects are acceptable or not - subject to balancing impacts arising against the strategic significance of a given proposal and taking into account proposed mitigation measures.

- 5.13.5 The Applicant has made considerable efforts (in line with the schedule 9 duties but also the requirements of the Habitats Regulations) to mitigate the Proposed Development, and to consider all feasible alternatives. There are also environmental benefits associated with dismantling the existing line (as specifically referred to in policy 69), and compensation measures would be delivered where required. It is therefore considered that, if consented, the proposal would not have an unacceptable impact on the environment.
- 5.13.6 Overall, it is considered that each Section of the OHL, and the Proposed Development as a whole, is generally in accordance with the LDP, and therefore the key environmental provisions of SPP as outlined in Chapter 4, with which HwLDP policy aligns. The LDP, at Policy 69 clearly recognises the need for, and strategic importance of, new and upgraded transmission infrastructure in the Plan area. Support for proposals which are assessed as not having an unacceptable significant impact on the environment is provided. The assessment shows that the significant impacts are not unacceptable when considered against the strategic importance of the Proposed Development nationwide, and also when considered as a whole route and in the context of the substantive measures taken to mitigate effects and compensate where appropriate. In line with the policy, redundant infrastructure will be removed upon commissioning of the new OHL and some significant beneficial effects (on Ancient Woodland and associated habitats) are identified as a consequence, which are important to the overall balance provided for within Policy 69.

6. Conclusions

6.1 The Electricity Act 1989

6.1.1 The information that is contained within the individual topic sections of the EIA Report enables Scottish Ministers to be satisfied that the Applicant has discharged its obligations under Schedule 9 and has identified suitable mitigation. It is also considered that the detailed work undertaken in the preparation of the EIA Report, and in the policy appraisal set out in this Planning Statement, has confirmed and provides confidence that the Proposed Development would be undertaken in an environmentally acceptable manner.

6.2 National Energy & Climate Change Policy

6.2.1 The application for section 37 consent to replace and reinforce the existing OHL infrastructure serving this route will increase renewable energy generation capacity and enhance transmission and supply across the region and the GB network, and will contribute significantly to delivering the Government's Net Zero policy and legislative targets. Provision for reinforcement and enhancement of the transmission network as 'national development' is clearly stated within NPF3 and this policy approach is strengthened in the emerging draft NPF4.

6.2.2 Key determining factors in decision making relate to the potential environment effects of constructing and operating the Proposed Development. This planning appraisal has considered these effects in the context of national and local planning policy and in relation to Government energy policy.

6.2.3 The Proposed Development is an essential component within the transmission network to strengthen the existing main transmission system and facilitate existing, committed and proposed connection of low carbon generation into the wider transmission system. This will support obligations to deliver an economic, efficient and coordinated transmission system for Net Zero.

6.2.4 The declaration of a Climate Emergency needs to be viewed in the context in which it was declared, and what followed from it as a result of the declaration. The declaration was a reflection both of the seriousness of climate change and its potential effects and the need for urgent action to cut carbon dioxide and other greenhouse gas emissions.

6.2.5 The climate emergency is not just a consideration but a factor of considerable importance. The Needs Case should be afforded substantial weight in the planning balance. It is not an over-riding consideration; however, it must be acted on. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual renewable projects together with a reinforced transmission system which will move Scotland towards where it needs to be. It is critical that the necessary transmission infrastructure is in place to enable these renewable projects to be realised.

6.3 National Planning Policy

6.3.1 Both NPF3 and SPP set out a strong position of support in relation to electricity infrastructure and also renewable energy and renewable energy targets. NPF3 clearly sets out the need for the enhanced transmission infrastructure and establishes the Proposed Development as 'national development'.

6.3.2 The Proposed Development falls under the description of 'national development' as defined in NPF3, Part 4, Section 2a of Annex A "*Development consisting of: a) new and or upgraded onshore electricity transmission cabling of over in excess of 132 kilovolts and supporting pylons*".

- 6.3.3 The strategic nature of the Skye Reinforcement Project, reinforcing existing supply connections and increasing connection capacity is important to the local and national transmission network. The project team has designed an optimal routing for the proposed OHL, taking into account environmental effects and conditions and ensuring the OHL links the key areas of connection need. It is considered that the Proposed Development can be considered to be *“the right development in the right place”*.
- 6.3.4 With regard to national planning policy, it has to be acknowledged that policy statements with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP are both out of date and out of step with current targets set out in emissions reduction law (as referenced in Chapter 3). These documents are under review and have to a large extent been overtaken by new legal and policy renewable energy targets and statutory provisions on greenhouse gas emissions reductions which have been explained.
- 6.3.5 The Applicant’s position is that the planning balance clearly needs to take into account SPP and NPF3 since they remain important material considerations unless and until replaced. However, as noted, other legislative interventions and statements of Government policy such as described above are also material considerations of relevance that should be afforded weight, and indeed increasingly greater weight.
- 6.3.6 Furthermore, in terms of planning policy provisions set out in SPP, there is now a clear shift from what was then (in 2014) termed the move to a ‘low carbon economy’ – there is now an ambitious policy imperative underpinned by new statute to move to a Net Zero economy and society. The Proposed Development can help achieve that clear national planning policy objective.
- 6.3.7 Nevertheless, the Proposed Development would be consistent with the principles set out at paragraph 29 of SPP and it would also assist in delivering SPP Outcomes in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) – indicating that overall, the proposal is sustainable development.
- 6.3.8 The NPF4 Consultative Draft (2021) seeks to rebalance the planning system, so as to recognise the climate and nature crises. Draft NPF4 gives a strong indication that the delivery of this rebalanced approach means that all decision makers will have to recalibrate their decision-making considerations *“so that climate change is a guiding principle for all plans and decisions”*.
- 6.3.9 While the NPF4 is of limited weight in the decision-making process at this time, once approved, it will become a component of the Development Plan. Importantly the draft NPF4 maintains the national development status of transmission infrastructure which supports the expansion of the electricity grid and continues its delivery as a strategic priority at a national level.

6.4 The Development Plan

- 6.4.1 As explained, with an application for section 37 consent and deemed planning permission there is no ‘primacy’ of the Development Plan. The provisions of section 25 of the 1997 Act do not apply. However, the Development Plan is a relevant consideration to the decision along with considerations such as those identified under Schedule 9 of the 1989 Act, national policy, the environmental effects of the proposal and the views of consultees.
- 6.4.2 The relevant policies have been considered and whilst there is some non accordance with policies in terms of woodland and habitat impacts, the proposed development is considered to be in accordance with the lead Development Plan policy. Moreover, it is considered that the Proposed Development accords with the Development Plan when it is read as whole – insofar as this is a relevant matter for the determination of the Application.

6.5 Overall Conclusion

- 6.5.1 It is considered that the benefits that would arise from the Skye Reinforcement Project should be afforded substantial weight in the planning balance. The delivery of this infrastructure will substantially assist in facilitating existing and future transmission of energy across the country to help delivery of the Net Zero legislative targets and policy imperative.
- 6.5.2 Consideration of the application will involve striking a balance between the need for the Proposed Development, technical and economic considerations and the mitigation of likely significant environmental effects. It is not considered that the benefits of the Proposed Development are outweighed by its adverse effects.
- 6.5.3 Drawing together the material considerations set out above, it is considered that there is a strong basis to conclude that the Skye Reinforcement Project is acceptable and that the obligations under Schedule 9 have been met, although it is acknowledged that Scottish Ministers will require to be satisfied that the Proposed Development can be consented under the Habitats Regulations, and they are to be presented with a shadow HRA and IROPI derogation case in support of the application. Nevertheless, for the reasons set out in more detail above, it is considered that the Proposed Development is acceptable in policy terms and should be supported for approval.

7. Appendix 1: Climate Change & Energy Policy Framework

7.1 Introduction

7.1.1 This Appendix supports Chapter 3.

7.2 International Commitments

The Paris Agreement (2016)

7.2.1 In December 2015, 195 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2°C above pre-industrial levels, and to pursue efforts to limit global warming to 1.5°C.

7.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links through to the Committee on Climate Changes' (CCC) advice to both the UK and Scottish Governments on 'net zero' targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK). This is referred to below.

The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021 & 2022), related Press Release and Statements

7.2.3 The first part of the Inter-Governmental Panel On Climate Change (IPCC) 6th Assessment Report (2021) was published on 9th August 2021 (the AR6 Report). The AR6 Report is the first major review of the science of climate change since 2013. The first part of the AR6 Report, in short, provides new estimates of the chances of crossing the global warming level at 1.5°C in the next decade and reaches the sobering conclusion that, without immediate, rapid and large-scale reductions in GHG, limiting warming close to 1.5°C or even 2°C will be beyond reach. For this and many other reasons the UN Secretary General⁴ described the AR6 Report as a "Code Red for humanity".

7.2.4 The second part of the AR6 report was recently published on 28th February 2022. It is, as described in the press release accompanying the second part of the AR6 report a "dire warning about the consequences of inaction". The press release refers to a narrowing window for action and states (emphasis added):

"The scientific evidence is unequivocal: climate change is a threat to human wellbeing and the health of the planet. Any further delay in concerted global action will miss a brief and rapidly closing window to secure a liveable future."

7.2.5 The third part of the IPCC's AR6 Report 'Mitigation of Climate Change'⁵ was published on 04 April 2022. In summary, the urgent message from this latest report is that it confirms the harmful and permanent consequences of the failure to limit the rise of global temperatures and that reducing emissions is a crucial near-term necessity. The report underlines the need to radically and rapidly scale up global climate action to reduce GHG emissions.

⁴ Statement by UN secretary general Antonio Guterres, 09 August, 2021.

⁵ IPCC, 2022: Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group 3 to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change.

- 7.2.6 The Press Release for the third report summarises a number of the key points from the publication including:
- > *“limiting global warming will require major transitions in the energy sector. This will involve a substantial reduction in fossil fuel use, widespread electrification, improved energy efficiency and use of alternative fuels.” The report sets out that the “next two years are critical”. (page 1)*
 - > *In the scenarios assessed, limiting warming to around 1.5°C “requires global greenhouse gas emissions to peak before 2025 at the latest, and be reduced by 43% by 2030... even if we do this, it is almost inevitable that we will temporarily exceed this temperature threshold but could return to below it by the end of the century”. (page 2)*
- 7.2.7 The Report makes it clear that immediate short-term acceleration of low carbon energy is needed if limiting warming below danger levels is to stay feasible. The Report emphasises the particular cost reductions that have affected wind and solar development and that these technologies will play a key role in the energy transition.
- 7.2.8 This third report from the IPCC has focused on how human actions can mitigate climate change. In short, the principal message is that humanity is currently not on track to limit warming, but that it is still possible to make the progress necessary by 2030 by using existing technologies for example, by moving rapidly to non-fossil fuel sources of energy.
- 7.2.9 The timescale imperative set out in the IPCC report matches that of the Scottish Government - both are essentially saying through their policy documents that it is clear that the next decade can and must be transformative.

7.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

- 7.3.1 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared in Scotland in April 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

- 7.3.2 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.
- 7.3.3 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.
- 7.3.4 The CCC has produced six, four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 7.1** below.
- 7.3.5 These legally binding ‘carbon budgets’ act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037. The UK is currently in the third carbon budget period 2018-2022.

Table 7.1: Carbon Budgets and Progress⁶

Budget	Carbon budget level	Reduction below 1990 levels	Met?
1 st carbon budget (2008 – 2012)	3,018 MtCO ₂ e	25%	Yes
2 nd carbon budget (2013 – 2017)	2,782 MtCO ₂ e	31%	Yes
3 rd carbon budget (2018 – 2022)	2,544 MtCO ₂ e	37% by 2020	On Track
4 th carbon budget (2023 – 2027)	1,950 MtCO ₂ e	51% by 2025	Off Track
5 th carbon budget (2028 – 2032)	1,725 MtCO ₂ e	57% by 2030	Off Track
6 th carbon budget (2033 – 2037)	965 MtCO ₂ e	78% by 2035	Off Track
Net Zero Target	100%	By 2050	

- 7.3.6 The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK “*decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement*”.
- 7.3.7 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*” and recognises that although the main policy levers are held by the UK Government, Scotland can take action through complementary measures at the devolved level including supporting policies such as “*planning and consenting*”.
- 7.3.8 Key points from CB6 include:
- > UK climate targets cannot be met without strong policy action in Scotland.
 - > 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*.”
- 7.3.9 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 2021⁷) to reduce emissions by 78% by 2035 compared to 1990 levels.
- The UK Energy White Paper (December 2020)**
- 7.3.10 The UK Government Energy White Paper ‘Powering our Net Zero Future’ (December 2020) sets out that: “*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050*”.

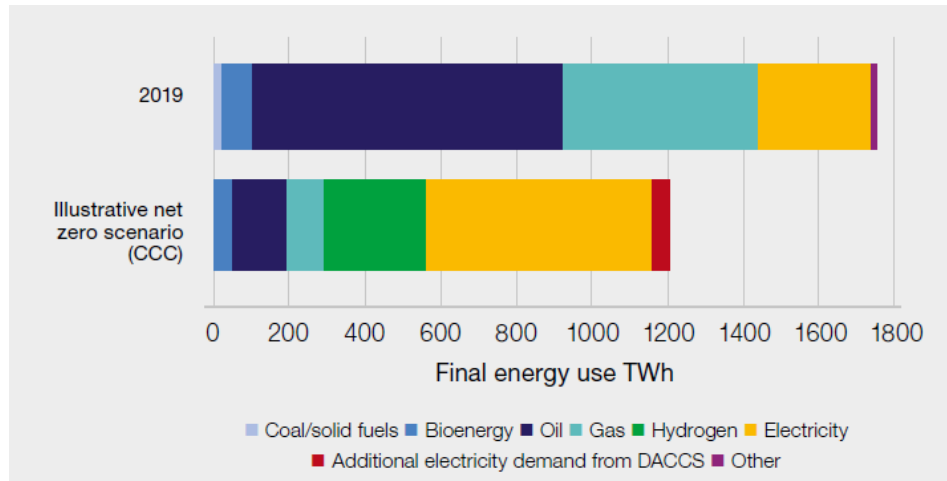
⁶ Source: CCC (2022).

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

7.3.11 It adds a key objective is to “accelerate the deployment of clean electricity generation through the 2020s” (page 38). 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).

7.3.12 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 7.1**.

Figure 7.1: Illustrative UK Final Energy Use in 2050⁸



7.3.13 In terms of electricity policy in the White Paper, the UK Government clearly recognise that the scale of change that is required to respond to climate change is at a pivotal point. The anticipation is that there is going to need to be a global green industrial revolution and it is only through this that an appropriate response would be made to tackling climate change issues. Chapter 1 of the White Paper sets out this context and makes clear the likely change in the nature and volume of electricity generation. It recognises the very significant role that renewable electricity generation will play in relation to delivering total energy usage. This means it will have to play a much greater role in decarbonising both transport and heat.

The UK Net Zero Strategy (October 2021)

7.3.14 The UK Government published the Net Zero strategy in October 2021. This sets out policies and proposals for keeping in the UK on track in relation to carbon budgets and the UK’s nationally determined contribution (NDC)⁹ and establishes the long-term pathway to net zero by 2050.

7.3.15 The Net Zero Strategy sets out the Government’s plans for reducing emissions from each sector of the UK economy, related to carbon budget and to the eventual target of net zero by 2050. The Strategy has been submitted to the United Nations Framework Convention on Climate (UNFCCC) as the UK’s second long-term low greenhouse gas emission development strategy under the Paris Agreement.

7.3.16 Page 19 addresses the power sector and sets out that the power system will be fully decarbonised by 2035.

7.3.17 Key policies are set out including that by 2033 there will be some 40GW of offshore wind with “more onshore, solar and other renewables”.

⁸ Source: Energy White Paper page 9 (2020).

⁹ Every country that signed up to the Paris Agreement (2015) set out a target known as a nationally determined contribution for reducing greenhouse gas emissions by around 2030. For the UK the target was a 68% reduction on 1990 levels by 2030.

7.3.18 In terms of power, the Strategy references the Energy White Paper (2020) which set out the goal of a fully decarbonised and low-cost power system by 2050. It adds that CB6 represents *“a very significant increase in the pace of power sector decarbonisation, coupled with increased demand due to accelerated action another sector dependent on low-carbon electricity”*. (page 98). It adds:

“although the Energy White Paper envisaged achieving an overwhelmingly decarbonised power system during the 2030s, we have since increased our ambition further. By 2035 all our electricity will need to come from low carbon sources, subject to security of supply bringing forward the Government’s commitment to a fully decarbonised power system by 15 years, whilst meeting at 40-60% increase in demand”.

7.3.19 The Strategy also sets out that the Government will be supporting sustained deployment of low-carbon generation (page 103), in this regards it states that there will need to continue to drive rapid deployment of renewables.

The British Energy Security Strategy (April 2022)

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

“this government will reverse decades of myopia, and make the big call to lead again in a technology the UK was the first to pioneer, by investing massively in nuclear power.

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

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But 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.”

7.4 Climate Change & Renewable Energy Policy: Scotland

The Climate Emergency

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

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

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

7.4.2 The Minister also highlighted the important role of the planning system stating:

"And subject to the passage of the Planning Bill at Stage 3, the next National Planning Framework and review of Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals.

The Scottish Government has therefore begun to act on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees – but there is much more to be done".

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

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

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

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

1.1.1 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009 and sets even more ambitious targets – which reflect the recommendations of the Climate Change Committee (CCC) for a net zero greenhouse gas emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.

1.1.2 The 75% target required to be met by 2030 is especially challenging¹⁰. Indeed, when the matter was proceeding through Parliament, it was the Scottish Parliament that increased the requirement from a 70 to 75% reduction by 2030. This acts upon the declarations of the climate change emergency and recognises the urgent response that is required.

7.4.6 The Scottish Government publishes an annual report¹¹ that sets out whether each annual emissions reduction target has been met. **Table 7.2** below sets out the annual targets for every year to net-zero. The report for the 2019 target year was published in June 2021. The Report states that the Greenhouse Gas Account reduced by only 51.5% between the baseline period and 2019. As noted, the 2019 Act specifies a 55% reduction over the same period – therefore the targets for 2018 and 2019 were not met.

7.4.7 The Scottish Greenhouse Gas Statistics for 2020 were released in June 2022. These show that the GHG account reduced by some 58.7% between the baseline period and 2020. However according to the report¹², the drop in emissions between 2019 and 2020 was mainly down to lower emissions from domestic transport, international flights and shipping and energy supply. All other sectors demonstrated modest reductions over this period, except the housing sector.

7.4.8 Coronavirus restrictions were responsible for the large drop in emissions from transport, while residential emissions increased by 0.1 MtCO₂e as more people worked from home during the pandemic. The Scottish Net Zero Secretary Michael Mathewson stated in June 2022 on the release of the latest statistics:

¹⁰ None of the five scenarios modelled by the CCC – even its most optimistic and stretching – suggests Scotland is close to achieving the 75% emissions reduction by 2030.

¹¹ Scottish Government, Official Statistics, Scottish Greenhouse Gas Statistics 2019, (June 2021).

¹² Scottish Government. Official Statistics, Scottish Greenhouse Gas Statistics 2020, (June 2022).

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

7.4.9

This demonstrates the scale of change required over the next decade to achieve the 2030 target. Delivering the necessary transmission infrastructure in Scotland will be critical to enabling the necessary increases in renewable capacity to drive the considerable increase in renewable electricity use which is forecast.

Table 7.2: Scotland’s Annual Emission Reduction Targets to Net Zero

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

7.4.10

The targets set out in Table 3.2 clearly illustrate the speed and scale of change that is required, essentially prior to 2030. This also demonstrates that up to 2020 the annual percentage reduction that was required was 1% but this then increases each year from 2020 to 2030. It increases to 1.9% for each year between 2020 and 2030. This is the level of change that is required to achieve the 2030 target and represents a near doubling of the response.

7.4.11

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

7.4.12

It is no exaggeration to say that there is a ‘mountain to climb’ to meet Scotland’s 75% target for 2030. The CCC modelled five scenarios in CB6 and in none – even its most optimistic – is Scotland close to achieving a 75% emissions reduction by 2030: *“Scotland’s 75% target for 2030 will be extremely challenging to meet, even if Scotland gets on track for net zero by 2045, Our balance net zero pathway for the UK would not meet Scotland’s 2030 target –*

reaching a 64% reduction by 2030 – while our most stretching tail winds scenario reaches a 69% reduction” (CB6, page 229).

The Scottish Energy Strategy (2017)

- 7.4.13 The Scottish Energy Strategy (SES) was published in December 2017. The SES preceded the important events and publications referred to above but references the 50% energy from renewable sources target to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding ‘net zero’ targets so it is out of date in that respect.
- 7.4.14 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 Update to the Climate Change Plan (2018-2032) (December 2020)

- 7.4.15 The Scottish Government published the update to the Climate Change Plan (CCP) ‘Securing a Green Recovery on a Path to Net Zero’ on 16 December 2020. The plan covers the period 2018-2032 and responds to the new net zero targets aimed at ending Scotland’s contribution to climate change by 2045. The period it covers refers to the timescale in which the Government has committed to reduce greenhouse gas emissions by 75% by 2030 (compared with 1990 levels).
- 7.4.16 A key part of the plan is the green recovery, and it states (page 1) that:
- “It is essential that a recovery from the pandemic responds to the climate emergency and puts us on a pathway to deliver our statutory climate change targets and a just transition to net zero, by ensuring our actions in the immediate term are in line with our long-term goals”.*
- “The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being, and responds to the twin challenges of the climate emergency and biodiversity loss”.*
- 7.4.17 In terms of electricity, the CCP update announces, “*further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero-carbon electricity system*”.
- 7.4.18 Page 18 refers to the “*pathway to 2032*” and sets out what the policies mean in practice. It states:
- “our electricity system will have deepened its transformation for the better, with over 100% of Scotland’s electricity demand being met by renewable sources. More and more households, vehicles, businesses and industrial processes will be powered by renewable electricity, combined with green hydrogen production. There will also be a substantial increase in renewable generation, particularly through new offshore and on shore wind capacity” (page 18).*
- 7.4.19 Chapter 1 addresses electricity. Paragraph 3.1.4 recognises that as Scotland transitions to net zero, a growing and increasingly decarbonised electricity sector “*is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry*”.
- 7.4.20 Annex A of the CCP contains policies and proposals. For the electricity sector, ‘outcome 1’ is that “*the electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies*”.
- 7.4.21 In terms of the coordinated approach needed, Section 2.5 refers to the planning system and the forthcoming NPF4. Planning is seen as a “*key delivery mechanism for many of the policies within this climate change plan update, across all sectors*”.

- 1.1.3 Key points from the Climate Change Plan Update include:
- > Government views it as essential that a recovery from the pandemic responds to the climate emergency and puts Scotland on a pathway to deliver statutory climate change targets and a transition to net zero (page 1).
 - > A growing and increasingly decarbonised electricity sector is seen as critical to enabling other parts of the economy to decarbonise, particularly transport, buildings and industry (page 32).
 - > The need to invest in renewable generation and related infrastructure to reduce greenhouse gas emissions is critical to creating good, green jobs as part of the green recovery and longer-term energy transition (page 78).
 - > Renewable generation is expected to increase substantially between now and 2032 with an expectation of development of between 11 and 16 Giga Watts (GW) of new capacity during this period, “helping to decarbonise our transport and heating energy demand” (page 40).
 - > Electricity demand is expected to have grown considerably over this period (page 82).

Scottish Government & Scottish Green Party: Shared Policy Programme

- 7.4.22 The Scottish Government and the Scottish Green Party agreed a formal Cooperation Agreement for the next five years of Government on 20 August 2021. A shared policy programme entitled ‘The Bute House Agreement’ was published on 20 August 2021 which sets out areas of mutual policy interest including energy and planning. This publication has been issued in advance of a formal ‘Programme for Government’. Key points of relevance from the document including the following.
- 7.4.23 In terms of energy, on page 12 of the document it is set out that the parties:
- “believe that the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system. While electricity has already been largely decarbonised, our plans will see a significant increase in electricity demand for heating and transport. To accommodate this, we will support the continued and accelerated deployment of renewable energy”.*
- 7.4.24 In order to do this the parties state that they will *“set an ambition to deliver, subject to consultation, between 8 and 12GW of additional installed onshore wind by 2030... - this will be supported by the changes in the planning system needed to permit the growth of this essential zero carbon sector”.*
- 7.4.25 Electricity transmission infrastructure is a critical element to enable delivery of this additional renewable energy capacity.
- 7.4.26 At the present time Scotland has approximately 8.4GW of installed onshore wind capacity. Therefore, the Government is looking to, at the minimum, double this capacity, by adding a minimum additional further 8-12GW in just less than ten years.
- 7.4.27 In terms of planning, the Agreement (page 17) states that the parties will *inter alia*:
- “agree to ensure approval and adoption of Scotland’s Fourth National Planning Framework (NPF4) which will be vital in supporting the delivery of net zero by 2045 with significant progress by 2030;*
- actively enable renewable energy.... supporting repowering of existing windfarms and planning for the expansion of the grid”.* (underlining added)

7.4.28 This further insight into the Government’s position further supports the strategic and nationally important need case for the proposed development. NPF3 and SPP provide strong support for renewables and energy infrastructure and it is clear that the support has intensified as time has passed and policy evolved.

The Programme for Government (2022)

7.4.29 The ‘Programme for Government’ ‘a Stronger and More Resilient Scotland’ was published in September 2022. It states that the climate emergency is becoming “more urgent” (page 4) and with reference to the current cost of living crisis, states “*our journey to net zero is not just part of the solution to this crisis: it is also critical to minimising the impending climate crisis, the impact of which will be even more significant than what we expect to see in the coming months*”.

7.4.30 The Programme maintains the national focus on the transition to net zero and the significant economic opportunity it creates. The Programme therefore contains robust recommendations relating to achieving Net Zero and reducing greenhouse gas emissions.

7.5 Key Zero Carbon Targets: Summary

7.5.1 It is considered helpful to summarise the key targets and the current position against each. There are a number of key zero carbon targets as set out in **Table 7.3** below.

Table 7.3: Key Zero Carbon Targets

Year	Target	Summary	Current Position
2050	Net Zero in the UK	Means no net carbon emissions in UK. Given there will be some residual emissions remaining (e.g. from agriculture) therefore an equal amount of carbon removal will be required by means such as carbon capture, storage or usage.	In 2021 total greenhouse gas emissions were 47.3% lower than they were in 1990 ¹³ .
2045	Net Zero in Scotland	Scotland has already largely decarbonised electricity production, therefore the primary challenge is to replace fossil fuels used in industry, heating of buildings and transport, which will mostly require substitution of fossil fuels with zero carbon electricity, meaning a big expansion of generation, transmission, distribution and supply of renewable energy.	The Scottish greenhouse gas account ‘GHG Account’ reduced by 58.7% between the baseline period (1990) and 2020 ¹⁴ .
2035	Zero Carbon Electricity in the UK	The UK Government target is for all electricity in 2035 to be generated zero carbon, i.e. with no unabated fossil generation.	In 2021 fossil fuels generated 41.9% of UK electricity ¹⁵ , hence a large increase in renewables is required for this target.
2030	50% renewable energy in Scotland	Renewable energy generation to account for 50% of energy demand across electricity, heat and transport. This will mean a significant expansion of renewable energy sources and	Total Scottish energy consumption from renewables was 25.4% in 2020 ¹⁶ .

¹³ Department for Business, Energy & Industrial Strategy, 2021 UK Provisional Greenhouse Gas Emissions, National Statistics (March 2022).

¹⁴ Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2020, (June 2022).

¹⁵ Department for Business, Energy & Industrial Strategy, UK Energy in Brief, National Statistics (2022)

¹⁶ Scottish Government, Energy Statistics for Scotland, Q1 2022 Figures (June 2022).

Year	Target	Summary	Current Position
		associated needs for energy storage, flexibility and stability services.	
2030	75% Interim Emissions Reduction Target in Scotland	Key interim target as set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. 75% reduction in emissions lower than the baseline of 1990 levels.	The Scottish greenhouse gas account 'GHG Account' reduced by 58.7% between the baseline period (1990) and 2020 ¹⁷ .
2025	Zero Carbon Electricity System Operation in Great Britain	<p>National Grid Electricity System Operator (NGESO) has set a target to be able to operate the GB grid system with no fossil generation for a period (e.g. 1 hour or more) in 2025. Once this has been achieved the number of hours and durations of such operations can be increased.</p> <p>At present National Grid needs to draw on conventional power plants (typically gas) to deliver system reliability. By 2025 it will have transformed its operation of the electricity system, so that when there is enough zero carbon generation available, it can deliver electricity to Great Britain without using any fossil fuels.</p> <p>This is seen as a 'key enabler' for a zero-carbon electricity system in 2035, in line with the Sixth Carbon Budget.</p>	In 2019 zero carbon sources outstripped fossil fuelled electricity generation for the first time ever and at 1.30pm on 17 August of that year saw the highest share of zero carbon power ever seen at 85.1% ¹⁸

¹⁷ Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2020, (June 2022).

¹⁸ National Grid, The Road to Zero Carbon (2021).

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