Limekiln
Battery Energy Storage System:

Planning Statement

July 2025

BORALEX

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Contents

1. Introduction and Overview

1.1 Introduction

1.1.1 Boralex Limited ('the Applicant') has submitted an application under section 36 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 a proposed Battery Energy Storage System ('BESS') (over 50 MW) and associated substation and infrastructure, access and ancillary works ('the Proposed Development') on land within the operational Limekiln Wind Farm, South of Reay in Caithness ('the Site').

1.1.2 The Proposed Development has an installed capacity of up to 70 megawatts ('MW'). It responds to the need for a significant transition in the UK's energy network, as part of the drive to net zero and the associated increase in renewable energy generation and transmission.

1.1.3 BESS play a vital role in decarbonising the energy sector whilst also helping maintain reliable energy security for consumers. BESS support the grid network and provide an important role particularly in current times when there is an urgent need for substantive grid network reinforcement; enhancement of capacity is critical to capturing renewable energy generation and increasing security of supply.

1.1.4 The operation of batteries such as the Proposed Development offers a sustainable alternative to carbon-intensive energy sources to supply and maintain the grid, which reduces the energy network's reliance on fossil fuels and ultimately contributes to achieving the UK and Scottish Government's greenhouse gas emission targets, whilst enabling enhanced energy security and reduced energy costs for consumers.

1.1.5 This Planning Statement considers the case for approval in land use planning policy terms. Reference is made to the Development Plan and national planning and energy policy both of which support the delivery of essential 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 Site Location and Description

1.2.1 The Site is located within the footprint of the operational Limekiln Wind Farm, south of Reay, Caithness within the administrative boundary of the Highland Council ('THC'). The Site consists of a combination of wind farm infrastructure and commercial forestry.

1.2.2 The overall Site area is approximately 32 hectares ('ha') with access taken from the A836, utilising the existing wind farm access tracks. The Site is rural in nature with a small number of residential properties surrounding. The nearest residential properties include Borlum House, Milton and Loanscorribest, which are located approximately 1.5 km north of the Proposed Development. The closest main and minor roads are the A836 and the Reay to Shebster Road which are approximately 3 km from the Site, with no visibility from the routes.

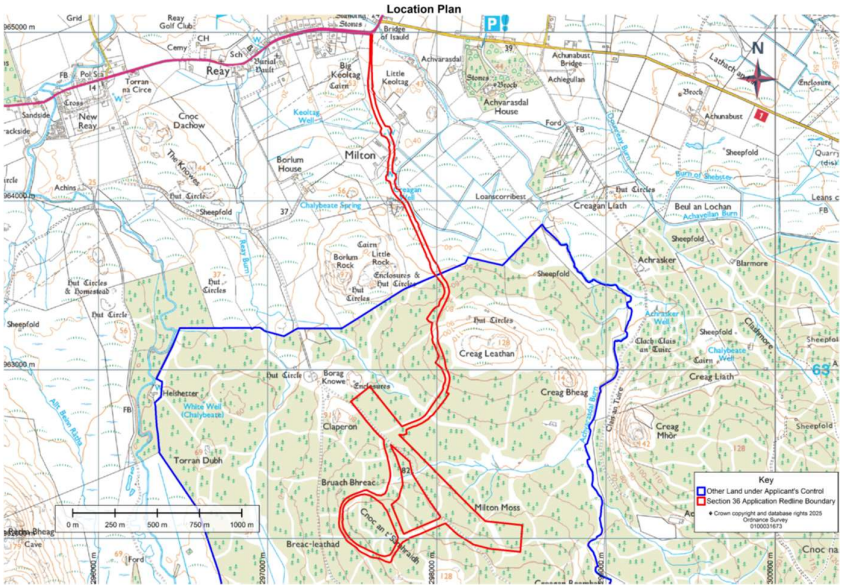
1.2.3 It is proposed that the BESS would be situated on land which forms the reinstated temporary construction compound which was utilised to construct Limekiln Wind Farm.

1.2.4 Existing wind farm tracks would be utilised for the proposed BESS, which no new access tracks required for the Proposed Development.

1.2.5 The location of the BESS is driven by its proximity to the existing Limekiln Wind Farm grid connection. The Applicant is seeking to optimise the use of the existing grid connection infrastructure for Limekiln Wind Farm to improve efficiency and flexibility of the grid. Locating the BESS infrastructure as close to the connection point (being the existing wind farm substation – which is to be extended as part of this proposed development) maximises

electrical efficiency of the facility and minimises the required cable length, therefore reducing environmental impact. Figure 1.1 illustrates the Site Boundary.

Figure 1.1: Site Boundary



1.2.6 The Site is situated within a large coniferous woodland plantation known as Limekiln. The existing Limekiln and Limekiln Extension Wind Farms (together referred to as Limekiln Wind Farm) are operational. The underlying landform comprises relatively low and gently undulating hills, characteristic of the wider sweeping moorland to which it is located. The woodland location means that the Site is well separated from the majority of visual receptors in the wider area.

1.2.7 The nearest settlement to the Proposed Development is Reay, located 3 km north of the Proposed BESS and approximately 2 km north of the proposed substation extension, with no visibility of the Proposed Development experienced, due to the screening effect of the intervening coniferous forestry.

1.2.8 There are no international, national or European sites for nature conservation within the Site boundary. The closest designation to the Site is the Farr Bay, Strathy and Port Skerra Special Landscape Area ('SLA') which lies approximately 8 km to the north-west, which the Dunnet Head SLA lies over 20 km to the east. The East Halladale Flows Wild Land Area ('WLA') lies approximately 1.7 km to the west of the Site with the North Caithness Cliffs Special Protection Area ('SPA') is located approximately 1.3 km north.

1.2.9 Sandside Bay Site of Special Scientific Interest ('SSSI') is located circa 35m from the northern point of the existing access track and is located circa 2.4 km from the proposed BESS.

1.3 Environmental Impact Assessment & Public Consultation

1.3.1 The Applicant submitted an Environmental Impact Assessment ('EIA') Screening Request to the Energy Consents Unit ('ECU') on 22nd April 2025. A response was received from the ECU on 6th June 2025 confirming that no EIA would be required. Notwithstanding that position, the Applicant has prepared a number of supporting technical and environmental appraisals in support of the Section 36 application which are reported within a supporting Environmental Report ('ER'). Key technical appraisal topics addressed are:

> Forestry;

- Landscape and visual;
- Ecology;
- Ornithology;
- Cultural heritage;
- Geology and peat;
- Hydrology and hydrogeology;
- Noise;
- Traffic and transport;
- Socio-economics;
- Outline Battery Safety Management Plan ('oBSMP').

1.3.2 Statutory consultation does not form part of the section 36 application process however best practice references that the Town and Country Planning Act procedures for consultation on 'major development' should be followed where possible. The Applicant has followed this approach.

1.3.3 The section 36 application is supported by a Pre-Application Consultation ('PAC') Report which outlines the public engagement undertaken and it sets out how matters raised within consultation process have been responded to.

1.4 The Proposed Development

1.4.1 The Proposed Development principally comprises the construction and operation of a BESS of an indicative 70 MW capacity, a substation extension to the existing Limekiln windfarm substation, and associated infrastructure, with associated access, landscaping and ancillary works. The footprint of the BESS compound including a potential future augmentation area is approximately 1.2 ha.

1.4.2 The detailed design of the Proposed Development has not been fully developed with precise layout and specific technology selection to be refined at time of development and determined by the appointed contractor; however, the principal components of the Proposed Development include:

- Up to 90 battery storage containers approximately 6.0m long, 2.5m wide and 3.0m high;
- Electrical substation extension and associated infrastructure;
- Power Conversion Units ('PCS's')
- MV/LV PCS transformers
- Control and switchgear building;
- MV/LV auxiliary transformer;
- Underground cable connection to 132kV substation extension;
- 132kV Breaker, 132/33kV transformer and 33kV breaker at the substation extension
- Spare parts containers;
- Office / welfare facilities;
- Fire suppression systems;
- Water storage tanks;

- Back-up generator;
- Palisade fencing typically 3m high;
- CCTV cameras, motion activated lighting and fencing;
- Site access and internal access tracks;
- Biodiversity mitigation and enhancement;
- Drainage (including SuDS);
- Temporary construction compound; and
- Maintenance vehicle parking.

1.4.3 The BESS units would be located within a compound measuring approximately 115 m x 80 m which would be formed of crushed rock load on permeable membrane. There would also be a potential future augmentation area which will be formed from crushed rock measuring approximately 80 m x 50 m.

1.4.4 The compound would be enclosed by a 3 m high palisade fence with CCTV cameras installed on the fence at each corner and at strategic internals along the perimeter.

1.4.5 The maximum height of any structure within the BESS compound facility would be approximately 4 m. The only lighting would be motion sensor activated lighting on the units. Lighting would be up to 7.5 m height. Fire detection and suppressions systems would also be installed.

1.4.6 During operation the Site would be unmanned and operated remotely. Minimal on-site activities are required once operational other than infrequent maintenance activities.

1.4.7 A more detailed description of the Proposed Development key elements is provided at Section 3.4 of the ER.

Access

1.4.8 As explained, access to the BESS compound would utilise the existing wind farm tracks with no new tracks proposed outside the confines of the compound. An internal access track is proposed within the BESS compound required for future maintenance and repair and to meet fire regulations.

Grid Connection

1.4.9 The Proposed Development will connect into the existing substation for the Limekiln Wind Farm which will be extended for the Proposed Development, and lies approximately 800 m to the north west of the BESS compound.

1.4.10 A 132 kV underground cable will connect into the Proposed Substation extension located approximately 800m to the northwest of the BESS compound.

Forestry Felling / Section 36 Wind Farm Reinstatement

1.4.11 The Proposed Development is proposed on an area of ground which is within a large commercial conifer plantation. The Limekiln Wind Farm consented forestry plan indicated that the area would be replanted with productive conifer species as part of the agreed reinstatement. Felling for the temporary construction compound was not therefore included in the woodland loss calculations for the Wind Farm but is already felled.

1.4.12 The area identified for the substation extension lies within an area that has already been felled as part of the Wind Farm construction; however some additional felling will be required for the fire safety buffer.

1.4.13 Minimal tree felling would be required to install the underground cable alongside the core path.

1.4.14 On the basis that the Proposed Development gains consent, a total area of 2.59 ha productive conifer felling is required. 0.71 ha of replanting is proposed within the Site boundary near the proposed Substation Extension to match the Long-Term Forestry Plan (LTFP) Restocking Plan, and the remaining 1.88 ha of compensatory planting is proposed within the landholding. An amendment to the Limekiln Wind Farm LTFP will be progressed separately as required.

Construction

1.4.15 The estimated construction period for the Proposed Development is 6-12 months. A detailed construction programme will be developed by the construction contractor when appointed and this will be provided to the Council as part of a standard Construction Environmental Management Plan ('CEMP') prior to commencement of construction. It is expected that this will form a condition to any consent.

1.4.16 Normal construction hours will be between 07.00 and 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays.

Operation and Maintenance

1.4.17 The lifetime of the Proposed Development is proposed for 40 years. Once operational, BESS require minimal maintenance, likely to comprise routing inspections by technicians and occasional cleaning / maintenance as required.

1.4.18 Typical traffic to the Site would be up to two vans per month. No heavy goods vehicles ('HGVs') are anticipated to be required in the operational period unless any part of the BESS required replacement.

Decommissioning

1.4.19 Should the Proposed Development cease to operate, either at the end of a prescribed operational period or as a result of new technology requirements, decommissioning works and site rehabilitation would be subject to a Restoration and Decommissioning Strategy which would be prepared in consultation with and approved by the Council prior to the commencement of any works, secured via a planning condition.

1.4.20 Decommissioning will consider relevant environmental legislation and technology available at the time of decommissioning. Decommissioning works would be undertaken in accordance with a statement of operations covering safety and environmental issues, including the safe removal of electrical equipment and other infrastructure, to ensure the Site can be effectively reinstated.

1.5 The Statutory Framework

1.5.1 An application under section 36 of the 1989 Act for consent for the construction and operation of an electricity generating station with a capacity that exceeds 50 MW is significantly different from an application for planning permission for a similar station whose capacity is 50 MW or less.

1.5.2 Section 25 (status of the Development Plan) of the 1997 Act does not apply to the determination of applications under section 36 of the 1989 Act as confirmed in the case of William Grant & Sons Distillers Ltd v Scottish Ministers [2012] CSOH 98 (paragraphs 17 and 18).

1.5.3 In addition, there are potentially certain environmental duties in relation to Preservation of Amenity and Fisheries Provisions in Schedule 9, paragraph 3 that may apply.

1.5.4 At this time the Applicant does not hold a generation licence and therefore the statutory duties set out in paragraph 3 of Schedule 9 to the 1989 Act do not currently apply to the Applicant when formulating proposals for consent under section 36 of the 1989 Act. However, the Applicant submitted an application for a generation licence in April 2025.

Furthermore, the Applicant has, through the assessment process, had due regard to the matters set out in paragraph 3(1)(a) of Schedule 9 of the 1989 Act.

1.5.5 The Proposed Development has been screened negatively for EIA purposes and is therefore not EIA Development. This means that there are not likely to be any significant environmental impacts arising from the proposal. The supporting environmental and technical reports identify how various factors have been taken into account in the formulation of the application. In addition, assessments identify likely effects and, where appropriate, mitigation to minimise impact either through embedded design or specific measures.

1.5.6 The Scottish Ministers are obliged to consider whether the Applicant has provided sufficient information to enable them to address their duties under sub-paragraph 3(2)(a) of Schedule 9 to the 1989 Act. The duty on the Scottish Ministers is to have regard to the desirability of the matters specified in Schedule 9. Schedule 9 is not a development management test.

1.5.7 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations. It is important to note however, that section 25 of the 1997 Act is not engaged as there is no 'primacy' of the Development Plan in an application made under the 1989 Act.

1.6 Policy Status of the Proposed Development

1.6.1 It is important to note the **national planning policy status** of the Proposed Development as follows:

- The Proposed Development is identified as a **National Development** ('ND') under the provisions of National Planning Framework 4 ('NPF4') ND3 under the class of development noted at (a) as "*on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity*".
- The Proposed Development is for a critical mechanism to help decarbonise the transmission network to optimise the transmission of renewable connections and transmission of energy to the wider GB network.
- ND3 supports renewable electricity generation, including storage repowering, and expansion of the electricity grid. This infrastructure is designated as a National Development and explicitly supported by NPF4 under the provisions set out in Policy 11(a)(ii) (Energy)).
- The **Statement of Need** for the Proposed Development as contained in NPF4 is as follows:

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

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

  Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience across Scotland… as well as delivering wider social and economic benefits."

The Proposed Development responds to this need and delivers essential storage infrastructure required in the drive to net zero. The Proposed Development is defined in NPF4 as **essential infrastructure**.

- The Proposed Development will support and enhance critical balancing of power use and reduce reliance on fossil fuels, and in doing so further enhance security of supply to the national grid. BESS are required as vital transmission support stations to deliver the Government's legally binding targets for net zero emissions and renewable energy electricity generation targets and policy objectives.
- The Proposed Development has been designed to minimise environmental impacts and includes a scheme of mitigation to ensure the long-term protection of the local and wider environment and deliver development which is sustainable and seeks to maximise generation from an already operational generation Site and grid connection – Limekiln Wind Farm.

1.7 Structure of Planning Statement

1.7.1 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 policy assessment and to set out conclusions on the proposal.

1.7.2 This Planning Statement provides an assessment of the Proposed Development against relevant policy provisions and the statutory Development Plan. The appraisal also highlights where there are incompatibilities between national planning policies by way of National Planning Framework 4 and those of the Highland Wide Local Development Plan ('HwLDP').

1.7.3 This Statement is structured as follows:

- **Chapter 2** provides an overview of the Proposed Development and sets out key facts on operation and purpose, need, site selection, design, safety (including fire safety) and the benefits of the proposal.
- **Chapter 3** sets out the up-to-date position with regard to renewable energy policy and the emissions reduction legislative framework and includes reference to the Scottish Government's Draft Energy Strategy and Just Transition Plan;
- **Chapter 4** appraises the Proposed Development against the most up to date element of the Development Plan, namely the relevant provisions of NPF4;
- **Chapter 5** appraises the Proposed Development against the relevant provisions of the HwLDP; and
- **Chapter 6** examines the planning balance and presents overall conclusions.

2. Project Overview and Key Facts

2.1 Introduction

2.1.1 This chapter provides a summary of the role of BESS and outlines the approach to site selection and outline design adopted. Furthermore, the chapter summarises the benefits of the Proposed Development.

2.1.2 For BESS, fire and safety matters, despite not being a material planning consideration are often examined by decision makers, and this chapter also provides an outline of the relevant safety measures included as part of the Proposed Development. The consideration of pollution / drainage as a result of a fire is material and is fully considered within the associated supporting documentation.

2.2 Role of BESS

2.2.1 BESS are designed to support local distribution and national transmission electricity networks with the balancing of supply and demand. BESS also provide additional services to district and national network operators to help manage electrical grid stability.

2.2.2 The Proposed Development is for up to 70 MW that will connect directly ultimately to the transmission network infrastructure. The Applicant is seeking to maximise generation from an existing grid connection.

2.2.3 The UK's energy network is undergoing a significant transition, comprising a reduced reliance on fossil fuel power plants as they reach the end of their operational lifecycles, and an increasing preference for and reliance upon renewable energy sources. National and international legislation and policies are in place to encourage this transition, including the Climate Change (Scotland) Act 2009 and which has set an ambitious target to reduce Scotland's emissions of all greenhouse gases (GHG) to net zero by 2045.

2.2.4 BESS play a vital role in ensuring the full potential capacity of existing and future renewable energy generation is exploited and the successful transition to a net-zero future. BESS import large amounts of renewable energy from surrounding renewable generators (e.g. wind) when supply is typically at its highest and in excess of demand, storing it, and then exporting it back to the grid when demand is high, but supply is low (e.g. still days).

2.2.5 The National Energy System Operator ('NESO') currently pays renewable generators to turn off supply in Scotland to prevent an overload of the system and simultaneously instructs fast response generators (normally gas power plants) in areas of high consumption to switch on to increase supply. This results in both increased costs to consumers and undermines efforts to transition to a net-zero energy system.

2.2.6 Co-located with Limekiln Wind Farm, and giving rise to minimal environmental impact, the Proposed Development can support the Transmission Operator to manage network constraints; minimising curtailment and can maximise the benefits of current and future renewable energy generation in Highland and throughout Scotland.

2.2.7 BESS are recognised as an essential technology to realise the benefits of renewable generation. BESS reduces the energy network's reliance on fossil fuels and ultimately contributes to help achieve the UK and Scottish Governments' GHG emissions reduction targets. The Proposed Development also contributes to energy security and reduced energy costs for consumers.

2.3 Site Selection & Design Approach

2.3.1 The location of the Proposed Development has been driven by the desire to maximise the generation from an established grid connection for Limekiln Wind Farm. The location of the Proposed Development is driven by the need for proximity to the established and operational Wind Farm substation.

Grid connectivity

2.3.2 BESS are required to import and export energy from the existing electricity network via a substation. For an energy storage facility to connect to an existing substation, the substation must have available capacity, and a corresponding grid connection agreement must be secured with the Transmission Operator. The Limekiln Wind Farm substation has that capacity and enables optimisation of existing connections.

2.3.3 From an electrical perspective, it is most efficient to locate a BESS within close proximity to the point of connection to reduce electrical losses associated with the transport of electricity between the electricity network and the BESS. The site was therefore selected because of its proximity to the existing substation within the operational Wind Farm Site.

Environmental Considerations & Design Approach

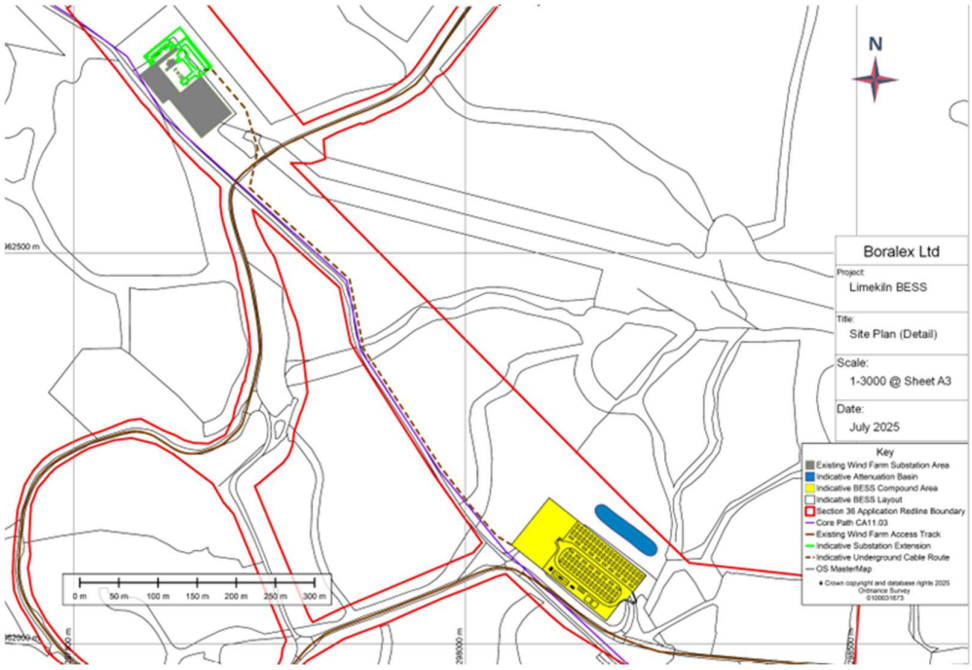
2.3.4 Energy storage facilities, as with any development, should wherever practicable avoid being sited on land which is designated for landscape, heritage, ecological or other environmental reasons, or on land where development is restricted by local planning policies.

2.3.5 Detailed knowledge of the Site, given its wider Wind Farm use and from site surveys confirmed the absence of any sensitive environmental receptors in proximity to the Site. The site which was ultimately selected for the following reasons:

- Co-location with Limekiln Wind Farm;
- Topography and natural screening present in the form of mature trees and other vegetation;
- Location away from sensitive environmental, landscape and local residential receptors; and,
- Use of existing access tracks / existing infrastructure.

2.3.6 The Proposed Development has been developed and designed in accordance with industry best practice and relevant health and safety regulations including Construction Design and Management ('CDM') Regulations 2015.

Figure 2: Proposed Site Layout



2.3.7 The design responds to the specific environmental, physical and contextual nature of the Site. The design and spatial arrangement of the Proposed Development has had regard to fire and electrical safety critical distances; construction, operational and maintenance requirements; and asset protection considerations.

2.3.8 The BESS and Substation Extension have been located and designed to minimise the effect on the surrounding landscape and visual resource. This has been achieved by locating the BESS and Substation Extension within existing areas of coniferous plantation, on brownfield sites, situating these developments at relatively low elevations and integrating them into the local landscape setting by respecting existing ground levels, and in the case of the Substation Extension, by positioning it immediately adjacent to the operational substation.

2.4 Safety & Fire

2.4.1 An Outline Battery Safety Management Plan ('OBSMP') is submitted with the application.

2.4.2 Best practice fire guidance has been followed with regard to the design of the Proposed Development including ensuring the provision of at least two points of access / exit to each BESS compound area from the access track to the Site in event of fire to ensure fire fighter safety, set back of vegetation from battery units and treatment of run-off should water on site be required to fight fire.

2.4.3 It is noted that fire safety and risk management is not a material planning consideration in the determination of applications of this nature, but this document is submitted for information.

2.4.4 Treatment of the run-off of water used to fight fire should a fire event occur has been considered in the Flood Risk Assessment & Drainage Impact Assessment. Provision will be made for firewater containment in the BESS site. This is proposed to be provided by lining the proposed detention basin with a low permeability liner and provision of a penstock/shutoff valve on the outfall which can be used in the unlikely event of a fire to contain firewater in the basin, thus preventing contaminated fire water entering the Achvarasdal Burn system or wider environment. It is also recommended that the interceptor drains/ditches directing flows to the basin are lined. Further details on the assessment of firewater management are provided the Flood Risk Assessment and Drainage Impact Assessment.

2.5 The Benefits of the Proposed Development

2.5.1 The key benefits that would arise from the Proposed Development are summarised below:

Energy Storage & Security of Supply

> The Proposed Development will deliver a BESS with an indicative capacity of 70 MW, delivering a vital role in decarbonising the energy sector whilst maintaining reliable energy security for consumers.

> The Proposed Development will provide essential balancing capacity on the transmission network to enable more efficient maximisation of transmission of new renewable generation. It will optimise the delivery of renewable electricity generation from Limekiln Wind Farm.

> The Proposed Development is consistent with the core aims of NPF4 National Development 3 which seeks to deliver additional renewable energy generation and enhanced transmission capacity to achieve a net zero economy and support network resilience in rural areas. The proposal is of national importance.

> Furthermore, the BESS also has the potential to supply the grid with essential energy security functions including:

- **Voltage support services:** Batteries can supply the network with quickly dischargeable energy during low voltage periods or blackouts; to date these scenarios have typically been managed by reliance on quickly dispatchable fossil fuel energy generators (typically gas peaking plants); and
- **Grid stabilisation services (inertia):** Inertia is incredibly important for the stable operation of the electricity system; it is a by-product of coal and gas-fired generators, however renewables like wind and solar are not able to provide inertia. As older coal and gas plants come off the system and renewable energy generation becomes the dominant source of energy nationally, we need to find new ways to provide grid stability. BESS are able to provide these stability services.

> The Proposed Development, if consented, would provide a valuable contribution to security of supply for Highland, Scotland and for the wider Great Britain ('GB') area. The Proposed Development would enhance the operational capacity of the grid network to enable transmission of renewable energy efficiently, safely and consistently.

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

> The socio-economic benefits of the Proposed Development are summarised below and set out in more detail in Chapter 13 of the ER:

- Pre-development investment and planning fees, benefitting a range of Scottish-based companies and organisations;
- During development and construction, the economic benefits that are expected are: £3.2 million Gross Value Added ('GVA') and 40 years of employment in Highland; and £8.4 million GVA and 100 years of employment in Scotland.
- The expenditure for the operation and maintenance of the Proposed Development could deliver up to: £0.3 million GVA and 3 jobs in Highland; and £0.5 million GVA and 4 jobs in Scotland.
- During operations and maintenance, the Proposed Development will also support the delivery of local services through the annual payment of £0.1 million in non-domestic rates.

- While community benefit funding is not a standard practice for energy storage developments, the Proposed Development will provide £8,400 per year index-linked in funds to support community-led initiatives over its operational lifetime.
- The Proposed Development will contribute to the five pillars of community wealth build through local spending, a BESS fund, local employment, fair wages, using the land for productive use, and stakeholder engagement.

> The Applicant is also committed to maximising local supply chain opportunities, post the grant of a consent and pre-construction.

Biodiversity Enhancement

> The greatest threat to biodiversity is climate change, and delivering enhanced renewable generation and transmission is a critical step to meet net zero.

> Biodiversity and habitat enhancement is proposed as part of this application, and further detail is provided within Chapter 6 of the ER. The aim is to deliver significant enhancement and to leave biodiversity in a measurably better state than the pre-development baseline. The Applicant is committed to the preparation of a Habitat Enhancement and Management Plan to ensure delivery of the measures proposed and which is further discussed in Chapter 4 below in the context of NPF4 Policy 3.

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 GHG emissions reduction law is based. This underpins what can be termed the need case for storage technology, decarbonisation and renewable energy 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 planning policy and advice. These taken together provide very strong support for the Proposed Development in principle.

3.1.3 It is evident that there is clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally, 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 UK and Scottish Government renewable energy policy and associated renewable energy and electricity targets are important considerations. It is important to be clear on the current position as it is a fast-moving topic of public policy. The context of international climate change commitments 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). It entered into force in November 2016. The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2^0C above pre-industrial levels and to pursue efforts to limit global warming to 1.5^0C.

3.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links 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 new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK). This is referred to below.

3.2.3 The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitments in the Paris Agreement.

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 declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

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 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 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. All seven carbon budgets have been put into law and run up to 2042.

Table 3.1: Carbon Budgets and Progress[1]

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%[2]
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	

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 seen as a world leading commitment, placing the UK

[1] Source: CCC.

[2] 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.

"*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:

- UK climate targets cannot be met without strong policy action in Scotland.
- The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and doubling or even trebling by 2050.
- CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
- The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.

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)[3]) 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:

"*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 It further states that low carbon supply by 2040 will see offshore wind grow sixfold from 15 GW of capacity in 2023 to 88 GW by 2040. It adds that "*onshore wind capacity doubles to 32 GW by 2040 and solar capacity increases to 82 GW*" (page 13).

3.3.13 In relation to the increase in onshore wind capacity, CB7 sets out (page 106) that "*this will require recent annual installation rates to treble this decade, requiring installation rates comparable to the annual rollout rates previously sustained during the mid 2010s*".

The British Energy Security Strategy (April 2022)

3.3.14 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*:

[3] 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.

"*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."

3.3.15 Reducing Scotland's and the wider UK's dependency 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 for global political stability and insulation against dependencies on rogue nation states.

The UK Battery Strategy (2023)

3.3.16 The UK Government published the UK Battery Strategy on 26 November 2023. The Strategy brings together Government activity to achieve a globally competitive battery supply chain by 2030 that supports economic prosperity and the net zero transition in the UK.

3.3.17 In summary, the Government's vision is for the UK to continue to grow a thriving battery innovation system and to become a world leader in sustainable design, manufacture and use.

3.3.18 The Strategy was developed with the UK Battery Strategy Task Force, drawing upon a call for evidence and engagement with business and stakeholders. The Strategy is based around the 'design, build, sustain' approach and through the strategy sets the key objectives that the UK will:

- Design and develop batteries for the future;
- Strengthen the resilience of UK manufacturing supply chains; and
- Enable the development of a sustainable battery industry.

3.3.19 In the foreword to the document, the Minister of State for Industry and Economic Security at the Department of Business and Trade states that (page 3):

"Batteries will play an essential role in our energy transition and our ability to successfully achieve net zero by 2050."

3.3.20 Batteries are seen as key to the net zero transition as they enable more flexible use of energy such as maximising use of intermittent low carbon generation.

Climate Change Committee Report to UK Parliament (2024)

3.3.21 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:

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

3.3.22 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."*

3.3.23 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."

3.3.24 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 (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.

3.3.25 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).

3.3.26 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."

3.3.27 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."

3.3.28 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….*"

3.3.29 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)

3.3.30 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.

3.3.31 Energy policy is reserved to Westminster and 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.

3.3.32 The Department for Energy Security and Net Zero ('DESNZ') issued a Statement on 8 July 2024 which included references to double UK onshore wind capacity from its current level of approximately 15 GW to a planned capacity of 30 GW by 2030.

UK Government: Clean Power 2030 Action Plan (2024)

3.3.33 The Clean Power 2030 Action Plan was published by DESNZ in December 2024. It sets out (page 9) that Britain needs to install "*clean sources of power at a pace never previously achieved*". It further adds (page 10):

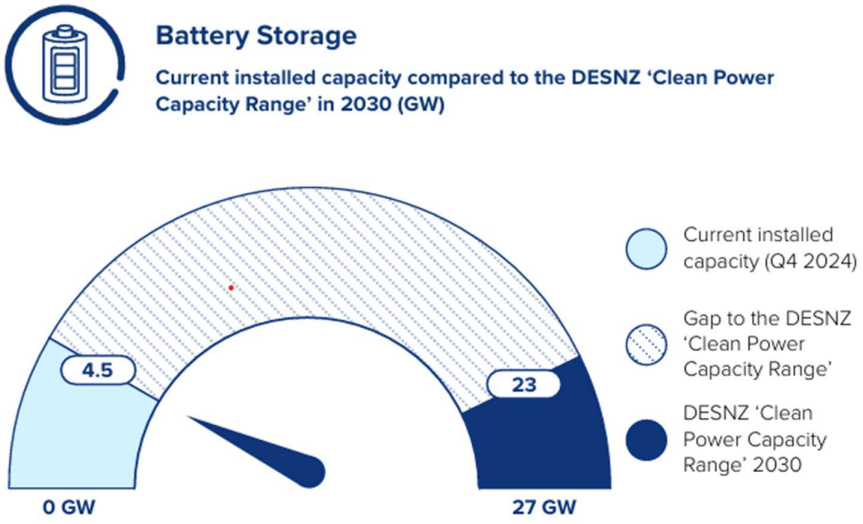
"*clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of essential new energy industries supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and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

"*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*".

3.3.34 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*".

3.3.35 **Figure 3.2** below shows the current gap between installed capacity compared to the DESNZ requirement to 2030.

Figure 3.2 Battery Storage: Current installed capacity compared to the DESNZ 'Clean Power Capacity Range' in 2030 (GW)



Source: Table 1

3.3.36 Currently there is 4.5 GW of battery storage in Great Britian and based on NESO and DESNZ BESS growth scenarios for 2030, it is expected that some 23-27 GW of battery storage will be needed by 2030 to support clean power – a very significant level of increase. It is stated that *"Among the specific actions required for batteries, improving the time it takes for mature grid-scale batteries to obtain grid connections and planning decisions are the most significant actions in order to deliver the huge increase in grid-scale battery capacity".* (pg.96)

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 onshore wind 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 new legally binding 'net zero' targets 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:

"*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 CCC calls in the report for Scotland's Climate Change Plan to be published urgently in order that the CCC can assess it and identify the actions which will deliver on its future targets.

3.4.7 The press release states that there is a path to Scotland's post-2030 targets, but stronger action is needed to reduce emissions across the economy.

3.4.8 The main report (page 10) states that "*The Scottish Government should build on its high ambition and implement policies that enable the 75% emissions reduction target to be achieved at the earliest date possible*."

3.4.9 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 aim to develop 8-11 GW of offshore wind and 20 GW of 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.*"

3.4.10 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.

3.4.11 In light of 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

3.4.12 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 establishes 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.

3.4.13 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 and 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 an 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.

Recognition of the role of Battery Storage

3.5.4 With regard to the potential of battery storage the draft strategy recognises:

"Batteries can be combined to provide energy storage: In a domestic setting supporting the energy efficiency of individual homes; In communities and neighbourhoods, supporting the energy efficiency of the local low energy network; In strategic locations and through aggregating a large number of fixed and vehicle batteries to support regional energy and grid balancing a high energy network".

3.5.5 Furthermore, it adds:

"Utility scale battery storage offers fast responding, dispatchable power when required. As of September 2021, only 124 MW of the total 864 MW of energy storage was provided by Battery Energy Storage Systems (BESS) capacity installed in Scotland. However, there is a further 2.1GW that has secured planning permission. Typically, these systems use lithium-ion technology, and only contain energy to dispatch full power continuously for a short number of hours. They also provide a number of ancillary services required to maintain stability within the electricity networks". (Page 130).

3.5.6 The Draft Strategy reiterates the support for energy storage set out in NPF4 (page 130).

3.5.7 The Draft Strategy further recognises the potential contribution BESS can make to achieving net zero in summarising the key areas where it is considered that the UK Government needs to take action to support the delivery of the strategy with particular regard to energy system flexibility stating:

"We urge the UK Government to make ancillary markets more accessible for Battery Energy Storage Systems (BESS) and other low carbon technologies ahead of fossil fuel powered alternatives".

3.6 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 sectors 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 Page 6 sets out that GIS forms a key part of the Government's broader National Strategy for Economic Transformation. It states that "*It also links explicitly to our Just Transition Plans which describe how the transition to net zero in the most emitting sectors will be achieved in a way that delivers economic, social and community benefits, including fair work, environmental preservation and reduced poverty and inequality*."

3.6.4 The first of the five opportunity areas is in relation to 'maximising Scotland's wind economy'. It states that this:

"*is about making the most of our natural resources, established onshore and offshore wind sectors and first-mover advantage in floating offshore wind to generate clean electricity; participating in global supply chains as well as expanding our domestic supply chain capacity and seizing opportunities across the offshore wind supply chain, from infrastructure to manufacturing; positioning Scotland as a leader in material circularity of wind turbines and components.*"

3.6.5 Actions include *inter alia*:

- Supporting investment to improve essential infrastructure, expanding supply chains and secure manufacturing opportunities;
- Developing and maintaining a pipeline of investment propositions backed by clear information about the timing and nature of renewable energy opportunities;
- Delivering planning and consenting systems which enable Scotland's net zero development pipeline; and
- Exploring the circularity opportunity in onshore wind.

3.6.6 Page 13 states clearly that the single goal of the GIS is to help Scotland realise economic growth opportunities from the global transition to net zero.

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

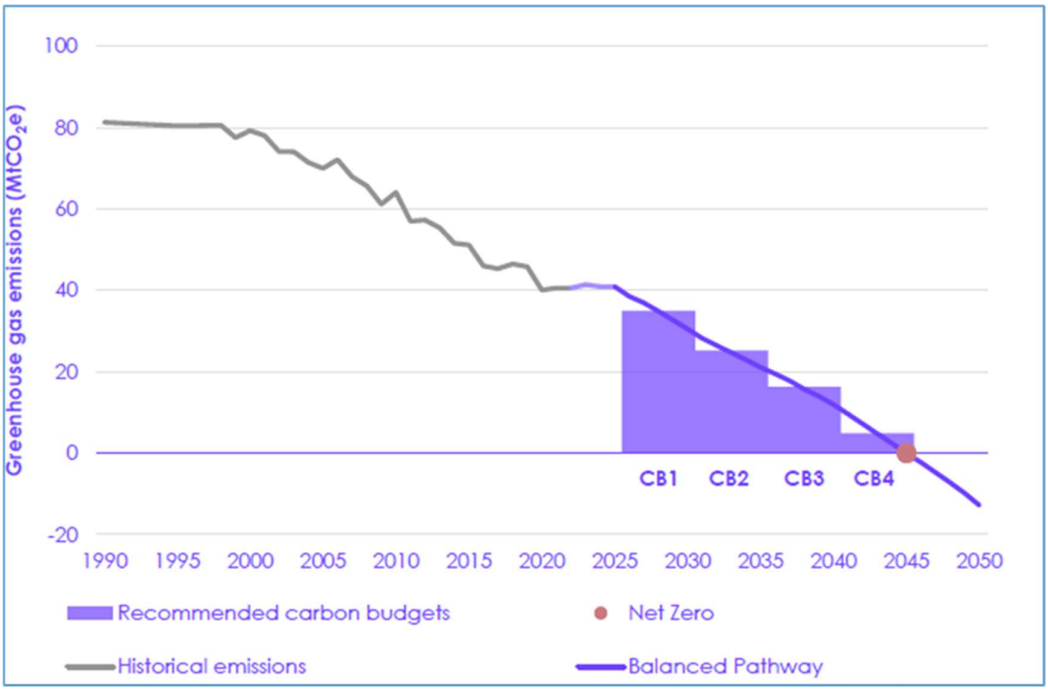
3.7.1 This CCC Report was published in May 2025, and it sets out the CCC's advice on the level of Scotland's four proposed carbon budgets, covering the period 2026 to 2045. It recommends that the Scottish Government sets its carbon budgets, at annual average levels of emissions that are:

- 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.

Figure 3.3 CCC Recommended Carbon Budgets for Scotland



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.

3.7.5 The Report explains that progress to date has largely come from electricity decarbonisation, reflecting Scotland's abundant renewable 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 from 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 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."

3.7.9 Scotland currently has approximately 17.6 GW of renewables operating capacity, therefore, to achieve the Balanced Pathway figure of 66 GW by 2045 will require an additional 48.4 GW to be deployed.

3.7.10 The report acknowledged the benefits of grid storage in achieving the Balanced Pathway at page 93. It states *"With an increasing share of variable renewables, grid storage such as batteries and pumped hydropower can capture energy, typically when it is cheap, to provide electricity in periods when demand is higher and electricity is more valuable. It can operate on short-to-medium timescales to provide flexibility when it is most valuable.*" The Proposed Development would support the transition to the Balanced Pathway figure.

3.7.11 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.

3.7.12 The Report makes reference to the Scottish Government and the UK Government's 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 Scottish Government Commitment to Climate Target, June 2025

3.8.1 Following the publication of the CCC Report, Scotland's Carbon Budgets in May 2025, the Scottish Government announced in June 2025 its intention to set new climate targets in line with those set out by CCC. The carbon budgets approach will set limits on the amount of

greenhouse gases Scotland will emit over the coming decades and are direct action to tackle climate change.

3.8.2 The carbon budgets propose five-year, statutory limits on emissions from 2026 to 2045. The proposed budgets are in line with the advice from the independent CCC and the Scottish Government's own assessments and by 2045 aims for average levels of emission to be 94% lower than 1990 levels (Full details are set out at Section 2.9 above, and are therefore not repeated.)

3.8.3 The proposals will be scrutinised by the Scottish Parliament before being voted on in the autumn 2025.

3.8.4 Once the Carbon Budgets have been agreed, the Scottish Government will publish and consult on a new draft Climate Change Plan outlining the specific actions required to reduce emissions so as to meet each of the first three carbon budget targets, as well as setting out the associated costs and benefits.

3.8.5 Scotland's Cabinet Secretary for Climate Action and Energy Gillian Martin said[4]:

"Scotland is now halfway to our 2045 climate change target and is ahead of the UK as a whole in reducing long term emissions.

"These Carbon Budgets will set clear limits on emissions for the coming decades in line with the independent advice of the UK Climate Change Committee.

"When we publish our draft Climate Change Plan later this year, it will set out the policies needed to continue to reduce our emissions and meet our first three carbon budget targets.

3.8.6 This announcement by the Scottish Government furthers the commitment to carbon budgets as a measurement tool for emissions reduction. The publication of the draft Climate Change Plan in due course will be an important tool in policy terms to see exactly how this will be achieved in practice within each of the key sectors.

3.9 Conclusions on the Energy Policy & Legislative Framework

3.9.1 The Applicant's position is that the Proposed Development is strongly supported by the current renewable energy policy and legislative framework.

3.9.2 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.

3.9.3 It should be noted that in the Linwood BESS Section 36 consent (ECU00004543) issued by the Scottish Ministers in May 2024, the Ministers stated in the decision letter (paragraph 38):

"*The benefits of the proposed Development are energy storage and provision of services needed to ensure a secure electricity system, with economic benefits. The move to a net zero electricity system necessitates the delivery of a greater amount of electricity generation from renewable energy, including from sources such as wind and solar which are variable and non-dispatchable.* ***Energy storage such as the proposed Development provides will be vital in that context to ensuring the balance between supply and demand, to ensuring security of supply, and to reducing the curtailment of renewable generators under grid constraints which would otherwise result in a loss of valuable renewable generation****. Secure and stable energy supply is a fundamental need of a prosperous economy. As well as the potential economic benefit to local and national businesses during construction, the proposed Development would provide further benefit to the economy through its contribution to underpinning energy security and flexibility*." (emphasis added)

[4] Scottish Government (2025) Press Release 19 June 2025 https://www.gov.scot/news/new-climate-targets-set/

3.9.4 These comments were restated subsequent Scottish Minister decisions on the Smeaton BESS (August 2024) (ECU00004783) and Auchentiber BESS (September 2024) (ECU00004979).

3.9.5 Of note, the Scottish Ministers also make reference to the Draft Scottish Energy Strategy and Just Transition Plan of 2023. With reference to this document at paragraph 39 of the Auchentiber Decision Letter, the Ministers state that they have considered the role that the proposed development can play in relation to the generation of electricity from low carbon energy storage. They state:

"*The Energy Strategy states that 'Scotland should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of our homes and businesses as our energy transition takes place'. It adds that 'Scotland needs a balanced and secure electricity supply. That means a system and a range of technologies which provide sufficient generation and interconnection to meet demand. It means an electricity network which is resilient and sufficiently secure against any fluctuations or interruptions to supply*'."

3.9.6 The Ministers go on at paragraph 40 of their Decision Letter to state:

"*The generation of electricity from batteries is not in itself a renewable source of energy;* ***Scottish Ministers do however regard the proposed Development as essential infrastructure. The proposed Development, through provision of energy storage, adds flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of our homes and businesses as our energy transition takes place. Scottish Ministers conclude that the proposed Development is supported by the Energy Strategy****.*

The Draft Scottish Energy Strategy and Just Transition Plan 2023 signals that strong support from the Scottish Government for battery storage remains." (emphasis added)

3.9.7 It is clear from 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.

3.9.8 Given significant capacities of low carbon generation (in particular this will be onshore wind in Scotland) BESS technology will play an essential part in delivering net zero for Scotland and the wider UK. The Proposed Development is therefore an essential near-term step in assisting to meet Government objectives for decarbonisation and achieving net zero, which will address the Climate Emergency. Such technology will help ensure energy supply is secure, will reduce the amount of time that renewable generation needs to be constrained off the grid system, will result in more low carbon and renewable energy being delivered – specifically from Limekiln Wind Farm.

3.9.9 As the volume of renewable electricity increases on the grid system, it is essential to sustain an energy balance in terms of supply/demand, when demand is either very high or very low. Furthermore, when demand is low and renewables provide a significant share of total power on the system, then maintenance of power quality and system stability levels requires services to achieve the appropriate balance.

3.9.10 Energy storage is increasingly well placed to deliver a number of services to the GB grid system. Therefore, whilst electricity storage does not generate low carbon energy, it helps make more useful that energy which has been generated by renewable sources.

3.9.11 Furthermore, batteries are well suited to displace other technologies (such as fossil fuel powered engines which are currently used to meet the role of meeting peak demand at certain times, but for which at the present time there is no carbon capture solution).

3.9.12 Additionally, as set out in this Chapter, the current UK and Scottish Government policy drive is to massively increase renewable generation volumes (such as set out in the Onshore Wind Policy Statement with the new target for 20 GW to be operational in Scotland by 2030 and 30

GW for the UK) and this increases the important role of electricity storage within the GB electricity system.

3.9.13 The proposal is therefore in full accordance with UK and Scottish Government energy policy on the need for such technologies, defined as essential infrastructure, to support the transition to a fully low carbon grid system.

3.9.14 Overall, the Draft Energy Strategy forms part of the new policy approach, alongside NPF4. These documents confirm the Scottish Government's policy objectives and related targets, reaffirming the important role that BESS can play in response to the climate crisis.

3.9.15 Decisions through the planning and wider consenting system must be responsive to this position with major challenges at the global, UK and Scottish levels. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance in a given case.

3.9.16 It must follow that the need case for the Proposed Development is to be afforded substantial weight in the planning balance. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be in order to attain net zero.

4. Appraisal against NPF4

4.1 Introduction

4.1.1 NPF4 was approved by resolution of the Scottish Parliament on 11 January 2023 and came into force on 13 February 2023. A Chief Planner's Letter was issued on 8 February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contained advice intended to support consistency in decision making ahead of new style Local Development Plans being in place.

Development Management

4.1.2 NPF4 now forms part of the statutory Development Plan. For the purposes of Section 36 decision making, acknowledging that Section 25 of the 1997 Act is not engaged, NPF4 is a significant material consideration.

4.1.3 Section 13 of the Planning (Scotland) Act 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).

4.1.4 Therefore, the statutory Development Plan covering the application Site consists of NPF4 (2023) and the HwLDP (2012).

4.1.5 The publication of NPF4 coincided with the implementation of certain parts of the Planning (Scotland) Act 2019 (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 of them is the later in date will prevail. That will include where a LDP is silent on an issue that is now provided for in NPF4.

4.1.6 In terms of emerging LDPs prepared prior to the adoption and publication of NPF4, the Chief Planner's Letter of 8th February 2023 states that it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the Examination process. In this case there is no emerging draft LDP that is at such a stage that it is material to take into account.

How NPF4 is to be used

4.1.7 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*."

4.1.8 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:

"*It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals[5]. NPF4 includes a long-term spatial strategy to 2045*."

4.1.9 NPF4 contains a spatial strategy and Scottish Government development management policies to be applied in all consenting decisions, and it identifies national developments

[5] 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'.

which are aligned to the strategic themes of the Government's Infrastructure Investment Plan[6] ('IIP').

4.1.10 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*".

4.2 The National Spatial Strategy – Delivery of Sustainable Places

4.2.1 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*."

4.2.2 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[7].

4.2.3 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".

4.2.4 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*."

4.2.5 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).

4.2.6 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,

[6] 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.

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

development that is accessible by sustainable travel, and expansion of renewable energy generation."

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

4.2.8 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*".

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

"*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*."

4.2.10 A key point in this statement 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.

4.3 National Developments

Overview

4.3.1 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*".

4.3.2 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*".

4.3.3 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"

4.3.4 Page 103 of NPF4 describes ND3 and it states:

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

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

***network will require**. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.*

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

4.3.5 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*."

4.3.6 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, it is recognised (NPF4, page 6) that "*we must make significant progress*" by 2030.

4.4 National Planning Policy

4.4.1 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.

4.4.2 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*".

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

- Policy 1: Tackling the Climate and Nature Crisis;
- Policy 3: Biodiversity;
- Policy 4: Natural Places;
- Policy 5: Soils;
- Policy 6: Forestry, woodland and trees;
- Policy 7: Historic Assets and Places; and
- Policy 11: Energy;

4.4.4 In terms of "liveable places" the relevant policies to the Proposed Development include the following:

- Policy 22: Flood Risk and Water Management.

4.4.5 These policies are addressed below.

4.4.6 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*."

4.4.7 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*".

4.5 NPF4 Policy 1: Tackling the Climate and Nature Crises

Policy 1 & Principles

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

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

4.5.3 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 given it would be consistent with the intent of Policy 1 and would make a positive contribution by helping to attain its outcome of net zero.

4.5.4 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."

4.5.5 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 for the Proposed Development.

4.5.6 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

4.5.7 Given the nature of the Proposed Development, it would make a valuable contribution in relation to targets. 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. The contribution to decarbonisation and grid support to support net zero also need to be recognised in the context of NPF4 Policy 11 (Energy) which requires the contribution that a development would make to targets to be taken into account.

4.5.8 The Proposed Development could make a meaningful contribution to targets within this key timescale and that is a very important consideration.

4.5.9 Ministers reinforce the support provided for BESS within NPF4 within their decision on the Auchtentiber BESS proposal published in September 2024 at paragraph 47 of their decision letter which states:

"Grid scale battery energy storage provides a means to store the electricity generated from the wind, solar etc at times when electricity generation outstrips demand or when the capacity of a constrained electricity grid is insufficient to supply the generated electricity to consumers. On this basis battery energy storage makes an indirect but significant contribution to renewable energy generation targets and greenhouse gas emissions reduction targets."

4.5.10 A further important point is the need to recognise that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a valuable contribution of 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.

4.5.11 As explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development.

4.6 NPF4 Policy 11: Energy

Policy 11 & Principles

4.6.1 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.*"

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

4.6.3 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".

4.6.4 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.

4.6.5 The wording of Policy 11 Paragraph (a)(ii) makes it clear that the policy supports battery storage and enabling works including electricity grid infrastructure which are also defined in NPF4 as essential infrastructure.

The application of Policy 11

4.6.6 **Paragraph c) of Policy 11** requires socio-economic benefits to be maximised. The Applicant has committed to seek to maximise local employment and economic gain and social benefits and the benefits that would result have been referenced in Chapter 2 above and are discussed in detail in within Chapter 13 of the ER. In summary, it has been demonstrated that

the Proposed Development will have a positive net impact on the economy of both Highland and the wider Scottish economy.

4.6.7 **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.

4.6.8 There are no identified impacts on international or national designations as a result of the Proposed Development.

4.6.9 **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.

Impacts on Communities and Individual Dwellings

4.6.10 The site is located within a rural area which is already influenced heavily by electrical infrastructure being an operational wind farm. There are a small number of neighbouring residential properties in the vicinity. The design has been progressed so as to minimise impacts on all receptors ensuring adequate visual and acoustic screening.

4.6.11 No significant adverse noise or visual impacts are predicted after mitigation as a result of embedded design mitigation.

Noise

4.6.12 Noise was addressed within EIA Screening and scoped out. of further consideration. Construction noise for a BESS would be mostly from mobile plant on site for earthworks and various small scale construction activities. The principal noise emissions associated with the operational phase arise from fixed plant such as battery units and inverters / transformers.

4.6.13 Despite being scoped out, the applicant has engaged TNEI as noise consultant and identified the nearest noise sensitive receptors of interest. The receptors are residential properties quite distant from the Proposed Development and already identified and assessed within the Limekiln Wind Farm noise assessments. Given the large distance between the Proposed Development and nearby receptors, no significant noise effects associated with the construction, operation or decommissioning of the Proposed Development are anticipated.

4.6.14 It should also be noted that for construction noise, management would be through the adoption of best practise measures incorporated within a Construction Environmental Management Plan (CEMP).

Landscape and Visual Considerations

4.6.15 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 transmission infrastructure. This is a very different starting point compared to the position in the former SPP and there is 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 Design Approach

4.6.16 The need for the Proposed Development was identified in response to grid network needs and current and future renewable generation. BESS are required to be located as near to a grid substation as possible to reduce electrical losses and avoid the need for additional impacts through long and intrusive grid connection works.

4.6.17 The design as proposed reflects the topography and character of the Site and utilises a previously utilised site (construction compound) within a well screened location. The platform arrangement and location of key infrastructure within the site seeks to minimise visual impact and fit the development into the landscape wherever possible.

4.6.18 The proposed design has been consulted upon and driven by relevant assessments and technical advice. The Proposed Development is considered to represent a satisfactory design and siting for the development.

Landscape Character

4.6.19 The two Landscape Character Types ('LCTs') that may be considered relevant to the appraisal are the Sweeping Moorlands and Flows LCT (LCT 134), in which the site is located, and the Farmed Lowland Plain LCT (LCT 143), which lies to the immediate north of Limekiln Forest.

4.6.20 In relation to the host LCT, the Proposed Development is located in the Limekiln Forest coniferous plantation on the northern fringe of the LCT. The area is characterised by the enclosure of forestry in contrast to the openness of the core flows and moorland to the south. The rotational felling and restocking presents a heavily managed and modified landscape in contrast to the natural landscape of the flows. The recently constructed Limekiln Wind Farm is also located in this LCT making large-scale energy development an established feature of the baseline character. This northern part of the LCT lacks the sense of remoteness and naturalness, experienced in those undeveloped and unmodified parts of the LCT to the south.

4.6.21 The level of effect on character of LCT 134, Sweeping Moorland and Flows as related to the Site would be Moderate/Minor during Construction reducing to Minor during operation of the Proposed Development. These effects would occur where visibility arises within approximately 2 km of the Site.

4.6.22 In relation to the Farmland Lowland Plain LCT, despite its relative proximity to the Proposed Development, the screening effect of the intervening landform and coniferous plantation, as demonstrated by the screened ZTV in Figure 5.3 of the ER, combined with the relatively small scale/ low lying nature of the Proposed Development and the baseline influence of existing development (including Limekiln Wind Farm and the settled northern coastline), will prevent material effects on landscape character within the Farmed Lowland Plain from arising. This has been verified through fieldwork and on this basis LCT 143 was scoped-out from the detailed appraisal.

Designated Landscapes

4.6.23 There are no landscape designations within or immediately surrounding the Site. The site and its surroundings lie well separated from any national or local landscape designations. The closest designation to the site is the regionally valued Farr Bay, Strathy and Port Skerra Special Landscape Area ('SLA') which lies approximately 8km to the north-west of the site, while the Dunnet Head SLA lies over 20km to the east. It is considered that no effects on the special landscape qualities of these designations will arise owing to a combination of the substantial separation distances, the relatively small scale and height of the Proposed Development and the enclosure of the Site by localised landform features and coniferous plantation.

Visual Effects

4.6.24 The assessment considered six representative viewpoints to assess the impact of the Proposed Development on settlements and residential properties, transportation routes and recreational routes and core paths.

4.6.25 The principal route of relevance to the appraisal is the Core Path circuit through Limekiln Forest (CA11.03), together with its connecting routes into the village of Reay. Three representative viewpoints have been identified to represent people using these routes (Viewpoints 1, 2 and 5). The Core Path through the forest currently passes close to a number of Limekiln Wind Farm wind turbines as well as the operational substation at the northern end

of the Application Site. The experience for users of this circular route is already heavily influence by energy infrastructure and the introduction of the BESS compound (on a site used as a construction compound for the wind farm) will further intensify this experience. The Applicant proposes to provide an interpretation board alongside the BESS site providing information about the BESS process, and how this interfaces with the wind farm.

4.6.26 Two viewpoints would experience a major (during construction) and major/moderate (operation) level of effect. These relate to Viewpoint 1 CA11.03 Limekiln Forest (Substation Extension) and Viewpoint 2: CA11.03 Limekiln Forest (BESS compound), at points along the core path.

4.6.27 The appraisal has found that the only locations where high levels of landscape and visual effect may arise is within the Application Site itself, where the BESS Compound and Substation Extension can be experienced at close range from the Core Path. Beyond the boundaries of the Site the Proposed Development is neither prominent or intrusive and the screened ZTV demonstrates how beneficial the choice of site is.

4.6.28 The landscape and visual appraisal concludes that the Proposed Development will have limited and highly localised landscape and visual effects on the Site and surrounding area and will be well related to the established wind farm energy infrastructure operating in the Limekiln Forest plantation.

Public Access

4.6.29 Core Path CA11.03 Limekiln Forest intersects the access route to the Proposed Development and comprises a track which is 8.4 km in length. A temporary diversion has been discussed with THC which involves diverting the Core Path through the wind farm during construction works. The CTMP will include details of this and measures to ensure that a route is protected for access during construction as appropriate. No impediment to access of the Core Path will occur on operation.

Aviation, Defence Interests and Telecommunications

4.6.30 The Proposed Development will not give rise to any negative effects with regard to aviation, defence interests or telecommunications.

Impacts on Road Traffic and Trunk Roads

4.6.31 The Applicant commissioned Pell Frischmann to prepare a combined Transport Statement and Construction Traffic Management Plan (CTMP), and this is submitted in support of the application. The document examines the likely impact of traffic generated by the Proposed Development on the local road network.

4.6.32 The report demonstrates that the Proposed Development will generate approximately 58 vehicle movements per day at the peak of construction. It is expected that during the peak month of construction (month five), 32 two-way HGV movements per day will occur per day. A further 26 car / LGV trips would be created by construction staff travelling to and from the Site.

4.6.33 Traffic management procedures have been proposed which would ensure the safe operation of the approach route to the Site during construction. Determination of the final details of traffic management measures will occur once the contractor has been appointed and can be controlled by a suitably worded condition.

4.6.34 The Proposed Development would not be manned, operational traffic is expected to be minimal and would be conducted by small vehicles, The impact of this on the wider road network will be negligible.

Historic Environment

4.6.35 A cultural heritage desk based assessment has been undertaken including a Stage 1 setting assessment. Details are set out in the accompanying Historic Environment Desk-Based Assessment Report on Cultural Heritage.

4.6.36 There are no designated heritage assets within the Application Boundary and three designated heritage assets within the 2 km Study Area. These comprise Clach Clais an Tuire standing stone (SM441), Achvarasdal House Standing Stones (SM421) and Achvarasdal House Broch (SM514).

4.6.37 There are no non-designated heritage assets in the Application Boundary and 113 in the wider Study Area.

4.6.38 There is considered to a nil potential for the presence of previously unknown archaeological remains from any periods.

4.6.39 The Stage 1 setting assessment found that the significance of the three scheduled monuments within the Study Area would not be affected as a result of visual changes within their setting resulting from the proposed development of the BESS and associated Substation. There may be an adverse effect (through changes within its setting) on the significance of up to one non-designated asset (MHG738 Borag Knowe cairn). However, the construction of the substation would not add a significant change to the existing extant infrastructure in this location and this adverse effect is unlikely to be of such magnitude to warrant a refusal of consent for the proposed development.

4.6.40 The cultural heritage assessment, has concluded that the understanding, appreciation and experience of the scheduled monuments would be adequately retained such that the integrity of setting would not be significantly adversely affected. In all cases it would remain possible to understand, appreciate and experience factors of their setting that contribute to its cultural significance.

Hydrology, the Water Environment and Flood Risk

4.6.41 Existing hydrological and hydrogeological conditions have been confirmed and used to assess the potential effects the Proposed Development might have on the water environment. No designated site would be affected by the Proposed Development from a hydrological perspective due to intervening distance and lack of hydrological connectivity.

4.6.42 No properties or private water supplies have been identified within 500m of the Proposed Development. Properties are noted within 500m of the existing access track for the Limekiln Wind Farm however no works are proposed to upgrade these access tracks as part of the Proposed Development.

4.6.43 Many of the potential impacts associated with a development of this nature have been mitigated by its design. A 50 m buffer has been applied to watercourses. All elements of the Proposed Development, including the proposed substation extension and proposed BESS, are located outwith the 50m watercourse buffer, except for the proposed watercourse crossing.

4.6.44 Further, good practice construction techniques that would safeguard the water environment have been committed. Subject to the adoption of the good practice construction techniques such as the proposed CEMP and an Environmental Clerk of Works (ECoW) and the committed further works at the detailed design stage of the project no effects on hydrology or hydrogeology have been identified.

4.6.45 The Proposed Development is not a risk of flooding, this topic is further addressed below in relation to NPF4 Policy 22.

Biodiversity

Ecology and Ornithology

4.6.46 In terms of ecological interests, the Site does not form part of any statutory designated site for nature conservation. The closest designated sites are Sandside Bay Site of Special Scientific Interest (SSSI) (35 m north of an existing access track and no construction operations are required in this location) and Red Point Coast SSSI (1.18 km).

4.6.47 The BESS compound and Substation Extension are located over 2 km from the Sandside Bay SSSI and as such no impacts are anticipated from these elements of works during either construction or operation.

4.6.48 To prevent impacts to Sandside Bay SSSI, from vehicles using the access route, a CEMP will be produced to include implementation of dust suppression measures, pollution prevention and surface water runoff management measures.

4.6.49 No impacts on statutory or non-statutory designated sites for nature conservation are anticipated. Standard construction practices are recommended to be controlled through the CEMP.

4.6.50 The built footprint of the BESS compound will predominantly occur on previously disturbed land which is currently bare ground following wind farm construction. Expansion of the Substation area and the proposed cable route will be located principally in areas of existing plantation woodland and will result in the loss of a small amount of wet dwarf shrub heath (approx. 0.02 ha) which is heavily degraded, and discrete areas of plantation woodland of low ecological value (totalling approx. 2.59 ha).

4.6.51 Existing features of biodiversity value will largely be retained and protected throughout the construction and operation phases. Pollution prevention measures will be implemented to prevent pollution and run-off occurring during the construction and specific control measures would be implemented to protect the watercourses/ditches off Site.

4.6.52 In terms of ornithology interest, a study area was defined with reference to the location of the Proposed Development and encompasses a series of buffers up to 500 meters (m) in radius. The Site is not located within or adjacent to any statutory sites designated for ornithological interest. Statutory designated sites for ornithological interest within 10km of the Site have been identified as part of the assessment.

4.6.53 A summary examination of the relevant issues in relation to the Habitats Regulations has been provided within Chapter 7 Ornithology of the EIA Report, to enable the competent authority (Scottish Ministers) to undertake the appropriate assessments in respect of the Caithness & Sutherland Peatlands Special Protection Area (SPA) and Ramsar site, the Caithness Lochs SPA and Ramsar site and North Caithness Cliffs SPA in light of each site's conservation objectives. In summary, no detrimental effects are predicted on the sites considered nor in respect of their respective SSSI designations that underpin the SPA and Ramsar designations.

4.6.54 Chapter 7 considers the potential construction impacts in terms of disturbance to breeding birds, disturbance to foraging birds and direct habitat loss. Mitigation has been applied including restriction of works during the breeding / nesting season, pre commencement works surveys if works are proposed to commence between April – August, and the employment of a ECoW. With these measure in place no contravention of wildlife legislation is predicted.

4.6.55 Disturbance to foraging birds due to the construction of the Proposed Development will have no adverse effects on all bird species.

4.6.56 In terms of operational impact, the assessment has concluded the operation of the Proposed Development will have no adverse effects on all bird species.

4.6.57 Proposed biodiversity enhancement measures are described below with regard to NPF4 Policy 3 (Biodiversity).

Forestry and Woodland

4.6.58 The Proposed Development utilises existing access tracks however there is a requirement to fell and remove 2.59 ha of productive conifer for the construction of the Proposed Development.

4.6.59 No ancient or native woodland has been identified within felling areas.

4.6.60 Replanting on site would take place for 0.71 ha with productive conifer species matching the Limekiln Plantation LTFP Restocking Plan. 1.88 ha of felled area would be left unplanted as open ground as a safety buffer.

4.6.61 The Applicant is committed to providing compensatory planting of equivalent woodland area (1.88 ha) with at least the equivalent woodland-related net public benefits.

Balancing the Contribution of a Development and Conclusions on Policy 11

4.6.62 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. This is a very different starting point compared to the position in the former SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to design mitigation, they should generally be acceptable.

4.6.63 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.

4.6.64 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 GHG emissions reduction targets. In particular, the Policy recognises that landscape and visual impacts are to be expected but provided they are localised and / or appropriate design mitigation has been applied, they are likely to be considered acceptable.

4.6.65 The "contributions" are inextricably related to the scale of a proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.

4.6.66 In terms of contribution to targets, the proposal's contributions have been set out previously. The scale of the energy output and emissions savings linked to BESS operation is an enabling factor directly related to renewable transmission capacity and operation, and security of supply, are valuable and should be afforded significant weight.

4.7 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

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

4.7.2 In summary, there are no significant adverse effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 Policies 3 and 4 (the latter in terms of designations – see below) respectively address.

4.7.3 **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.

4.7.4 **Paragraph b)** states that:

"*Development proposals for national or major development or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks*

so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria."

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

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

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

Current Guidance Position

4.7.8 The **letter from the Chief Planner issued on 8 February 2023** refers to the application of new policy where specific supporting guidance / parameters for assessment are not yet available to aid assessments. The letter states:

4.7.9 *"recognising that currently there is not a single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for development 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)

4.7.10 Therefore, exactly how enhancement is to be measured in the longer-term is to be the subject of further guidance. Accordingly, the current position in relation to guidance summarised below, should not be regarded as settled or standard practice at this stage.

4.7.11 **NatureScot Guidance** was issued in Summer 2023 in support of NPF4 Policy 3 c). This states that the selection and design of enhancement measures will be a matter of judgment based on the circumstances of the individual case but should take into account a number of considerations. These considerations include:

- The location of the development site and the opportunities for enhancing biodiversity;
- The character and scale of development;
- The requirements and cost of maintenance and future management of the measures proposed;
- The distinctiveness and scale of the biodiversity damaged or lost; and
- The time required to deliver biodiversity benefits and any risks or uncertainty in achieving this.

4.7.12 The Scottish Government also 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*."

4.7.13 The guidance refers to 'key terms' and with regard 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*".

4.7.14 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*."

4.7.15 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.

4.7.16 Notwithstanding the fact that the guidance is informal at this stage, these core principles have nonetheless been applied as appropriate to the Proposed Development.

4.7.17 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 from Section 4.6 key points in the guidance include the following:

- It is set out that NPF4 that 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;
- Assessments can be qualitative or quantitative (for example through use of a metric); and
- It is stated that NatureScot is to shortly commence work to develop an adapted biodiversity metric suitable for use in supporting delivery of NPF4 Policy 3 b). The draft guidance states that further information will be provided on this work "in due course".

4.7.18 Section 4.12 of the draft 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".

4.7.19 Section 4.14 of the draft guidance states that it will be for a planning authority to determine whether the relevant policy criteria have been met, taking into account the circumstances of the particular proposal. It 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*."

4.7.20 The draft 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).

4.7.21 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*."

4.7.22 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).

4.7.23 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 here 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.

4.7.24 The commission's final outputs are expected to 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; and
- a user guide supporting the metric (together with any supporting information).

4.7.25 The **Highland Council have 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.

4.7.26 Key issues arising 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.

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

4.7.28 The BPF 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 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.

4.7.29 Finally, the BNG also puts in place provisions for a mechanism to be developed for a financial payment to be made to THC in exchange for the Council 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. Meantime the delivery of compensation and enhancement on land within the control of the developer but out with the development areas, and use of third party offset provider / broker to delivery off-site is provided as options for developers.

The application of Policy 3: Proposed Enhancement

4.7.30 Notwithstanding the lack of policy guidance at the present time, in terms of environmental benefit, there will be a permanent enhancement delivered through the Applicant's proposed enhancements to the natural habitat.

4.7.31 The proposed biodiversity enhancement measures are detailed in Chapter 6 Ecology of the ER. A Habitat Enhancement and Management Plan (HEMP) will be finalised prior to the commencement of construction and can be secured by condition should planning permission be granted.

4.7.32 The following habitat and species enhancement measures are proposed:

- Restoration of the remaining area surrounding the proposed Substation Extension to manage heathland and associated habitats;
- Allow heathland to expand into cable route areas;
- Restoration and enhancement of plantation woodland edge habitats following felling;
- Allow heathland to expand into open areas around the BESS;
- Hedgerow planting around the BESS compound, to include native fruit bearing species only with an aim of a species rich hedgerow; and
- Refugia piles for reptiles and amphibians.

4.7.33 The following enhancement measures are predicted to provide positive biodiversity enhancement for the benefit of bird species:

- Bird boxes will be installed on the outside of permanent buildings (e.g. substations) to encourage use by species such as common swift and house martin
- Bird boxes will also be installed on suitable trees within woodland surrounding the BESS area. This will improve opportunity for habitation of notable and protected species that may be using the Site and surrounding area.
- A barn owl box will be installed in a suitable location near to open habitats north of the Site, where there is suitable barn owl foraging habitat.
- Planting of a native hedgerow boundary at the margins of the site with species including blackthorn (Prunus spinosa), broom (Cytisus scoparius), elder (Sambucus nigra), hawthorn (Crataegus monogyna) and dog rose (Rosa canina). By providing a variety of

native hedgerow species it would create a priority habitat within the site that would also provide shelter for nesting birds.

4.7.34 These proposals will contribute to securing significant biodiversity enhancement on Site through the enhancement of existing habitats, and the introduction of native habitats not previously noted. It will increase foraging and commuting resources for protected and notable species including bats, birds, reptiles and pine marten.

4.7.35 The measures as proposed would deliver significant biodiversity enhancement as required by Policy 3 and in line with THC's BPG.

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

4.8 NPF4 Policy 4: Natural Places

Policy 4 & Principles

4.8.1 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.

4.8.2 **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.

4.8.3 **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.

Paragraph c) deals with national landscape designations and has a similar approach in relation to the former SPP in terms of how a proposal that affects a National Park or National Scenic Area (NSA) should be addressed. It states that:

"*Development proposals that will affect the National Park or National Scenic Area….. will only be supported where:*

the objectives of designation and the overall integrity of the areas will not be compromised; or

any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance."

4.8.4 **Paragraph d)** deals with local landscape designations and is as follows:

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

Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or

Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance".

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

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

4.8.7 **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*".

4.8.8 **Paragraph g)** deals with development proposals within wild land areas and notes that *"buffer zone 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

4.8.9 No discernible impacts are anticipated to occur on any statutory designated site for nature conservation given the spatial separation distances, nature of the development and absence of available habitat for qualifying interest features.

4.8.10 There are no national landscape interests that would be affected by the Proposed Development.

4.8.11 As explained above in the context of NPF4 Policy 11 (Energy), the landscape and visual assessment contains an assessment of the effects of the Proposed Development and it is concluded that the Proposed Development can be integrated into the context of the surrounding landscape and that the site has the capacity to accommodate the scale and type of development proposed, without significantly affecting local landscape character and visual amenity. The Proposed Development is well screened due to its location and the surrounding topography and forestry cover.

4.8.12 The appraisal has found that the only locations where high levels of landscape and visual effect may arise is within the Site itself, where the BESS Compound and Substation Extension can be experienced at close range from the Core Path. Beyond the boundaries of the Site the Proposed Development is neither prominent or intrusive and the screened ZTV demonstrates how beneficial the choice of site is.

4.8.13 There would be no material effects on national or local landscape designations.

4.8.14 No evidence of protected species were recorded on the Site during the habitat survey and the potential for the Site to support protected species is limited. Pre-construction surveys will be required for badger, pine marten and roosting bats. As a precautionary measure, construction works will be undertaken under Reasonable Avoidance Measures (RAMs) which will be included in the CEMP.

4.8.15 The site is not within a WLA. The northern part of the East Halladale Flows WLA lies approximately 1.7km to the west of the site. The effect of the Proposed Development on the defined wildness qualities of this WLA will be substantially moderated by the screening effect of the coniferous plantation, the presence of the Limekiln Wind Farm and the associated wind farm and forestry tracks. This context will moderate the influence of the Proposed Development and will limit the effects on the East Halladale Flows WLA. As per Policy 4(g) buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration. On this basis, effects on the East Halladale Flows WLA were scoped-out from the detailed appraisal.

4.8.16 The Proposed Development would result in benefits of national importance and effects of only localised scale. The Proposed Development is considered to be in accordance with Policy 4.

4.9 NPF4 Policy 6: Forestry, woodland and trees

Policy 7 & Principles

4.9.1 The policy intent of Policy 7 is to protect and expand forests, woodland and trees. 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, hedgerows 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."

Application of Policy 6

4.9.2 The Proposed Development utilises the existing access tracks however there is a requirement to fell and remove 2.59 ha of productive conifer for the construction of the Proposed Development. As explained above, no ancient or native woodland has been identified within felling areas.

4.9.3 Replanting on site would take place for 0.71 ha with productive conifer species matching the LTFP Restocking Plan. 1.88 ha of felled area would be left unplanted as open ground as a safety buffer.

4.9.4 The Applicant is committed to providing compensatory planting of equivalent woodland area (1.88 ha) with at least the equivalent woodland-related net public benefits.

4.9.5 The Proposed Development will provide essential balancing capacity on the transmission network to enable more efficient maximisation of transmission of new renewable generation. It will optimise the delivery of renewable electricity generation from Limekiln Wind Farm.

4.9.6 The Proposed Development is considered to be acceptable in the context of Policy 6 given the limited loss of commercial woodland, the proposed compensatory planting and the wider benefits of the Proposed Development as set out in Section 2.5 of this report.

4.10 NPF4 Policy 7: Historic Assets and Places

Policy 7 & Principles

4.10.1 The intent of Policy 7 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 l)** 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 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

4.10.2 There are no Inventory Garden and Designed Landscapes, Inventory Battlefields, Listed Buildings or Conservation Areas within the context area of the Site. There are three Scheduled Monuments within the cultural heritage Study Area. These comprise two standing stones (SM441 Clach Clais an Tuire and SM421 Achvarasdal House and a Broch (SM514 Achvarasdal House).

4.10.3 As explained above under Policy 11, the cultural heritage assessment, has concluded in relation to potential effects on Scheduled Monuments that the understanding, appreciation and experience of the Scheduled Monuments would be adequately retained such that the integrity of setting would not be significantly adversely affected. In all cases it would remain possible to understand, appreciate and experience factors of their setting that contribute to its cultural significance.

4.10.4 The Proposed Development is considered to accord with the provisions of Policy 7.

4.11 NPF4 Policy 22: Flood Risk and Water Management

Policy 22 & Principles

4.11.1 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. Key parts of the policy include:

- **Paragraph a)** states that *"Development proposals at risk of flooding or in a flood risk area will only be supported if i. essential infrastructure where the location is required for operational reasons"*. In such cases it will be demonstrated by the applicant that:

  - *All risks of flooding are understood and addressed;*
  - *There is no reduction in floodplain capacity, increased risk for others or a need for future flood protection schemes;*
  - *The development remains safe and operational during floods;*
  - *Flood resistant and resilient materials and construction methods are used; and*
  - *Future adaptations can be made to accommodate the effects of climate change.*

- **Paragraph c)** states that proposals will:

  i. *Not increase the risk of surface water flooding to others, or itself be at risk;*

  ii. *Manage all rain and surface water through sustainable urban drainage systems (SUDS) which should form part of and integrate with proposed and existing blue-green infrastructure.*

  iii. *Seek to minimise the area of impermeable surface.*

The Application of Policy 22

4.11.2 A Flood Risk Assessment & Drainage Impact Assessment has been undertaken for the Proposed Development and is submitted in support of the application.

4.11.3 The flood risk screening indicates that the proposed development is not at flood risk for the NPF4 design event of 0.5% Annual Exceedance Probability (AEP) plus Climate Change (CC) or the Energy Networks Association (ENA)design event of 0.1% AEP plus CC for the proposed substation extension. Access/egress is to be afforded by the existing windfarm tracks and no alterations to these routes are required.

4.11.4 Some isolated pockets of surface water flooding of less than 300mm in depth are indicated to be located adjacent to the proposed development areas but are not expected to present a risk to the development. Any direct rainfall on the proposed development locations will be managed through the SuDS design.

4.11.5 In terms of the surface water drainage strategy, it is proposed that surface water runoff from the impermeable areas associated with the proposed substation extension and BESS is captured, attenuated, and drained via SuDS systems. A swale is proposed to drain the substation extension, ultimately discharging surface water at a restricted rate of 1.5l/s to a tributary of the Reay Burn. A detention basin is proposed for the BESS site, discharging surface water at a restricted rate of 5l/s to a tributary of the Achvarasdal Burn. The detention basin would also be designed for the retention of firewater and would be fitted with a penstock.

4.11.6 The Proposed Development has been designed to be consistent with the aims and objectives of Policy 22 and no adverse impacts would arise as a result of the Proposed Development.

4.12 Conclusions on NPF4 Appraisal

4.12.1 The Proposed Development is considered to be acceptable in relation to all of NPF4 Policy 11's environmental and technical topic criteria.

4.12.2 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.

4.12.3 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.

4.12.4 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.

4.12.5 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.

4.12.6 Eighteen National Developments are identified to support the strategy, and they are to be "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.

4.12.7 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).

4.12.8 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.

4.12.9 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)

4.12.10 In a development management context, this is to be achieved by the application of NPF4 policies which are to be read as a whole. The policy appraisal contained in this Statement has demonstrated that the Proposed Development would accord with NPF4 when it is read as a whole, and as a consequence, the proposal is considered to be the right one in the right location and one which will contribute to Scotland being a Sustainable Place.

5. Appraisal against the Local Development Plan

5.1 Introduction

5.1.1 The other elements of the statutory Development Plan covering the Site are the:

- HwLDP (2012); and
- Caithness and Sutherland Local Development Plan (CaSPlan) (2018).

5.1.2 The CaSPlan focuses largely on regional and settlement strategies and specific site locations rather than planning policies of relevance for the Proposed Development.

5.1.3 While NPF4 takes precedence and is now the primary material consideration when making planning decisions in Scotland, it is still relevant to consider the HwLDP and its relevant policies.

5.2 Lead LDP Policy: Policy 67 - Renewable Energy Developments

5.2.1 Policy 67 of the HwLDP is the lead LDP policy in relation to the Proposed Development.

5.2.2 Policy 67 – 'Renewable Energy Developments' is in the following terms:

"Renewable energy developments 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 developments towards meeting renewable energy generation targets; and*
- *The 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 by making effective use of existing and proposed infrastructure of 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, site and designed such that they will not be significantly detrimental overall, either individually, or cumulatively with other developments 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 areas ….*
- *Amenity of sensitive locations including residential properties, work place and recognised visitor sites…*
- *The safety and amenity of any regularly occupied buildings and the ground 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 and 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 communication 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;*
- *Land and water based traffic and transport interests.*

5.2.3 In light of the age of the HwLDP relative to NPF4, where conflict arises or where the LDP is silent, the policies of NPF4 prevail.

5.2.4 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."

5.2.5 The Proposed Development has been assessed as being in accordance with NPF4 as a whole.

5.3 Relevant LDP Policies

5.3.1 The policies of relevance in the HwLDP are summarised below in **Table 5.1** with brief commentary added with regard to how the policies relate to the policies of NPF4:

Table 5.1: Relevant 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	The provisions of this general policy insofar as relevant are contained within the scope of NPF4 Policy 11. No conflicts of contradictions with NPF4.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
		precautionary principle will be applied where appropriate, developments with significant detrimental impact will only be supported where this is demonstrable over-riding strategic benefit or if satisfactory mitigation measures are incorporated.	
Policy 30	Physical Constraints	Requirement to consider Physical Constraints to development and refer to Supplementary Guidance of same name if relevant. Main principles are to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.	NPF4 Policy 11 deals with impacts in relation to aviation and other infrastructure safeguarding. No conflicts or contradictions with NPF4.
Policy 51	Trees and Development	Support for development which promotes significant protection to existing hedges, trees and woodlands on and around sites. Where appropriate woodland management plans will be required. Enables the Council to secure additional planting to compensate for removal.	NPF4 Policy 4 deals with forestry, woodland and trees. No 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*

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
			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 development and the impact on the feature and its setting. The policy sets a series of criteria based on level of features importance (local, regional or international). Appendix 2 of the HwLDP defines the features. For features of local / regional importance – developments will be permitted if it can be demonstrated that they will not have an unacceptable effect. For features of national importance, where any significant adverse effects arise, they must be clearly outweighed by social or economic benefits of national importance. In international designations development with adverse effects on integrity will only be allowed where no alternative solution exists and there are imperative reasons of overriding public interest (IROPI).	NPF4 Policies 4 and 7 deal with natural heritage and historic assets and places respectively. There is conflict with NPF4. The Reporter in the 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 be in conflict with the NPF4 Policy 4 provisions in relation to local landscape designations.
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	NPF4 Policy 4 deals with natural heritage matters.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
		combinations. The Council will also seek to create new habitats which are supportive of this concept.	No conflicts or contradictions with NPF4.
Policy 61	Landscape	New development should be designed to reflect the landscape characteristics and special qualities identified in the area they are located as well as considering cumulative effects. Measures to enhance landscape characteristics of the area in which they are located are encouraged. The policy requires the Council to take into account Landscape Character Assessments. The policy contains no balancing provision to allow benefits to be taken into account.	NPF4 Policy 4 deals with natural heritage matters including landscape designations. No 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 Sustainable Urban Drainage Systems (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.

5.4 Planning Guidance

5.4.1 THC approved 'Highland Council Biodiversity 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 is prepared in order 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.

5.4.2 The guidance is adopted and is a material consideration and has been considered relative to Policy 3 in Chapter 4 above.

5.4.3 Notwithstanding the approval of this guidance, it remains non-statutory and is caveated meantime by a number of restrictions in application until such time as a Scottish BNG metric is delivered by Ministers. NPF4 Policy 3 (Biodiversity) and related NatureScot guidance remain the key policy and guidance references at this time.

5.5 Conclusions on the LDP

5.5.1 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.

5.5.2 It is considered that the effects arising from the Proposed Development would not be significantly detrimental in terms of Policy 67 and other policies within the HwLDP.

5.5.3 Moreover, through considering the other relevant policies it is considered that the Proposed Development accords with the HwLDP when it is read as whole.

5.5.4 The energy 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.

5.5.5 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.

6. Conclusions

6.1 The Electricity Act 1989

6.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals for consent under section 36 of the 1989 Act.

6.1.2 The information that is contained within the individual topic assessments submitted with the Application therefore enables Scottish Ministers to be satisfied that the obligations under Schedule 9 are met and that suitable mitigation has been identified. It is also considered that the detailed work undertaken in the formulation of these assessments has confirmed and provides confidence that the Proposed Development would be undertaken in an environmentally acceptable manner.

6.2 The Climate Crisis & Renewable Energy Policy Framework

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

6.3 The Planning Balance

6.3.1 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.

6.3.2 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.

6.3.3 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*"[8]. The policy position, and the priority afforded to combatting the Climate Emergency, is different to that which was set out in NPF3 and SPP;
- NPF4 Policy 1 (Tackling the climate and nature crises) directs decision-makers to give significant weight to the global Climate Emergency in all decisions. This is a radical departure from the usual approach to policy and weight and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker; and
- NPF4 is clear that renewable energy and 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 storage.

[8] NPF4, page 2.

6.3.4 This change in policy is also seen in the designation of energy storage infrastructure applications as National Developments. National Developments are significant developments of national importance that will help to deliver the Spatial Strategy, as the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains.

6.3.5 The Proposed Development does not give rise to any policy conflicts with the Development Plan. The development has been designed with embedded mitigation to ensure a satisfactory relationship with the receiving environment and to protect residents and communities from undue impact. The Proposed Development is sited within the context of an operational wind farm and within an area of forestry. The landscape and visual effects that would arise would be highly localised and per NPF4 Policy 11 (Energy) should therefore be generally acceptable.

6.3.6 The other effects of the Proposed Development are minor and limited and are considerably outweighed when balanced against the substantial benefits arising from the Proposed Development, notably the storage and discharge of renewable energy to tackle climate change.

6.3.7 The Proposed Development is considered to be in accordance with policy and delivers essential infrastructure in order to contribute to the attainment of net zero.

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