FEARNA STORAGE

Fearna Pumped Storage Hydro Scheme

EIA Report

Chapter 5 – Planning and Policy Context

February 2025

Quality Information

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Revision History

Revision	Revision Date	Details	Authorised
01	February 2025	Issue to ECU	Fraser Allison

Contents

5. Planning and Policy Context

5.1 Introduction

5.1.1 This chapter of the EIA Report describes the legislative and policy background relevant to the Proposed Development. A standalone Planning Statement, separate to the EIA Report, has been prepared to support the application which assesses the Proposed Development against planning and energy policy.

5.2 The Electricity Act 1989

5.2.1 This application is submitted to the Scottish Ministers under Section 36 (S36) of the Electricity Act 1989 (the Electricity Act)[1]. At the same time, the Applicant is also seeking that Scottish Ministers issue a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997[2] (the 1997 Planning Act), as amended, that deemed planning permission also be granted for the Proposed Development.

5.2.2 Schedule 9 paragraph 3 to the Electricity Act imposes no duties on an Applicant other than a generating licence holder or a person authorised by an exemption to generate electricity. The Applicant is not a holder of a generating licence or an exemption in respect of the Proposed Development and the duties under Paragraph 3 do not apply.

5.2.3 Notwithstanding, through the design evolution and the EIA process, the Applicant has sought to avoid significant environmental impacts arising from the Proposed Development and to then mitigate those that have been identified. These details are set out in the various chapters forming the EIA Report that is submitted with the application to enable Scottish Ministers to comply with their duties under Schedule 9.

5.2.4 There is no 'primacy' of the Development Plan in an application made under the Electricity Act, as would be the case for an application under the 1997 Planning Act. Rather, weight can be attributed by the decision-maker to all material considerations including the various levels of national and local energy and planning related policy and guidance as deemed appropriate. Notwithstanding, National Planning Framework 4 as the national element of the Development Plan should be accorded significant weight, given it was adopted in early 2023.

5.3 International Climate Change and Energy Policy

5.3.1 Energy legislation and policy in the United Kingdom (UK) is driven by international co-operation to cut greenhouse gas (GHG) emissions, as a means of combating climate change. This includes the '*Paris Agreement*', established through the 21st session of the *Conference of Parties ('COP21')*[3] . Ratified in the UK on 17th November 2016, the Paris Agreement sets out the ambition of holding the increase of global average temperature to "*well below 2°C"* and pursuing efforts to limit temperature increase to 1.5°C. While the Outcomes of COP28 in Dubai in December 2023 did not call for a full phasing out of the use of fossil fuels, there was a call for countries to transition away from fossil fuels with some noting that this marks the 'beginning of the end'[4] of the fossil fuel era. COP28 also

[1] UK Government (1989). Electricity Act 1989. Available at: https://www.legislation.gov.uk/ukpga/1989/29/contents

[2] Scottish Government (1997). Town and Country Planning Act (Scotland) Act 1997. Available at: https://www.legislation.gov.uk/ukpga/1997/8/contents

[3] United Nations (2015). COP21 Paris Agreement. Available at: https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf

[4] https://unfccc.int/news/cop28-agreement-signals-beginning-of-the-end-of-the-fossil-fuel-era

recognised that the aforementioned target of limiting global temperature increases to 1.5℃ warming is at risk, with countries way behind where they need to be to reach this goal.

5.3.2 On 12 November 2024, at the 29th UNFCCC conference of the parties (COP29) in Baku, the UK Prime Minister announced the UK's 2035 Nationally Determined Contribution (NDC) under the Paris Agreement. This commits the UK to reducing economy-wide greenhouse gas emissions by at least 81% by 2035, compared to 1990 levels, excluding emissions from international aviation and shipping.

5.3.3 The 2035 NDC is based on advice from the independent committee on Climate Change (CCC). It is a progression on the UK's previous NDC pledge to reduce emissions by at least 68% by 2030. It was informed by the outcomes of the Global Stocktake from COP28 and is aligned with limiting global warming to 1.5 ℃. It is aligned with the level of ambition in Carbon Budget 6 (2033-37) on the pathway to net zero by 2050

5.3.4 The UK submitted its 2035 NDC Information to facilitate Clarity, Transparency and Understanding (ICTU) to the UNFCCC on 30 January 2025[5].

5.3.5 For more than a decade the UN Gap Reports have compared where GHG emissions are heading, against where they need to be, and highlight ways to close the gap. The latest Gap Report, *No more hot air … please!,* was published on 24 October 2024[6] .

5.3.6 The 2024 Gap Report notes in the Foreword that GHG emissions reached a new high in 2023. This context coupled with the promises made to date put us '*on track for best-case global warming of 2.6 degrees this century and necessitating future costly and large-scale removal of carbon dioxide from the atmosphere to bring down the overshoot*.'

5.3.7 The Report notes in the Executive Summary that:

'The magnitude of the challenge is indisputable. At the same time, there are abundant opportunities for accelerating mitigation action alongside achieving pressing development needs and Sustainable Development Goals.'

5.3.8 As a result, the Report notes that unprecedented action is now needed by all countries and this '*will require overcoming formidable policy, governance, institutional and technical barriers as well as an unprecedented increase in the support provided to developing countries along with a redesigning of the international financial architecture*.'

5.4 Scottish Climate Change and Energy Legislation and Policy

5.4.1 The Scottish Government has legislated to achieve net zero carbon emissions by 2045 and therefore five years earlier than the rest of the UK. Legislation, policy and other documents of most relevance to the application include:

- *Climate Change (Scotland) Act 2009 and Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;*
- *The Climate Change (Scotland) Act 2009 (Interim Target) Amendment Regulations 2023;*
- *Climate Change (Emissions Reduction Targets) (Scotland) Act (2024);*
- *Progress in Reducing Emissions in Scotland, - 2023 Report to Parliament (2024);*
- *Programme for Government 2024-25, Serving Scotland (2024); and*
- *Draft Energy Strategy & Just Transition Plan (2023).*

[5] https://www.gov.uk/government/publications/uks-2035-nationally-determined-contribution-ndc-emissions-reduction-target-under-the-paris-agreement

[6] https://www.unep.org/resources/emissions-gap-report-2024

Legislation

5.4.2 *The Climate Change (Scotland) Act 2009*[7] created the statutory framework for GHG emission reductions in Scotland by setting a target for net Scottish emissions for the year 2050 to be at least 80% lower than the 1990 baseline level.

5.4.3 The 2009 Act also established the Public Bodies Climate Change Duties which came into force on 1 January 2011. It requires that Public Bodies, which includes the Scottish Ministers as decision makers, exercise their functions:

- in a way best calculated to contribute to deliver the Act's emissions reduction targets;
- in a way best calculated to deliver any statutory adaptation programme; and
- in a way that it considers most sustainable.

5.4.4 *The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019*[8] amends the Climate Change (Scotland) Act 2009, by introducing even more ambitious GHG reduction targets. It commits Scotland to becoming a net zero society by 2045 (five years earlier than the rest of the UK) and introduced interim GHG reduction targets, including a 75% reduction by 2030

5.4.5 In April 2024, the Scottish Government abandoned its target of achieving a 75% reduction in GHG emissions by 2030, recognising that the target is *'out of reach'*. The Scottish Government did however note its *'unwavering commitment'* to reaching net zero by 2045, a target that remains embedded in statute.

5.4.6 At the same time as announcing that the 2030 GHG emissions reduction target had been abandoned, the Scottish Government also confirmed that it would drop the legally binding annual targets on reducing emissions, to be replaced by the aforementioned 5-yearly carbon budgets which have yet to be set.

5.4.7 *The Climate Change (Emissions Reduction Targets) (Scotland) Act (2024)*[9] received Royal Assent on 22 November 2024. This 2024 Act replaces the annual and interim GHG reduction targets set out in the 2009 Act with carbon budgets, covering 5-year periods between 2026 and 2045 setting the amount of GHG emissions allowed during each period.

Policy and other Documents

Committee on Climate Change – Progress in Reducing Emissions – 2023 Report to Parliament

5.4.8 The above 2023 Report to the Scottish Parliament was published in March 2024[10]. One of the key messages of the report is that Scotland missed the 2021 annual target of a 51.1% reduction in GHG emissions which is the eighth target Scotland has missed within the last 12 years. Secondly, the report noted that the acceleration required in emissions reduction to meet the 2030 target is '*now beyond what is credible'*. The report also noted that '*current overall policies and plans in Scotland fall far short of what is needed'* to achieve the legal emissions reduction targets. This report preceded the Scottish Government's decision to abandon the 2030 GHG reduction target discussed above.

[7] \ Scottish Government (2009). Climate Change (Scotland) Act 2009. Available at: https://www.legislation.gov.uk/asp/2009/12/contents

[8] https://www.legislation.gov.uk/asp/2019/15

[9] https://www.legislation.gov.uk/asp/2024/15/contents?section-1-3

[10] https://www.theccc.org.uk/publication/progress-in-reducing-emissions-in-scotland-2023-report-to-parliament/

Serving Scotland – Programme for Government 2024-2025

5.4.9 The Programme for Government was published in September 2024[11] and therefore represents the most recent statement of the Scottish Government's priorities on a range of issues. While the Programme for Government is not an energy policy specific publication, it does set out important statements about how the Scottish Government intends to address various matters relating to the climate emergency, nature crisis and renewable energy, amongst other issues.

5.4.10 The First Minister's Foreword notes that the Programme for Government will focus on four key priorities with one being 'tackling the climate crisis emergency'. Section 3 outlines:

5.4.11 'The twin crises of climate change and biodiversity loss represent the existential threat of our times, underlined by recent confirmation that the global temperature has pushed past the internationally agreed 1.5 degrees Celsius warming threshold for a 12-month period. We must reduce emissions and our vulnerability to the future impacts of climate change and restore our natural environment.'

5.4.12 This theme is revisited throughout the document and mirrors the foreword to NPF4 (discussed in Section 5) which puts the twin global climate and nature crisis at the heart of the future vision for Scotland.

5.4.13 It is clearly noted that 'our potential for renewable energy generation is one of our greatest environmental and economic opportunities'. It goes on to outline that in order to support a just transition to a green economy the Scottish Government will shortly publish the Energy Strategy and Just Transition Plan. As well as doubling the ambitions for renewable energy generation, this will set out actions to deliver a clean energy pipeline and its economic benefits.

Draft Energy Strategy and Just Transition Plan (2023)

5.4.14 The Scottish Government published the '*Draft Energy Strategy & Just Transition Plan'* (the Draft SES) for consultation purposes in January 2023.

5.4.15 The Ministerial Foreword describes the 2020s as a 'decisive decade' when we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045. It notes the need to reduce dependency on oil and gas, as a means of combating the climate crisis and reducing our exposure to global market volatility in the energy market, which has seen energy prices increase significantly since the start of the Ukraine war in 2022. The Draft SES seeks to reduce energy costs in the long term and reduce the likelihood of future energy cost crises. It also seeks to achieve the transition to a net zero society in a just manner, so that the employment and economic opportunities associated with it are fully realised.

5.4.16 The overall vision 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 our wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions'.

5.4.17 A series of actions are listed on page 24 to achieve this vision, including the need to *'significantly scale up renewable energy production, including on-and offshore wind power, renewable hydrogen, marine energy, solar and hydro*'.

5.4.18 Section 3.1 notes that *'increasing levels of home-grown renewable supply will make energy more affordable and ensure it is always available when we need it'*. The Draft SES is not technology specific and there are comments, aspirations and targets for different technology types.

5.4.19 The Draft SES states the importance of pumped hydro storage developments stating: "*as we transition to a net zero energy system, renewables and other zero-carbon technologies, including*

[11] https://www.gov.scot/collections/programme-for-government/

pumped hydro storage, will need to provide all the services required to ensure a secure energy system." It continues noting that "*PHS also continues to play a pivotal role in Scotland's energy system providing long-term storage and reserve for the electricity networks. PHS accounts for 740 MW of Scotland's 864 MW of energy storage*" [12] (page 129).

5.5 UK Climate Change and Energy Legislation and Policy

5.5.1 Energy Policy in Scotland is a matter that is reserved to the UK Parliament. However, as the above section notes, the Scottish Government has published several of its own energy policy and strategy documents that apply to Scotland only and these are material to the determination of this application. Following comments on the legislative position, other key documents are considered in chronological order, the most recent first.

Legislation

The Energy Security Act 2023

5.5.2 The Energy Security Act 2023[13] received Royal Assent on the 26th October 2023. Originally introduced as the Energy Security Bill in 2022, it seeks to build on the commitment set out in the April 2022 British Energy Security Strategy[14] to reduce the UK's dependence on volatile fossil fuel markets, by improving domestic energy production and make the UK more self-sufficient when it comes to the energy it uses.

5.5.3 Following the introduction of the Act into law, the Energy Security Secretary Claire Coutinho commented that "*The Energy Act is the largest piece of energy legislation in a generation. It will boost investment in clean energy technologies and support thousands of skilled jobs across the country. It lays the foundations for greater UK energy independence, making us more secure against tyrants like Putin, and helps us to power Britain from Britain*".

Climate Change Act 2008 (as amended)

5.5.4 The *Climate Change Act 2008*[15] became law on the 26th November 2008 and introduced a legally binding target for the UK to reduce CO2 emissions by at least 80% by 2050, relative to the 1990 levels.

5.5.5 In June 2019, the *Climate Change Act 2008 (2050 Target Amendment) Order 2019*[16] was introduced which amended the Climate Change Act 2008, by introducing a target for at least a 100% reduction of GHG emissions in the UK, compared to 1990 levels. This order follows on from the recommendations presented by the Committee on Climate Change (CCC) 2019 publication '*Net Zero, the UKs Contribution to Stopping Global Warming*[17]'.

5.5.6 Efforts to reduce GHG in Scotland contribute to achievement of the UK wide targets, as well as meeting Scotland specific targets.

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[12] Scottish Government (2023). Draft Energy Strategy and Just Transition Plan. Available at: https://www.gov.scot/publications/draft-energy-strategy-transition-plan/

[13] UK Government (2023). Energy Act 2023. Available at: https://www.legislation.gov.uk/ukpga/2023/52/enacted

[14] UK Government (2022). British Energy Security Strategy. Available at: https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy

[15] UK Government (2008). Climate Change Act 2008. Available at: https://www.legislation.gov.uk/ukpga/2008/27/contents

[16] UK Government (2019). The Climate Change Act 2008 (2050 Target Amendment) Order 2019. Available at: https://www.legislation.gov.uk/ukdsi/2019/9780111187654

[17] Committee on Climate Change (2019). Net Zero, the UKs Contribution to Stopping Global Warming. Available at: https://www.theccc.org.uk/wp-content/uploads/2019/05/Net-Zero-The-Uks-contribution-to-stopping-global-warming.pdf

5.6 Policy and Other Documents

Clean Power 2030 Action Plan: A new era of clean electricity

5.6.1 The above document was published by the UK Government in December 2024[18] following an earlier report by the National Energy System Operator (NESO) in 2024 to provide advice on achieving clean power for Great Britain by 2030. The NESO report[19] considered a wide range of issues relevant to reaching clean power by 2030 such as the planning and consenting regimes, the roles that different technologies are to play in a future energy system, grid upgrades and connections, the costs and benefits of clean power and identified two primary pathways to clean power by 2030, namely 'New Dispatch' and 'Further Flex and Renewables'.

5.6.2 That report considers that it is possible to build, connect and operate a clean power system for Great Britain by 2030 while maintaining security of supply. Grid expansion is acknowledged as being essential for clean power by 2030, without which it will not be possible to fully utilise renewables and gas will be needed instead.

5.6.3 The UK Government's Action Plan builds on the NESO report, setting out its view on a pathway to Clean Power by 2030, and the steps needed to get there. The Government's Action Plan notes on page 29 that:-

'Where renewables alone are unable to meet demand for longer periods, we will enable a suite of technologies to be deployed and maintained to provide longer-duration power capacity. This could be a combination of hydro storage, first-of-a-kind low carbon dispatchable technologies like gas CCUS or hydrogen to power, or innovate technologies like liquid air energy storage'.

5.6.4 Long duration electricity storage (LDES) is seen as a key enabler to a secure, cost-effective and low carbon energy system. The benefits of pumped storage hydro are recognised in the Action Plan as a long-established and mature technology which can provide electricity during protracted periods of low wind/sun, while also providing a range of essential grid services such as inertia, voltage support, short circuit and demand response The Action Plan recognises on page 29 the need to '*scale up the deployment of pumped hydro storage*' to help the transition away from unabated gas, whilst maintaining security of supply.

5.7 Planning Policy

5.7.1 The Proposed Development lies within the boundary of The Highland Council. The statutory Development Plan comprises *National Planning Framework 4 (NPF4 [20]),* the *Highland Wide Local Development Plan (HwLDP[21]), the West Highland and Islands Local Development Plan (WestPlan[22])* and a suite of adopted Supplementary Guidance.

National Planning Framework 4 (NPF4)

5.7.2 *National Planning Framework 4 (NPF4)* was adopted on 13th February 2023. It replaces both *NPF3* and *Scottish Planning Policy* in their entirety. The following paragraphs provide a brief summary of the most salient parts of NPF4 only, with further detailed commentary set out in the supporting Planning Statement.

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[18] https://assets.publishing.service.gov.uk/media/677bc80399c93b7286a396d6/clean-power-2030-action-plan-main-report.pdf

[19] https://www.neso.energy/document/346651/download

[20] Scottish Government (2023). National Planning Framework 4. Available at; https://www.gov.scot/publications/national-planning-framework-4/

[21] The Highland Council (2012). Highland-wide Local Development Plan. Available at: https://www.highland.gov.uk/info/178/development_plans/199/highland-wide_local_developmen_plan

[22] The Highland Council (2019). West Highland and Islands Local Development Plan. Available at: https://www.highland.gov.uk/downloads/file/21199/westplan_adopted_september_2019

5.7.3 The opening paragraphs of NPF4 state, "*the global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change. We will need to respond to a growing nature crisis, and to work together to enable development that addresses the social and economic legacy of the coronavirus pandemic, the cost crisis and longstanding inequality*" (page 3).

5.7.4 The National Spatial Strategy is supported by commentary on five Regional Spatial Strategies, each of which will contribute in their own different ways to achievement of the National Spatial Strategy. The Proposed Development site is located within the 'North' Regional Area, shown indicatively on the map on page 27. NPF4 notes under the 'Priorities' sub-heading that "*this part of Scotland can continue to make a strong contribution towards meeting our ambition for a net zero and nature positive country…".*

5.7.5 NPF4 notes that "*a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets*". National Development 2 'Pumped Hydro Storage' sets out a list of developments that have National Development Status including "new and/ or expanded and/or upgraded water holding reservoir and dam" and "*new and/or expanded and/or upgraded water inlet and outlet pipework…*" and where the scheme is classified as a 'major' development (20 Megawatts (MW) and above). The Proposed Development with a generating capacity of up to 1,800 MW significantly exceeds this threshold and falls within this National Development category.

5.7.6 NPF4 states that these schemes will help the transition to a net zero economy "*through the ability of pumped storage hydro schemes to optimise electricity generated from renewables by storing and releasing it when it is required*". It clarifies that the National Development status applies to new PSH sites as well as increasing the capacity at existing sites.

5.7.7 NPF4 confirms on page 97 that National Development status means "*the principle of the development does not need to be agreed later in the consenting process, providing more certainty for communities, business and investors".*

5.7.8 Policy 11: Energy is particularly relevant to the Proposed Development. Its objective is 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 emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)".*

5.7.9 It confirms that all forms of renewable, low carbon and zero emission technology will be supported. These include "*energy storage such as battery storage and pumped storage hydro…*". Policy 11 also states that inter alia *"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".*

5.7.10 Other NPF4 policies potentially of relevance to the Proposed Development are briefly summarised in Table 5.1 below.

Table 5.1 – Summary of Relevant National Planning Framework 4 Policies

NPF4 Policy	Policy Summary
Policy 1: Tackling the Climate and Nature Crises	When considering development proposals, this policy confirms that significant weight will be given to the global climate and nature crises.
Policy 3: Biodiversity	The aim of this policy is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. It confirms that proposals for national/major or EIA scale development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity.

NPF4 Policy	Policy Summary
Policy 4: Natural Places	The intent of this policy is to protect, restore and enhance natural assets, making best use of nature-based solutions. It confirms that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. It sets out specific requirements and assessment criteria in relation to European, national and local natural heritage and landscape designations. The policy sets out further criteria for proposals that will affect a National Park. In relation to Wild Land Areas, it confirms that development proposals will only be supported where they inter alia support meeting renewable energy targets.
Policy 5: Soils	The aim of this policy is to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for inter alia essential infrastructure (where there is a specific locational need and no other suitable site) or the generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets
Policy 6: Forestry, Woodland and Trees	Development proposals will not be supported where they will result in inter alia i) any loss of ancient woodlands, ii) adverse impacts on native woodlands or, iii) fragmenting or severing woodland habitats.
Policy 7: Historic Assets and Places	The intent of this policy is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. It sets out specific requirements and assessment criteria in relation to inter alia listed buildings, conservation areas, gardens and designed landscapes, scheduled monuments, and non-designated historic assets.
Policy 22: Flood Risk and Water Management	This policy intends to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flood risks. The policy confirms that proposals at risk of flooding or in a flood risk area will only be supported where they are for inter alia i. essential infrastructure where the location is required for operational reasons or, ii. water compatible uses.
Policy 23: Health and Safety	This policy covers inter alia air quality and noise. It confirms that development proposals likely to have significant adverse effects on air quality or, raise unacceptable noise issues will not be supported.

NPF4 Policy	Policy Summary
Policy 25: Community Wealth Building	The intent of this policy is to encourage, promote and facilitate a new strategic approach to economic development, that also provides a practical model for building a wellbeing economy at local, regional and national levels. Proposals that contribute to these objectives will be supported

Highland Wide Local Development Plan (HwLDP) (2012)

5.7.11 The Scottish Government's Chief Planner issued a letter[23] on 8th February 2023 relating to 'Transitional Arrangements' and to provide advice on NPF4 becoming part of the statutory Development Plan. The letter reiterated that, as per Section 13 (2) (3) of the Planning (Scotland) Act 2019, in the event of any incompatibility between a provision of NPF4 and a provision of a LDP, whichever is later in date shall prevail. In the case of the Proposed Development therefore, in the event of any incompatibility, NPF4 is to prevail as the more recent document.

5.7.12 The key 'lead' policy in relation to the Proposed Development is HwLDP Policy 67: Renewable Energy Developments. It is replicated in full below:

"Renewable energy development proposals should be well related to the source of the primary renewable resources that are needed for their operation. The Council will also consider:

- *the contribution of the proposed development towards meeting renewable energy generation targets; and*

any positive or negative effects it is likely to have on the local and national economy;

and will assess proposals against other policies of the development plan, the Highland Renewable Energy Strategy and Planning Guidelines and have regard to any other material considerations, including proposals able to demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities.

Subject to balancing with these considerations and taking into account any mitigation measures to be included, the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments (see Glossary), having regard in particular to any significant effects on the following:

- *natural, built and cultural heritage features;*
- *species and habitats;*
- *visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);*
- *amenity at sensitive locations, including residential properties, workplaces and recognised visitor sites (in or out with a settlement boundary);*

[23] Scottish Government (2023). Chief Planner letter transitional arrangements for National Planning Framework 4 – February 2023. Available at: https://www.gov.scot/publications/chief-planner-letter-transitional-arrangements-for-national-planning-framework-4/#:~:text=Publication%20%2D%20Correspondence-,Transitional%20arrangements%20for%20National%20Planning%20Framework,Chief%20Planner%20letter%20%2D%20February%202023&text=Planning%20Minister%20Tom%20Arthur%20and,and%20on%20some%20policy%20considerations.

- *the safety and amenity of any regularly occupied buildings and the grounds that they occupy- having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw;*
- *ground water, surface water (including water supply), aquatic ecosystems and fisheries;*
- *the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;*
- *other communications installations or the quality of radio or TV reception;*
- *the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;*
- *tourism and recreation interests; and*
- *land and water-based traffic and transport interests.*

Proposals for the extension of existing renewable energy facilities will be assessed against the same criteria and material considerations as apply to proposals for new facilities.

In all cases, if consent is granted, the Council will approve appropriate conditions (along with a legal agreement/obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, where necessary), relating to the removal of the development and associated equipment and to the restoration of the site, whenever the consent expires, other than in circumstances where fresh consent has been secured to extend the life of the project, or the project ceases to operate for a specific period.

The Onshore Wind Energy Supplementary Guidance will replace parts of the Highland Renewable Energy Strategy. It will identify: areas to be afforded protection from wind farms; other areas with constraints; and broad areas of search for wind farms. It will set out criteria for the consideration of proposals. It will ensure that developers are aware of the key constraints to such development and encourage them to take those constraints into account at the outset of the preparation of proposals. It will seek to steer proposals, especially those for larger wind farms, away from the most constrained areas and ideally towards the least constrained areas and areas of particular opportunity. It will also set out criteria which will apply to the consideration of proposals irrespective of size and where they are located, enabling proposals to be considered on their merits. It will seek submission as part of the planning application of key information required for the assessment of proposals and provide certainty for all concerned about how applications will be considered by the Council".

5.7.13 Other HwLDP policies potentially of relevance to the Proposed Development are summarised in Table 5.2 below.

Table 5.2 – Summary of Relevant Highland Wide Local Development Plan Policies

HwLDP	Policy Summary
Policy 28 - Sustainable Design	Sustainable design, sensitive siting and climate change are to be taken into consideration in all development schemes. Proposals are to be assessed having regard to inter alia impacts on habitats, species, landscape, cultural heritage and scenery.
Policy 30 - Physical Constraints	Sets out how various physical and technical factors, including those that affect public health and safety, need to be assessed when considering development proposals.

HwLDP	Policy Summary
Policy 51 - Trees and Development	States that the Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The Council will secure additional tree/hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development.
Policy 55 - Peat and Soils	Relates to the unnecessary disturbance, degradation or erosion of peat and soils. Unacceptable disturbance has to be outweighed by a development's social, environmental or economic benefits.
Policy 56 - Travel	Development proposals that involve travel generation must include sufficient information to enable THC to consider any likely on-site and off-site transport implications.
Policy 57 - Natural, Built and Cultural Heritage	All development proposals are to be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, any impacts on the feature and its setting, in the context of a detailed policy framework and considering the following criteria: • Local and regionally important features (mostly identified by the Council); • Nationally important features (identified by national organisations or by the Council under national legislation); or • Internationally important features (identified under government directives and European conventions).
Policy 58 - Protected Species	Concerns a development's individual or cumulative effects on European Protected Species (EPS) and protected bird species. Development likely to have an adverse effect will only be permitted where there is no satisfactory alternative, there is an overriding public interest and, the favourable conservation status of the species concerned will be maintained.
Policy 59 - Other Important Species	Concerns a development's individual or cumulative effects on species listed in Annexes II and V of the EC Habitats Directive (92/43/EEC), priority species listed in the UK and Local Biodiversity Action Plans and species included on the Scottish Biodiversity List. Detrimental effects will be avoided through the use of planning conditions and agreements.
Policy 60 - Other Important Habitats	Considers features of major importance because of their linear and continuous structure, or as a habitat 'stepping stone'. It also relates to those habitats not protected through a nature conservation site designation, namely habitats listed in Annex I of the EC Habitats Directive, habitats of priority and protected bird species, priority habitats listed in the UK and Local Biodiversity Action Plans, and habitats included on the Scottish Biodiversity List. Planning conditions, agreements or mitigation measures, such as compensatory habitat enhancement, will be used where necessary.

HwLDP	Policy Summary
Policy 61 - Landscape	Requires new development to be designed to reflect the landscape characteristics and special qualities identified in the relevant Landscape Character Assessment. This includes consideration of appropriate scale, form and pattern, as well as potential cumulative effects.
Policy 63 - Water Environment	The objectives of the Water Framework Directive (2000/60/EC) to protect and improve the water environment should not be compromised.
Policy 64 - Flood Risk	Seeks to direct development proposals to avoid areas susceptible to flooding, and promote sustainable flood management.
Policy 66 - Surface Water Drainage	All development proposals must be suitably drained in accordance with the SuDS Manual (CIRIA C697).
Policy 72 - Pollution	Development proposals that may result in significant pollution such as noise, air, water and light will only be approved where information is provided to demonstrate that the pollution can be appropriately avoided and, if necessary, mitigated.
Policy 77 - Public Access	Requires development proposals to either retain Core Paths and access points to water or to provide suitable alternative access arrangements.

5.7.14 The January 2025 Development Plans Newsletter[24] for Highland provides an overview of the timetable for preparing land use planning documents for the Highland Council. It confirms that work on a new single Highland Local Development Plan has commenced and that a 'call for sites' consultation exercise has commenced, with consultation running until the end of April 2025. Until such time as the new Highland Local Development Plan is adopted planning policy coverage will be provided by the HwLDP and the areas LDPs.

West Highland and Island Local Development Plan (WestPlan) (2019)

5.7.15 *The West Highland and Islands Local Development Plan (WestPlan)* focuses on regional and local services and facilities, renewable energy developments are briefly mentioned within the settlement strategies. The Plan focuses on the placemaking priorities for the settlements and as such, the content of WestPlan is not directly relevant to the Proposed PSH Development.

5.8 Supplementary Guidance

5.8.1 There is a suite of statutory and non-statutory guidance available on Highland Council's website including *Highland Renewable Energy Strategy and Planning Guidelines*. These Guidelines are not statutory guidance and do not form part of the Development Plan. Supplementary Guidance potentially of most relevance to the Proposed Development is the Highland Flood Risk and Drainage Impact Assessment Supplementary Guidance (2013), Sustainable Design Supplementary Guidance (2013), and the Highland Statutory Protected Species SG (2013). Where relevant, Supplementary Guidance is referred to within individual chapters.

[24] https://www.highland.gov.uk/downloads/file/30004/development_plans_newsletter_2025

5.8.2 Highland Council adopted its *Biodiversity Enhancement Planning Guidance*[25] in May 2024. The Guidance has been prepared to support the application of NPF4, and explains the approach that is required by the Council to deliver biodiversity conservation, restoration and enhancement through the planning system.

5.8.3 The Guidance notes that there is no requirement to use a biodiversity net gain metric, although it states that use of such a tool may be useful to demonstrate how a proposal will meet the NPF4 policy tests and delivery biodiversity enhancement. Until such time as a Scottish metric is available, the Guidance notes that England's statutory metric may be used, adapted or amended with associated justification.

5.8.4 The Guidance notes that enhancement is required in addition to any mitigation, restoration or offsetting required for a development with the preference for biodiversity enhancement to be delivered on site. A minimum 10% biodiversity enhancement is required by the Guidance.

5.9 Summary

5.9.1 This chapter has set out the legislative background, a summary of the renewable energy policy framework, and the Development Plan policies and guidance relevant to the consideration of the Proposed Development. It provides a summary of the energy and planning policy considerations that have been taken into account in the preparation of the EIA Report. The accompanying Planning Statement considers the Proposed Development against the energy and planning policy framework drawing conclusions about the extent of policy compliance based on the residual effects of the Proposed Development set out in the other technical and environmental chapters of the EIA Report.

[25] https://www.highland.gov.uk/downloads/file/28840/biodiversity_enhancement_planning_guidance