Technical Appendix 1.1: Planning and Legislative Framework

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1.1.1 Introduction

1.1.1.1 This technical appendix of the Environmental Impact Assessment (EIA) Report (EIAR) describes the legislative and policy background relevant to the Proposed Development. Reference is made to energy and planning policy at a national and local level and a summary of the relevant provisions that have been taken into account in the preparation of the EIAR is provided.

1.1.1.2 This technical appendix does not include an assessment of the Project against planning policy; a separate Planning Statement has been prepared to support the application and should be referred to for a detailed planning policy appraisal.

1.1.1.3 Planning Policy inputs to the EIAR are provided by David Bell, Director, and Deirdre Thom, Senior Associate, from David Bell Planning Limited. David has over 35 years' experience of planning and development practice in the private sector, advising on a range of developments in the UK and overseas. David is a recognised leading expert in energy planning specialising in onshore wind, solar developments and electricity infrastructure. He frequently acts in the capacity of expert witness in Public Inquiries/Examination. David's experience covers practice in Scotland, England and Wales. He has extensive experience of onshore and offshore wind and solar projects throughout the UK. Deirdre has over 14 years' experience in planning consultancy specialising in projects within the energy and infrastructure sector including onshore windfarms, solar and battery storage and electricity transmission infrastructure.

1.1.2 The Statutory Framework

The Electricity Act 1989

1.1.2.1 The Proposed Development would have an installed capacity of greater than (>) 50 Megawatts (MW). In Scotland, onshore renewable energy developments that have capacity to generate > 50 MW require consent from the Scottish Ministers under the Electricity Act 1989 (the Electricity Act). In such cases the Planning Authority (The Highland Council) is a statutory consultee in the development management process and procedures.

1.1.2.2 The provisions of Schedule 9 of the Electricity Act are relevant to the determination of the Proposed Development. Scottish Ministers are obliged to consider the matters set out under Schedule 9 Sub paragraph 3(2) and to consider whether reasonable mitigation has been applied.

1.1.2.3 Schedule 9, paragraph 3(1) requires that, when bringing forward proposals, such as the Proposed Development, a holder of a Generation Licence, or a person holding an exemption from holding a Licence:

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

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

1.1.2.4 In this case the Applicant has as yet no Licence, nor an exemption from the requirement to hold one, as such the matters referred to in Schedule 9 sub-paragraph 3(1)(a) and (b) of the Electricity Act do not apply to the Applicant, but has in this EIAR provided the Scottish Ministers with the information required to enable them to discharge their duties under paragraph 3(2).

1.1.2.5 Schedule 9, paragraph 3(2) requires the Scottish Ministers, when considering applications for consents, to have regard to the matters set out in paragraph 3(1) (a) and the extent to which the developer has complied with the paragraph 3(1)(b) duty.

1.1.2.6 At sub-paragraph 3(3), the Scottish Ministers [are required to…]:

"Avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters".

1.1.2.7 The provisions of Schedule 9 of the Electricity Act set out a number of features to which regard must be had by the Scottish Ministers, and such features have been addressed in the EIA process.

The Town and Country Planning (Scotland) Act 1997

1.1.2.8 The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (as amended) (the 1997 Act).

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

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

1.1.2.10 Section 25 of the 1997 Act states that:

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

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

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

1.1.3 Renewable Energy Legislation and Policy

1.1.3.1 In recent years, United Kingdom (UK) and Scottish Government policies have focussed increasingly on concerns about climate change. Each tier of Government has developed targets, policies and actions to deal with the climate crisis and generate more renewable energy. At the national level the Scottish Ministers have set a target to have a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030.

1.1.3.2 The UK Government retains responsibility for the overall direction of energy policy, although some elements are devolved to the Scottish Government. The UK Government has published a series of policy documents setting out how targets can be achieved, most recently in the Clean Power Action Plan 2030[1] and The Onshore Wind Taskforce Strategy[2], published in July 2025.

1.1.3.3 Onshore wind generation, located in Scotland, is identified as an important technology to achieve these various goals.

1.1.3.4 The Scottish Government has published a number of policy documents and its own targets. The most relevant policy, legislation and statements published by the Scottish Government and from the Climate Change Committee (CCC) include:

- The Climate Change (Scotland) Act 2009;
- The Scottish Energy Strategy: The Future of Energy in Scotland (December 2017);
- The Scottish Government's declaration of a Climate Emergency (April 2019);
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the legally binding net zero target for 2045;
- The Onshore Wind: Policy Statement (December 2022);
- The Draft Energy Strategy and Just Transition Plan (January 2023);
- The Onshore Wind Sector Deal for Scotland (September 2023);
- CCC Report to Scottish Parliament – Progress in reducing emissions in Scotland (March 2024);
- The Climate Change (Emission Reduction Targets) (Scotland) Act 2024;
- The Green Industrial Strategy (2024);
- CCC, Scotland's Carbon Budgets (2025); and
- Scotland's Draft Climate Change Plan (2025).

1.1.3.5 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019[3] amends the Climate Change (Scotland) Act 2009[4] and at section A1(1) requires that *"The Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the "net-zero emissions target)"*. The target year is 2045.

1.1.3.6 The Climate Change (Emission Reduction Targets) (Scotland) Act 2024[5] repeals 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. This revised approach was forced due to the emissions reductions targets not being met and serves to strengthen Scotland's climate change targets. Renewable energy projects, such as the Proposed Development, play a key role in supporting the decarbonisation of the energy sector and reaching the targets set out. The Act also makes provision for a new Climate Change Plan, a draft of which was published in November 2025, and reflects the carbon budgets set out in legislation.

1.1.3.7 The Proposed Development relates to the generation of electricity from renewable energy sources and comes as a direct response to national planning and energy policy objectives.

1.1.3.8 The Proposed Development would make a significant contribution to the attainment of emissions reduction, renewable energy and electricity targets at both the Scottish and UK levels. Detailed reference to the renewable energy policy framework is provided in the Planning Statement.

1.1.4 Planning Policy Framework

National Planning Framework 4

Introduction

1.1.4.1 National Planning Framework 4[6] (NPF4) was approved by the Scottish Parliament and was adopted by the Scottish Ministers on 13 February 2023. The scope of content for the NPF is set out in Section 3A of the 1997 Act.

1.1.4.2 Section 13 of the Planning Scotland Act 2019 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 to consist of the provisions of:

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

1.1.4.3 Therefore, NPF4 now forms part of the statutory development plan. A key provision of the 2019 Act is that in the event of any incompatibility between the provisions of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. This will include where a LDP is silent on an issue that is now provided for in NPF4.

1.1.4.4 Section 13 of the 2019 Act amends Section 24 of the 1997 Act to provide that:

"In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail".

The National Spatial Strategy

1.1.4.5 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 Part 1 – A National Spatial Strategy for Scotland 2045 states (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."

1.1.4.6 The principles are stated as playing a key role in delivering the United Nations Sustainable Development Goals and the Scottish Government's National Performance Framework.

1.1.4.7 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".

[1] UK Government (2024), Clean Power Action Plan 2030 Available at: https://www.gov.uk/government/publications/clean-power-2030-action-plan

[2] Department for Energy Security and Net Zero (2025) Onshore Wind Taskforce Strategy Available at: https://www.gov.uk/government/publications/onshore-wind-strategy

[3] The Climate Change (Emissions reduction targets) (Scotland) Act 2019. Available at https://www.legislation.gov.uk/asp/2019/15/enacted

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

[5] Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 Available at: https://www.legislation.gov.uk/asp/2024/15/contents

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

1.1.4.8 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."

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

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

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

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

1.1.4.10 NPF4 identifies Regional Spatial Priorities for each of the regions in Scotland. The Proposed Development is located within the 'North' region where one of the priorities is to *"Protect environmental assets and stimulate investment in natural and engineered solutions to climate change and nature restoration…"*. The region will also support a number of national developments as part of the spatial strategy for the region, including strategic renewable electricity generation and transmission infrastructure. Annex C sets out Spatial Planning Priorities for each region and notes that the North region makes an important contribution to our climate change targets by supporting renewable energy generation. Specifically, it states *"Repowering and extending existing wind farms will optimise their productivity and capitalise on the area's significant natural energy resources*" (page 125).

1.1.4.11 Six National Developments support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'. A summary description of this National Development 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".

1.1.4.12 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."

1.1.4.13 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. The statement also recognises that tackling climate change and the nature crisis is an overriding imperative which is key to the outcomes of almost all policies within NPF4.

National Developments

1.1.4.14 NPF4 sets the approach to planning and development to help achieve a net zero, sustainable Scotland by 2045. It continues the planning policy approach of identifying 'national developments' which refers to the allocation of national development status to certain classes of development.

1.1.4.15 Page 97 of NPF4 sets out that 18 National Developments (NDs) 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".

1.1.4.16 It adds that:

"Their designation means that the principle of development does not need to be agreed in later consenting processes, providing more certainty for communities, business 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".

1.1.4.17 Annex B of NPF4 sets out the various NDs and its related Statements of Need. 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".

1.1.4.18 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 zerocarbon 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."

1.1.4.19 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."

1.1.4.20 Page 103 further sets out the classes of development which are considered national development. Development within the category of ND3 'Strategic Renewable Electricity Generation and Transmission' within one or more of the Classes of Development described and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development. The Proposed Development would fall within the following class of development:

"a) On and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;".

The National Planning Polices

1.1.4.21 The national planning policies relevant to the Project are:

- Policy 1 Tackling the climate and nature crises;
- Policy 3 Biodiversity;
- Policy 4 Natural Places;
- Policy 5 Soils;
- Policy 6 Forestry, Woodland and Trees;
- Policy 7 Historic Assets and Places;
- Policy 11 Energy;
- Policy 22 Flood risk and Water Management and
- Policy 25 Community Wealth Building.

POLICY 1 TACKLING THE CLIMATE AND NATURE CRISES

1.1.4.22 Policy 1 states that:

"When considering all development proposals significant weight will be given to the global climate and nature crises".

POLICY 3 BIODIVERSITY

1.1.4.23 Policy 3 seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks with an outcome of ensuring biodiversity is enhanced and better connected. Policy 3 states:

"LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) 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:

i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;

ii. wherever feasible, nature-based solutions have been integrated and made best use of;

iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;

iv. 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; and

v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) 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 that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration".

POLICY 4 NATURAL PLACES

1.1.4.24 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions and states:

"LDPs will identify and protect locally, regionally, nationally and internationally important natural assets, on land and along coasts. The spatial strategy should safeguard them and take into account the objectives and level of their protected status in allocating land for development. Spatial strategies should also better connect nature rich areas by establishing and growing nature networks to help protect and restore the biodiversity, ecosystems and natural processes in their area.

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

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

ii. 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.

All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

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

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

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) 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.

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

i. will support meeting renewable energy targets; or,

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

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

POLICY 5 SOILS

1.1.4.25 Policy 5 'Soils' seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development and states:

"LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use.

a) Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;

iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;

iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;

iii. Small-scale development directly linked to a rural business, farm or croft;

iv. Supporting a fragile community in a rural or island area; or

v. Restoration of peatland habitats.

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

i. the baseline depth, habitat condition, quality and stability of carbon rich soils;

ii. the likely effects of the development on peatland, including on soil disturbance; and

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

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

e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:

i. the extracted peat is supporting the Scottish whisky industry;

ii. there is no reasonable substitute;

iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of peat of at least 1 metre across the whole site, including drainage features;

iv. the time period for extraction is the minimum necessary; and

v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration".

POLICY 6 FORESTRY, WOODLAND AND TREES

1.1.4.26 Policy 6 seeks to protect and expand forests, woodland and trees and states:

"LDPs should identify and protect existing woodland and the potential for its enhancement or expansion to avoid habitat fragmentation and improve ecological connectivity, helping to support and expand nature networks. The spatial strategy should identify and set out proposals for forestry, woodlands and trees in the area, including their development, protection and enhancement, resilience to climate change, and the expansion of a range of types to provide multiple benefits. This will be supported and informed by an up to date Forestry and Woodland Strategy.

a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:

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

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

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

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

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

d) Development proposals on site which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported

where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design".

POLICY 7 HISTORIC ASSETS AND PLACES

1.1.4.27 Policy 7 has a stated intent to protect and enhance historic assets and places. It states:

"a) 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 impacts 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".

"d) 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.

Relevant considerations include the:

i. architectural and historic character of the area;

ii. existing density, built form and layout; and

iii. context and siting, quality of design and suitable materials.

h) Development proposals affecting scheduled monuments will only be supported where:

i. direct impacts on the scheduled monument are avoided;

ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or

iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

i) 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."

"l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved."

"o) 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 impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures".

POLICY 11 ENERGY

1.1.4.28 Policy 11 has a stated intent:

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

1.1.4.29 The desired outcome of this policy is stated as an "Expansion of renewable, low carbon and zero emissions technologies".

1.1.4.30 LDPs are directed to seek to realise their area's full potential for electricity and heat from renewable, low carbon and zero emissions sources by identifying a range of opportunities for energy development.

1.1.4.31 Policy 11 'Energy' states:

"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 Park 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 some impacts are to be expected from 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;

vii 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".

POLICY 22 FLOOD RISK AND WATER MANAGEMENT

1.1.4.32 Policy 22 has a stated intent to strengthen resilience to flood risk by promoting avoidance as a first principle. The policy states:

"a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

i. essential infrastructure where the location is required for operational reasons;

ii. water compatible uses;

iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.

iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

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.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and

that the proposal does not create an island of development and that safe access / egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development 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 bluegreen infrastructure. All proposals should presume no surface water connection to the combined sewer; iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported".

POLICY 25 COMMUNITY WEALTH BUILDING

1.1.4.33 Policy 25 has a stated policy intent to encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels. It states:

a) Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.

b) Development proposals linked to community ownership and management of land will be supported.

National Planning Guidance

1.1.4.34 As of the 8th of December 2025, a number of national Planning Advice Notes (PANs) have been withdrawn[7] by the Scottish Government from the planning system. It is the position of the Scottish Government that planning advice and guidance is not intended to remain in place in perpetuity and given the age of most of the documents, it is expected that good practice should by now be established practice. Best practice for each technical discipline has been identified, applied and set out with the EIAR as appropriate.

1.1.4.35 The following PANs have not been withdrawn and have been considered insofar as relevant:

- PAN 1/2013 Environmental Impact Assessment (as amended): Provides information on the role local authorities and consultees play as part of the EIA process, and how the EIA can inform development management; and
- PAN 1/2011 Planning and Noise: Provides advice on the role of the planning system in helping to prevent and/ or mitigate any potential adverse effects of noise. It promotes the principles of good acoustic design and promotes a sensitive approach to the location of new development.

1.1.5 The Local Development Plan and Relevant Policies

1.1.5.1 The following documents form part of the Development Plan, alongside NPF4, covering the Site:

- The Highland Wide Local Development Plan[8] (HwLDP) (April 2012);

[7] Scottish Government (2025) Planning and Architecture Division Publications https://blogs.gov.scot/planning-architecture/2025/12/08/publications-declutter/

[8] Highland Council (2012), The Highland wide LDP and related Supplementary Guidance. Available at https://www.highland.gov.uk/info/178/local_and_statutory_development_plans/199/highland-wide_local_development_plan

- The Inner Moray Firth Local Development Plan 2[9] (IMFLDP2) (June 2024); and
- Relevant supplementary guidance, particularly the Onshore Wind Energy Supplementary Guidance (OWESG) (2016) and Addendum Supplementary Guidance: Part 2b (2017).

1.1.5.2 The planning policies of relevance to the Proposed Development in relation to these other Development Plan documents are set out below. The IMFLPD2 will have limited relevance to the Proposed Development as its focus is mainly on regional and settlement strategies as well as identifying specific site allocations. IMFLPD2 does, however, establish boundaries (including any refinements) of the Special Landscape Areas (SLAs) across the plan area, and these have been considered through the EIAR as appropriate and will be assessed under HwLDP Policy 61 Landscape.

HwLDP Policies

1.1.5.3 Policy 67 Renewable Energy Developments is the lead policy. If there are tensions between policies in the HwLDP, then policy 67 should prevail given it is specific to the land use proposed by the Development. Policy 67 states:

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

- the contribution of the proposed development towards meeting renewable energy generation targets; and
- any positive or negative effects it is likely to have on the local and national economy;

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

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

natural, built and cultural heritage features;

- species and habitats;
- visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);
- amenity at sensitive locations, including residential properties, work places and recognised visitor sites (in or outwith a settlement boundary);
- the safety and amenity of any regularly occupied buildings and the grounds that they occupy-having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw;
- ground water, surface water (including water supply), aquatic ecosystems and fisheries;
- the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;
- other communications installations or the quality of radio or TV reception;
- the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;
- tourism and recreation interests;
- land and water based traffic and transport interests.

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

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

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

1.1.5.4 The following additional policies of HwLDP will be considered as deemed relevant:

- Policy 28 Sustainable Design;
- Policy 30 Physical Constraints;
- Policy 51 Trees and Development;
- Policy 52 Principle of Development in Woodland;
- Policy 55 Peat and Soils;
- Policy 57 Natural, Built, and Cultural Heritage;
- Policy 58 Protected Species;
- Policy 59 Other Important Species;
- Policy 60 Other Important Habitats;
- Policy 61 Landscape;
- Policy 63 Water Environment;
- Policy 64 Flooding;
- Policy 66 Surface Water Drainage;
- Policy 72 Pollution; and
- Policy 77 Public Access.

[9] Highland Council (2024), The Inner Moray Firth LDP, Available at https://www.highland.gov.uk/info/178/development_plans/202/inner_moray_firth_local_development_plan

Emerging Highland Local Development Plan

1.1.5.5 THC is currently preparing a new local development plan for the Highlands, gathering the relevant evidence to prepare the Highland Local Development Plan (HLDP).

1.1.5.6 THC have drafted part of the formal Evidence Report, which when complete, will be submitted to Scottish Ministers in 2026. The remaining chapters will be completed in early 2026.

1.1.5.7 Current timescales for adoption of the HLDP are for the HLDP Proposed Plan be published in 2027 with its principal public consultation at that stage; and for it to be submitted for Examination in 2028 with adoption expected in 2029. At this stage in the plan preparation process no weight should be afforded the evidence reports chapters in decision making.

1.1.6 Conclusion

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

1.1.6.2 A separate Planning Statement has been prepared to support the application and should be referred to for a detailed planning policy appraisal.

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