Spittal to Loch Buidhe to Beauly 400 kV Overhead Line Connection:

Planning Statement

August 2025

Scottish & Southern Electricity Networks

TRANSMISSION

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Contents

1. Introduction

1.1 Introduction

1.1.1 Scottish Hydro Electric Transmission plc ('the Applicant') who, operating and known as Scottish and Southern Electricity Networks Transmission ('SSEN Transmission') has submitted an application under Section 37 of the Electricity Act 1989 ('the 1989 Act') along with a request that Ministers issue a direction that planning permission is deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997 ('the 1997 Act') for consent to construct and operate electricity infrastructure comprising a new double circuit 400 kilovolt ('kV') overhead transmission line ('OHL') on steel lattice towers, to connect into proposed new substation sites at Spittal, Loch Buidhe and Beauly. (known as Banniskirk, Carnaig and Fanellan Substations). The project is referred to as the Spittal to Loch Buidhe to Beauly 400 kV OHL Connection Project (the 'Proposed Development'). The 'Applicant' and 'SSEN Transmission' are used interchangeably unless the context requires otherwise.

1.1.2 Where there is a requirement to extend, upgrade or reinforce its transmission network, SSEN Transmission's aim is to provide an environmentally aware, technically feasible and economically viable solution which would cause the least disturbance to the environment.

1.1.3 This Planning Statement considers the case for approval in land use planning policy terms at the national (National Planning Framework 4 ('NPF4')) and local (The Highland Council) level, with reference to the statutory Development Plan and national planning and energy policy, all of which supports the delivery of electricity infrastructure that will assist in the delivery of the Government's legally binding net zero commitments and which will ensure security of supply to customers.

1.2 Background to the Proposed Development

1.2.1 The Applicant has a duty under Section 9 of the 1989 Act to:

- Develop and maintain an efficient, coordinated and economical system of electricity transmission; and
- To facilitate competition in the generation and supply of electricity.

1.2.2 The Proposed Development is required to fulfil the statutory and licence obligations placed on the Applicant as the transmission licence holder. These obligations relate to developing the transmission network to provide adequate transmission capacity and to provide connections to customers who wish to connect to and use the transmission system to participate in the national wholesale electricity market.

System Planning – Technical Requirement

1.2.3 In July 2022, National Grid, the Electricity System Operator ('ESO'), published the Pathway to 2030 Holistic Network Design ('HND'), setting out the blueprint for the onshore and offshore electricity transmission network infrastructure required to enable the forecasted growth in renewable electricity across Great Britain ('GB') including the UK and Scottish Government's 2030 offshore wind targets of 50 GW and 11 GW respectively (through the Crown Estate and ScotWind leasing rounds), which effectively forms the main driver for the Proposed Development.

1.2.4 The HND Study confirmed the need for a significant and strategic increase in the capacity of onshore and offshore electricity infrastructure to support the UK and Scottish Governments' commitments to meet legally binding net zero targets. The HND supplemented the Network Options Assessment ('NOA') Refresh, published in July 2022, which confirmed the requirement for the delivery of the onshore infrastructure to support 11 GW allocated by

ScotWind to 2030 (in conjunction with the identified offshore infrastructure identified in the HND).

1.2.5 The HND identified the requirement to reinforce the onshore corridors between Beauly and Peterhead, Beauly and Spittal in Caithness, and an offshore subsea cable between Spittal and Peterhead, as well as to upgrade the 275 kV Beauly – Denny circuit. The report outlines that these reinforcements would provide the capacity required to take power from large-scale onshore and offshore renewable generation (mainly wind farms) to main transmission network in the North of Scotland, from there, it can be transported to demand centres in England via a subsea cable.

1.2.6 The Proposed Development is located within a place that has been identified by NESO as a key corridor for onshore electricity network reinforcement.

1.2.7 In 2024, the National Energy System Operator ('NESO') further reviewed the onshore and offshore network reinforcements as part of their HND Follow Up Exercise ('HND FUE') called "Beyond 2030", to facilitate the connection of an additional 21 GW of offshore wind from the ScotWind leasing round. This reconfirmed that the onshore and offshore reinforcements identified as part of the 2022 HND and NOA Refresh were required.

1.2.8 As such, these studies set out the required onshore and offshore transmission works (including the Proposed Development) that support the large-scale delivery of electricity generated from offshore wind, taking the electricity from where it is generated to where it is needed across the UK.

1.2.9 To enable the delivery of the required transmission infrastructure for 2030, Ofgem established a regulatory framework for the Transmission Operators, including the Applicant, to obtain regulatory approval for the economic case for delivery (and funding) of qualifying infrastructure projects identified as part of the "Pathway to 2030" exercise. This process is known as the Accelerated Strategic Transmission Investment ('ASTI') Framework.

1.2.10 The Proposed Development is within the scope of the ASTI Framework. In relation to these projects Ofgem observed, in their ASTI Framework decision, that *"By including projects within the list of ASTI projects, we are accepting the needs case for these projects in terms of the technical capabilities reflected in the HND/NOA Refresh".*

1.2.11 There is a clear expectation from the Government and the energy regulator, Ofgem, that this project will be delivered by 2030. More specifically, the project is needed to deliver Government's 2030 renewable energy targets set out in the British Energy Security Strategy (BESS) (2022) and the Clean Power 2030 Action Plan.

1.2.12 Chapter 2 of the accompanying Environmental Impact Assessment Report ('EIA Report') provides further detailed commentary on the need case for the Proposed Development.

The National Planning Policy System – Delivery of Major Transmission Proposals

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

"The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond". (pg. 103)

1.2.14 NPF4 identifies 18 National Developments ('ND') described as "significant developments of national importance that will help to deliver the spatial strategy". National Developments are acknowledged as projects necessary for the delivery of the national spatial strategy and "*Their designation means that the principle for development does not need to be agreed in later consenting processes*."

1.2.15 The Proposed Development falls within ND3: 'Strategic Renewable Electricity Generation and Transmission Infrastructure'. Further detailed reference to NPF4 and ND3 is provided in Section 4 of this Planning Statement.

1.2.16 Chapter 4 of the EIA Report (The Routeing Process and Alternatives) provides detail on route and alignment options selection and alternatives examined (including undergrounding) for the Proposed Development, including an overview of how the Applicant has incorporated stakeholder feedback during the sequential stages of the design process.

1.3 The Statutory Framework

The Electricity Act 1989

1.3.1 As the Transmission Licence holder in the North of Scotland, the Applicant has a duty under section 9(2) of the 1989 Act to facilitate competition in the generation and supply of electricity. The Applicant is obliged to offer non-discriminatory terms for connection to the transmission system, both for new generation and for new sources of electricity demand.

1.3.2 The Applicant is also required under section 9(2) of the 1989 Act to ensure that the transmission system is developed and maintained in an economical, coordinated and efficient manner in the interests of existing and future electricity consumers.

1.3.3 Separately, it is also the Applicant's duty to consider the possible environmental impacts of new overhead, underground and subsea electric lines and to do what it 'reasonably can' to mitigate adverse impacts, in line with section 38 of, and Schedule 9 (para. 3) to, the 1989 Act. In terms of its statutory duties and licence obligations, the Applicant must therefore balance technical, cost (economic) and environmental factors.

1.3.4 The application for the Proposed Development is made to the Scottish Ministers under section 37 of the 1989 Act together with a request that Ministers issue a direction confirming that the development benefits from deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

1.3.5 The Scottish Ministers are obliged to consider whether the Applicant has demonstrated that it has complied with its duties under sub-paragraph 3(1) of Schedule 9 of the 1989 Act. The Scottish Ministers must also have regard to the desirability of the matters specified in Schedule 9.

1.3.6 Applications made under Section 37 of the 1989 Act need to have regard to the provisions of Schedule 9 which relates to the preservation of amenity and fisheries.

1.3.7 Schedule 9, sub-paragraph 3(2) of the 1989 Act, requires a licence holder and the Scottish Ministers to have regard to:

"(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of the sub-paragraph."

1.3.8 The matters referred to in Schedule 9 sub-paragraph 3(1)(a) and (b) of the 1989 Act apply to the Applicant as a licence holder. The matters set out in Sub paragraph 3(1)(a) to which regard must be had are:

"…. the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; "

1.3.9 Sub-paragraph 3(1)(b) requires relevant parties to:

"…..do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects"

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

1.3.11 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory Development Plan is not expressly identified

as a consideration within the 1989 Act (unlike, for example, Section 25 of the 1997 Act, considered below). Nonetheless, it is a material consideration which should be taken into account, alongside all other relevant material considerations

The Town & Country Planning (Scotland) Act 1997

1.3.12 Section 57(2) of the 1997 Act provides that on granting a consent under section 36 or 37 of the 1989 Act in respect of any operation or change of use that constitutes development, or any development ancillary to the operation or change of use to which the consent relates, the Scottish Ministers may direct that planning permission shall be deemed to be granted, subject to any conditions as may be specified in the direction.

1.3.13 Section 25 of the 1997 Act states that:

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

1.3.14 Section 57(2) of the 1997 Act makes no reference to the provisions of section 25 which requires regard to be had to the provisions of the Development Plan. The Courts have confirmed that section 57(3) does not apply section 25 to a decision to make a direction to grant deemed planning permission pursuant to section 57(2)[1].

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

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

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

1.4 Key Facts

1.4.1 Key facts relevant to this application are:

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

  "*A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for domestic consumption as well as for export to the*

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

UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

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

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

- There is an established technical and economic need for the Proposed Development as identified by the ASTI transmission systems planning exercise encompassing the National Grid as a whole (considering the upgrades necessary to accommodate the UK generation and demand requirements), and regulatory approval from Ofgem in principle of the need, as part of its ongoing assessment process.
- The Proposed Development will provide critical reinforcement of the transmission network to ensure capability to transmit low carbon energy across the network on the key Spittal to Beauly Corridor.
- The Proposed Development will deliver nationally important network and grid infrastructure that would facilitate the Scottish and UK Governments meeting their legally binding targets for net zero emissions and renewable energy electricity generation targets and policy objectives.
- The Proposed Development will be delivered in such a way that it is, on balance, environmentally acceptable and will include a co-ordinated scheme of environmental mitigation to ensure the long-term protection of the local and wider environment and to deliver sustainable development.

1.5 Structure of Planning Statement

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

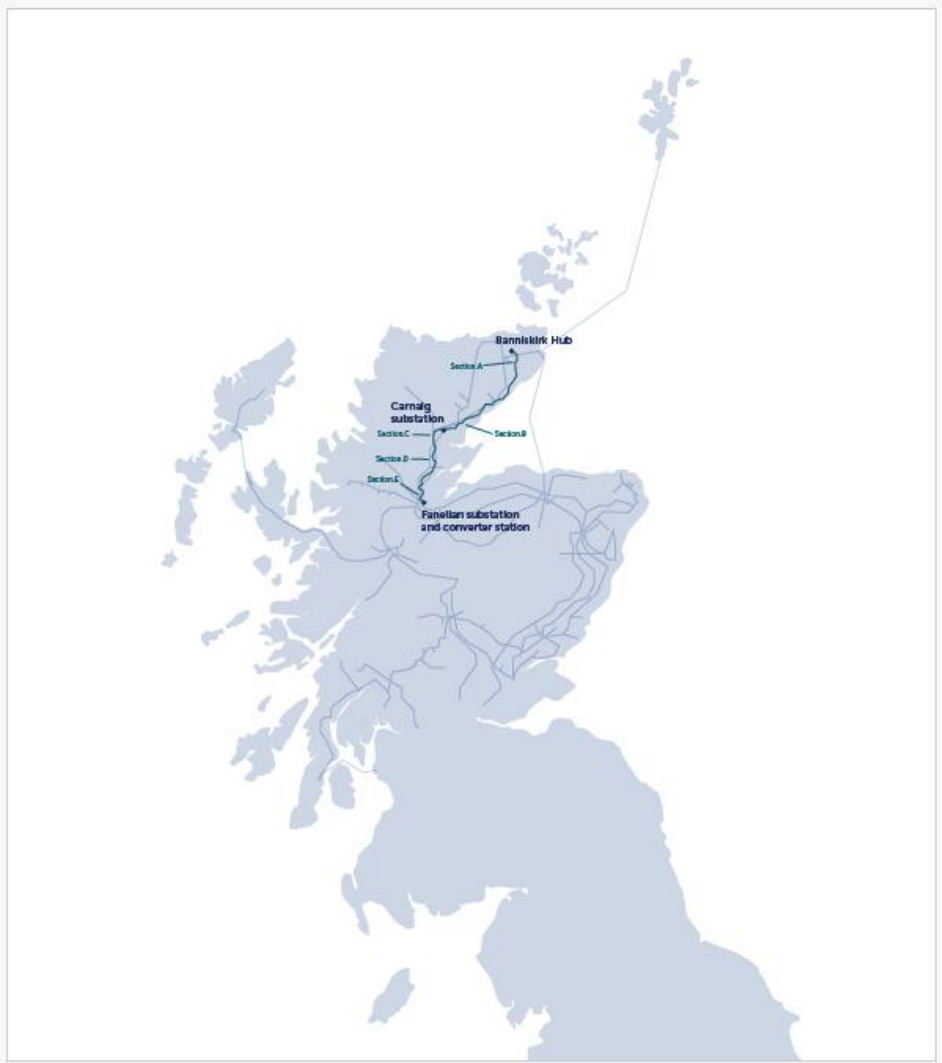
- **Chapter 2** describes the Proposed Development, its alignment and provides a description of the approach followed for the assessment of the OHL alignment;
- **Chapter 3** sets out the up-to-date position with regard to the renewable energy policy and emissions reduction legislative and policy framework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

2. The Proposed Development

2.1 Site Location and Description

2.1.1 The Proposed Development comprises approximately 191 km of new transmission OHL. This comprises approximately 96 km of new double circuit 400 kV OHL installed on steel lattice towers between the proposed Banniskirk and Carnaig 400 kV Substations (Spittal to Loch Buidhe), and the installation and operation of approximately 77 km of new double circuit 400 kV OHL on steel lattice towers between the proposed Carnaig and Fanellan 400 kV substations (Loch Buidhe to Beauly, and 18km of diversions / special arrangements for crossings of existing 275 kV and 132 kV OHLs. The overall proposed alignment is shown in Figure 2.1 below.

Figure 2.1: Location and Overall Route Plan



2.1.2 The Proposed Development has been presented within the EIA Report in five geographic sections for the purposes of assessment and to ease understanding of the geography of the proposed route. The five sections are summarised below, with further detail provided in the EIA Report in Chapter 3. The Sections are:

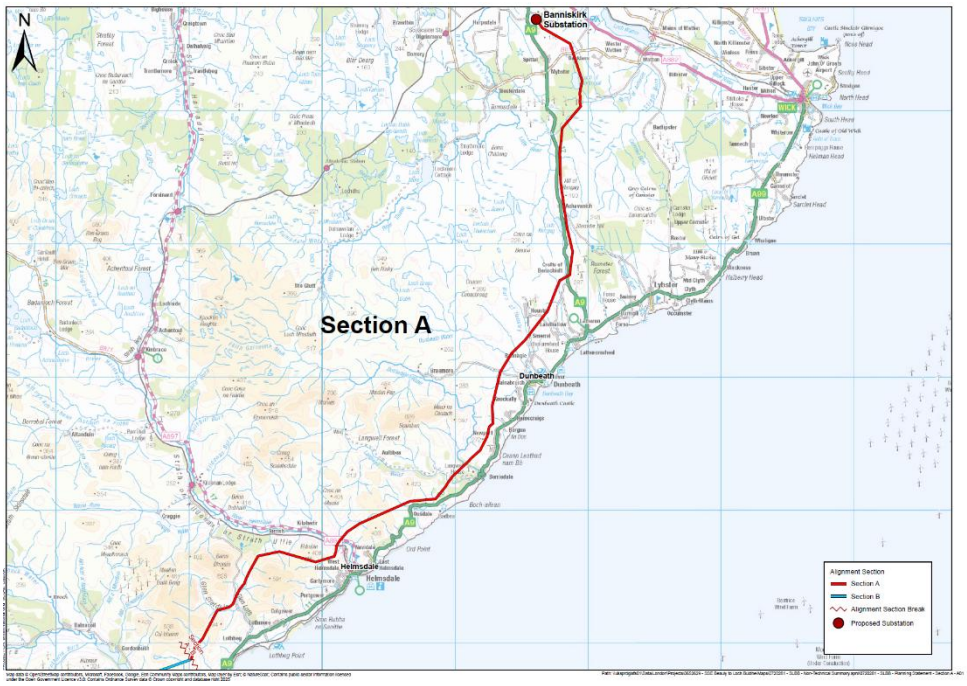
- Section A: Spittal to Brora;
- Section B: Brora to Loch Buidhe;

- Section C: Loch Buidhe to Dounie;
- Section D: Dounie to near Strathpeffer; and
- Section E: Near Strathpeffer to Beauly.

Plans of each Section are provided below in **Figures 2.2 - 2.6**.

Section A: Spittal to Brora

Figure 2.2: Proposed Alignment of Section A



2.1.3 Section A originates at the proposed new Banniskirk Substation and follows a southerly direction west of Dunbeath, Berriedale and Helmsdale before continuing south-west to near Kintradwell. The terrain in the area is a mix of moderate hills with some steep slopes, and areas of more gradual undulating terrain.

2.1.4 Key constraints include:

- local settlements including Dunbeath, Helmsdale, the Spittal Hill Wind Farm and a number of other proposed and operational wind farms;
- Special Areas of Conservation ('SACs'), Special Protection Areas ('SPAs') and Sites of Special Scientific Interest ('SSSIs') and an RSPB reserve (Forsinard Flows);
- Flow Country and Berriedale Coast Special Landscape Area (SLA) and Loch Fleet, Loch Brora and Glen Loth SLA;
- Scheduled Monuments;
- Causeymire – Knockfin Flows Wild Land Area ('WLA') and the Ben Klibreck – Armine Forest WLA; and peatlands in the form of the Flow Country World Heritage Site inscribed on the World Heritage List to the United Nations Educational, Scientific and Cultural Organisation ('UNESCO') as of July 2024 (note these designations form part of the European Designations and RSPB Reserves listed above and whist designated additionally for WLA and WHS, are not additional entities); and
- Existing OHLs.

Section B: Brora to Loch Buidhe

Figure 2.3: Proposed Alignment of Section B

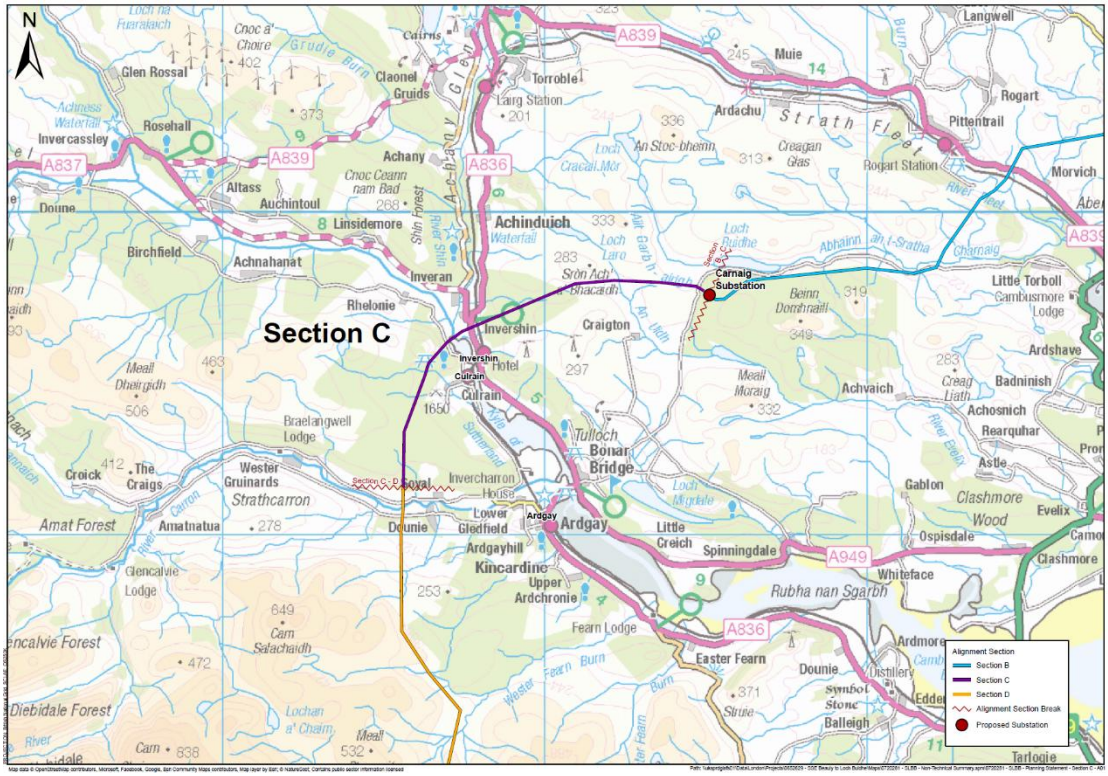
2.1.5 This Section originates north of Brora and heads generally south-west towards Loch Buidhe Substation and the proposed new Carnaig Substation. The terrain in Section B is a mix of high hills and steep slopes with a number of wind farms which must be avoided including the constructed Kilbraur Wind Farm and the consented extension thereof.

2.1.6 Key constraints include:

- The Strath Carnaig and Strath Fleet Moors SPA and SSSI west of Golspie;
- Scheduled Monuments;
- The Dornoch Firth and Loch Fleet Ramsar site and SPA south of Golspie;
- Mound Alderwoods SAC and SSSI, and Strathfleet SSSI; and
- Existing OHLs.

Section C: Loch Buidhe to Dounie

Figure 2.4: Proposed Alignment of Section C



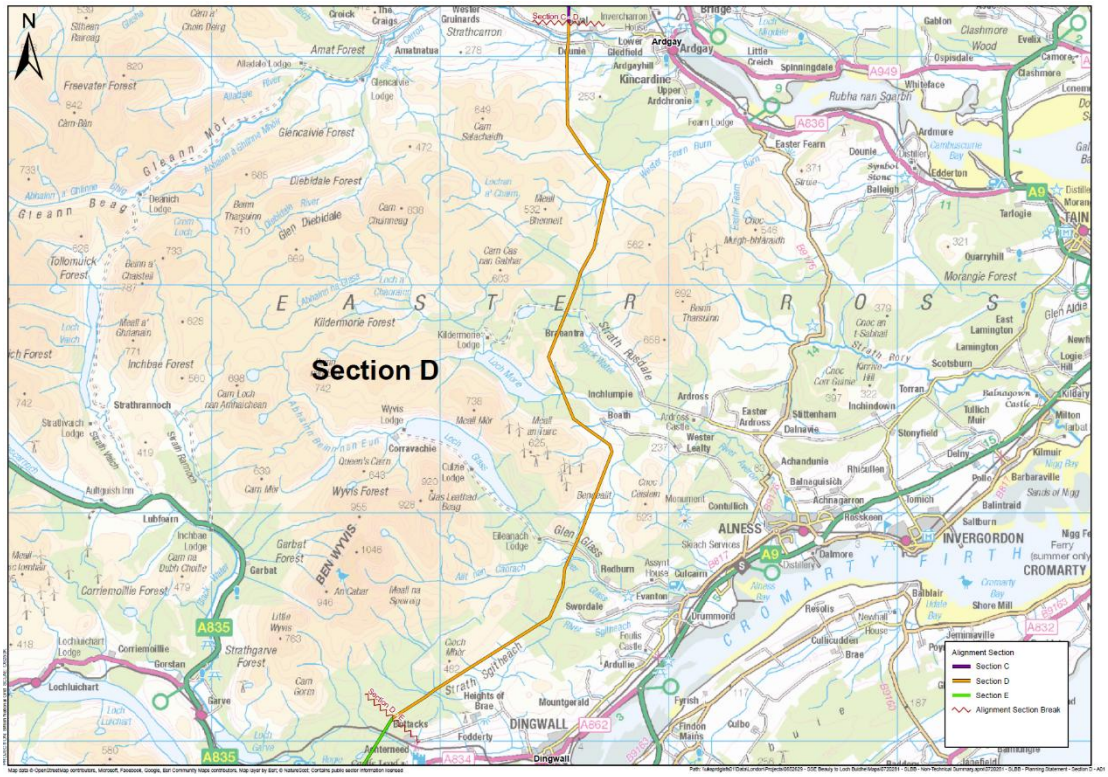
2.1.7 Section C originates at the proposed new Carnaig Substation and heads generally south-west towards Invershin and southwards to Dounie.

2.1.8 Key constraints include:

- Proximity to local settlements and residential properties around Ardgay, Bonar Bridge, Culrain, Carvidsale, Dounie and Invershin;
- Dornoch Firth National Scenic Area ('NSA');
- Strath Carnaig and Strath Fleet Moors SPA and SSSI;
- River Oykel SAC and Kyle of Sutherland Marshes SSSI;
- Scheduled Monuments and Listed Buildings including the Battle of Carbisdale Registered Battlefield, Carbisdale Castle and Invershin Bridge;
- Ancient Woodland areas; and
- Existing OHLs.

Section D: Dounie to near Strathpeffer

Figure 2.5: Proposed Alignment of Section D



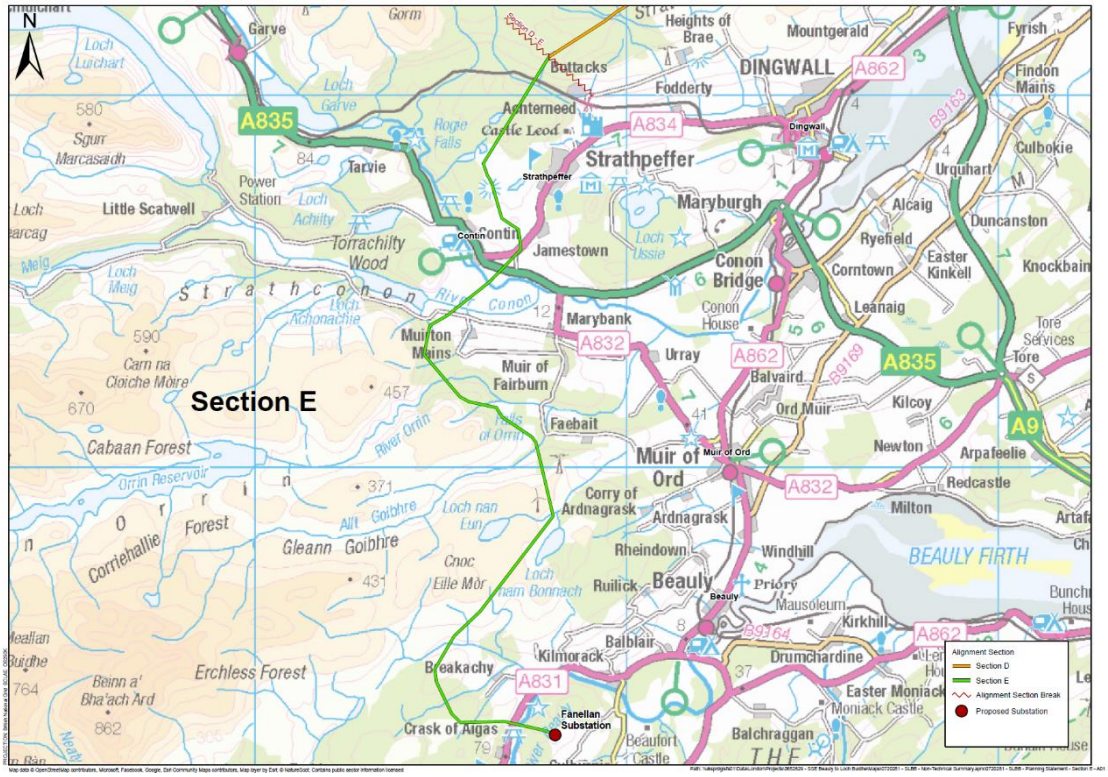
2.1.9 This section originates northwest of Dounie following a southerly direction towards Dingwall before continuing to the north of Strathpeffer.

2.1.10 Key constraints include:

- Local settlements including Ardross, Alness, Braeantra and Boath, Fodderly and Heights of Brae.
- Commercial forestry and areas of Ancient Woodland;
- Novar SPA;
- Amat Wood SAC and SSSI;
- Scheduled Monuments;
- Category A Listed Buildings including Ardross Castle, and the Ardross Castle Garden and Designed Landscape ('GDL');
- Rhiddoroch-Beinn Dearg – Ben Wyvis WLA; and
- Existing OHLs.

Section E: Near Strathpeffer to Beauly

Figure 2.6: Proposed Alignment of Section E



2.1.11 The final section, Section E, originates south of Strathpeffer following a southerly direction to the proposed new Fanellan Substation.

2.1.12 Key constraints include:

- Local settlements including Contin, Tarvie, Garve, Marybank and Strathpeffer;
- Ancient Woodland;
- Scheduled Monuments;
- Category A-listed Fairburn Tower and Fairburn GDL, and and the Brahan GDL;
- Conon Islands SAC;
- Lower River Conon SSSI; and
- Existing OHLs.

2.2 The Proposed Development

2.2.1 The Proposed Development is described in full at Chapter 3 (para. 3.1.1 of the EIA Report). It includes approximately 191 km of new OHL with assessments made based upon a series of design parameters which are provided in Table 3.2 of Chapter 3 of the EIA Report and are also set out below in **Table 2.1**.

2.2.2 A summary of the main elements of the Proposed Development on a Section-by-Section basis is provided within Chapter 3 Table 3.3 of the EIA Report and is set out below in **Table 2.2** for convenience.

Table 2.1: Design Parameter Assumptions

Parameter	Assumption for EIA
Horizontal OHL LoD	Variable but generally 200 m (100 m either side of the centre line)
Vertical OHL LoD	Up to 9 m in general
Access Track LoD	Variable but generally 200 m (100 m either side of the centre line) for new access tracks. A 20 m total LoD (10 m either side of the centre line) for upgrades to existing tracks.
Tower Height	See Tower Schedule (**Volume 5, Appendix 3.1**)
Span Lengths	Approximately 350 m apart on average
Tower Temporary Compound Area	Typical size of 85 m x 85 m - Tension Tower[3] Typical size of 60 m x 60 m - Suspension Tower[4]
Tower Foundation (Dimension)	Typical pad size of 4.5 x 4.5 x 0.7 m per tower leg Current maximum pad size of 6.5 x 6.5 x 0.9 m per tower leg
New Access Tracks	Dictated by ground conditions, topography, and surrounding habitat
Upgrade of Existing Tracks	Dictated by the existing condition of the tracks
Track Dimensions (Cut / Fill or Floating)	10 m width
Operational Corridor	Up to 90 m (45 m either side of the centre line)
Forestry Removal (OHL)	Up to 90 m (45 m either side of the centre line)
Forestry Removal (Access Tracks)	Up to 20 m (10 m either side)

2.2.3 The formation of new access tracks would be required to facilitate both the construction and, in places, the maintenance of the OHL. Existing tracks are proposed for use where practicable, subject to upgrades where required.

Table 2.2: Summary of Main Elements of the Proposed Development by Section

Section	Design Solution	Other Ancillary / Associated Works
Section A: Spittal to Brora	Steel lattice OHL for the entirety of this Section (approximately 67 km) from Banniskirk Substation to Tower 202 at approximate grid reference (290248.316 909080.69).	<u>Ancillary Works</u> > Temporary and permanent construction access via; > Public Roads (approx. 47 km) > Existing access tracks to be upgraded (approx. 47 km); > New permanent access tracks (approx. 25 km); > New permanent access tracks (floating construction within Special Protection Area (SPA) (SAC) (approx. 2.5 km); > New permanent access tracks (cut / fill construction within SPA/SAC) (approx. 2 km); > New temporary access tracks (approx. 67 km); > Temporary spurs to tower positions; > The upgrade of existing/ creation of new bellmouths at public road access points; > Establishment of temporary measures to protect road and water crossings (e.g. scaffolding);

Section	Design Solution	Other Ancillary / Associated Works
		> Tree felling and vegetation clearance to facilitate construction and operation of the Proposed Development; and > PRI works as required. Associated Works > Temporary construction compounds; and > Banniskirk Substation.
Section B: Brora to Loch Buidhe	Steel lattice OHL for the entirety of this Section (approximately 29 km in length) from Tower 202 at approximate grid reference (290146.088 908764.812) to Carnaig Substation.	Ancillary Works > Temporary and permanent construction access via; > Public Roads (approx. 37km) > Existing access tracks (approx. 6 km); > Existing access tracks to be upgraded (approx. 19 km); > New permanent access tracks (approx. 14 km); > New permanent access tracks (cut / fill construction within SPA/SAC) (approx. 350 m); > New temporary accecs tracks (approx. 30km); > Temporary spurs to tower positions; > The upgrade of existing/ creation of new bellmouths 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 > PRI works as required. Associated Works > Temporary construction compounds; and > Carnaig Substation.
Section C: Loch Buidhe to Dounie	Steel lattice OHL for the entirety of this Section (approximately 14 km in length) from Carnaig Substation to a Tower S38 at approximate grid reference 255612, 891302.	Ancillary Works > Temporary and permanent construction access via; > Public Roads (approx. 34 km); > Existing access tracks to be upgraded (approx. 31 km); > New permanent access tracks (approx. 5 km); > New temporary access tracks (approx. 9 km); > New permanent access track (cut/fill construction within SPA/SAC) (approx. 1km); > Temporary spurs to tower positions; > The upgrade of existing/creation of new bellmouths at public road access points; > Establishment of temporary measures to protect road and water crossings (e.g scaffolding);

Section	Design Solution	Other Ancillary / Associated Works
		> Tree felling and vegetation clearance to facilitate construction and operation of the Proposed Development; and > PRI works as requried. Associated Works > Temporary construction compounds; and > Carnaig Substation.
Section D: Dounie to near Strathpeffer	Steel lattice OHL for the entirety of this Section (approximately 37 km in length) from a Tower S38 at approximate grid reference 255612, 891302 to a tower at approximate grid reference 247911, 861032.	Ancillary Works > Temporary and permanent construction access via; > Public Roads (approx. 34 km) > Existing access tracks to be upgraded (approx. 63 km); > New permanent access tracks (approx. 27 km); > New temporary access tracks (approx. 11 km); > Temporary spurs to tower positions; > Emergency / maintenance access tracks (approx. 16 km); > The upgrade of existing/creation of new bellmouths 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; > PRI works as required; Associated Works > Temporary construction compounds.
Section E: near Strathpeffer toBeauly	Steel lattice OHL for the entirety of this Section (approximately 26 km in length) from Tower S149 at approximate grid reference 247911, 861032 to Fanellan Substation.	Ancillary Works > Temporary and permanent construction access via; > Public Road (approx. 23 km); > Existing access tracks to be upgraded (approx. 66 km); > New permanent access tracks (approx. 19 km); > New temporary access tracks (including trackway) (approx. 5.7 km); > Temporary spurs to tower positions; > Emergency / maintenance access (approx. 8 km); > The upgrade of existing/ creation of new bellmouths at public road access points; > Establishment of temporary measures to protect road and water crossings (e.g. scaffolding);

Section	Design Solution	Other Ancillary / Associated Works
		> Tree felling and vegetation clearance to facilitate construction and operation of the Proposed Development; and > PRI works as required. Associated Works > Temporary construction compounds; and > Fanellan Substation.

Construction

2.2.4 A description of the OHL infrastructure is provided in Chapter 3 of the EIA Report at Section 3.7. In summary, the OHL will comprise steel structure of lattice design from the SSEN Transmission AS4 tower suite.

2.2.5 A vertical LoD (the maximum height of a tower above ground level) is sought to allow a height increase of up to 9 m on the proposed tower height. Where there is a requirement to utilise an LoD the relevant environmental information within the EIA Report would be reviewed to establish any potential constraints or changes in effect – the LoD has been assessed within the EIA Report.

2.2.6 Section 3.8 of the EIA Report provides details on the typical construction activities for OHL infrastructure and sets out a series of enabling works required in advance of the OHL construction and commissioning. The detail within the EIA Report sets out the different consenting regimes under which such enabling works will be progressed for each element.

2.2.7 Where the proposed OHL crosses existing 132 or 275 kV OHLs, special arrangements are required to facilitate the crossing points. When transmission lines cross, the preference is to have the two lines cross over each other in what is called a 'diamond arrangement'. Six such special arrangements are proposed, and the location and nature of each crossing is provided in Table 3.4, in Chapter 3 of the EIA Report.

2.2.8 It is anticipated that the construction of the Proposed Development would take place over a 48-month period.

2.2.9 Construction working is likely to be during daytime periods only. Working hours are anticipated seven days a week between approximately 07.00 to 19.00 during British Summer Time ('BST') and 07.00 and 18.00 during Greenwich Mean Time ('GMT').

2.2.10 The works would be carried out in accordance with best practice construction measures, guidance and legislation together with project specific General Environmental Management Plans ('GEMPs'), Species Protection Plans ('SPPs') and a Construction Environmental Management Plan ('CEMP').

Operation and Decommissioning

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

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

3. The Renewable Energy Policy & Legislative Framework

3.1 Introduction

3.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. The framework of international agreements and obligations, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and greenhouse gas emissions ('GHG') reduction law is based. This underpins what can be termed the need case for renewable energy and associated transmission infrastructure from which the Proposed Development can draw a high level of support.

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

3.1.3 There is clear and consistent policy support at all levels, from international to local, for the deployment and transmission of renewable energy generally, to combat the global climate crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets.

3.1.4 The Proposed Development, reinforcing grid and increasing capacity and security of supply, would make a valuable contribution to help Scotland and the UK meet its renewable energy and electricity production targets, while supporting emission reductions to combat climate change in the current Climate Emergency.

3.1.5 UK and Scottish Government renewable energy policy and associated renewable energy and electricity targets are important considerations. In the sections to follow, the context of international climate change commitments by way of policy and targets is set out. This is followed by reference to key UK level statutory and policy provisions and then a detailed description of relevant Scottish Government statutory and policy provisions is set out.

3.2 International Commitments

The Paris Agreement (2015)

3.2.1 In December 2015, 196 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference ('COP21'). The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aim of stopping the increase in global average temperature to below 2°C above pre-industrial levels and to pursue efforts to limit global warming to 1.5°C.

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

3.2.3 The Paris Agreement does not represent Government policy in the UK or Scotland. However, it sets the general context to domestic policy and renewable energy and GHG reduction targets to meet the UK's commitment in the Paris Agreement.

United Nations - Intergovernmental Panel on Climate Change

3.2.4 The Intergovernmental Panel on Climate Change ('IPCC') is the United Nations Body for assessing the science related to climate change.

3.2.5 The IPCC prepares comprehensive assessment reports regarding the state of scientific, technical, and socio-economic knowledge on climate change and its impacts and future risks and options for reducing the rate at which climate change is taking place. IPCC reports are commissioned by Governments and are an agreed basis for COP[2] negotiations.

3.2.6 The IPCC's Special Report on Global Warming of 1.5°C, published in 2018, was a key piece of evidence for the CCC's recommendation to the UK Government for a 2050 net zero GHG emissions reduction target. The IPCC's reports since 2018 have provided an estimate of how close global temperatures are to 1.5°C of warming above pre-industrial levels and the remaining volume of global cumulative carbon dioxide that could be emitted to be consistent with keeping global warming below thresholds such as the 1.5°C and 2°C levels referred to in the Paris Agreement.

3.2.7 The IPCC's 6th Assessment Report was published in March 2023. The Summary of the Policymakers' Report[3] at page 10 states that it is likely that warming will exceed 1.5°C during the 21st Century and make it harder to limit warming to 2°C. It states (page 12):

"*Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards (high confidence). Deep, rapid and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades, and also to discernible changes in atmospheric composition within a few years (high confidence)*".

3.2.8 Page 24 of the Summary states *"There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (very high confidence)"*.

COP 28, Dubai (2023)

3.2.9 The United Nations Climate Change Conference (Conference of the Parties - COP28) closed on 13 December 2023. The UN press release of the same date states that the agreement reached "*Signals the 'beginning of the end' of the fossil fuel era by laying the ground for swift, just and equitable transition, underpinned by deep emissions cuts and scaled up finance.*"

3.2.10 The statement adds:

"*The stocktake recognises the science that indicates global greenhouse gas emissions need to be cut 43% by 2030, compared to 2019 levels, to limit global warming to 1.5°C. But it notes parties are off track when it comes to meeting their Paris Agreement goals.*

The stocktake calls on parties to take actions towards achieving, at a global scale, a tripling of renewable energy capacity and doubling of energy efficiency improvements by 2030. The list also includes accelerating efforts towards the phase down of unabated coal power, phasing out inefficient fossil fuel subsidies, and other measures that drive the transition away from fossil fuels in energy systems, in a just, orderly and equitable manner, with developed countries continuing to take the lead." (underlining added)

UN Emissions Gap Report (2024)

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

[2] United Nations Framework Convention on Climate Change, Conference of the Parties (COP).
[3] A Summary of the main 6th Assessment Report.

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

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

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

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

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

COP 29, Baku (2024)

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

3.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

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

The Climate Change Act 2008 & Carbon Budgets

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

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

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

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

Table 3.1: Carbon Budgets and Progress[4]

Budget	Carbon budget level	Reduction below 1990 levels	Progress on Budgetary Period
1st carbon budget (2008 – 2012)	3,018 $MtCO_2e$	26%	-27%
2nd carbon budget (2013 – 2017)	2,782 $MtCO_2e$	32%	-42%
3rd carbon budget (2018 – 2022)	2,544 $MtCO_2e$	38% by 2020	-50%[5]
4th carbon budget (2023 – 2027)	1,950 $MtCO_2e$	52% by 2025	n/a
5th carbon budget (2028 – 2032)	1,725 $MtCO_2e$	57% by 2030	n/a
6th carbon budget (2033 – 2037)	965 $MtCO_2e$	78% by 2035	n/a
7th carbon budget (2038 – 2042)	535 $MtCO_2e$	87% by 2042	n/a
Net Zero Target	100%	By 2050	

Source: CCC

3.3.6 The Sixth Carbon Budget ('CB6') requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is considered a world leading commitment, placing the UK "*decisively on the path to net zero by 2050 at the latest, with a trajectory that is consistent with the Paris Agreement*" (CB6, page 13).

3.3.7 Page 23 of CB6 refers to the devolved nations and sets out that UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland. Key points from CB6 include:

- The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and doubling or even trebling by 2050.
- CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
- The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.

3.3.8 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world's most ambitious climate change target into law (by the Carbon Budget Order 2021 (the Order)[6]) to reduce emissions by 78% by 2035 compared to 1990 levels. This effectively brings forward the UK's previous commitment of an 80% reduction by 2050 by 15 years.

3.3.9 The Seventh Carbon Budget ('CB7') was published by the CCC in February 2025. The CCC's recommended level for CB7, namely a limit on the UK's GHG emissions over the five-year period 2038 to 2042 is 535 including emissions from international aviation and shipping.

3.3.10 Page 12 of the CB7 states:

[4] Source: CCC.
[5] Confirmed by CCC in 'Final Statement for the Third Carbon Budget' May 2024. By the end of the period in 2022, UK net GHG emissions were 50% lower than the base year emissions.
[6] The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

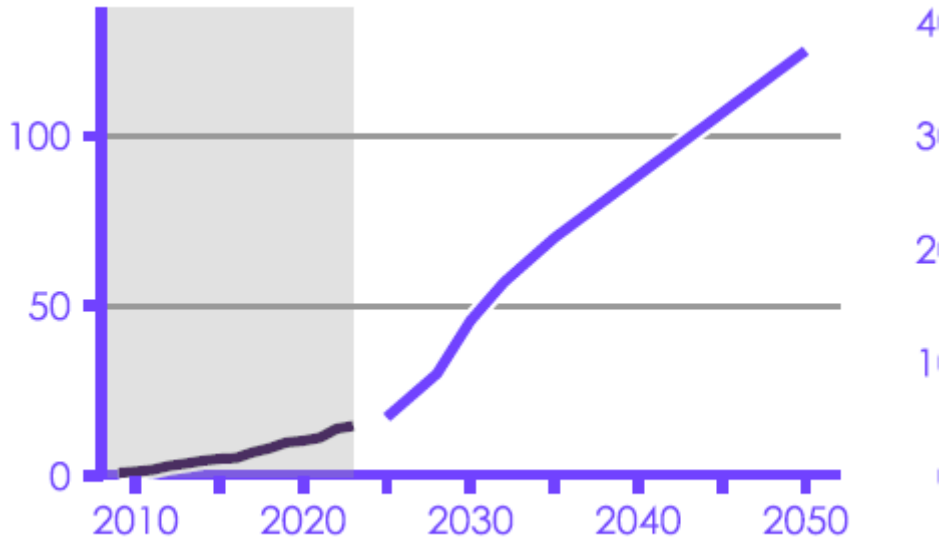
"*By the middle of the Seventh Carbon Budget on our pathway, emissions in the UK will be only a quarter of the level they are today, and 80% lower than levels in 1990 (90% lower excluding emissions from international aviation and shipping.) Achieving this will require a significant reduction in emissions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

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

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

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

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



The UK Energy White Paper (December 2020)

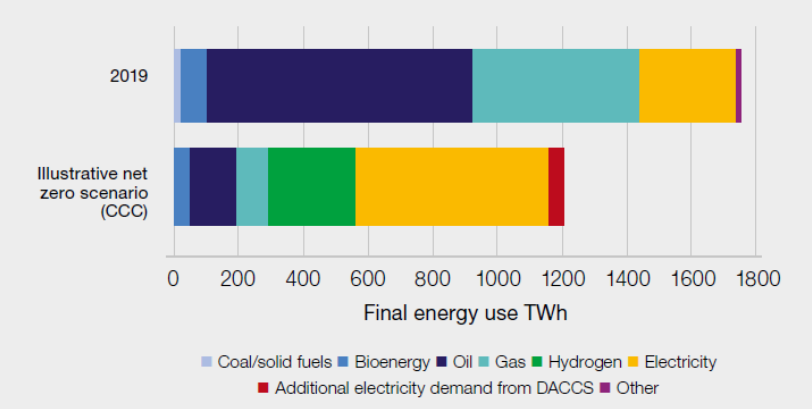
3.3.14 The Energy White Paper 'Powering our Net Zero Future', published on 14 December 2020, represented a sea change in UK policy, and highlighted the importance of renewable electricity.

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

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

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

Figure 3.2: Illustrative UK Final Energy Use in 2050[7]



3.3.18 Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that "*onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand* scenarios" (page 45).

The British Energy Security Strategy (April 2022)

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

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

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

3.3.20 Reducing the dependency of Scotland, and the wider UK, on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required more urgently.

3.3.21 The need for the Proposed Development and network reinforcements is underlined within the Strategy, which recognises the significant impact on the cost of living from rising gas prices and sets out a plan to increase the supply of electricity from zero-carbon British sources to deliver affordable, clean, and secure power in the long term.

Climate Change Committee Report to UK Parliament (2024)

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

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

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

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

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

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

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

3.3.24 And further (page 9):

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

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

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

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

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

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

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

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

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

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

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

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

Labour Government & Commitment to Renewables (2024)

3.3.31 The UK Government change at Westminster in 2024 and a Labour administration for the UK is of relevance in terms of the new UK Government policy approach to net zero.

3.3.32 Energy policy is reserved to Westminster and therefore, although the Scottish Government has progressed its own energy policy in parallel with its full devolved authority over the planning system in Scotland, UK Government policy is an important material consideration.

UK Government: Clean Power 2030 Action Plan (2024)

3.3.33 In addition, a key new material consideration is the Clean Power 2030 Action Plan, issued by The Department for Energy Security and Net Zero ('DESNZ'). It sets out (page 9) that Britain needs to install "*clean sources of power at a pace never previously achieved*".

3.3.34 It further adds (page 10):

"*clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and limit our contribution to the damaging effects of climate change. Clean power by 2030 is a sprint towards these essential goals*".

3.3.35 The document adds that:

"*Meeting the clean power 2030 goal is key to accelerating to net zero, not only in eliminating emissions that currently come from electricity generation, but also via the application of clean power in the buildings, transport and industry sectors… The shift to a clean power system by 2030 forms the backbone of the transition to net zero, as we move to an economy much more reliant on electricity*".

3.3.36 Page 74 of the Action Plan states that "*Meeting the renewable capacity set out in the DESNZ 'clean power capacity range' is achievable but will require deployment at a sharply accelerated scale and pace*".

3.4 Climate Change & Renewable Energy Policy: Scotland

The Scottish Energy Strategy (2017)

3.4.1 The Scottish Energy Strategy (SES) was published in December 2017. The SES preceded the important events and publications referred to above but nevertheless sets out that wind energy is recognised as a key contributor to the delivery of renewable energy targets – specifically 50% energy from renewable sources to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the net zero target, so it is out of date in that respect.

3.4.2 The SES refers to "Renewable and Low Carbon Solutions" as a strategic priority (page 41) and states "*we will continue to champion and explore the potential of Scotland's huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets*".

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

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

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

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

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

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

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

3.4.6 The related press release stated that there is a pathway to Scotland's post-2030 targets, but stronger action is needed to reduce emissions across the economy.

3.4.7 Page 18 of the Report addresses electricity supply, and it states that there has been some progress in delivering renewable electricity generation in Scotland. Reference is made to the Government's aim to develop 8-11 GW of offshore wind and 20 GW on onshore wind capacity, both by 2030. The Report notes that "*The growth in onshore wind capacity has slowed, however, and is slightly off track to deliver its 2030 target, which will require operational capacity to more than double*."

3.4.8 Page 40 states that in terms of onshore wind, Scotland must increase the deployment rate by more than a factor of 4 to an average annual rate of 1.4 GW.

3.4.9 In response to the CCC Report, the Scottish Government stated it remained committed to achieving net zero but would move to a multi-year carbon budget approach to measuring emissions reduction (instead of annual targets) which would bring the Scottish Parliament in line with the Welsh and UK approaches.

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

3.4.10 The Climate Change (Emission Reduction Targets) (Scotland) Act received Royal Assent on 22 November 2024. The Act repealed the annual and interim emissions reduction target framework that was established under the 2009 Act and established a carbon budget approach to target setting, with budgets to be set through secondary legislation using the latest advice from the CCC, to replace the concept of statutory annual and interim targets. The Act also makes provision for a new Climate Change Plan to be published that reflects the carbon budgets.

3.4.11 As explained, the Act followed advice from the CCC that Scotland's interim emissions reduction target for 2030 could not be achieved. The Act does not change the existing statutory target of net zero emissions by 2045.

3.5 The Draft Energy Strategy & Just Transition Plan

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

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

3.5.2 The Ministerial Foreword states:

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

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

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

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

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

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

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

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

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

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

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

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

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

3.5.9 Chapter 5 of the Strategy refers to 'creating the conditions for a net zero energy system'. It states (page 125) that "*As we transition to a net zero energy system, renewables and other zero carbon technologies… will need to provide all the services required to ensure a secure energy system*".

3.5.10 The Chapter goes on to reference in this regard energy markets and network regulation and with regard to network investment (page 126), it states that the Scottish Government is working closely with the network companies "*to support timely delivery of required electricity network infrastructure*".

3.5.11 It further adds, with regard to constraint costs, that the Scottish Government will continue to work with National Grid ESO, transmission owners and Ofgem "*to explore opportunities to accelerate planned network investment to relieve constraints*".

3.5.12 Therefore, a key aspect of the Energy Strategy in terms of network investment is the need for speed of delivery of infrastructure to ensure not only that need can be met, but that there can be energy security and resilience within the wider energy system.

3.6 The Green Industrial Strategy

3.6.1 The Scottish Government published a Green Industrial Strategy ('GIS') in September 2024. The Executive Summary sets out the mission of the GIS, namely:

"*This Green Industrial Strategy's mission is to ensure that Scotland realises the maximum possible economic benefit from the opportunities created by the global transition to net zero*".

3.6.2 The GIS sets out five opportunity areas for Scotland where identified strengths are most likely to lead to growth and the potential to grow Scotland's exports. The opportunity areas relate to Scotland's wind economy, carbon capture and storage, supporting the green economy by way of professional and financial services, growing the hydrogen sector and establishing Scotland as a competitive centre for clean energy intensive industries of the future.

3.6.3 Point 4 of the "onshore wind" approach states:

"work with UK Government, Ofgem and the National Energy System Operator to ensure that the interests of Scotland are best represented. Markets, policies, and regulation affecting the electricity sector are largely reserved to the UK Government under the UK Electricity Act (1989). We are working with the UK Government to enable a faster, more efficient, and strategic approach to designing and regulating the net zero energy system, in particular for accelerating grid connections and network build."

3.6.4 Availability of grid connections is further referenced as a barrier to tackle as part of the decarbonisation of industrial processes.

3.6.5 The Strategy confirms that *"timely grid connections and strengthened grid infrastructure will be key to securing renewables project delivery and investor and supply chain confidence in Scotland*."

3.6.6 The Scottish Government's objectives clearly support the delivery of grid expansion and strengthened grid infrastructure. This support is not only critical towards attaining net zero targets but will also help deliver the Government's clean green industry mission.

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

3.7.1 This CCC Report was published in May 2025 and sets out the CCC's advice on the level of Scotland's four proposed carbon budgets, covering the period 2026 to 2045. It recommends that the Scottish Government sets its carbon budgets, at annual average levels of emissions that are:

- 57% lower than 1990 levels for the First Carbon Budget (2026 to 2030);
- 69% lower than 1990 levels for the Second Carbon Budget (2031 to 2035);

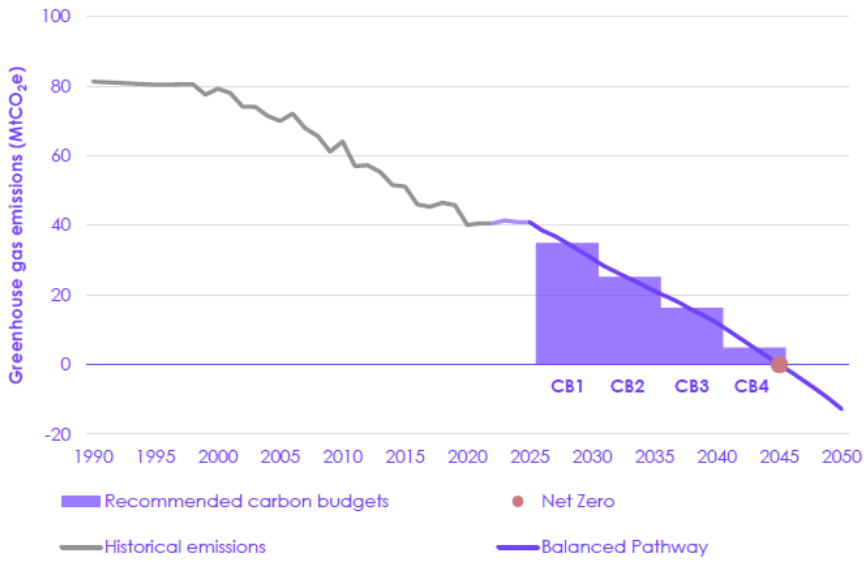
> 80% lower than 1990 levels for the Third Carbon Budget (2036 to 2040); and

> 94% lower than 1990 levels for the Fourth Carbon Budget (2041 to 2045).

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

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

Figure 3.3: CCC Recommended Carbon Budgets for Scotland[8]



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

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

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

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

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

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

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

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

of electricity even in adverse weather years. These technologies need to be accompanied by rapidly expanding the transmission grid, upgrading the distribution network, and speeding up the grid connection process. To deliver clean electricity, the planning process to approve large electricity infrastructure projects in Scotland needs to be urgently improved." Scotland currently has approximately 17.6 GW[9] of renewable energy operating capacity, therefore, to achieve the Balanced Pathway figure of 66 GW by 2045 an additional 48.4 GW will require to be deployed.

3.7.9 The Report sets out in more detail the key actions to deliver the Balanced Pathway in electricity supply. At page 94 it refers to the key action for the Scottish Government which is to *"Urgently improve the planning process to approve large electricity infrastructure projects in Scotland, such as transmission lines and onshore wind farms."* citing that it can currently take up to four years to approve large electricity infrastructure projects in Scotland.

3.7.10 The Report refers to the Scottish and UK Governments' commitment to reform the energy consents system in Scotland, including through measures in the Planning and Infrastructure Bill. It states that *"Both governments should ensure that these reforms are now implemented at pace. All bodies involved in the planning and consenting process must also be adequately resourced and skilled."*

3.8 Conclusions on the Renewable Energy Policy & Legislative Framework

3.8.1 The Proposed Development is strongly supported by the renewable energy policy and legislative framework.

3.8.2 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper than before and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the legally binding target of Net Zero by 2045 will not be met.

3.8.3 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.

3.8.4 Whilst there has been a move away from annual emission reduction targets in Scotland the overall target of net zero remains unchanged for both the UK and Scottish Governments.

3.8.5 Decisions made by the planning system must be responsive to the climate change policy imperative. Decision makers can do this by affording significant weight to the energy policy objectives, articulated above, in the planning balance.

3.8.6 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the urgent challenge of net zero and the need to substantially increase renewable energy capacity.

3.8.7 Overall, the Draft Energy Strategy and Just Transition Plan forms part of the new policy approach alongside NPF4. These documents confirm the Scottish Government's policy objectives and related targets, reaffirming the crucial role that new electricity infrastructure will play in response to the climate crisis which is at the heart of all of these policies.

3.8.8 By way of illustration, this was demonstrated recently in the decision by Scottish Ministers on 9th June 2025 to approve the Applicant's Skye Reinforcement Overhead Line Project, in the Highland Council area, where it is stated in the Ministers' Decision Letter at paragraph 137 that:

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

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

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

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

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

4. The Benefits of the Proposed Development

4.1 The Benefits: Summary

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

Renewable Energy Transmission

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

Security of Supply

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

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

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

- A detailed Socio-Economic Assessment Report accompanies the Section 37 application. In summary, it sets out that the Proposed Development could contribute £20.2 million to the total Gross Value Added ('GVA') in the Highland Council area. At a regional level the Proposed Development could contribute up to £269 million in GVA, and for the UK economy the GVA could be as much as £745 million.
- During construction when a contract is secured, jobs and economic output will be directly generated, and it is estimated that £13.2 million in GVA will be directly generated as a result of contracts being secured in the Highland Council area. The spending of contractors within their supply chains is expected to generate a further £4.68 million indirect GVA and together direct and indirect effects are expected to generate £2.27 million in induced GVA through the discretionary spending of direct and indirect jobs.
- The Proposed Development could directly support 2,479 UK, 1,226 Scotland and 105 Highland Council area job years, where one job year represents one year of continuous employment. The total impact for each area is 6,849 UK, 2,346 Scotland and 173 job years in the Highland area.
- The Applicant has adopted the Five Pillars of Community Wealth Building (CWB) as based on the Scottish Government's and THC approach to deliver a fairer, more equal society, these are: Inclusive Ownership, Spending, Workforce, Land and Property and Finance.
- The Applicant launched a Community Benefit Fund in September 2024 with an initial value of £10 million. The fund can is designed to support projects that create a positive impact on communities. It is anticipated that significant funding will be available through the fund to support local economic development, community and wellbeing economy projects. A Regional Fund has been created to support strategic projects focusing on the themes of 'People'. 'Place' and 'Alleviating Fuel Poverty'.
- The Applicant published a housing strategy in relation to the delivery of the Pathway to 2030 projects (November 2024). The strategy focuses on capturing opportunities to create public benefit from the investment efficiently and with a strong balanced between cost and benefit. As a result they are committed to creating housing legacies from worker accommodation investments associated with this and other ASTI projects.

Biodiversity Enhancement

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

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

5. Appraisal against NPF4

5.1 Introduction & Approach to Appraisal

5.1.1 This Chapter provides an appraisal of the Proposed Development against NPF4. Given the scale of the Proposed Development, as detailed previously, the alignment has been divided into five Sections (A-E) with an assessment of each section included within the EIA Report against a number of environmental topics. For consistency in understanding, the appraisal against NPF4 policy provisions, as presented in this Chapter, is presented on a similar basis, by Alignment Section where appropriate for the relevant EIA topic.

5.2 NPF4

5.2.1 NPF4 was approved by resolution of the Scottish Parliament on 11 January 2023 and was adopted by Scottish Ministers and came into force on 13 February 2023.

5.2.2 A Chief Planner's Letter was issued on 8 February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contains advice intended to support consistency in decision making ahead of new style Local Development Plans being in place.

5.2.3 Section 13 of the Planning (Scotland) Act 2019 Act (the '2019 Act') amends Section 24 of the 1997 Act regarding the meaning of the statutory Development Plan, such that for the purposes of the 1997 Act, the Development Plan for an area is taken as consisting of the provisions of:

- The National Planning Framework; and
- any Local Development Plan ('LDP').

5.2.4 Therefore, the statutory Development Plan against which the Proposed Development must be assessed consists of NPF4 and the Highland Wide LDP ('HwLDP'). Whilst there are other more area specific LDPs along proposed alignment, the HwLDP contains the overarching development management policies that need to be considered.

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

5.2.6 The Chief Planner's Letter also states, regarding Supplementary Guidance associated with LDPs which were in force before 12th February 2023 (the date on which Section 13 of the 2019 Act came into force), that they will continue to be in force and be part of the Development Plan.

How NPF4 is to be used

5.2.7 Annex A (page 94) of NPF4 explains how it is to be used. It states:

"*The purpose of planning is to manage the development and use of land in the long-term public interest … Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places*."

5.2.8 Annex A states that NPF4 is required, by law, to set out the Scottish Ministers' policies and proposals for the development and use of land. It adds that:

"*It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals*[11]*. NPF4 includes a long-term spatial strategy to 2045*."

5.2.9 NPF4 contains a spatial strategy and Scottish Government development management policies to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan[12] (IIP).

5.2.10 NPF4 therefore, for the first time, introduces centralised development management policies which are to be applied Scotland wide. It also provides guidance to Planning Authorities with regard to the content and preparation of LDPs.

5.2.11 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and discrimination and also, of particular relevance to the Proposed Development, "*meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity*".

The National Spatial Strategy – Delivery of Sustainable Places

5.2.12 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to the Spatial Strategy starts by stating (page 3):

"*The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change*."

5.2.13 The principles are stated as playing a key role in delivering the United Nation's Sustainable Development Goals and the Scottish Government's National Performance Framework[13].

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

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

5.2.15 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, *inter alia*:

"*Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030…Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment*."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.3 National Developments

Overview

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

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

5.3.2 It adds that:

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

5.3.3 Annex B of NPF4 sets out the various NDs and related Statements of Need. It explains that NDs are significant developments of national importance that will help to deliver the Spatial Strategy. It states (page 99) that:

"*The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes*".

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

5.3.4 Page 103 of NPF4 describes ND3 and it states:

"*This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.*

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation

s for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits. The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."

5.3.5 The location for ND3 is set out as being all of Scotland and in terms of need it is described as:

"*Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas*."

5.3.6 The designation of classes of development confirms that the Proposed Development is a National Development, being of a scale or type that otherwise would have been classified as major by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (b) *new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kV or more"*.

5.3.7 The Proposed Development will further the delivery of the national Spatial Strategy. The Strategy requires a "*large and rapid increase*" in electricity generation and the delivery of an enhanced transmission network to enable this. NPF4, (page 6) provides that "*we must make significant progress*" by 2030. This is also reflected within the NESO studies (2022 and 2024) for HND and follow up review, which identify the strategic transmission needs across GB and identify this project as required onshore and offshore transmission work that supports the large-scale delivery of electricity generated from offshore wind, taking electricity from where it is generated to where it is needed across GB.

National Planning Policy

5.3.8 Part 2 of NPF4 (page 36) addresses national planning policy by topic with reference to three themes formulated with the aim of delivering sustainable, liveable and productive places.

5.3.9 In terms of planning, development management and the application of the national level policies, NPF4 states:

"*The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies*".

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

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

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

- Policy 22: Flood risk and water management.

5.3.12 These policies are addressed below.

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

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

5.3.14 The Letter adds:

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

5.4 NPF4 Policy 1: Tackling the climate and nature crises

Policy 1 & Principles

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

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

5.4.3 This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker. Significant weight should therefore be attributed to the Proposed Development which provides an essential grid transmission infrastructure to enable transmission of renewable energy across the UK and is therefore considered to be consistent with the intent of Policy 1 and would make a positive contribution by helping to attain its outcome of net zero.

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

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

5.4.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight, but it is for the decision maker to decide if it is for or against the proposal. The Proposed Development's contribution is positive and therefore the significant weight in this case is in favour of the Proposed Development.

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

The application of Policy 1

5.4.7 Given the nature of the Proposed Development, being the provision of new and/or upgraded electricity transmission infrastructure to extend and reinforce the grid, it would make a valuable contribution in relation to targets for achieving net zero. It will directly further the policy intent and outcomes of Policy 1 and should be afforded significant positive weight in terms of tackling the climate and nature crises.

5.4.8 A further important point is the need to recognise that a clear threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is enabling grid connection and transmission of a substantive generation of consented and proposed renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "net zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

5.4.9 The Reporter's comments on this particular policy in the Sanquhar II Wind Farm Inquiry Report[14] are informative. At paragraph 2.48 of the Supplementary Report, the Reporter addresses NPF4 Policy 1 and states that:

"*tackling the nature crisis is required to be given significant weight alongside the climate crisis. There is no indication that one strand should be given greater priority over the other. That does not necessarily mean that an individual proposal must be shown to respond to both crises in equal measure, however. The two matters are also inextricably linked, with the nature crisis being, in part, exacerbated by climate change*."

5.4.10 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development and will be satisfied through the Applicant's commitment to a 10% net gain across all Proposed Developments. The approach to achieving this is set out within EIA Report Appendix 8.8 Biodiversity Net Gain Assessment Report , incorporating Annex C (BNG and Irreplaceable Habitat Offsite Strategy)

5.5 NPF4 Policy 11: Energy

Policy 11 & Principles

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

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

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

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

5.5.3 Policy 11 is in the following terms:

"a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;

*ii. enabling works**, such as grid transmission and distribution infrastructure**;*

iii. energy storage, such as battery storage and pumped storage hydro;

iv. small scale renewable energy generation technology;

v. solar arrays;

vi. proposals associated with negative emissions technologies and carbon capture; and

vii. proposals including co-location of these technologies.

b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.

c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.

e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:

i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;

ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;

iii. public access, including impact on long distance walking and cycling routes and scenic routes;

iv. impacts on aviation and defence interests including seismological recording;

v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;

vi. impacts on road traffic and on adjacent trunk roads, including during construction;

vii. impacts on historic environment;

viii. effects on hydrology, the water environment and flood risk;

ix. biodiversity including impacts on birds;

x. impacts on trees, woods and forests;

xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;

xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and

xiii. cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity". (emphasis added).

5.5.4 The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, through encouragement, promotion and facilitation, all of which the Proposed Development will help to deliver.

5.5.5 The wording of Policy 11 Paragraph (a)(ii) makes it clear that the policy supports new and replacement grid transmission and distribution infrastructure subject to appropriate approach to impact management via avoidance and mitigation.

The application of Policy 11

5.5.6 **Paragraph c) of Policy 11** requires socio-economic benefits to be maximised.

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

5.5.8 With regard to maximising socio-economic benefits, the Applicant has adopted 'Sustainable Procurement Code – Supplier Guidance' and this is relevant to take into account. The Supplier Guidance is applied to development projects that the Applicant progresses, and its principal purpose is to ensure that the Applicant's key values are supported, managed and where possible improved. In addition, the Applicant has produced a paper to support their projects in THC setting out their response to THC Social Value Charter for Renewables Investment (June 2024) and THC Community Wealth Building Strategy (September 2024).

5.5.9 The Code sets out various obligations on suppliers and contractors covering climate action and in relation to providing affordable clean energy. The Code also addresses environmental obligations and also sets out a clear commitment to *"decent work and economic growth"* (page 10). A key objective is to ensure that economic value is shared. Amongst the various specific obligations on the Applicant and suppliers is reference to local supply chains. In that regard, page 10 sets out that:

"*SSE has committed to being a global leader for a just energy transition to net zero, with a guarantee of fair work and commitment to paying fair tax and sharing economic value*".

5.5.10 Furthermore, within the obligations on suppliers and contractors are provisions that require the formation of "*constructive local relationships so that communities have the opportunity to directly benefit from significant capital investments… and to have measures in place to maximise opportunities for local people and businesses close to SSE sites and the wider region*".

5.5.11 A further obligation is that suppliers and contractors are expected to "*have in place education and employability programmes which promote the development of employee skills as well as local employment, including graduate programmes and apprenticeships*".

5.5.12 As regards Local Supply Chains *"SSE is committed to ensuring that real economic and social benefits flow to local businesses as a result of its investment in new energy infrastructure. It aims to promote sustainable domestic employment, increased local content and more competitive domestic supply chains. It does this through engagement with its suppliers as well as government regulators and trade unions".*

5.5.13 The related Supplier Guidance document sets out, with specific regard to local supply chains, that suppliers and contractors are:

- Required to have measures in place to maximise opportunities for local people, supply chains and economies surrounding SSE sites. There may be a requirement to provide evidence of site-specific plans to SSE; Encouraged to work closely with SSE to promote and support the development of competitive domestic and local supply chains;
- Required to provide details of spend with local suppliers and subcontractors, when requested by SSE ("local" is defined as either, within a 50-mile radius of the site or the Local Authority area, unless otherwise defined);
- Required to provide reporting of attributed spend with Small Medium Enterprises (SMEs).

5.5.14 Specific reference to both of the Codes and these obligations would be set out in any invitation to tender for construction works for the Proposed Development. Therefore, there is clear evidence that, beyond the capital spend for the project and the direct, indirect and induced employment and economic benefits that would result, the Applicant has policies and measures in place that seek to maximise the opportunity for socio-economic benefits as a result of the project.

5.5.15 It should also be noted that, under the terms of the Codes, appointed contractors are required to inform the Applicant of the supply chain engaged, within Highlands and indeed further afield.

5.5.16 Critically the provision of this new 400 kV OHL in this key area of renewable energy generation will ensure the delivery of the wider socio-economic benefits and commitments to be provided by enabling enhanced transmission of important renewable energy generation projects onshore and offshore, for Highland and Scotland.

5.5.17 In response to community wealth building The Applicant has adopted the Five Pillars of Community Wealth Building (CWB) as based on the Scottish Government's and THC approach to deliver a fairer, more equal society, these are: Inclusive Ownership, Spending, Workforce, Land and Property and Finance.

5.5.18 The Applicant launched a Community Benefit Fund in September 2024 with an initial value of £10 million. The fund is designed to support projects that create a positive impact on communities. It is anticipated that significant funding will be available through the fund to support local economic development, community and wellbeing economy projects. A Regional Fund has been created to support strategic projects focusing on the themes of 'People'. 'Place' and 'Alleviating Fuel Poverty'.

5.5.19 In addition, the Applicant published a housing strategy in relation to the delivery of the Pathway to 2030 projects (November 2024). The strategy focuses on capturing opportunities to create public benefit from the investment efficiently and with a strong balanced between cost and benefit. As a result, they are committed to creating housing legacies from worker accommodation investments associated with this and other ASTI projects.

5.5.20 **Paragraph d) of Policy 11** states that development proposals that impact on international and national designations "*will be assessed in relation to Policy* 4". Policy 4 also deals with impacts in relation to local landscape designations. Therefore, the matter of the impacts of the Proposed Development in relation to such national and local designations is examined further below with specific regard to the provisions of Policy 4. No significant effects such that the provisions of Policy 4 are compromised out with a localised level of effect are identified within assessments.

5.5.21 **Paragraph e) of Policy 11** states that project design and mitigation "will demonstrate how" impacts are addressed. These are listed in the quotation of the policy above and are addressed in turn below. For initial reference, however, it is instructive to note the Schedule of Mitigation at Chapter 19 of the EIA Report, which sets out how the relevant impacts are to be addressed (cross-referenced with the applicable EIA technical chapters).

Policy 11 (e) (i) - Impacts on Communities and Individual Dwellings

5.5.22 In addition to the LVIA, a separate Residential Visual Amenity Assessment ('RVAA') has been prepared which describes the extent to which the predicted changes in views, experienced by residents at the closest residential properties to the Proposed Development, will affect the 'living conditions'. The RVAA is provided in Volume 5, Appendix 7.11: Residential Visual Amenity Assessment within the EIA Report.

5.5.23 The RVAA has been undertaken for residential properties where the domestic curtilage falls within 225 m of the centre alignment of the Proposed Development. The assessment was undertaken in accordance with the Landscape Institute's Technical Guidance Note 02/19 (TGN02/19) Residential Visual Amenity Assessment and supported by wireframe visualisations and desk study. The visual amenity at each property was assessed for a potential breach in the Residential Visual Amenity Threshold. The assessment identified that although some significant adverse effects on the views and visual amenity from properties within proximity to the Proposed Development would arise, there would be no breaches of the Residential Visual Amenity Threshold.

Policy 11 (e) (i) - Noise

5.5.24 Chapter 15 of the EIA Report addresses the potential effects of the Proposed Development in relation to noise and vibration. The assessment has considered the potential noise effects that could arise during the construction and operational phases at the closest residential properties, referred to in the assessment as Noise Sensitive Receptors ('NSRs').

5.5.25 A detailed noise assessment was carried out to assess the effects of the works on any nearby residents, in line with BS 5228: Code of Practice for Noise and Vibration Control on Construction and Open Sites, a British Standard that provides guidance on how to predict, assess, and manage noise and vibration from construction activities.

5.5.26 Before any mitigation is applied, the assessment found that, if construction takes place in the evenings and weekends, significant noise effects (classified as major) could occur at several locations during certain activities, including:

- Tree felling, affecting 1 NSR;
- Tower assembly and erection, affecting 42 NSRs;
- Foundation works, affecting 49 NSRs;
- Civil/access works, affecting 56 NSRs; and
- Stringing of overhead lines, affecting 19 NSRs.

5.5.27 To reduce these impacts, a Construction Noise Management Plan ('CNMP') will be developed and implemented. This will include measures to limit noise levels, manage working hours, and reduce the duration of noisy activities. It is explained in the assessment that with these measures in place, the residual noise effects during construction are expected to be minor and not significant.

5.5.28 Impacts for potential vibration works have also been assessed and with appropriate mitigation all effects are assessed as being minor and not significant.

5.5.29 Once the Proposed Development is built and operational, predicted noise levels have been assessed, and the conclusion is that operational noise would be negligible and not significant.

5.5.30 Cumulative operational noise from nearby developments was also considered. Due to the low predicted operational noise of the Proposed Development and the distance to NSRs, cumulative operational noise has been assessed as negligible. However, the assessment highlights that the cumulative effects of construction noise should be considered where construction schedules of nearby developments overlap with the construction of the Proposed Development. This matter could be managed through the proposed CNMP.

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

Overview

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

Overview of Routeing & Mitigation

5.5.32 Chapter 4 of the EIA Report (The Routeing Process and Alternatives) provides detail on route and alignment selection and alternatives examined for the Proposed Development and explains how the proposed alignment was arrived at. It should be referred to for further detail.

5.5.33 The work undertaken by the Applicant during the route and alignment stages of the project in terms of iterative design, consultation, engagement with consultees, and detailed assessments on environmental and technical constraints and opportunities, has enabled a rigorous consideration of reasonable alternatives with respect to the Proposed Development to be undertaken.

5.5.34 It is explained in the EIA Report that the consideration of alternatives continued throughout the later stages of the design of the Proposed Development, with further consideration of tower positions and the siting of infrastructure such as access tracks. This was informed by detailed environmental and engineering information as it became available through fieldwork. In a number of areas, the design was modified where possible in response to assessment of stakeholder feedback, whilst meeting the technical requirements for the construction and operation of the Proposed Development, in often remote areas and challenging terrain. There was therefore a detailed consideration of alternatives process which resulted in appropriate project design and mitigation, as required by NPF4 Policy 11 e).

5.5.35 This section of the Planning Statement cross refers to summary information within the Landscape and Visual Impact Assessment ('LVIA') which is reported in Chapter 7 of the EIA Report.

5.5.36 The overall proposed alignment, from Spittal to Beauly, passes through a wide range of landscapes. A detailed description of the baseline landscape character for each Section of the Proposed Development is provided within the LVIA.

5.5.37 The Proposed Development would traverse two Special Landscape Areas ('SLAs'), the Flow Country and Berriedale Braes SLA and the Loch Fleet, Loch Brora and Glen Loth SLA. Consideration of the route options for the Proposed Development at the early stages of design has avoided passing through National Scenic Areas ('NSAs') and other SLAs.

Mitigation

5.5.38 Principal mitigation measures have been embedded in the design process and relate to the identification of a proposed alignment, to firstly avoid, and thereafter reduce as far as possible, landscape and visual effects. Chapter 4 of the EIA Report provides further explanation of the routeing and alignment processes and the mitigation hierarchy that has been applied.

5.5.39 The requirement for, and location of permanent tracks has also been carefully reviewed, and these have been limited, where possible, to the minimum required for long term maintenance.

5.5.40 The key Design Mitigation to be applied during construction can be summarised as:

- Minimising land clearance / vegetation removal as far as possible;
- Protection of existing features such as field boundaries;
- Maintaining the Proposed Development site in a tidy and contained condition;
- Controlling construction lighting (construction works would be focused within daytime periods only wherever possible, recognising in winter daylight is lost earlier, and some element of lighting may be required to ensure full working hours);
- Use of existing tracks where possible;
- Utilise temporary access tracks where ground conditions allow; and
- Removal of the construction compounds and all temporary construction materials would be undertaken after construction works are completed.

5.5.41 Design mitigation during the operational phase primarily relates to the gradual re-establishment of any disturbed ground cover along the Proposed Development. The reinstatement would focus on native moorland where appropriate, replanting of areas of woodland, reflecting the local ground conditions and landscape character, ensuring a natural context to the proposed built form, and also providing ecological habitat to the locality.

5.5.42 The LVIA also takes into account the likely benefits of general mitigation measures concerning the use of good practice construction and restoration techniques, which would be applied during the construction and re-instatement phases of the Proposed Development. While the mitigation of impacts on landscape and visual receptors has been partially achieved through consideration of the routeing of the Proposed Development, some significant adverse effects on landscape and visual receptors would be inevitable.

5.5.43 Furthermore, a key assumption made is that following completion of the construction phase, re-stocking and replanting of areas of woodland would be likely to occur. This planting would be likely to reduce the visibility of the Proposed Development in some instances and over time reduce the residual effects on both landscape and visual receptors.

Landscape Character

5.5.44 The Proposed Development, passes through a wide range of landscape characterised by mountain glens, inland and coastal loch-shores, and moorland, interspersed with areas of forest and settled croftland and glens.

5.5.45 Direct effects on Landscape Character Types (‘LCTs’) would arise as a result of the Proposed Development. These effects would result largely from the addition of the proposed steel lattice towers, which would constitute new vertical features within the local landscape.

5.5.46 It is explained in the LVIA that the effects of greatest magnitude would largely remain focused within localised distances of up to 700-900 m of the Proposed Development, or less, depending on localised screening. At greater distances across the LCTs the influence would reduce, and the effects would reduce in significance across the wider LCTs.

Designated Landscapes

5.5.47 The Dornoch Firth NSA is located approximately 4.5 km south-east of the Proposed Development within Section C. This encompasses the linear landscape along the Firth, which is enclosed by rounded hills with a ground cover consisting primarily of heather moor and scree. The lower slopes incorporate areas of woodland and plantation forestry, as well as areas of pasture and arable farmland. The coastal landscape is characterised by a series of bays, sandy beaches, flats, shallows and promontories.

5.5.48 The Glen Strathfarrar NSA is located approximately 7.9 km south-west of the Proposed Development within Section E. This encompasses a long, steep-sided glen, extending east-west and focused on Loch Beannacharan and the River Farrar. The strath drops eastwards, from high mountains to the west, towards the Culligran Falls and lower strath in the east. The glen sides incorporate extensive natural pine woodland.

5.5.49 There would be no significant effects on the special qualities of NSAs or in relation to the integrity of the designations.

5.5.50 As noted, the Proposed Development traverses two SLAs, the Flow Country and Berriedale Braes SLA and the Loch Fleet, Loch Brora and Glen Loth SLA.

5.5.51 The Proposed Development would result in direct effects on the special qualities of the Flow Country and Berriedale Braes SLA and the Loch Fleet, Loch Brora and Glen Loth SLA. It is explained in the assessment that effects on the Flow Country and Berriedale Braes SLA would be relatively localised and occur predominantly on the rolling hills between the peatlands and the coastal shelf. Effects on the Loch Fleet, Loch Brora and Glen Loth SLA would be more pronounced in upland areas and in the north of the SLA. Where viewed, the Proposed Development would reduce the perceived wildness and tranquillity of the interior hills and Glen Loth. While significant effects on both SLAs would arise as a result of the Proposed Development, the overall integrity of the designations would not be compromised.

5.5.52 The Proposed Development would not significantly affect any Wild Land Areas ('WLA'), predominantly as a result of embedded design at the routeing stage.

Visual Effects

5.5.53 The Proposed Development would result in significant adverse effects on the views and visual amenity of residents living in close proximity to the route of the overhead line in addition to views and visual amenity of road users, and users of core paths.

5.5.54 Notable locations where adverse effects would occur in the wider landscape context include receptors in the vicinity of the Proposed Development in the northern length of the OHL (Section A: Spittal to Brora) and the southern lengths (Sections D: Dounie to near Strathpeffer and Section E: near Strathpeffer to Beauly). Adverse effects on views and visual amenity in Section A coincide with the open moorland landscapes where there are limited screening elements, and in the south due to the higher density of settlements and transport / recreational routes.

The LVIA is supported by 94 visualisations (as set out in the EIA Report) that illustrate the predicted appearance of the Proposed Development during operation once landscape reinstatement of disturbed areas has been assumed to be fully established. The locations of the visualisations have been established through consultation with THC and NatureScot.

A separate Residential Visual Amenity Assessment (RVAA) has been completed to identify if the effect of the Proposed Development on Residential Visual Amenity may affect 'living conditions' or residential amenity. It is concluded that the views of the Proposed Development would not be so dominant as to breach the residential visual amenity threshold.

Cumulative

5.5.55 The assessment of the potential cumulative landscape and visual effects resulting from the Proposed Development, in combination with related projects and 'third party' energy

generation / transmission projects, has concluded that the Proposed Development would be likely to give rise to significant adverse effects on both landscape and visual receptors.

Landscape and Visual Considerations, by Section

5.5.56 A summary of the key landscape and visual effects arising in each Section, as assessed in detail in the EIA Report, Chapter 7 (Appendices 7.5-7.9), is set out below:

Section A: Spittal to Brora

5.5.57 Between Spittal and Brora the Proposed Development would traverse a diverse range of landscapes. From the north to the south, the Proposed Development runs from Spittal across broad peatland landscapes following the route of the existing 132 kV line towards Latheronwheel and then extends south-west across the rolling moorland hills above the coastal shelf between Dunbeath and Beinn Lunndaidh.

5.5.58 The extent of views across the landscape reflects the change in landform, the openness of the landscape in the north affording expansive views across the Flow Country west of the A9(T) and the Proposed Development to the east, views becoming confined where the landscape exhibits a greater sense of enclosure and becomes more undulating in nature. Built form and settlement is largely limited to scattered individual properties close to road infrastructure in the north and to the coastal shelf and narrow glens in the south.

5.5.59 A summary of the landscape and visual effects for Section A is set out in **Table 5.1** below.

Table 5.1: Section A, Spittal to Brora: Summary Landscape & Visual Effects

Section A: Spittal to Brora	
Landscape Character	*Construction* Temporary localised significant effects on five Landscape Character Types ('LCTs') during construction namely: LCT134 Sweeping Moorland Flows, LCT 135 Rounded Hills – Caithness and Sutherland, LCT 142 Strath-Caithness and Sutherland, LCT 143 Farmed Lowland Plain, PCT 144 Coastal Crofts and Small Farms. The effects of greatest magnitude would largely remain focussed within distances within 700-900 m of the Proposed Development depending on localised screening and be localised in nature. *Operation* Post construction and on re-establishment of vegetation, localised significant effects continue on the same five LCTs based upon the addition of the proposed steel lattice towers representing new vertical features within the local landscape. Key effects would remain focused within 700-900 m or less based on localised screening. At greater distances the influence and significance would reduce.
Landscape Designations	The assessment concludes that there would be no significant effects on the key attributes and qualities of the Ben Klibreck - Armine Forest WLA however there would be direct localised effects on land falling within the southern extents of the Causeymire - Knockfin Flows WLA, close to the coastal fringe where the Proposed Development passes through the WLA for approximately 3.5 km south-west of Ousdale. There would be no effects on the vast peatlands to the north of the alignment which make up the majority of the land falling within the WLA boundary. Significant adverse effects are predicted on the special qualities of both the Flow Country and Berriedale Braes SLA and the Loch Fleet, Loch Brora and Glen Loth SLA. The effects on the Flow Country and Berriedale Braes SLA would be relatively localised and occur on the rolling hills between the peatlands and the coastal shelf (the Proposed Development

	is largely located outside this SLA but passes through in the region of the Berriedale Coast, for a distance of approximately 5.6 km). Effects on the Loch Fleet, Loch Brora and Glen Loth SLA, where the route transects the SLA for approximately 15.6 km, would be more pronounced in upland areas and in the north of the SLA, where the perception would be that the wilderness and tranquillity of the interior hills and Glen Loth would be reduced.
Visual Effects	Significant adverse effects were identified for thirteen residential properties/receptor groupings located in close proximity of the Proposed Development. Significant effects are also applicable to localised sections of four recreational routes (core paths) and the Berriedale Braes viewpoint and the summit of Creag Thoraraidh. Significant effects on views from localised sections of three transport routes comprising the B870 and the A897 and the Far North Railway Line (via Helmsdale) are predicted.
Cumulative Effects	Significant localised landscape and visual effects are predicted as a result of Section A in combination with Section B and other unrelated works (mainly wind farms). Landscape Character – significant localised cumulative effects on LCT134, 135 and 142. Landscape Designations – Significant cumulative effects on the locally designated, Loch Fleet, Loch Brora and Glen Loth SLA as a result of Section A and B in combination. Visual Effects – significant localised effects at Lydias House, Toftingall Farm, and at farmsteads and cottages along the A9(T).

Section B: Brora to Loch Buidhe

5.5.60 Between Brora and Loch Buidhe the Proposed Development would extend from the hills north of Brora in the east, to Loch Buidhe in the west. The section traverses LCTs relating to strath and upland landscapes, exhibiting a distinct contrast between the vast open moorlands and the incised valleys of the lochs and river catchments through which it passes. The moorlands are sparsely settled with limited access and are often associated with sheep grazing, shooting estates and/or windfarm developments. This contrasts with the river valleys and coastal areas with which settlements (for example Brora) and transportation links (for example the A9(T)) are largely concentrated. To the east the coastal plain includes the river estuaries and large areas of managed farmland interspersed by larger coastal settlements.

5.5.61 A summary of the landscape and visual effects for Section B is set out in **Table 5.2** below.

Table 5.2: Section B, Brora to Loch Buidhe: Summary Landscape & Visual Effects

Section B: Brora to Loch Buidhe	
Landscape Character	*Construction* Temporary significant effects on localised parts of two LCTs (LCT 135 Rounded Hills – Caithness and Sutherland and LCT 142 Strath – Caithness and Sutherland) are predicted. These temporary effects would be focused within 1 km within LCT142 and within 2 km in LCT135 and would remain localised. *Operation* On completion and establishment of vegetation significant effects would remain upon localised parts of the LCTs based upon the addition of steel

	lattice towers introducing new vertical features within the local landscape. Effects would remain focused within 1 km within the valleys, and within 2 km on the moorland. At greater distances effects would reduce and significance would fall.
Landscape Designations	No significant effects on landscape designations are predicted.
Visual Effects	Significant adverse effects for eight residential properties/receptor groupings located in close proximity of the Proposed Development are predicted during construction and operation. Significant effects on localised sections of six recreational Core Path routes and on the Duke of Sutherland Monument are also predicted along with significant effects on views from localised section of five transport routes comprising the Far North Rail Line, minor roads within the valleys and the A839.
Cumulative Effects	Significant effects on localised parts of the landscape and select visual receptors as a result of Section B in-combination with Sections A and C of the Proposed Development, related works, and / or other proposed unrelated developments.

Section C: Loch Buidhe to Dounie

5.5.62 Between Loch Buidhe and Dounie the Proposed Development would extend in an arc through the uplands to the west of the Dornoch Firth. The hill summits and plateaux are characterised by open swathes of moorland and large areas of forestry. Built form and settlement is limited to very localised areas, coinciding with the lower-lying straths that extend through the hills. Within these sheltered river valleys, the landscape exhibits a greater sense of enclosure. The water courses extending along the strath floor form a key focal point, typically abutted by areas of wetland and rough pasture, as well as parcels of woodland and localised tree cover.

5.5.63 A summary of the landscape and visual effects for Section C is set out in **Table 5.3** below.

Table 5.3: Section C, Loch Buidhe to Dounie: Summary Landscape & Visual Effects

Section B: Loch Buidhe to Dounie	
Landscape Character	*Construction* Temporary significant effects on localised parts of LCT 135 – Rounded Hills – Caithness & Sutherland LCT and LCT 142 – Strath – Caithness and Sutherland LCT, during construction. The effects would be based on a focussed corridor of construction activity. These temporary effects would however be primarily localised within 600-700 m, and 700-800 m of the Proposed Development. *Operation* On completion of construction and re-establishment of vegetation, there would continue to be significant effects on localised parts of the two LCTs based upon the effects of the addition of the steel lattice towers introducing new vertical features within the local landscape. Key effects would remain localised within 600-700 m and 700-800 m respectively. At greater distances the influence of the Proposed Development would reduce, and no significant effects are predicted

Landscape Designations	There would be no significant effects on the character of Special Qualities of the Dornoch Firth NSA, Rhiddoroch – Beinn Dearg – Ben Wyvis WLA, or the Fannichs, Beinn Dearg and Glencalvie SLA.
Visual Effects	Significant adverse visual effects are identified for four residential properties within close proximity of the Proposed Development, and at the settlement of Culrain. There would also be significant effects applicable on localised sections of seven recreational routes (the Inverness to John O'Groats National Cycle Trail and six Core Paths), and three locations (Carbisdale Castle, The Scap and Dounie Estate). In terms of road/rail users there would be significant effects on views from localised sections of four transport routes comprising the Far North Rail Line, A836, A837 and the Culrain – Inveroykel Minor Road.
Cumulative Effects	Significant cumulative effects on localised parts of the landscape and select visual receptors as a result of Section C, in combination with the other parts of the Proposed Development (Sections B and D), Associated Development, and / or other proposed unrelated developments. In terms of landscape character, the LVIA has identified there would be significant cumulative effects to three LCTs (LCT135, 142 and 139 (Rugged Mountain Massif – Caithness & Sutherland) at a localised level. Significant cumulative effects to a very localised part of the Rhiddoroch-Beinn Dearg-Ben Wyvis WLA are identified, focused on the north-eastern edge of the asset, due to the scoping-stage Creachan Wind Farm, in combination with parts of Section D of the proposed Development. The effects would diminish across the wider WLA and are not assessed as significant beyond a local level. As regards visual effects, significant cumulative effects would be applicable to localised sections of three recreational routes (RC-10. 13 and 15) and on minor road (RG-6 Cadh' an Tain Road). There would be localised significant effects on views from the long-distance Far North Rail Line, based on sequential cumulative views of Section B and C from spatially separate sections of the line, albeit effects would be very limited along the majority of the route. Significant effects would also be applicable to one outdoor location at Dounie Estate.

Section D: Dounie to near Strathpeffer

5.5.64 Between Dounie and near to Strathpeffer the Proposed Development would extend north-south across the rolling landform between Strathcarron in the north (where it adjoins Section C) and Strathconon in the south (where it adjoins Section E). The local landscape comprises a series of slopes and summits that are characterised by open swathes of moorland and large areas of forestry. In addition, the alignment extends across a number of enclosed river valleys and wider straths, including Glen Glass. Built form and settlement is limited and predominantly focused across the lower-lying agricultural landscape to the east. In addition, there are localised elements of large-scale infrastructure in the landscape baseline, including Novar Wind Farm to the west of the Section D alignment, and Beinn Tharsuinn Wind Farm to the east, as well as a number of existing OHLs.

5.5.65 A summary of the landscape and visual effects for Section D is set out in **Table 5.4** below.

Table 5.4: Section D, Dounie to near Strathpeffer: Summary Landscape & Visual Effects

Section D: Dounie to near Strathpeffer

Landscape Character	*Construction* There will be temporary significant effect on localised parts of six LCTs during construction namely: LCT 135 – Rounded Hills – Caithness & Sutherland LCT 142- Strath – Caithness & Sutherland LCT 139 – Rugged Mountain Massif – Caithness & Sutherland LCT 330 – Rounded Hills and Moorland Slopes – Ross & Cromarty; LCT 341 – Forest Edge Farming; and LCT 329 – Rounded Mountain Massif. In all cases the effects would focus upon the construction corridor and would be localised in nature within 800 m of the Proposed Development (or less, where contained by adjoining tree cover). *Operation* On completion and re-establishment of vegetation, there would continue to be significant effects on localised parts of the same LCT based upon the effects of introducing new vertical features within the local landscape. The effects would remain locally focused within 800 m reducing within the wider context to non-significant.
Landscape Designations	The landscape assessment has concluded as regards landscape designations that there would be very localised significant effects on the outer-eastern most edge of the Rhiddoroch-Beinn Dearg–Ben Wyvis WLA, where Section D extends within the nearby landscape within 450 m to the east of the WLA. This accounts for an area of approximately 250 ha within the WLA that encompasses a total landmass of 90,466 ha (less than 0.3% of the WLA. The effects would diminish steadily across western parts of the WLA and would not be significant overall.
Visual Effects	Likely significant effects were identified for seven residential properties / receptor groupings (within 500 m of the Proposed Development). There would be no significant effects on views from settlements due to their spatial separation from the Proposed Development and / or intervening screening due to landform and tree cover. There would also be significant effects applicable to localised sections of three recreational routes (RD-12, RD-19 and RD-22) and one outdoor (OD-03 Dounie Estate). In terms of road users there would be significant effects on localised sections of two minor roads (RD-01 and RD-02) which would extend directly under the Proposed Development.
Cumulative Effects	The LVIA has identified that there would be likely significant effects on localised parts of the landscape and select visual receptors as a result of Section D of the Proposed Development, in combination with Sections C and E, related works, and / or other proposed unrelated developments. In terms of landscape character the LVIA identified significant cumulative effects on 11 LCTs at a local level. In terms of landscape designations, there would be significant cumulative effects to a very localised part of the Rhiddoroch-Beinn Dearg-Ben Wyvis WLA. There would be focused on the north-eastern edge due to the scoping-stage Creachan Wind Farm, the southern edge, due to the scoping stage Carn Fearna Wind Farm, and on the outer eastern edge based on views of the Proposed Abhainn Dubh Wind Farm in combination with parts of the Section D alignment. These effects would diminish across the wider WLA and would not be significant across other parts, including

	the more remote interior. Across the majority of the WLA therefore there would be no significant cumulative effects. Very localised significant cumulative effects are also identified for parts of the Ben Wyvis SLA. These would be focused on the southern edge due to the Scoping Stage Carn Fearna Wind Farm, and the eastern edge due to the proposed Abhainn Dubh Wind Farm. Visually, significant cumulative effects would be applicable to a localised section of one minor road, ten recreational paths and two outdoor locations (Strathpeffer Golf Course and Dounie Estate).

Section E: near Strathpeffer to Beauly

5.5.66 Between Strathpeffer and Beauly, the Proposed Development would be located inland from the Beauly Firth, extending from Strathconon in the north, to Fanellan in the south. The landscape is characterised by areas of farmland within the lower-lying strath at the northern end of the alignment, which transitions to areas of forestry on the adjoining slopes, and areas of open moorland across the more elevated plateau further south.

5.5.67 At its southern end, the Section E alignment transitions back down towards lower-lying farmland, through areas of forestry and woodland. Built form comprises scattered dwellings and farmsteads within lower-lying areas, as well as localised infrastructure elements on the elevated hillsides and summits, including transmission masts and wind turbines. In addition, existing 132 kV OHLs extend through the local landscape at the southern end of Section E.

5.5.68 A summary of the landscape and visual effects for Section E is set out in **Table 5.5** below.

Table 5.5: Section E, near Strathpeffer to Beauly: Summary Landscape & Visual Effects

Section E: near Strathpeffer to Beauly	
Landscape Character	*Construction* Temporary significant effects on localised part of ten LCTs during construction are predicted. There are: LCT 330 – Rounded Hills and Moorland Slopes – Ross & Cromarty; LCT 335 – Wooded Glens and Rocky Moorland; LCT 341 – Forest Edge Farming; LCT 345 – Farmed and Forested Slopes – Ross & Cromarty; LCT 346 – Open Farmed Slopes; LCT 342 – Farmed River Plains; LCT 331 – Rounded Rocky Hils - Ross & Cromarty; LCT 220 – Rugged Massif – Inverness; LCT 227 - Farmed Strath – Inverness; and LCT 229 – Enclosed Farmland. In all cases effects would be based on a focused corridor of activity and temporary effects would be localised to 800-900 m from the Proposed Development, or less, particularly where there is adjoining tree cover. *Operation* Effects would continue to be localised based upon the addition of new vertical features to the landscape in the form of the steel lattice towers.

	The key effects would remain locally focused within 800-900 m of the Proposed Development or less based on localised screening. At greater distances the influence would reduce and effects would not be significant.
Landscape Designations	The landscape assessment has concluded there would be no significant effects upon the character of Special Qualities of the Rhiddoroch – Beinn Dearg – Ben Wyvis WLA, Central Highlands WLA, Glen Strathfarrar NSA or Ben Wyvis SLA. There would be no effects on the Strathconan, Monar and Mullardoch SLA.
Visual Effects	During construction likely significant adverse effects were identified for four settlement and 19 residential properties / receptor groupings within close proximity of the Proposed Development. For road and rail users, there would be significant effects on localised sections of three A roads (A834, A835 and A 831), one rail link (the Dingwall to Kyle of Lochalsh Rail Link) and three minor roads. There would also be significant effects on 14 recreational routes (RE-11 Orrin Dam Track, RE12- Mains of Coul, RE-13 Kinellan link path, RE-14 Kinellan lin path, RE-15 Orrin circular – Fairburn, RE-16 – View Rock, RE-17 – Strathpeffer, RE-18, Ord Wood west, RE-19 Contin Island, RE-22 Ord Hill, RE-24 Gold course – Ord Wood east, RE-25 Blackmuir Woods – maze circular, RE-28 Ardival – Catsback – Loch Ussie, RE-32 Strathpeffer Walking and Cycling Routes, RE-33 Strathpeffer Walking and Cycling Routes (North of Strathpeffer Golf Course) and five outdoor locations (OE01 Coul House Hotel, OE-02 Falls of Orrin, OE-03 Fairburn Activity Centre, OE-04 Fairburn Tower, OE-05 Strathpeffer Golf Course,.
Cumulative Effects	Likely significant effects on localised parts of the landscape and select visual receptors as a result of Section E, in combination with other parts of the Proposed Development (Section D), related works, and / or other proposed unrelated developments are predicted. In terms of LCT there would be cumulative effect, on a local level, on the eight LCTs, namely: LCT 330, 335, 341, 345, 346, 342, 331 and 339. In terms of landscape designations, the LVIA has identified that there would be likely significant cumulative effects applicable to very localised parts of the Rhiddoroch-Beinn Dearg-Ben Wyvis WLA. These effects would be focused on the southern edge due to the scoping stage Carn Fearna Wind Farm, and on the outer-most eastern edge based on views to the proposed Abhainn Dubh Wind Farm as well as parts of the Section D alignment outside the Section E Study Area. These effects would diminish across the wider WLA and would not be significant across other parts, including the more remote interior. As such, across the majority of the WLA, the effects would not be significant. There would also be significant cumulative effects to very localised parts of the Ben Wyvis SLA. These would be focused on the southern edge due to the scoping-stage Carn Fearna Wind Farm and the eastern edge fur to the proposed Abhainn Dubh Wind Farm. Cumulative visual effects would be applicable to Strathpeffer, sections of seven recreational paths and to Strathpeffer Golf Course.

5.5.69 Based on the assessments as summarised above, for all sections the significant landscape and visual effects that would arise would be localised and are therefore considered to be acceptable.

Policy 11(e)(iii) - Public Access

5.5.70 The potential effects of the Proposed Development on public access have been assessed within Chapter 16 (Tourism and Recreation) of the EIA Report. The study area assessed for

effects arising from impacts such as loss of land or assets or diversion of recreational routes is the land within the Proposed development Limits of Deviation (LoD) for the proposed OHL and associated access tracks. The study area for in-combination effects on amenity and access is 5 km from the Proposed Development's LoD.

5.5.71 Although tourism is not a specific consideration in Policy 11, the assessment concluded that the effect on the availability, accessibility and amenity of tourist and recreational assets during construction for Sections A, B, C and D, would be minor adverse and therefore not significant. In addition, the assessment concluded that the effect on changes in demand for tourism accommodation would only be minor adverse, and not significant.

5.5.72 In Section E, the effect during construction for the EIA study area as a whole is assessed as minor adverse. In the Strathpeffer and Contin area, where there is a concentration of tourist and recreational receptor, and a number of direct and indirect impacts on receptors including the core path network, it is assessed as moderate adverse and therefore significant. However, mitigation including measures to be set out in an agreed Construction Method Statement, and through continued engagement with THC and other relevant stakeholders, would reduce the magnitude of the impact, resulting in a minor adverse effect that is not significant.

5.5.73 The tourism and recreation assessment also considered the cumulative effects on tourism and recreation activity within the EIA study area from the interaction of effects identified in the LVIA, traffic and transport, and noise and vibration assessments. The assessment also considered the cumulative effects of the Proposed Development in combination with other developments and considered that no significant cumulative effects are anticipated.

5.5.74 It is not expected that there would be any significant effects on tourism and recreation once the Proposed Development is in operation. It should be noted that NPF4 Policy 30 Tourism relates to proposals for new tourism and not impacts of proposed developments on tourism and is not therefore relevant to the assessment for the Proposed Development.

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

5.5.75 The Proposed Development will not give rise to any negative effects on the topics of aviation, defence and telecommunications. Whilst the detailed assessment of these topics was scoped out of the EIA, the Application has held detailed discussions with the Ministry of Defence (MOD) and Telecoms Operators to confirm that potential impacts on telecoms masts, including those for emergency services have been considered and built into the design including consideration of line of sight on masts along the A9 to ensure no interference would arise.

5.5.76 In addition, an Aviation Impact Assessment has been completed for the northern and southern sections of the alignment, and no significant effects arise.

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

5.5.77 The effects of the Proposed Development on road traffic and transport effects have been undertaken. Chapter 14 of the EIA Report provides an assessment of the potential effects of construction on the surrounding public road network and sensitive receptors.

5.5.78 The additional traffic due to construction would result in temporary and short-term increase in traffic flows on the surrounding network. The construction traffic would comprise staff in private cars and Light Goods Vehicles (LGVs) and also Heavy Goods Vehicles (HGVs) carrying construction materials and plant equipment. There is no requirement for abnormal loads associated with the Proposed Development.

5.5.79 The assessment identified a moderate to major effect for severance of communities, non-motorised user amenity and delay - on and by road users - at a number of sensitive receptors within the traffic and transport Study Area prior to the implementation of mitigation measures.

5.5.80 Mitigation measures are proposed along with impact avoidance measures to minimise short-term traffic impacts during construction and of other developments acting cumulatively. It is

considered that with the implementation of mitigation the residual effects reduce to minor or negligible and not significant.

5.5.81 Mitigation measures are proposed for adoption within a final Construction Traffic Management Plan ('CTMP') which would be agreed with Transport Scotland and THC.

Policy 11(e)(vii) - Historic Environment

5.5.82 Chapter 12 of the EIA Report addresses the potential effects of the Proposed Development in relation to cultural heritage assets. It sets out that within the overall cultural heritage study area, some 5,014 cultural heritage designated and non-designated assets have been identified and 1,296 were added to the project gazetteer for assessment. These were the assets which were identified as being potentially susceptible to impacts from the Proposed Development either physically (as a result of direct impact) or as a result of changes to the setting of the assets.

5.5.83 The assessment identifies that overall the Proposed Development has the potential to result in significant adverse effects in relation to 76 cultural heritage assets. Of these, there is potential for direct (physical) impact on 31 non-designated cultural heritage assets and on Garden and Designed Landscape (GDL).

5.5.84 For the remaining 44 designated assets, the significant effects are a result of adverse changes to the setting of the heritage assets. The majority of these (43) would relate to Scheduled Monuments, and one would relate to a category B Listed Building. The assessment identifies that of the 44 significant adverse effects on setting of designated heritage assets, only one of these impacts has the potential to result in a significant adverse effect on the integrity of the setting of an asset. This is in relation to the Balnacrae Cairn (SM2396) which is located within Section D of the route.

5.5.85 The assessment also identifies a detailed framework mitigation approach which sets out the proposed mitigation design to be implemented, and which the Applicant anticipates would be secured by way of planning condition. A more detailed policy appraisal of the Proposed Development is set out below in the context of NPF4 Policy 7 (Historic assets and places).

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

5.5.86 Chapter 10 of the EIA Report presents the appraisal of potential effects on the water environment resulting from the Proposed Development.

5.5.87 The assessment includes consideration of potential effects on Drinking Water Protected Areas (DWPAs) and private water supplies ('PWS') and on habitats which could be sustained by groundwater (Groundwater Dependent Terrestrial Ecosystems ('GWDTE')).

5.5.88 The Proposed Development has implemented the Scottish Environmental Protection Agency ('SEPA's') recommended riparian corridor when considering buffers for water features. There are limited locations where due to engineering constraints, it has not been possible to maintain watercourse buffers and in these locations additional safeguards are required and would be provided.

5.5.89 In light of the commitment to adopt best practice construction techniques and mitigation, and a project specific detailed CEMP, no significant adverse effects on the water environment have been identified. The CEMP will include provision for drainage management plans which will be agreed with statutory consultees, including SEPA, and which will be used to safeguard water resources and manage flood risk.

5.5.90 A commitment to deploy Sustainable Drainage Systems ('SuDs') has been made in the EIA Report. The CEMP will also include provision of a Pollution Prevention Plan ('PPP') which would be agreed with statutory consultees, including SEPA, prior to commencement of construction or dismantling works.

5.5.91 A programme of baseline and construction phase water quality monitoring is proposed in order to confirm that the Proposed Development does not have a significant effect on the

water environment. The monitoring programme would be used to ensure PWS, DWPAs and water-dependent designated sites are safeguarded.

5.5.92 Further consideration of how the Proposed Development complies with NPF4 Policy 22, Flood Risk and Water Management is provided below.

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

5.5.93 An assessment of the likely effects of construction and operation on geology, peat and soils (the geological environment) is presented in Chapter 11 of the EIA Report.

5.5.94 The design of the Proposed Development has been informed by a detailed programme of peat depth probing as required by NPF4 Policy 5 (Soils) and more detail with regard to Policy 5 is provided in Section 5.8 below. It is explained in the EIA Report that the Proposed Development has been designed to avoid areas of significant deep peat as much as possible. The assessment of peat and carbon rich soils has considered all proposed infrastructure and potential associated effects.

5.5.95 The assessment has concluded that with regard to soils (including peat) and geology, that the potential effect of the Proposed Development on the Caithness and Sutherland Peatlands (SAC, Ramsar, SPA) and Shielton Peatlands (SSSI, SPA, Ramsar, SAC),- that together form part of the Flow Country World Heritage Site ('FCWHS') – in addition to the Dunbeath Water (SSSI) and Banniskirk Quarry (SSSI) in Section A would be minor and not significant..

5.5.96 In addition, the assessment concluded that the potential effect of the Proposed Development on the Strathfleet (SSSI) and Aberscross Burn to Kinnauld (GCR) in Section B would also be minor and not significant.

5.5.97 The potential effects of the Proposed Development on the geological environment have therefore been assessed as not significant in relation to the disturbance of deep peat, loss and compaction of peat and soils, the impact on solid geology, geological designations and contaminated land across all sections.

5.5.98 In addition, the impact on peat stability is considered not significant in Sections A, C, D and E. The assessment acknowledges there is a known historical peat slide area in Section B, therefore a conservative approach has been adopted. It explains that even with additional mitigation, the risk of further peat instability in this Section is considered to have a moderate residual significant effect due to the sensitivity of the peatland and the nature of the terrain. This will be reassessed through visual inspections before, during and after construction, especially following periods of heavy rainfall to identify any potential slope stability risks. A Peat Landslide Hazard Risk Assessment ('PLHRA') is submitted in support of the application for consent and will be updated throughout the project.

5.5.99 Furthermore, when considered alongside other nearby developments, the combined cumulative effects on geology, soils, and peat are expected to be minor during construction and negligible during operation, and therefore not significant overall.

5.5.100 In light of the commitments to adopt best practice construction techniques and a site-specific CEMP, no significant adverse effects on the geological environment have been identified within the construction phase. In addition, during the operational phase, no significant effects on the geological environment are expected, and the overall impact is considered to be negligible.

5.5.101 For Section B a residual effect of moderate remains as regards peat stability due to the presence of a known historical peat slide. The risk will be reviewed further and design for construction will include the mitigation required in areas of moderate to high risk of peat instability. Due to the presence of a high-risk rating zone in Section B, the residual effect is significant per the EIA Regulations.

The Flow Country World Heritage Site

5.5.102 The FCWHS was inscribed on the World Heritage List to the United Nations Educational, Scientific and Cultural Organisation ('UNESCO') in July 2024.

5.5.103 An additional impact assessment of the Proposed Development on the FCWHS has been undertaken and is set out in Chapter 8 (Ecology and Nature Conservation) of the EIA Report and in Appendix 8.10 (WHS Appraisal) of the EIA Report.

5.5.104 The assessment acknowledges that the FCWHS represents an outstanding example of an actively accumulating blanket bog landscape, whose integrity is tied to the intactness of the features integral to the globally significant ecosystem.

5.5.105 Within the boundary of the FCWHS, the Proposed Development will comprise the installation and operation of 7.6 km of new double circuit 400 kV Overhead Line (OHL) on steel lattice towers and ancillary development and associated works required to facilitate its construction and operation.

5.5.106 This assessment has considered the potential direct, indirect, and cumulative impacts of the Proposed Development on the FCWHS, including effects to its wider setting. A total of 60.87 ha of blanket bog habitat in the WHS is predicted to be impacted by the Proposed Development, amounting to 0.033% of the total areas of the WHS. Of this, 13.24 ha (21.8%) is from the permanent infrastructure impacts (amounting to 0.007% of the total rea of the WHS). The majority of the impacts, 47.63 ha (78.25%) are from temporary infrastructure impacts (amounting to 0.025% of the total area of the WHS).

5.5.107 As explained in the assessment presented as part of the EIA Report, the offsetting of impacts is deemed by UNESCO to be inappropriate in a World Heritage context. SSEN has therefore employed the mitigation hierarchy to avoid, minimise and restore, through first avoiding impacts (mitigation by design), and secondly establishing embedded mitigation, which includes the restoration of habitats. With the application of these mitigation measures, and given the extent of the FCWHS, the Proposed Development is not predicted to disrupt the primary ecological processes that sustain the attributes that convey Outstanding Universal Value ('OUV'). The assessment concludes that no adverse effect on the OUV of the FCWHS is predicted.

5.5.108 As a result, it is concluded in the EIA Report that there would be no significant adverse effects as a result of the Proposed Development on the attributes that convey OUV or integrity of the FCWHS, either alone or in combination with other projects.

5.5.109 In addition to embedded mitigation, the Applicant is strongly committed to finding and enacting enhancement opportunities within the WHS to deliver positive restoration for blanket bog habitat.

Policy 11(e)(ix) - Biodiversity

5.5.110 Chapters 8 and 9 of the EIA Report present the assessments of the potential effects on ecology and ornithology as a result of the Proposed Development.

Ecology

5.5.111 The Proposed Development has been designed to minimise impacts on designated sites, important habitats, peatland and protected species as far as practicable. This has been achieved through embedded mitigation and an iterative design process. Further commitments to specific mitigation measures during all stages of development from pre-construction through to operation, have enabled potential effects on habitats and species present to be assessed as not significant. A schedule of mitigation is provided in Chapter 19 of the EIA Report.

5.5.112 Seventeen sites designated for non-avian ecological features were identified as having the potential for impact by the Proposed Development. All impacts on designated sites have been mitigated through mitigation by design, embedded mitigation and additional mitigation measures.

5.5.113 Eleven protected species were assessed as having potential to be impacted by the Proposed Development. Of those assessed, all impacts on protected species, except bats, have been fully mitigated through mitigation by design, embedded mitigation and additional mitigation

measures. Effects on the commuting / foraging impacts on bats are predicted to be significant on account of severed potential commuting routes. It is not possible to mitigate loss of commuting / foraging routes within the operational corridor due to safety risks associated with the Proposed Development.

5.5.114 Twenty-eight terrestrial habitats were identified as important ecological features within the footprint of the Proposed Development. Of these, significant residual effects were predicted for the following eight habitats:

- w1e Upland birchwoods;
- w1h Other woodland: mixed;
- w2b Other Scot's Pine woodland;
- w2a5 Caledonian forest (H91C0);
- h1b5 Dry heaths, upland (H4030);
- h1b6 Wet heathland with cross-leaved heath; upland (H4010);
- f1a Blanket bog; and
- f1a5 Blanket bog (H7130)

5.5.115 Further assessment of these effects against NPF4 Policy 4 (Natural places) and Policy 5 (Soils) and consistency with policy provisions and the overall planning balance is provided in Section 5.7 and 5.8 below.

5.5.116 Woodland listed on the Ancient Woodland Inventory ('AWI') was identified to have significant effects as a result of the Proposed Development. Of the AWI assessed, Category 2b woodland within Section E has been assessed as likely to be subject to significant impacts. Further discussion in this regard is presented in Section 5.9, NPF Policy 6 below.

5.5.117 Significant cumulative effects are only predicted between the Proposed Development and the Beauly to Blackhillock to New Deer to Peterhead 400 kV OHL (Draft EIA Report), with significant adverse effects predicted on bats. When considering cumulative effects across all developments, only those affecting blanket bog were considered relevant, with positive effects predicted resulting from habitation restoration proposals.

5.5.118 Consideration of potential biodiversity enhancement measures arising from the ecological assessment concludes that measures proposed to further benefit local species including American mink control and great crested newt breeding habitat creation, are likely to lead to beneficial impacts on populations, as well as giving rise to wider knock-on benefits on other species associated with / by these habitats / species. These measures would be incorporated together with the Applicant's commitment to biodiversity enhancement by way of 10% net gain on all projects, as set out in general terms in Annex C to Appendix 8.8 of the EIA Report Volume 3, 'Biodiversity Net Gain and Irreplaceable Habitat Off-Site Strategy for Spittal to Beauly 400 kV OHL.

5.5.119 Biodiversity is discussed in more detail in Section 5.6 below in the context of NPF4 Policy 3.

Ornithology

5.5.120 Chapter 9 of the EIA Report assesses the potential effects of the Proposed Development on ornithology. It is explained that it was possible to 'scope out' effects on a number of species by virtue of their ecology, absence, distance from the Proposed Development, small numbers, low levels of activity and the nature of the location of this activity as well as embedded mitigation measures which will avoid impacts.

5.5.121 Twenty-nine species were identified as important ornithological features ('IOFs') and taken forward for detailed assessment in the EIA.

5.5.122 It has been determined that population reductions due to habitat loss, displacement and / or collision mortality are likely to be minimal. Additional mitigation measures have been identified to mitigate impacts on a number of important ornithological features. Where specific 'hot spots' of flight activity have been identified, mitigation has been suggested, by way of line marking with bird flight diverters in Sections A, B, D and E, which is anticipated would significantly reduce the potential for collision effects.

5.5.123 No significant impacts are predicted for any bird species during the construction or operation of the Proposed Development.

5.5.124 An assessment of potential effects of the Proposed Development on the integrity of a number of SPAs has been undertaken and it has been demonstrated that the Proposed Development would not have an adverse effect on the integrity of any SPA. Detailed assessments on each relevant SPA or Ramsar Site are presented in the EIA Report, Volume 5, Appendix 8.7: Report to Inform Habitats Regulations Appraisal. Further assessment is provided against NPF4 Policy 4 b) in section 5.7 below.

5.5.125 The SPAs and Ramsar sites considered are as follows:

- Caithness and Sutherland Peatlands SPA/Ramsar Site.
- East Caithness Cliffs SPA;
- Moray Firth SPA;
- Caithness Lochs SPA/Ramsar Site;
- North Caithness Cliffs SPA;
- Dornoch Firth and Loch Fleet SPA;
- Lairg and Strath Brora Lochs SPA;
- Strath Carnaig and Strath Fleet Moors SPA;
- Morangie Forest SPA:
- Novar SPA;
- Glen Affric to Strathconon SPA;
- Ben Wyvis SPA;
- Cromarty Firth SPA/Ramsar Site;
- Inner Morary Firth SPA/Ramsar Site; and
- North Inverness Lochs SPA.

5.5.126 Whilst the assessment identifies that there is the potential for cumulative effects to occur between other projects in development and the Proposed Development, it concludes that with mitigation measures identified for the Proposed Development in place, cumulative effects would be not significant.

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

5.5.127 An assessment of potential significant construction and operational effects of the Proposed Development on forestry and woodland has been undertaken and is reported in Chapter 13 of the EIA Report.

5.5.128 It is anticipated that the Proposed Development would potentially result in felling of 530.32 ha of woodland associated with construction and operation. This includes 452.46 ha of commercial conifer woodland (mix of plantations and native conifer woodlands, including 26.47 ha currently felled and awaiting replanting).

5.5.129 In the forests adjacent to the proposed Operational Corridor for the OHL ('OC') there is an anticipated requirement for a further 589.88 ha of management felling of commercial conifer forest to mitigate the risk of windblow. This would be undertaken only subject to felling permission granted by Scottish Forestry and with land owners' permission. Replanting / restocking would be a required of any felling permission.

5.5.130 Overall, the impact of the Proposed Development on forest management across all Sections of the Proposed Development is assessed as not significant. However there would be a significant adverse effect in relation to Ancient Woodland. This is further addressed in more detail below in relation to NPF4 Policy 6.

Balancing the Contribution of a Development and Conclusions on Policy 11

5.5.131 Part e) ii) of NPF4 Policy 11 (Energy) makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of energy proposals. There is a very clear steer that significant effects are to be expected, and where localised and/or there has been consideration given to design mitigation, they should generally be acceptable.

5.5.132 A limited number of key significant effects arise relative to the provisions of Policy 11 namely peat stability, cultural heritage, localised landscape and visual effects, habitats, bats and ancient woodland. Given the scale and geographical coverage of the Proposed Development it is considered that the resultant findings of significant effects are proportionate and well managed.

5.5.133 In relation to impacts relating to peat slide, habitats including bats and loss of ancient woodland impacts have sought to be avoided and minimised and residual effects would be managed and mitigated as far as practicable.

5.5.134 In relation to the landscape and visual effects predicted, these would be localised and in line with NPF4 Policy 11 should be treated as being generally acceptable.

5.5.135 In relation to effects regarding cultural heritage, peat habitats, ecology, and ancient woodland these are further considered below in relation to NPF4 policies.

5.5.136 The Proposed Development is considered to be acceptable in relation to Policy 11's environmental and technical topic criteria when considered as a whole and relative to the overall significant benefits the Proposed Development will bring in delivering essential infrastructure. The additional transmission capacity would support the required need for a significant increase in the capacity of onshore and offshore electricity transmission infrastructure to delivery 2030 targets and support the pathway to net zero across GB, ensuring both Scottish and UK Government commitments are met.

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

5.5.138 The various impacts set out in Policy 11 (e) have been fully addressed in relation to impacts that could arise and appropriate design and mitigation has been applied to the extent possible. The policy intent has therefore been achieved.

5.5.139 The proposal's contribution towards meeting Government targets for net zero have been clearly set out in Chapter 4 above. The importance of delivering new and enhanced grid infrastructure to support the expansion of renewable energy transmission is clearly set within Policy and Legislation nationwide. Furthermore as 'National Development' the proposal is provided strong support within NPF4 policy.

5.5.140 Overall, the Proposed Development attracts strong support from NPF4 Policy 11.

5.6 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

5.6.1 Policy 3 has an intent to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. The stated outcomes of the policy are that biodiversity is enhanced and better connected, including through strengthened nature networks and nature-based solutions.

5.6.2 **Policy 3** requires developments to, wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided.

5.6.3 **Paragraph b)** states that:

"*Development proposals for national or major development or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria*."

5.6.4 The policy goes on to reference the need for an understanding of the existing characteristics of a site and states that an assessment of potential negative effects should be undertaken which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements.

5.6.5 Paragraph b) iv) of the policy sets out a requirement that "*significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate*."

5.6.6 Paragraph d) adds that "*any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration*".

Current Guidance Position

5.6.7 The **letter from the Chief Planner issued on 8 February 2023** refers to the application of Policy 3 where specific supporting guidance / parameters for assessment are not yet available to aid assessments.

5.6.8 NPF4 Policy 3 Biodiversity is specifically recognised therein as one such policy area where final guidance is not yet available. The Chief Planner's letter states:

"…recognising that currently there is no single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise for opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case". (underlining added)

5.6.9 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance, but a timescale for the production of such guidance is at present unclear.

5.6.10 The Scottish Government published '**Draft Planning Guidance: Biodiversity**' in November 2023. Paragraph 1.1 states that it:

"*Sets out the Scottish Minister's expectations for implementing NPF4 policies which support the cross cutting NPF4 outcome 'improving biodiversity*."

5.6.11 The guidance refers to 'key terms' and regarding relation to 'enhancement', states at Paragraph 1.10:

"*The terms 'enhance' and 'enhancement' are widely used in NPF4. In order for biodiversity to be 'enhanced' it will need to be demonstrated that it will be in an overall better state than before intervention, and that this will be sustained in the future. Development proposals should clearly set out the type and scale of enhancements they will deliver*".

5.6.12 The guidance addresses development planning and, in terms of development proposals, references 'core principles.' At Paragraph 3.1 the guidance states that these principles can be followed when designing developments so that nature and nature recovery are an integral part of any proposal. Section 3.2 of the guidance states:

"*Applying these principles will not only help to secure biodiversity enhancements, they can also help to deliver wider policy objectives including for green and blue infrastructure, open space, nature-based solutions, nature networks and 30 x 30. Development proposals which follow these steps are also much more likely to result in more pleasant and enriching places to live, work and spend time*."

5.6.13 The principles set out are as follows:

- Apply the mitigation hierarchy;
- Consider biodiversity from the outset;
- Provide synergies and connectivity for nature;
- Integrate nature to deliver multiple benefits;
- Prioritise on-site enhancement before off-site delivery;
- Take a place-based and inclusive approach;
- Ensure long term enhancement is secured; and
- Additionality (ensuring that enhancement delivered is additional to any measures which would have been likely to happen in the absence of the development).

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

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

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

5.6.16 Section 4.12 of the guidance states:

"*In the meantime, the absence of a universally adopted Scottish methodology/tool should not be used to frustrate or delay decision making, and a flexible approach will be required. Wherever relevant and applicable, and as indicated above, information and evidence gathered for statutory and other assessment obligations, such as EIA, can be utilised to*

demonstrate those ways in which the policy tests set out in NPF4 have been met. Equally, where a developer wishes to use an established metric or tool, the planning submission should demonstrate how Scotland's habitats and environmental conditions have been taken into account. Where an established metric or tool has been modified, the changes made and the reasons for this should be clearly set out".

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

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

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

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

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

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

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

5.6.22 The commission's final outputs will include:

- a Scottish biodiversity planning metric tool (to be hosted on the NatureScot website), which is based on current understanding of science and evidence, clear and transparent in its workings, accessible and easy to use by relevant professionals with outputs understandable by decision makers, and which informs siting and design of development as well as evidence-based decision making;
- a user guide supporting the metric (together with any supporting information); and
- recommendations on any requirements for maintaining and updating the metric and supporting information.

5.6.23 The **Highland Council has also consulted upon and approved (May 2024) their own non-statutory Biodiversity Planning Guidance (BPG).** The guidance is intended for use by THC, applicants and agents to ensure the consistent and proportionate implementation and interpretation of NPF4 Policy 3. The BPG sets out what supporting information is required to be submitted to demonstrate that conservation, restoration and enhancement as required by Policy 3 is provided.

5.6.24 Key matters include a flexible approach to the use of a Biodiversity Net Gain (BNG) metric in relation to all development proposals of any scale until such time as the Scottish Government defines its own Scottish metric to support biodiversity net gain calculations. In the interim

period, whist this metric is being developed and is released, THC 'recommend the English DEFRA metric, but do not require use of a metric'. The use of a 'distance multiplier' relative to the location of biodiversity from the development is also on hold until such time as the Scottish metric is agreed and released.

5.6.25 The BPG has set a requirement that biodiversity enhancement arising from development within the THC area must be delivered within the Highland geographical area.

5.6.26 The BPG has set out a desire for all development to deliver 10% biodiversity enhancement as a minimum. This ratio has been arrived at via benchmarking with England. However, as noted, until such time as a Scottish metric has been delivered the guidance allows applications (Major and National Development) to demonstrate significant biodiversity enhancement in alternative ways. Such proposals should clearly and robustly set out how policy will be met in this regard. Where 10% / significant enhancement cannot be met, on-site alternative measures should be proposed.

5.6.27 The BPG also puts in place provisions for a mechanism to be developed for a financial payment to be made to THC in exchange for THC taking responsibility for securing the delivery of biodiversity or enhancement. This option, whilst being retained in the guidance, will remain 'unavailable' until such time as a detailed and robust methodology to identify costs and delivery payments is prepared and agreed. In the meantime, the delivery of compensation and enhancement on land within the control of a developer but outwith the development areas, and use of third party offset providers / brokers to deliver enhancement off-site, are provided as options for developers.

The application of Policy 3

5.6.28 The Applicant has a business commitment for all projects gaining consent to deliver a minimum 10% Biodiversity Net Gain (BNG). This aligns with THC requirement for a minimum 10% enhancement on medium / large scale development. NPF4 Policy 3 requires projects to leave nature in a 'demonstrably better state than without intervention'.

5.6.29 Given the nature of the Proposed Development as a linear route in multiple ownerships it is not possible to agree on-site enhancement opportunities in all instances – constraints as regards ownership of land forming the Operational Corridor and other such restrictions also require to be considered. As a result, it is likely that a mixed on-site and off-site approach to biodiversity enhancement will be proposed.

5.6.30 EIA Report, Volume 3, Appendix 8.8 BNG Report details the BNG assessment undertaken for the Proposed Development and sets out the results of the BNG calculations and the approach the Applicant will take to delivering the BNG commitments. The applicant has established their own Biodiversity Project Toolkit to produce calculations, and this has been utilised for the Proposed Development.

5.6.31 The non-irreplaceable baseline (BU) for habitat within the Proposed Development are 6,666 BU. The predicted post-development BU are 2,998 BU, meaning a net precited loss of -54%.

5.6.32 The non-irreplaceable baseline Linear Watercourse Units (LU W) are 29 LU(W) and predicted post development are 6 LU(W) meaning a predicted net loss of -78%.

5.6.33 The Proposed Development will impact irreplaceable habitats, and the assessment thereof is included in Annex B of the BNG Report. The summary findings are

> Direct Impacts
  - Blanket bog and lowland raised bog (good and moderate condition): 135.01 ha
  - Ancient woodland (categories 1a & 2a): 4.69 ha
> Indirect Impacts
  - Blanket bog and lowland raised bog (good and moderate condition): 359.12 ha

5.6.34 Positive effects for biodiversity will be delivered through off-site BU and this is set out fully in Annex B and C of the BNG Report referenced above. Compensation is targeted at delivering biodiversity net gains that create and improve natural habitats. A range of projects are being explored with local and strategic partners to identify suitable sites for biodiversity enhancements, irreplaceable habitat compensation.

5.6.35 Annex C provides more detail as to the approach to be taken to the identification of opportunities, the consideration of opportunities to enhance the WHS and to the approach to be taken to explore nature opportunities with local and strategic partners to identify suitable sites for biodiversity enhancement

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

5.7 NPF4 Policy 4: Natural Places

Policy 4 & Principles

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

5.7.2 **Policy 4, Paragraph a)** of the policy states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported.

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

5.7.4 **Policy 4**, **Paragraph c)** deals with national landscape designations and has a similar approach in relation to the former SPP (Scottish Planning Policy) in terms of how a proposal that affects a National Park, or a National Scenic Area (NSA) should be addressed. No national designations would be significantly affected as a result of the Proposed Development.

5.7.5 **Policy 4**, **Paragraph d)** deals with local landscape designations and contains a different policy approach to that which was contained within the former SPP. Policy 4, Paragraph d) is as follows:

"*Development proposals that affect a site designated as …a local landscape area in the LDP will only be supported where:*

> *i Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*
>
> *ii Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance*".

5.7.6 The policy now follows a similar construct to that which deals with national level designations. The first limb of the policy refers to significant effects on the "*integrity*" of the area or "*the qualities for which it has been identified*".

5.7.7 The policy set out in the second limb of NPF4 Policy 4, Paragraph d) provides that development proposals that affect a site designated as a local landscape area will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:

- this policy provision, reflects the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or NSA) must be balanced against the benefits of a proposed development;
- the second limb is independent of the first ("or") and is to be applied where a decision-maker concludes that a proposed development will have significant adverse effects on the integrity of a local designation;
- NPF4, Policy 4, Paragraph d) now expressly includes a balancing mechanism ("*clearly outweighed by social, environmental or economic benefits*") and sets out the threshold to be used ("*of at least local importance*").

5.7.8 In considering this policy, it is informative to note the Reporter's position in the Sanquhar II Supplementary Inquiry Report. In that case (paragraph 2.70 of the Report), the Reporter made reference to the impact of the proposed development in relation to a Local Landscape Area, which in that case was a Regional Scenic Area (RSA). The Reporter had concluded that the proposed development would not affect the integrity of the designation but would result in some significant adverse effects. The Reporter stated:

"…*even if the opposite conclusion was reached and the integrity of the RSA was considered to be significantly adversely affected by this proposal, I consider part (d)(ii) of the policy would continue to give support to the development. This is because, in my view, a national development which by definition supports the delivery of the national spatial strategy, must offer benefits of more than local importance. Having regard to the benefits of the development in the round, as outlined in chapter six of my original Report, I am firmly of the view that this proposal is capable of support under policy 4(d)(ii).*"

5.7.9 **Paragraph e)** addresses the precautionary principle.

5.7.10 Paragraph f) sets out that "…*development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application*".

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

"*Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:*

i. will support meeting renewable energy targets; or

ii. is for small scale development directly linked to a rural business or croft or is required to support a fragile community in a rural area.

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

The application of Policy 4

5.7.12 As explained above in the context of NPF4 Policy 11 (Energy), the EIA contains an assessment of the effects of the Proposed Development

5.7.13 There would be no significant effects on the special qualities of NSAs, nor in relation to the integrity of their designations.

5.7.14 As noted, the Proposed Development traverses two SLAs, the Flow Country and Berriedale Braes SLA and the Loch Fleet, Loch Brora and Glen Loth SLA.

5.7.15 The Proposed Development would result in direct effects on the special qualities of the Flow Country and Berriedale Braes SLA and the Loch Fleet, Loch Brora and Glen Loth SLA. It is explained in the assessment that effects on the Flow Country and Berriedale Braes SLA would be relatively localised and occur predominantly on the rolling hills between the peatlands and the coastal shelf. Effects on the Loch Fleet, Loch Brora and Glen Loth SLA would be more pronounced in upland areas and in the north of the SLA. Where viewed, the Proposed Development would reduce the perceived wildness and tranquillity of the interior hills and Glen Loth. While significant effects on both SLAs would arise as a result of the Proposed Development, the overall integrity of the designations would not be compromised.

5.7.16 The Proposed Development would not directly affect any Wild Land Areas ('WLA'), predominantly as a result of embedded design at routeing stage. A WLA Assessment has been undertaken and where effects are identified these are localised and contained.

5.7.17 It should also be noted that the EIA has fully addressed the relationship of the Proposed Development with international, European and national designations to inform necessary Habitat Regulations Assessments. Furthermore, studies to identify potentially impacted species were undertaken and detailed assessment of relevant species was also undertaken as necessary, as set out in the EIA Report.

5.7.18 Eleven protected species were assessed as having potential to be impacted by the Proposed Development. All of those assessed impacts have been fully mitigated through design, embedded mitigation and additional proposed mitigation measures, except for potential impacts on bats. Effects on commuting / foraging patterns of bats are predicted to be significant on account of severed potential commuting routes, which it is not possible to mitigate within the operational corridor, as a result of safety risks associated with the Proposed Development.

5.7.19 The Proposed Development constitutes nationally significant development and has sought to successfully minimise effects on Natural Places through embedded and secondary mitigation and best practices and is considered to be in accordance with Policy 4.

5.8 NPF4 Policy 5: Soils

Policy 5 & Principles

5.8.1 The policy intent for Policy 5 is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. This is very similar to the policy position that was in the former SPP; however, a key difference, as set out in **paragraph c(ii),** is that renewable energy proposals are one of the types of development expressly envisaged to be acceptable in principle on peatlands, reflecting the net benefits in carbon emissions reduction and peatland restoration potential which can be gained.

5.8.2 **Paragraph a)** states that "development proposals will only be supported if they are designed and constructed:

i. *in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and*
ii. *in a manner that protects soil from damage, including from compaction and erosion, and that minimises soil sealing*."

5.8.3 **Paragraph d)** states: "*Where development on peatland, carbon rich soils or a priority peatland habitat is proposed, a detailed site-specific assessment will be required to identify*:

i. *the baseline depth, habitat condition, quality and stability of carbon rich soils;*
ii. *the likely effects of the development on peatland, including on soil disturbance; and*

iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A Peat Management Plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/or enhancing the site into a functioning peatland system capable of achieving carbon sequestration."

The application of Policy 5

5.8.4 Chapter 11 of the EIA Report assesses the potential impacts of the Proposed Development on geology, peat and soils. The design of the Proposed Development has been informed by a detailed programme of peat depth probing, consistent with NPF4 Policy 5 requirements. The route and alignment have been designed to avoid areas of significant deep peat where possible. An appropriate mitigation hierarchy has been applied in order to protect resources and comply with policy and best practice guidance.

5.8.5 The assessment acknowledges that in Section B, there is a known historical peat slide area. With additional mitigation, the risk of further peat movement in this Section is considered to have a moderate residual significant effect due to the sensitivity of the peatland and the nature of the terrain. This will be reassessed through visual inspections before, during and after construction, especially following periods of heavy rainfall to identify slope stability risks. A Peat Landslide Hazard Risk Assessment ('PLHRA') (EIA Report, Volume 5, Appendix 11.1) is proposed to be updated throughout the project.

5.8.6 An assessment of peat and carbon rich soils has considered all proposed infrastructure and associated effects. The assessment is supported by appendices as noted above, and also including an Outline Peat Management Plan (EIA Report Volume 5, Appendix 11.2).

5.8.7 Subject to adoption of best practice construction techniques, no significant adverse effects on the geological environment have been identified across the Proposed Development.

5.8.8 The Applicant has proposed an appropriate design, mitigation and restoration approach to peatland resources. Appropriate planning conditions could be attached to a grant of consent in relation to peatland and carbon rich soil matters as required.

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

5.9 NPF4 Policy 6: Forestry, Woodland and Trees

Policy 6 & Principles

5.9.1 The policy intent is to protect and expand forests, woodland and trees. It states that development proposals that enhance, expand and improve woodland and tree cover will be supported.

5.9.2 Paragraph b) states that "*development proposals will not be supported where they will result in:*

"i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;

ii. Adverse impacts on native woodlands, hedgerow and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

Iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry."

5.9.3 Policy 6 Paragraph c) states that:

"*Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered*".

The application of Policy 6

5.9.4 An assessment of potential significant construction and operational effects of the Proposed Development on forestry and woodland has been undertaken and is reported in Chapter 13 of the EIA Report.

5.9.5 It is explained in the assessment that the Proposed Development will result in the felling of 536.74 ha of woodland. This includes 451.03 ha of commercial conifer woodland (mix of plantations and native conifer woodlands, including 26.47 ha currently felled and awaiting replanting.

5.9.6 In the forests adjacent to the OC, it is anticipated that a further 536.65 ha of management felling of commercial conifer forest will be required to mitigate the risk of windblow.

5.9.7 The total classified woodland within the AWI and NWSS databases affected by the Proposed Development would be 182.89 ha as follows:

- 12.23 ha of which is Ancient Woodland,
- 67.88 ha is Long-Established Woodland of Plantation Origin (LEPO),
- 100.73 ha is Native Woodland, and
- 2.05 ha is Plantations on Ancient Woodland Sites (PAWS).

5.9.8 As the Proposed Development would result in the permanent loss of forestry or woodland, the Applicant is committed to the provision of compensatory planting offsite to meet the Scottish Government Policy on woodland removal. The proposals meet the objective of no net loss of woodland in that regard.

5.9.9 The construction effect on both Ancient Woodland and semi-natural broadleaved woodland is considered in the assessment to be a significant adverse effect.

5.9.10 The policy wording is clear that development proposals will not be supported where they will result in any loss of Ancient Woodland or ancient and veteran trees. As such, there is some non-accordance with Policy 6.

5.9.11 Nonetheless, it is also clear (as noted above) that conflicts among the NPF4 policies are to be expected. When one considers the overall planning balance, it is important to note that the Proposed Development has sought to minimise this impact through the application of their detailed routeing strategy and embedded mitigation within the design and alignment.

5.9.12 The Proposed Development represents an optimal solution against all environmental and technical assessments and has sought to minimise overall impact on trees and forestry wherever possible. The scale, nature and required OHL route location is such that an impact on these important assets is considered to be unavoidable. However the mitigation hierarchy has been applied and the wider BNG strategy will result in a range of biodiversity benefits which can offset impacts.

5.9.13 As explained earlier, NPF4 is required to be read as a whole and the weight to be placed on different policies will vary. The Ancient Woodland impact therefore requires to be seen in the context that NPF4 as a whole and all impacts in the round need to be balanced against the benefits of the Proposed Development.

5.10 NPF4 Policy 7: Historic assets and places

Policy 7 & Principles

5.10.1 The intent of the policy is to protect and enhance the historic environment, assets and places and to enable positive change. Key parts of the policy include the following:

- **Paragraph a)** states that "*development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impact of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records*."
- **Paragraph c)** states that "*development proposals affecting the setting of a Listed building should preserve its character, and its special architectural or historic interest"*.
- **Paragraph d)** states that "*development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced*".
- **Paragraph h)** states that "*development proposals affecting Scheduled Monuments will only be supported where*:

  i) direct impact on the Scheduled Monument are avoided;
  ii) significant adverse impacts on the integrity of the setting of the Scheduled Monument are avoided; or
  iii) exceptional circumstances have been demonstrated to justify the impact on a Scheduled Monument and its setting and impact on the monument or its setting have been minimised.

- **Paragraph i)** states that "*development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site or its setting*".
- **Paragraph j)** states "*Development proposals affecting nationally important historic battlefields will only be supported with a protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities*."
- **Paragraph o)** states that "*non designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impact*".

The application of Policy 7

5.10.2 As noted, Chapter 12 of the EIA Report addresses the potential impact of the Proposed Development in relation to cultural heritage assets. Of the 1,296 assets which were considered for detailed appraisal, 76 were identified which would be significantly adversely affected. Of these, 32 assets (one GDL and 31 non-designated assets) would be affected by direct (physical) impact, specifically as a result of construction groundworks which could result in the truncation or removal of the assets.

5.10.3 The remaining 44 (of the 76) designated assets would experience adverse changes to their setting. Of these, 43 impacts relate to Scheduled Monuments, and one impact relates to effects on the Category B Listed Carbisdale Castle.

5.10.4 The assessment states that the majority of the identified significant effects would result from the Proposed Development within section A of the route, which passes through an area of relatively concentrated archaeological resource. It is explained in the assessment that notably, fewer significant effects are identified within the other four sections of the route.

5.10.5 A summary of the identified significant effects on cultural heritage assets by section of the Proposed Development is as follows:

Section A

- 12 direct impacts (1 major, 11 moderate); and
- 34 as a result of changes to setting (13 major, 21 moderate).

Section B

- 10 direct impacts (1 major, 9 moderate); and
- 2 as a result of changes to setting (2 major).

Section C

- 1 direct impact (1 moderate); and
- 2 as a result of changes to setting (moderate).

Section D

- 3 direct impacts (moderate); and
- 4 as a result of changes to setting (1 major, 3 moderate).

Section E

- 6 direct impacts (3 major, 3 moderate); and
- 2 as a result of changes to setting (1 major, 1 moderate).

5.10.6 In relation to the 44 significant impacts, as noted 43 of these would relate to Scheduled Monuments. In relation to the majority of these impacts, although there would be significant adverse impacts on the setting of the respective Scheduled Monuments, the impacts would not be such that they would result in a significant adverse impact on the integrity of the setting of the Monuments.

5.10.7 It is only in one case, the Balnacrae Cairn (SM2396) located in the Strath Sgitheach area within Section D of the route, where the assessment has determined there would be a significant adverse impact upon the integrity of the setting of the Monument. It is explained in the assessment that this impact results from the Proposed Development being located directly south (including tower S129 c.40m south) and disrupting the view out across the Cromarty Firth and eroding views east along the River Sgitheach. It is a material consideration that this alignment is proposed in response to dialogue with HES in relation to assessing alternative options, which resulted in a greater number of impacts elsewhere. On balance it was determined that the Proposed Development and resulting effect was the preferred option in terms of approach and impact on cultural heritage assets overall.

5.10.8 Within Section C, the significant adverse impact in relation to the setting of the category B Listed Carbisdale Castle (LB7165) results from the introduction of the Proposed Development into outward views from the Listed Building, as well as backdropping the asset c.700m north west of the asset, including from the approaches north and south along the Kyle of Sutherland, from which existing transmission infrastructure is already visible.

5.10.9 In relation to cumulative impact, the assessment identifies four major adverse cumulative effects / in combination effects as a result of changes in setting of heritage assets. These are predicted in relation to four designated assets as follows:

- In relation to the proposed Ceislein Wind Farm, the A-Listed Ardross Castle and the Boath Scheduled Monument (three chambered cairns); and
- In relation to the Lairg II Wind Farm - the Invershin Farm (settlement and Burnt Mound involving two Scheduled Monuments).

5.10.10 The assessment explains that the Proposed Development has undergone an extensive iterative design process, including dialogue with Historic Environment Scotland, with an objective of avoiding and, where that has not been possible, minimising impacts including in relation to cultural heritage assets by way of design. Where it has not been possible to mitigate impact by design, a suite of proportionate additional mitigation measures has been identified. These include further archaeological investigation, monitoring and recording, aimed at offsetting any unavoidable adverse impact.

5.10.11 In relation to the policy provisions, as noted within Section C there would be a moderate adverse significant impact in relation to the **category B Listed Carbisdale Castle**. The policy wording in paragraph (c) requires proposals to preserve the character of a listed building and its special architectural or historic interest. Notwithstanding the moderate adverse setting effect that would arise, the character and special architectural and historic interest of the building would be preserved.

5.10.12 In relation to the impact on Scheduled Monuments, although there would be significant adverse impact on the setting of a number of Monuments, as explained, these impacts would not, for the most part, be on the integrity of setting.

5.10.13 In relation to the **one Scheduled Monument** which would experience a significant adverse impact on the integrity of its setting, there would be some conflict with NPF4 Policy 7 Paragraph (h) (ii). As set out above, the policy provides that in such circumstances development proposals will only be supported in exceptional circumstances where these have been demonstrated to justify the impact on the Monument and its setting and the impacts on the Monument or its setting have been minimised.

5.10.14 As set out in Chapters 4 and 12 of the EIA Report it has been necessary to route national development transmission infrastructure within a geographical area that has a high concentration of cultural heritage assets. In particular, as discussed in those chapters, detailed consultation took place with Historic Environment Scotland (HES) as to the priority heritage assets in the overall study area that were to be avoided. It is explained (Chapter 4, Section 4.9) that as a consequence, the proximity of the Proposed Development to the Balnacrae Scheduled Monument was unavoidable. The routeing was specifically altered in response to discussion with HES on a previous alignment which was considered to have the potential to impact on a larger cluster of scheduled monuments to the west of Balnacrae and therefore it was considered that the result would be a slightly greater impact on those scheduled monuments, than the Proposed Developments effect on Balnacrae. It is considered that given these factors, there are exceptional circumstances that have been demonstrated to justify the impact on this single Scheduled Monument.

5.10.15 In relation to the **Carbisdale Battlefield** (BTL19), the designation's boundary interacts with the Proposed Development LoD. However, the assessment concluded that there would be no impact and thus no direct adverse effect on the heritage asset. The proposed OHL conductors oversail a very small portion of (c.250m) of the designated boundary in the north west, as well as the use of an existing road that runs through the designation.

5.10.16 In relation to **Gardens and Designed Landscapes** ('GDL'), the assessment identifies that there would only be one significant adverse impact, which would be a major adverse effect in relation to the Fairburn GDL (GDL00174) within Section E. It is explained that this effect is due to a loss of the curated woodland area in the west of the designation boundary between proposed towers S182 to 186 (alongside management felling, new and upgraded access tracks). This effect would be during the construction phase. There would only be a minor adverse effect predicted for the GDL throughout the operational phase resulting from setting impacts derived from the loss of tree planting within the GDL, as well as the proximity of the Proposed Development to the GDL and the loss of some scenic value which contributes to its cultural significance. The assessment identifies, however, that the truncation of any below

ground archaeological remains within the GDL during construction would be offset through preservation by record.

5.10.17 Overall given all of the above, it is considered that the Proposed Development is in accordance with Policy 7 when read as a whole.

5.11 Policy 22 – Flood Risk and Water Management

5.11.1 The intent of Policy 22 is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. **Paragraph c)** is the most relevant part of the policy for the Proposed Development, which states that development proposals should not increase the risk of surface water flooding to others, or itself be at risk. In addition, all rain and surface water should be managed through SuDs.

5.11.2 As set out above, effects on hydrology, the water environment and flood risk are an assessment criterion within NPF4 Policy 11 (Energy). Chapter 10 of the EIA Report addresses hydrology matters in detail including flood risk, sustainable drainage and private water supplies. There are no issues arising with regard to these topics given the appropriate mitigation measures which are proposed. The Proposed Development is therefore considered to be in accordance with Policy 22.

5.12 Conclusions on NPF4 Appraisal: Sustainable Place

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

5.12.2 The lead policy in this case is Policy 11 (Energy), as evidenced in the recent Kendoon to Tongland 132kV Reinforcement) Decision (ECU00002124-2128), where paragraph 99 stated that for energy proposals, *"Scottish Ministers consider that, in considering NPF4 holistically, most weight should be placed on Policy 11 in considering whether the Proposed Development is supported by NPF4"*) and this policy should be afforded most weight. Given the similarities between the KTR project and the Proposed Development in this case, the same conclusions ought to follow.

5.12.3 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria when read as a whole. Embedded and secondary mitigation has resulted in comparatively few significant effects arising as a result of the Proposed Development, which will deliver nationally important essential infrastructure.

5.12.4 A key point within Policy 11 (Energy) is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant positive weight in this case.

5.12.5 It has been demonstrated that the Proposed Development attracts strong support from Policy 11.

5.12.6 Significant weight is also afforded in relation to Policy 1 (Tackling the climate and nature crises). This policy direction fundamentally alters the planning balance compared to the position that was set out in in NPF3 and SPP.

5.12.7 The term "tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action.

5.12.8 The National Spatial Strategy set out in NPF4 is intended to support the delivery of three types of 'place' in Scotland: namely, Sustainable, Liveable and Productive places.

5.12.9 Eighteen National Developments are identified to support the Strategy, and they are to be the *"focus for delivery"* (NPF4 page 4). National Development 3 (strategic renewable electricity generation and transmission infrastructure) is one of six National Developments which support the delivery of Sustainable Places.

5.12.10 Sustainable Places are primarily concerned with dealing with the climate crisis, and this issue is seen as a fundamental threat to the capacity of the natural environment to provide the services and amenities relied on, including clean air, water and food (NPF4, page 6).

5.12.11 In order to deliver Sustainable Places, NPF4 makes it clear that there must be significant progress in achieving net zero emissions by 2030 in order to hit the overall target of net zero by 2045.

5.12.12 Furthermore, it sets out that meeting the Government's climate ambition will require a rapid transformation across all sectors of the economy and society and that this means ensuring "the right development happens in the right place". (Page 7)

5.12.13 As set out above the appraisal against the policies of NPF4 identifies an element of non-accordance in Policy 6, as a result of the potential significant impacts on Ancient Woodland. However, as explained above the Chief Planners letter makes it clear that the application of planning judgement remains essential in all decision making and states that:

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

5.12.14 The Proposed Development would be in accordance with all other relevant NPF4 policies and draws particularly strong support from Policies 1 and 11. Accordingly, when read as a whole in line with the Chief Planner's advice, the proposal is considered to be the right one, in the right location and one which will contribute to Scotland being a Sustainable Place.

6. Appraisal against the Local Development Plan

6.1 Introduction

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

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

> The Caithness and Sutherland Local Development Plan ('CaSPlan') (2018); and

> The Inner Moray Firth Local Development Plan 2 ('IMFLDP2') (2024).

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

6.2 Lead LDP Policy: Electricity Transmission Infrastructure

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

6.2.2 Policy 69 – 'Electricity Transmission Infrastructure' states:

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

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

6.2.4 The assessments of the impact of the Proposed Development on these features should be guided, where appropriate, by the provisions of specific policy as summarised in Section 5.3. The consideration of the cumulative effects arising on such features is also relevant.

6.2.5 In light of the age of the HwLDP relative to NPF4, where conflict arises or the LDP is silent, NPF4 takes precedence.

6.2.6 It should be noted that the Reporter in the Meall Buidhe Appeal Decision Notice of 14 June 2023, commented on the relationship between the HwLDP and NPF4 and stated (paragraph 76):

"*I find some inconsistency overall between the Local Development Plan approach and the relevant balance of considerations now applied through NPF4.*

The later adopted document places emphasis on the significant weight to be placed on the contribution to renewable energy targets. It also states that landscape and visual impacts of

a localised scale will generally be acceptable subject to appropriate design mitigation. The Act advises that in the event of any incompatibility between the provision of National Planning Policy Framework 4 and the provision of an LDP, the later in date is to prevail. In that context I rely on my conclusions above in relation to the topic specific National Planning Framework 4 Policy 11."

6.3 Other Relevant LDP Policies

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

Table 6.1: HwLDP Policy Summaries

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
Policy 28	Sustainable Design	Provides support for development which promote and enhance social, economic and environmental wellbeing to communities in Highland. Proposals will be assessed on the extent to which they are compatible a range of listed factors and should utilise good siting and design etc. Developments which are considered detrimental will 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.	The provisions of this general policy insofar as they are relevant are contained within the scope of NPF4 Policy 11. No conflicts or contradictions with NPF4.
Policy 30	Physical Constraints	Requirement to consider Physical Constraints to development and refer to Supplementary Guidance of same name if relevant. Main principles are to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.	NPF4 Policy 11 deals with impacts in relation to aviation and other infrastructure safeguarding. No conflicts or contradictions with NPF4.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
Policy 51	Trees and Development	Support for development which promotes significant protection to existing hedges, trees and woodlands on and around sites. Where appropriate woodland management plans will be required. Enables the Council to secure additional planting to compensate for removal.	NPF4 Policy 4 deals with forestry, woodland and trees. No conflicts or contradictions with NPF4.
Policy 52	Principle of Development in Woodland	Requires applicants to demonstrate the need to develop a woodland site and to show that the site has capacity to accommodate that development. A strong presumption in favour of protecting woodland resources is retained. Support is provided only where development offers clear and significant public benefit and where compensatory planting is provided.	NPF4 Policy 4 deals with forestry, woodland and trees. No conflicts or contradictions with NPF4.
Policy 55	Peat and Soils	Requires proposals to demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils. Unacceptable disturbance will not be accepted unless it is shown that the adverse effects are clearly outweighed by social, environmental or economic benefits arising from the proposals. Requirement for Peat Management Plans where development on peat is demonstrated as unavoidable in order to show how impacts have been minimised and mitigated.	NPF4 Policy 5 deals with soils including peatland and related habitat. There is conflict with NPF4. The Reporter in the Meall Buidhe decision (paragraph 82) commented in relation to Policy 55 as follows: "*Framework Policy 5: Soils applies in relation to peat and peatland habitat. Similar considerations are applied in Policy 55 of the Highland-wide Local Development Plan. However, this is the older expression of Development Plan policy and unlike Policy 5, it does not specifically reference the location of energy generation proposals, nor does it reflect Part (d) of that policy. Consequently, I have applied the more recent statement of Development Plan Policy.*"
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 from and scale of	NPF4 Policies 4 and 7 deal with natural heritage and

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
		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).	historic assets and places respectively. There is conflict with NPF4. The Reporter in the Meall Buidhe decision (paragraph 81) commented in relation to Policy 57 and stated that the HwLDP Policy does not contain: "…*the same clarification as Policy 4(g). Consequently, I rely on the terms of Framework Policy 4.*" The policy is also considered to conflict with the NPF4 Policy 4 provisions in relation to local landscape designations whereby localised effects are deemed acceptable.
Policy 58	Protected Species	Requirement for surveys to establish presence of protected species and to consider necessary mitigation to avoid or minimise any impacts. Development likely to have an adverse effect, individually or cumulatively on European Protected Species will only be permitted where there is no satisfactory alternative, where there is IROPI, the development is required in the public interest, health or safety, where there is no other satisfactory solution, or it can be demonstrated the effects will not be detrimental to the population of species concerned, or impact on the conservation status thereof.	NPF4 Policy 4 deals with natural heritage matters. No conflicts or contradictions with NPF4.
Policy 59	Other Important Species	Protection of other species not protected by other legislation or nature conservation site designations.	NPF4 Policy 4 deals with natural heritage matters. No conflicts or contradictions with NPF4.
Policy 60	Other Important Habitats	Safeguards the integrity of features of the landscape which are of major importance because of their linear or continuous structure or combinations. The Council will also	NPF4 Policy 4 deals with natural heritage matters. No conflicts or contradictions with NPF4.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
		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.	NPF4 Policy 4 deals with natural heritage matters including landscape designations. No conflicts or contradictions with NPF4.
Policy 63	Water Environment	Supports proposals that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection of the water environment.	NPF4 Policies 11 and 22 deals with hydrology, the water environment and flood risk. No conflicts or contradictions with NPF4.
Policy 66	Surface Water Drainage	All proposals must be drained by SuDs designed in accordance with CIRIA C697.	NPF4 Policy 22 deals with hydrology, the water environment and flood risk. No conflicts or contradictions with NPF4.
Policy 72	Pollution	Proposals that may result in significant pollution (noise, air, water and light) will only be approved where a detailed assessment on the levels character and transmission and receiving environment of the potential pollution is provided and mitigated if necessary.	NPF4 Policy 11 deals with impacts in relation to amenity arising from energy developments. No conflicts or contradictions with NPF4.
Policy 77	Public Access	Provides protection to Core Paths and access points to water or rights of way providing presumption of retention and enhancement of amenity value, and use of alternative access that is no less attractive or safe where necessary.	NPF4 Policy 11 public access and recreational routes. No conflicts or contradictions with NPF4.

6.4 Planning Guidance

6.4.1 THC issued the 'Highland Council Biodiversity Planning Guidance' which was formally adopted as non-statutory planning guidance on 2nd May 2024. The guidance responds to the twin global climate and nature emergency crisis that sit at the heart of NPF4 and national

strategy. The guidance explains the approach that is required by THC to deliver biodiversity conservation, restoration and enhancement through the planning system. It has been prepared to support the application of NPF4 and is intended to be used in conjunction with the relevant national and local policy and planning guidance, including NatureScot's 'Development with Nature Guidance' where applicable.

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

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

6.5 Conclusions on the LDP

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

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

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

6.5.4 The transmission policy provisions of the HwLDP are based on those of the pre-2014 SPP. In addition, there are a number of incompatibilities between the HwLDP and the policies of NPF4 as explained above. This means, as per the amendments made to the 1997 Act, the provisions of NPF4 (which is the most recent part of the Development Plan) must prevail.

6.5.5 Insofar as there are other relevant policies within the HwLDP, they are considered to be generally consistent with those of NPF4 and given the appraisal set out above in Chapter 4 in relation to the various environmental and technical topics of relevance to the proposal, there would be no conflict with their terms.

7. Conclusions

7.1 The Development Plan

7.1.1 NPF4 comprises the primary Development Plan Document and the lead policy, which should be afforded most weight in this case, is considered to be **Policy 11 (Energy). NPF4 Policy 1** (Tackling the climate and nature crises) is also key, stating that in considering all development proposals, significant weight will be given to the global climate and nature crises.

7.1.2 The Proposed Development is **considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria when read as a whole**. Embedded and secondary mitigation has resulted in comparatively few significant effects arising as a result of the Proposed Development, which would deliver nationally important essential infrastructure.

7.1.3 A key point within Policy 11 (Energy) is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant positive weight in this case. **It has been demonstrated that the Proposed Development is in accordance with Policy 11**.

7.1.4 The appraisal against the policies of NPF4 identifies an element of non-accordance in **Policy 6 (Foresty, woodland and trees)** as a result of the potential significant impacts on Ancient Woodland.

7.1.5 This matter has been addressed in a recent decision by Scottish Ministers: the Kendoon to Tongland 132kV OHL Section 37 decision. In that case the Reporters, following a Public Inquiry, had recommended refusal of the application due to the loss of ancient and semi-natural woodland. The Scottish Ministers concluded that the Proposed Development, on a balance of the relevant policies, would be supported by NPF4 and that ultimately, significant weight should be attached to the benefits of the proposal in terms of the expansion of the electricity grid.

7.1.6 At paragraph 107 of the Decision Letter for the Kendoon to Tongland Section 37, the Scottish Ministers state that in their view, the KTR development was supported by NPF4 Policy 1. They add that the policy does not require proposals to respond equally to both the climate emergency and the nature crisis. They stated (paragraph 107):

"While significant weight must be given to the environmental impacts of the removal of woodland, and to the conclusion that those impacts will not be fully mitigated, the resultant emissions and biodiversity impacts would be offset to an extent over time by planting and other measures committed to by the company and secured by conditions. More significant weight is afforded to the long term environmental benefits associated with an expanded grid, capable of connecting a significant amount of renewable energy over a lifetime of the assets. The contribution that the proposed development would make to tackling the global climate emergency would in time assist in mitigating the damage to natural habitats and biodiversity caused by climate change itself."

7.1.7 Furthermore, at paragraph 132 the Ministers state:

"It is regrettable that the proposed development will result in the loss of a significant area of irreplaceable woodland. Scottish Ministers have attached conditions to the consent requiring a woodland planting strategy to address the loss of woodland, but it is accepted that this is an impact that cannot be fully mitigated. Scottish Ministers have given significant consideration to this impact but consider that the proposed development is both urgent, and necessary. The greater weight is attached to the benefits of the proposal in terms of the replacement of end-of-life electricity infrastructure and a need for security of supply for local people. The proposed development will make a significant contribution to national renewable energy targets, reducing emissions and addressing the global climate emergency. The

Scottish Ministers conclude, for the reasons set out above, that the proposed development is supported by Scottish Government policies."

7.1.8 It is suggested that a similar analysis of the planning balance applies in the present case, with further emphasis on the overall contribution the Proposed Development makes in real terms in that it delivers a new 400 kV OHL designed to unlock substantial new quantities of renewable energy, thus further supporting the KTR reasoning.

7.1.9 Where impact has arisen with regard to cultural heritage interests and the effects on the integrity of setting of one Scheduled Monument, there are 'exceptional circumstances':

- First, there has been detailed design mitigation and a sensitive overall approach to routeing and alignment, addressed through consultation with HES to avoid, or failing which mitigate, impacts on scheduled monuments. This is when viewed route-wide, where 148 Scheduled Monuments were gazetteer'd for having the potential for significant impacts as a result of changes to setting; wherein 43 were assessed to be subject to a significant adverse effect, of which only one Scheduled Monument has been determined to be potentially at risk of a significant impact to the integrity of its setting as per Policy 7 (h) as a result of the introduction of the Proposed Development.
- Second, the Proposed Development is a nationally significant project and is an important element in securing the decarbonisation of the electricity grid due to the levels of renewable energy generation it will enable to be connected to the electricity network from both committed and proposed on and offshore generation, as set out by NESO and approved by Ofgem.

7.1.10 Given the balance of wider mitigation that can be achieved and consideration of constraints in the alignment of the route for the Proposed Development, it is concluded that the Proposed Development is in accordance with NPF4 Policy 7 (Historic assets and places) when it is read as a whole.

7.1.11 As set out in the Chief Planner's letter of February 2023, "*Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement*."

7.1.12 This point is further demonstrated in the Scottish Ministers' KTR decision referenced above. It is clear that the application of planning judgement remains essential in all decision making, particularly in complex, large scale transmission projects of this nature which traverse large geographical areas with a multitude of environmental and physical constraints, which need to be balanced across the project.

7.1.13 It is considered overall, taking cognisance of the scale and extent of the Proposed Development, and taking full account of the degree of embedded design mitigation (including by way of routeing and alignment) and the application of the mitigation hierarchy thereto, that the Proposed Development would be in accordance with NPF4 when read as a whole.

7.2 The Climate Crisis & Renewable Energy Policy Framework

7.2.1 The nationally important benefits of the Proposed Development have been set out in the context of the current climate emergency – the Proposed Development would help address the climate emergency and very challenging net zero targets and would contribute to improving security of supply.

7.2.2 The technical requirement for the Proposed Development has been established and it responds to the need for a significant and strategic increase in the capacity of onshore and offshore electricity infrastructure to support the UK and Scottish Government commitments and legal obligations on emissions reduction. The Proposed Development is identified as a key requirement to take power from large-scale onshore and offshore renewable generation to be transported to demand centres.

7.2.3 The level of weight to be applied to the identification and assessment of the Proposed Development through the mechanisms administered by NESO and Ofgem is a matter for the

Scottish Ministers. In the KTR decision, paragraph 61 it was stated that "*The Scottish Ministers have considered the main deciding factors advised by the reporters…While the need for and benefits of the proposal are key considerations, Scottish Ministers consider that the technical and economic justification as considered ..goes beyond what Scottish ministers require to consider, in examining the roles of the system operator and the authority, and the decisions or assessments made by them in undertaking these roles, in advance of submission of the applications".* However, it has been observed that the Draft Energy Strategy and Just Transition document emphasises a collaborative approach between the Scottish Government. With regard to Ofgem's role, it has been noted that the Proposed Development is within the scope of the ASTI Framework. In relation to these projects Ofgem observed, in their ASTI Framework decision that *"By including projects within the list of ASTI projects, we are accepting the needs case for these projects in terms of the technical capabilities reflected in the HND/NOA Refresh".* There is a clear expectation from Government and the energy regulator, Ofgem, that this project will be delivered by 2030.

7.2.4 More specifically, the project is needed to deliver Government's 2030 renewable energy targets set out in the British Energy Security Strategy and the Clean Power 2030 Action Plan.

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

"The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond". (pg. 103)

7.2.6 NPF4 identifies 18 National Developments described as "*significant developments of national importance that will help to deliver the spatial strategy".* National Developments are acknowledged as projects necessary for the delivery of the national spatial strategy and *"Their designation means that the principle for development does not need to be agreed in later consenting processes."*

7.2.7 The Proposed Development falls within ND3: 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.

7.3 The Planning Balance

7.3.1 In NPF4 there is a clear recognition that climate change must become a primary guiding principle for all plans and decisions. Significant weight is to be given to the climate emergency and the contribution of individual developments to tackling climate change.

7.3.2 NPF4 came into force on 13th February 2023 and provides up to date statements of Scottish Government policy, directly applicable to determination of this application. This should be afforded very considerable weight in decision-making.

7.3.3 NPF4 is unambiguous as regards the policy imperative to combat climate change, the crucial role of facilitating further renewable energy production and transmission and the scale and urgency of renewables deployment required. As described in this Planning Statement:

- The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are "*at the heart of our vision for a future Scotland*" so that "*the decisions we make today will be in the long-term interest of our country*"[15];
- NPF4 Policy 1 (Tackling the climate and nature crises) directs decision-makers to give significant weight to the global Climate Emergency in all decisions. This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker; and

[15] NPF4, page 2.

- NPF4 is clear that grid transmission infrastructure plays a crucial role in combatting climate change, transitioning to a net zero Scotland and ensuring security of energy supply. NPF4 Policy 11 (Energy) strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including transmission infrastructure. The Proposed Development does give rise to some non-accordance with the Development Plan – in relation to impacts on Ancient Woodland (NPF4 Policy 6) as discussed in section 7.1 above. As noted, some policy conflicts are inevitable, especially given a project of this scale. It is considered that the Proposed Development is in accordance with NPF4 when read as a whole.

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

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

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