

**VOLUME 1: CHAPTER 7 – PLANNING AND ENERGY POLICY CONTEXT**

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**Appendices (Volume 5 of this EIA Report)**

There are no appendices associated with this Chapter

**Figures (Volume 3 of this EIA Report)**

There are no figures associated with this Chapter



## 7. PLANNING AND ENERGY POLICY CONTEXT

### 7.1 Introduction

- 7.1.1 This Chapter of the EIA Report describes the legislative and policy background relevant to the Proposed Development. It refers to national energy and planning policy at a national and local level. It provides an objective summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIA Report in order to ensure that it provides the appropriate information for the consideration of the section 37 application.
- 7.1.2 This Chapter does not include an assessment of the accordancy of the Proposed Development against planning policy: a separate Planning Statement has been prepared to support the application and should be referred to for a detailed planning policy appraisal.
- 7.1.3 In preparing the EIA Report and with specific regard to planning policy matters, reference has also been made to the response of The Highland Council (THC) in terms of its Scoping Opinion response on the application with regard to policy matters. The Scoping Opinion response from THC states at section 3.2:

*“The EIAR should recognise the existing land uses affected by the development having particular regard for THC’s development plan inclusive of all statutorily adopted supplementary guidance (SG). This is not instead of but in addition to the expectation of receiving a Planning Statement in support of the application itself which, in addition to exploring compliance with the development plan, should look at Scottish Planning Policy and Planning Advice Notes which identify the issues and should be taken into account when considering significant development. Scottish Government policy and guidance on renewable energy should be considered in this section. The purpose of this chapter is to highlight relevant policies, not to assess the compatibility of the proposal with policy”.*

- 7.1.4 Further detail on the scope of the EIA Report and the scoping responses received is contained in **Volume 1: Chapter 6 - Scope and Consultation**, and associated appendices.

### 7.2 The Statutory Framework

#### *The Electricity Act 1989*

- 7.2.1 The Proposed Development requires consent from the Scottish Ministers under the Electricity Act 1989 (“the 1989 Act”). In such cases the Planning Authority is a statutory consultee in the development management process and procedures.
- 7.2.2 In an application under Section 37 of the 1989 Act, the Development Plan does not have primacy in the decision-making process. The provisions of Schedule 9 to the 1989 Act are relevant to the assessment of the Proposed Development.
- 7.2.3 When considering the proposals, Scottish Ministers are required by sub-paragraph 3(2) of Schedule 9 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.”*
- 7.2.4 The matters and duty upon the Applicant are set out in sub-paragraph 3(1) as follows:

*“(a)... the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest;*

*(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.”*

7.2.5 At sub-paragraph 3(3), in exercising any relevant functions the Applicant and Scottish Ministers shall “avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.”

7.2.6 This EIA Report demonstrates the careful consideration given by the Applicant to the various environmental issues identified within Schedule 9 and allows the Scottish Ministers to have regard to the matters set out at sub-paragraph 3(2) above.

*The Town & Country Planning (Scotland) Act 1997*

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

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

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

7.2.9 Section 25 of the Planning Act states that:

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

7.2.10 Section 57(2) of the Planning Act makes no reference to the provisions of section 25 which requires regard to be had to the provisions of the Development Plan. The Courts have confirmed that a deemed planning direction pursuant to section 57(2) is not a determination where there is a requirement that regard is to be had to the Development Plan and, therefore, section 25 does not apply to a decision to make a direction to grant deemed planning permission<sup>1</sup>.

7.2.11 The Scottish Ministers will determine the application having regard to the statutory duties in Schedule 9 of the Electricity Act, so far as relevant, and any other relevant material considerations, one of which will be relevant aspects of the statutory Development Plan.

### **7.3 Renewable Energy Policy: Summary**

7.3.1 In recent years the United Kingdom (UK) and Scottish Government policies have focussed increasingly on concerns about climate change. Each tier of Government has developed targets, policies and actions to achieve targets to deal with the climate crisis and generate more renewable energy and electricity.

7.3.2 The UK Government retains responsibility for the overall direction of energy policy, although some elements are devolved to the Scottish Government. The UK Government has published a series of policy documents setting

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

out how targets can be achieved. Renewable energy generation in Scotland, is identified as an important component to achieve these various goals.

7.3.3 The Scottish Government has published a number of policy documents and its own targets. The most relevant policy, legislative documents and more recent statements published by the Scottish Government include:

- The Letter from Chief Planner to all Heads of Planning in relation to energy targets and Scottish Planning Policy (SPP) (November 2015);
- Scottish Energy Strategy (December 2017);
- Onshore Wind Policy Statement (October 2021);
- The Scottish Government's declaration of a Climate Emergency (April 2019);
- The Scottish Government's 'Programme for Government' (September 2020);
- The Scottish Climate Change Plan Update (2020);
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 setting legally binding net zero target for 2045 and interim targets for 2030 and 2040;
- The Scottish Government's 'Programme for Government' (September 2021); and
- The Onshore Wind Policy Statement Refresh: Consultative Draft (October 2021).

7.3.4 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 requires that the Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the “net-zero emissions target”). The target year is 2045 and the Act also sets out challenging interim targets. It requires that:

*“The Scottish Ministers must ensure that the net Scottish emissions account for the year—*

*(a) 2020 is at least 56% lower than the baseline,*

*(b) 2030 is at least 75% lower than the baseline, and*

*(c) 2040 is at least 90% lower than the baseline.”*

7.3.5 It is important to note that these targets are minimum targets, they are not maximums or aspirations. The targets legally bind the Scottish Ministers and have largely been legislated to set the framework for Scotland's response to the Climate Emergency.

7.3.6 The Proposed Development relates to the reinforcement of the grid transmission network and the need for asset replacement which would enable the increase in generation of electricity from renewable energy sources and comes as a direct response to national planning and energy policy objectives.

7.3.7 The Proposed Development would therefore enable a growing contribution to the attainment of emissions reduction, renewable energy and electricity targets at both the Scottish and UK levels. Detailed reference to the renewable energy policy context and the Needs Case is provided in the Planning Statement (see also **Volume 1: Chapter 2 - Project Need and Strategy** of this EIA Report).

## 7.4 National Planning Policy

### *National Planning Framework 3*

7.4.1 National Planning Framework 3 (2014) (NPF3) is a long-term development strategy for Scotland. 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.

- 7.4.2 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. NPF3 makes it clear that renewables including onshore wind will continue to play a significant role in de-carbonising the energy sector and diversifying energy supply.
- 7.4.3 To secure and capitalise on the gains to be found in the renewable sector and to enable a diversifying energy supply, NPF3 supports the maintenance and enhancement of the electricity grid network. Paragraph 3.28 states that:
- “Electricity grid enhancements will facilitate increased renewable electricity generation across Scotland. An updated national development focusing on enhancing the high voltage transmission network supports this and will help to facilitate offshore renewable energy developments”.*
- 7.4.4 NPF3 identifies 14 national developments that are needed to help to deliver the Scottish Government's spatial strategy. High Voltage Electricity Transmission Network is a core category.
- 7.4.5 A fundamental planning policy matter is that the Proposed Development is identified within Annex A of NPF3 (see Plate 7.1), as National Development, under class 4.2a of development described as *“new and / or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts, and supporting pylons”.*

**Plate 7.1: Extract of Statement of Need from Annex A of NPF3**

**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.

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

- 7.4.6 Scotland's Fourth National Planning Framework Consultative Draft (draft NPF4) was published in November 2021. It continues the status of electricity transmission infrastructure as having national development status in the Hierarchy of Developments in the planning system. 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'.
- 7.4.7 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”.*

7.4.8 This specific National Development is addressed in some detail at page 59 of the draft NPF4 where it states that it 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.”*

7.4.9 In terms of ‘need’, the draft sets out the following:

*“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.”*

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

*“new and / or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts, and supporting pylons*

7.4.11 Furthermore, in terms of draft national planning policy, set out at page 69 of the draft 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”*.

*Scottish Planning Policy*

7.4.12 Scottish Planning Policy (2014) (SPP) is Scottish Government policy on how nationally important land use planning matters should be addressed. SPP is under review and the new NPF4 will become the single national planning policy document, replacing both NPF3 and SPP and it will have Development Plan status when it comes into force.

7.4.13 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”*.

7.4.14 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.

7.4.15 SPP sets out at paragraph 154 that to support in achieving 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 by 2020. 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.

7.4.16 More generally, SPP advises that the siting and design of development should take account of local landscape character. Decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Applicants should seek to minimise adverse impacts through careful planning and design. Planning permission should be refused where the nature or scale of a development would have an unacceptable impact on the natural environment.

## 7.5 National Planning Advice

7.5.1 Planning Advice Notes (PANs) and Specific Advice Sheets set out detailed advice from the Scottish Government in relation to a number of planning issues. Relevant PANs and Specific Advice Sheets relevant to the Proposed Development are summarised in **Table V1-7.1** below.

**Table V1-7.1: Relevant PANs**

Title	Summary of Content
PAN 1/2013 Environmental Impact Assessment	Provides information on the role local authorities and consultees play as part of the EIA process, and how the EIA can inform development management.
PAN 60 (2000) Planning for Natural Heritage	Advises developers on the importance of discussing their proposals with the planning authority and NatureScot and use of the EIA process to identify the environmental effects of development proposals and seek to prevent, reduce and offset any adverse effects in ecology and biodiversity.
PAN 61 (2001) Sustainable Urban Drainage Systems	Good practice drainage guidance.
PAN 68 (2003) Design Statements	This PAN covers the importance of design statements, and provides flexible guidance on their preparation, structure, and content. The PAN also outlines the principles underpinning the production of design statements, as expected by the Scottish Government.
PAN 75 (2005) Planning for Transport	The objective of PAN 75 is to integrate development plans and transport strategies to optimise opportunities for sustainable development and create successful transport outcomes.
PAN 1/2011 Planning and Noise	This PAN provides advice on the role of the planning system in helping to prevent and/ or mitigate any potential adverse effects of noise. It promotes the principles of good acoustic design and promotes a sensitive approach to the location of new development.
PAN 2/2011 Planning and Archaeology	The PAN is intended to inform local authorities and other organisations of how to process any archaeological scope of works within the planning process.
PAN 51 Planning, Environmental Protection and Regulation (Revised 2006)	Details the role of the planning system in relation to the environmental protection regimes.

## 7.6 The Development Plan, Relevant Policies

7.6.1 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).

7.6.2 The IMFLDP and WestPlan focus largely on regional and settlement strategies and specific site allocations, rather than planning policies of relevance for the Proposed Development.

#### *Development Plan Policies*

7.6.3 Policy 69 is the lead policy in relation to the Proposed Development. The policies of most relevance in the HwLDP are as follows:

- Policy 69 – Electricity Transmission Infrastructure;
- Policy 57 – Natural, Built, and Cultural Heritage;
- Policy 61 – Landscape;
- Policy 55 – Peat and Soils;
- Policy 58 – Protected Species;
- Policy 59 – Other Important Species; and
- Policy 60 – Other Important Habitats.

7.6.4 These most relevant policies are set out in full below. Other relevant HwLDP policies which need to be taken into consideration include the following:

- Policy 28 – Sustainable Design;
- Policy 30 – Physical Constraints;
- Policy 31 – Developer Contributions;
- Policy 51 – Trees and Development;
- Policy 52 - Principle of Development in Woodland;
- Policy 56 – Travel;
- Policy 63 – Water Environment;
- Policy 64 – Flood Risk;
- Policy 66 – Surface Water Drainage;
- Policy 69 – Electricity Transmission Infrastructure; and
- Policy 77 – Public Access.

7.6.5 **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”.*

7.6.6 **Policy 57 – ‘Natural, Built and Cultural Heritage’** states:

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

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

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

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

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

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

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

#### **7.6.7 Policy 61 – ‘Landscape’ states:**

*“New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This will include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of*

*developments where this may be an issue. The Council would wish to encourage those undertaking development to include measures to enhance the landscape characteristics of the area. This will apply particularly where the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place. In the assessment of new developments, the Council will take account of Landscape Character Assessments, Landscape Capacity Studies and its supplementary guidance on Siting and Design and Sustainable Design, together with any other relevant design guidance."*

**7.6.8 Policy 55 – ‘Peat and Soils’ states:**

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

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

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

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

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

**7.6.9 Policy 58 – ‘Protected Species’ states:**

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

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

- *There is no satisfactory alternative; and*
- *The development is required for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and*
- *The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*
- *Development that is likely to have an adverse effect, individually and/or cumulatively, on protected bird species (see Glossary) will only be permitted where:*
- *There is no other satisfactory solution; and*
- *The development is required in the interests of public health or public safety.*
- *This will include but is not limited to avoiding adverse effects, individually and/or cumulatively, on the populations of the following priority protected bird species:*
- *Species listed in Annex 1 of the EC Birds Directive;*

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

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

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

#### 7.6.10 Policy 59 – ‘Other Important Species’ states:

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

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

#### 7.6.11 Policy 60 – ‘Other Important Habitats and Article 10 Features’ states:

*“The Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora (Article 10 Features). The Council will also seek to create new habitats which are supportive of this concept. The Council will have regard to the value of the following Other Important Habitats, where not protected by nature conservation site designations (such as natural water courses), in the assessment of any development proposals which may affect them either individually and/or cumulatively:*

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

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

## 7.7 Supplementary Guidance

7.7.1 THC has various Supplementary Guidance documents in force. Those which have been taken into account in the preparation of the EIA Report include the following:

- Flood risk and drainage;
- Trees and woodland;
- Protected species;
- Managing waste and new developments;
- Sustainable design;

- Physical constraints, e.g. railway lines and gas pipelines;
- Roads and transport;
- Health and safety;
- Countryside and the environment; and
- Forest and woodland strategy.

## **7.8 Conclusions**

7.8.1 This Chapter has set out the legislative background, a summary of the national energy policy framework, and the national and local planning policies and guidance relevant to the consideration of the Proposed Development. It provides an objective summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIA Report in order to ensure that it provides the appropriate information for the consideration of the section 37 application.

7.8.2 As noted, the policy appraisal for the Proposed Development is contained in a separate Planning Statement.