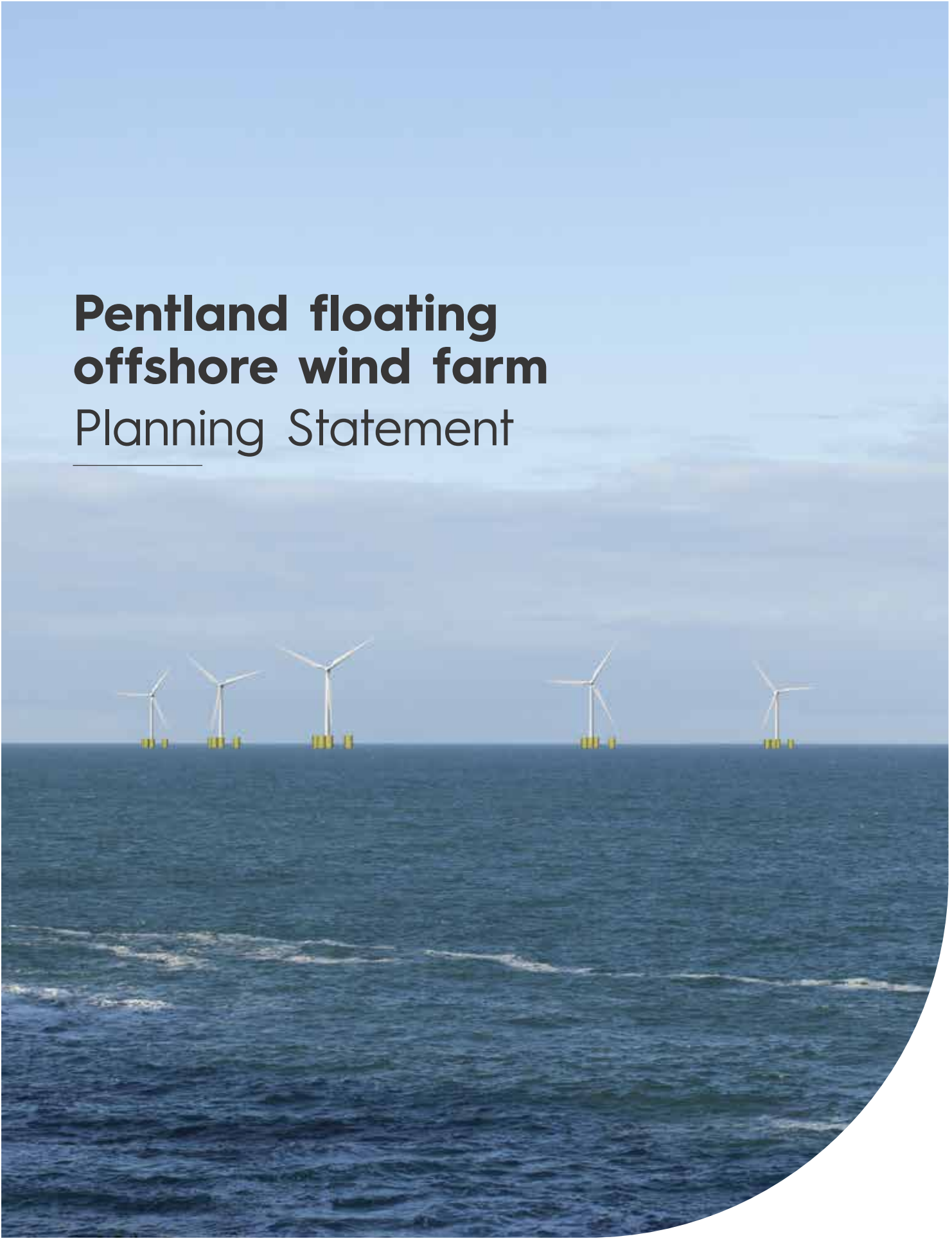
Pentland floating offshore wind farm

Planning Statement



PENTLAND FLOATING OFFSHORE WIND FARM

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PLANNING STATEMENT

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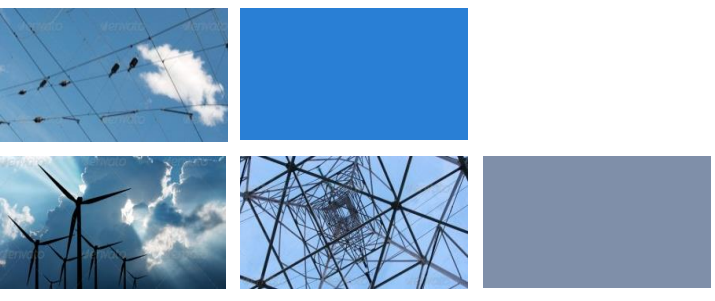

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GLOSSARY OF PROJECT TERMS

Key Terms	Definition
Cable Joint Bay	Cable Joint Bays (CJBs) are typically required every 500 to 1,000 m to string together the onshore cable sections.
Dounreay Substation	The existing Scottish Southern Energy (SSE) Dounreay 132 kV Substation.
Dounreay Trì Floating Wind Demonstration Project (The Dounreay Trì Project)	The 2017 consented project previously owned by Dounreay Trì Limited (in administration) and subsequently acquired in 2020 by Highland Wind Limited (HWL). The Dounreay Trì Floating Wind Demonstration Project consent was for two demonstrator floating turbines with a marine licence covering the same area for which the Pentland Floating Offshore Wind Farm (PFOWF) Array, as defined, is applying for consent. The Dounreay Trì Project also gained consent for the onshore infrastructure required to support the offshore elements of the project. The offshore components of the Dounreay Trì consent are no longer being implemented. The onshore components will not be implemented if the application for which this EIA accompanies is approved.
Grid Connection Point	The point at which the electricity generated by the Project connects into the National Electricity Transmission System, located at the Dounreay Substation.
Grid Connection Cable Circuit	Electricity cable circuits connecting the Onshore Substation to the Grid Connection Point. Each circuit is made up of three cables in a trefoil or flat arrangement.
Offshore EIAR	The EIAR submitted for the Offshore Development. This was submitted to Marine Scotland in August 2022. This is available at https://pentlandfloatingwind.com/document-library/
Highland Wind Limited (HWL)	The Developer of the PFOWF Project (defined below) and the Applicant for the associated planning permissions and consents.
Landfall	Point where the Offshore Export Cable(s) from the PFOWF Array, as defined, will reach the shore and connect to the Onshore Cable Circuit(s).
Offshore Export Cable(s)	The cable(s) which transmits electricity produced from the offshore wind turbines to landfall.
Offshore Site	Area encompassing the PFOWF Array Area and Offshore Export Cable Corridor, as defined.
Offshore Development	All offshore components of the PFOWF (Wind Turbine Generators (WTGs), cables, floating substructures and all other associated infrastructure required) across all project phases from development to decommissioning.
Onshore Cable Circuit(s)	Electricity cable circuits running from the Transition Joint Bay to the Onshore Substation. Each circuit is made up of three cables in a trefoil or flat arrangement.
Onshore Site	The area where the Onshore Development, as defined, will be located and where the planning permission is being sought.
Onshore Substation	A substation (including transformers, switchgear, megavolt ampere reactor) located within the Onshore Site. Two indicative locations are assessed within this Onshore EIAR.
PFOWF Onshore Transmission Infrastructure (the Onshore Development)	All onshore components of the PFOWF including HDD, Onshore Cable Circuit(s) (i.e. those above Mean Low Water Springs), Transition Joint Bay, cable joint bays, Onshore Substation, construction compound and access (and all other associated infrastructure) across all project phases from development to decommissioning, for which HWL are seeking planning permission from The Highland Council. The focus of this document.
PFOWF Project (the Project)	The combined Offshore Development and Onshore Development for the Pentland Floating Offshore Wind Farm (PFOWF), as defined.
Transition Joint Bay	A concrete structure where offshore export cables and onshore cables are spliced together.

ACRONYMS AND ABBREVIATIONS

CaSLDP	Caithness and Sutherland Local Development Plan
CEMP	Construction Environmental Management Plan
CIP	Copenhagen Infrastructure Partners
CJB	Cable Joint Bay
CMS	Construction Method Statement
COP	Copenhagen Offshore Partners
CTMS	Construction Traffic Management Plan
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
GHG	Greehhouss Gas
GW	gigawatt
HDD	Horizontal Directional Drilling
HWL	Highland Wind Limited
HwLDP	Highland Wide Local Development Plan
IPCC	Intergovernmental Panel on Climate Change
IRSS	Indicative Regional Spatial Strategies
km	kilometres
kV	kilovolts
LCCA	Local Coastal Character Areas
LCT	Landscape Character Type
m	metres
MLWS	Mean Low Water Springs
MS	Marine Scotland
MW	megawatt
NETS	National Electricity Transmission System
NPF	National Planning Framework
NRTE	Naval Reactor Test Establishment
NTS	Non-Technical Summary
PFOWF	Pentland Floating Offshore Wind Farm
PPP	Planning Permission in Principle
PV	Photovoltaics
SHET	Scottish Hydro Electric Transmission
SOA	Single Outcome Agreement
SPP	Scottish Planning Policy
SSE	Scottish and Southern Electricity
SSEN	Scottish and Southern Electricity Networks
SSSI	Site of Special Scientific Interest
TCPA	Town and Country Planning (Scotland) Act
THC	The Highland Council
TJB	Transition Joint Bay
UK	United Kingdom
US	United States
WSI	Written Scheme of Investigation
WTG	Wind Turbine Generators

1 Background

1.1 Introduction

This Planning Statement has been prepared by Plan A Consulting Ltd on behalf of Highland Wind Limited (HWL) (the Applicant) to support an application for planning permission in principle (PPP) under section 59 of The Town and Country Planning (Scotland) Act 1997 (as amended) (TCPA) to The Highland Council (THC). The application is to construct and operate the required onshore transmission infrastructure to export electricity from the Pentland Floating Offshore Wind Farm (PFOWF) to the National Electricity Transmission System (NETS) network (the Onshore Development).

This Planning Statement is separate from the Environmental Impact Assessment Report (EIAR) submitted alongside the application, which has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, (the EIA Regulations). Given the TCPA requires under section 25 that determination must be taken in accordance with the Development Plan unless material considerations specify otherwise, this Planning Statement uses the impartial evidence provided within the EIAR as evidence against which to assess the level of compliance with the Development Plan.

The offshore components of the PFOWF are the subject of separate applications, including a Planning and Policy Statement, to Marine Scotland for consent under Section 36 of the Electricity Act 1989 and for marine licences under the Marine (Scotland) Act 2010, available on Marine Scotland's website (https://marine.gov.scot/ml/pentland-floating-offshore-wind-farm). Accordingly, they are not considered within this Planning Statement.

1.2 The Applicant

The Onshore Development is being developed by HWL; a Special Purpose Vehicle established to deliver the Project.

HWL are majority-owned (90%) by a fund managed by Copenhagen Infrastructure Partners P/S (CIP) with HexiconAB as a minority shareholder (10%). Project development activities are being led by CIP's development partner, Copenhagen Offshore Partners A/S (COP).

CIP are a fund management company focused on energy infrastructure including offshore wind, onshore wind, solar photovoltaics (PV), biomass, energy-from-waste, transmission and distribution, and other energy assets such as reserve capacity and storage. CIP has offices in Australia, Denmark, Germany, Japan, the Netherlands, the United Kingdom (UK), and the United States (US). CIP was founded in 2012 by senior executives from the energy industry in cooperation with PensionDanmark. CIP manages seven funds and has approximately €16 billion (£13.82 billion) under management.

HexiconAB are a leading floating offshore wind technology and project developer. They were founded in 2009 and are headquartered in Stockholm, Sweden.

COP are a leading and experienced provider of project development, construction management, and operational management services to offshore wind projects. The company is headquartered in Denmark and has offices in Australia, Brazil, Greece, Japan, Italy, France, Korea, Taiwan, the UK, the US, and Vietnam. COP's team of specialists has a broad range of competencies within project management, early and late-stage project development, engineering, construction, procurement, and operational management as well as business development and project financing. The Project's development team is based in COP's Global Floating Wind Competence Centre, in Edinburgh.

1.3 Structure of Planning Statement

This Planning Statement assesses the Onshore Development against relevant local, regional and national planning policy, energy policy documents and legislation, as well as other material considerations where relevant.

This Planning Statement comprises the following sections:

- **Section 2: The Onshore Development** – sets out the definition of the Onshore Development and the need for the Onshore Development, including the development background and context and site selection;
- **Section 3: Overview of Planning Policy Considerations** – sets the context of the Onshore Development against local and national planning policy;
- **Section 4: Planning Policy Assessment** – covers the relevant Development Plan policy and compliance with this framework;
- **Section 5: Climate Change and Energy Legislation and Policy** – sets out the applicable climate change and energy legislation and policies at a Scottish and UK level;
- **Section 6: Other Material Considerations** – considers and examines other wider material considerations; and
- **Section 7: Conclusions** – provides overall concluding remarks.

2 The Onshore Development

2.1 Background

Prior to the PFOWF Project, HWL acquired the Dounreay Trì Floating Wind Demonstration Project (the Dounreay Trì Project), previously owned by Dounreay Trì Limited (in administration), in 2020. The Dounreay Trì Project was granted key consents in 2017. Planning permission for the ancillary onshore development for the Dounreay Trì Project was granted through a direction under Section 57(2) of the TCPA. HWL was assigned the consents on 3rd March 2021.

The currently consented Dounreay Trì Project comprises consent for:

- Two offshore WTGs with an installed capacity of between 8 to 12 MW, located approximately 6 km off the coast of Dounreay, Caithness;
- A single offshore export cable to bring the power to shore immediately to the west of the Dounreay Site fence line; and
- Associated onshore transmission infrastructure, comprising an onshore cable and substation to enable connection into the grid.

The original consents granted demonstrate the principle for the construction and operation of a test and demonstrator floating offshore wind farm at this location off the coast of Dounreay. Due to developments in offshore wind farm technology in recent years, the previous consents are not being progressed for the offshore components of the original consents, and a new S.36 Consent and Marine Licences are being sought for the Offshore Development (applications submitted in August 2022 [document number: GBPNTD-ENV-PEN-AA-00003].

In October 2021, THC granted an application made by HWL under Section 42 of the TCPA which proposed amendments to conditions attached to the deemed planning permission in respect of the Dounreay Trì Floating Wind Farm. However, should this new application for the Onshore Development receive consent from THC, the consent granted through the Section 42 will not be implemented.

Through the application for the Onshore Development, HWL are seeking a larger developable area that includes and expands upon the consented Dounreay Trì Project's onshore development area. A larger area is now required to avoid, so far as possible, interaction with the consented but not yet built SSE Scottish Hydro Electric Transmission (SHET) Dounreay West Substation, also located west of the Vulcan NRTE and Dounreay Site. Further details are provided in Chapter 3: Site Selection and Alternatives of the EIAR.

2.2 The Application Site

The location of the Onshore Development, known as 'the Onshore Site', is sited within THC's jurisdiction at the Dounreay coast in Caithness, immediately adjacent to the western boundary of the Vulcan Naval Reactor

Test Establishment (Vulcan NRTE) and the Dounreay Site (former nuclear facility) and to the northeast of Isauld House, as illustrated below within Figure 1.

The Onshore Site covers an area of approximately 103 hectares (ha). The site character is coastal-rural and comprises a patchwork of fields defined by fencing and drystone walling, with a landform of generally uniform level and raised atop shallow sea cliffs, some 10 m in height overlooking the Pentland Firth.

The main land use on the Onshore Site is farming, including cereal crops and rough pasture. The adjacent, though no longer operational, nuclear research and test establishments (Dounreay Site and Vulcan NRTE) with the associated bulk building mass and enclosing perimeter of security fencing and walls are prominent on the skyline including at night with permanent lighting.

The nearest settlements include Reay and Thurso, which are located approximately 1.5 km west and 14 km to the east respectively. The nearest residential receptor is Isauld Farmhouse located approximately 100 m southwest of the Onshore Site. Access to the Onshore Site is gained from the A836, which is adjacent to the Onshore Site, and from the Vulcan NRTE main road.

Within the eastern portion of the Onshore Site is the existing Scottish Southern Energy (SSE) Dounreay 132 kV Substation (the Dounreay Substation), which forms the Project's Grid Connection Point. The proximity of this Grid Connection Point was a key factor in HWL's decision to locate the Onshore Development at this location (as detailed in Chapter 3: Site Selection and Alternatives), in order to minimise disturbance to the environment insofar as possible.

The eastern part of the Onshore Site is crossed by two overhead transmission lines which are supported by steel towers. These lines originate at the existing Dounreay Substation.

An underground utility mapping exercise was undertaken within the Onshore Site. This exercise identified a single SSE Networks fibre optic cable and a single SSE underground telecoms cable which very marginally overlap the Onshore Site. These are connected to the existing electrical infrastructure located to the east of the Onshore Site in the vicinity of the existing Dounreay Substation. There are no other mapped utilities present. Nonetheless, checks for all services will also be undertaken and services identified and suitably accommodated during the detailed design phase of the Onshore Development.

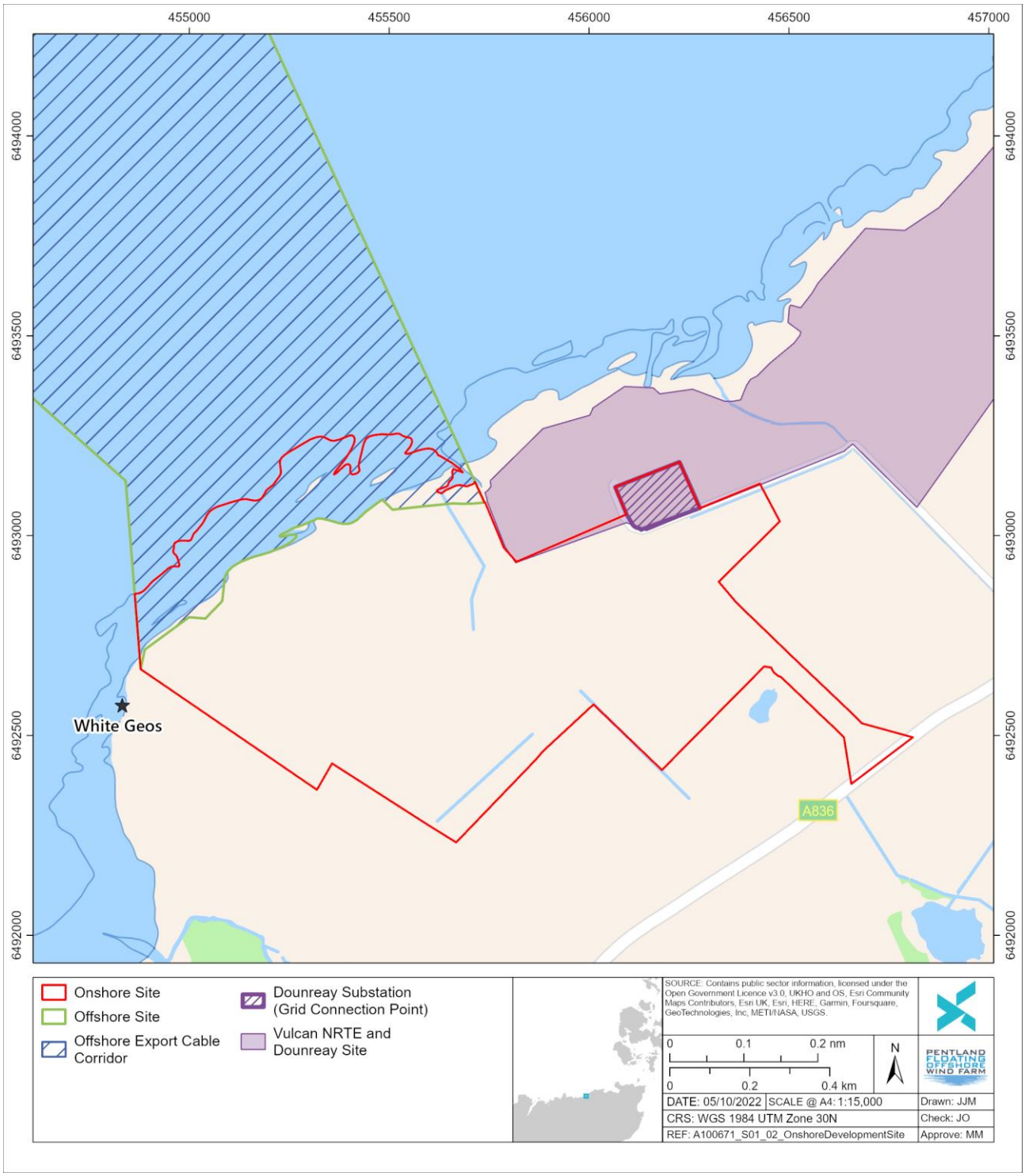

Figure 1: Site Location

3 Overview of Planning Policy Considerations

This section of the Planning Statement provides an overview of the relevant national planning policy, guidance and advice documents, as well as introducing the policies of the Development Plan upon which consideration should be placed. Consideration is given to:

- National Planning Framework (NPF) 3 and the emerging NPF 4;
- Scottish Planning Policy (SPP);
- The Highland Wide Local Development Plan (HwLDP) 2012;
- The Caithness and Sutherland Local Development Plan (CaSLDP) (2018); and
- The Emerging Highland-wide Local Development Plan.

3.1 National Planning Framework 3

NPF3, which was laid in the Scottish Parliament on 23rd June 2014, is the long-term spatial expression of the Scottish Government's Economic Strategy and plans for infrastructure investment and development priorities over the next 20 to 30 years with a focus on supporting sustainable economic growth and the transition to a low carbon economy.

Together, NPF3 and Scottish Planning Policy (considered below) applied at the strategic and local levels, are intended to help the planning system deliver the Government's vision and outcomes for Scotland and to contribute to the Government's central purpose.

NPF3 sets out the Government's vision for Scotland Support for renewables is provided through the "vision" which is referred to as *inter alia*:

- A successful, sustainable place – "*We live in high quality, vibrant and sustainable places with enough, good quality homes*".
- A low carbon place - "*Our built environment is more energy efficient and produces less waste and we have largely decarbonised our travel*".
- A natural resilient place - "*natural and cultural assets are respected; they are improving in condition and represent a sustainable economic, environmental and social resource for the nation…*".

Further support for the Onshore Development is set out in Chapter 3 "A Low Carbon Place", which highlights the key role that Planning will play in delivering on the commitments set out in Low Carbon Scotland: the Scottish Government's report on proposals and policies as well as the Scottish Government's ambition "*to achieve at least an 80% reduction in greenhouse gas emissions by 2050.*"

Paragraph 3.8 states that the Government's aim is to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross consumption from renewables. Paragraph 3.9 goes on to outline the Scottish Government's desire to become a world leader in offshore wind energy development. It is considered that developments such as the Onshore Development are key in facilitating this aspiration, which cannot be met without considered and well-designed onshore infrastructure.

Paragraph 3.12 states that "*Both terrestrial and marine planning have a key role to play in reaching these ambitious targets by facilitating development, linking generation with consumers and guiding new infrastructure to appropriate locations. We are clear that development must work with and sustain our environmental assets and should provide opportunities for communities.*"

Paragraph 3.25 of NPF3 sets out the economic benefits of a growing renewable energy sector noting that there will be job opportunities for manufacturing and servicing to support the sector, as well as providing job opportunities in rural areas.

The Onshore Development will be essential in ensuring that renewable electricity generated by the Project reaches consumers on the mainland. As such, NPF3 supports the maintenance and enhancement of the electricity grid network as set out in paragraph 3.28 where it states that *"Electricity grid enhancements will facilitate increased renewable electricity generation across Scotland. An updated national development focusing on enhancing the high voltage transmission network supports this and will help to facilitate offshore renewable energy developments."*

Paragraph 3.41 under the heading of "A flexible Strategy for diverse places – areas of co-ordinated action" notes that within Orkney, Pentland Firth and North Caithness areas "*there are unparalleled opportunities for*

marine renewable energy development - generating significant new business and employment opportunities for the surrounding coastal and island communities."

The Onshore Development will directly contribute to achieving the above aspirations and policy visions, in particular renewable energy transmission infrastructure is recognised as key to assisting Scotland becoming 'a low carbon place'. NPF3 notes that strengthening the electricity grid will be essential in unlocking renewable resources, both onshore and offshore. The importance of the Onshore Development is therefore recognised in NPF3.

At a strategic level, the Project is deemed to be compliant with the overarching aims of NPF3 and developments such as the Project would assist the Scottish Government is meeting the targets set out above. Whilst the NPF 3 is soon to be superseded, at the time of writing it represents the overarching adopted policy aims of the Scottish Government and therefore comprises a useful material consideration in the determination of the Project.

3.2 Scotland 2045 – Fourth National Planning Framework (Draft NPF4)

The National Planning Framework 4 (NPF4) was laid out in Parliament on 10th November 2021 and its consultation period ended in March 2022. It is currently in draft and therefore has less weight than the adopted NPF3, however, its adoption is predicted towards the end of 2022 and therefore it provides a clear expression of the direction in which the Scottish Government wish to proceed. Notably, when adopted, the NPF4 will subsume SPP (2014) and become part of the Development Plan, giving it greater primacy when considered in the context of the Town and Country Planning (Scotland) Act 1997 (as amended).

Therefore, whilst it is not given key weight in the determination of development proposals as of the time of writing, given the policies and proposals within it may change, (and recent Reporters' decisions give credence to this), the NPF4 is likely to be adopted before the determination of the application. The Applicant would note that the contents of the NPF4 are material enough to warrant careful consideration and do encompass the overall direction of policy for the Scottish Government.

The draft NPF4 re-prioritises and sets new 'national developments' to be given priority in Scotland. National Development 12 is 'Strategic Renewable Electricity Generation and Transmission Infrastructure, which supports renewable energy generation, repowering and expansion of the electricity grid. The exact criteria upon which this applies is for electricity generation of over 50 MW, interconnectors of 132 kV or more, and new and/or upgraded infrastructure to support these elements. The rationale for this national development classification is that a "*large increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets*". It is stated that this has the further potential to support jobs and business investment with wider economic benefits. It is clear therefore that were the NFP4 to be adopted before determination of the application, the Project would be classed as national development which would provide a considerable material consideration in the determination of the application.

Part 3 of the draft NPF4 sets out national planning policy. Policy 2(a) states that when considering all development proposals, significant weight should be given to the global climate emergency whilst Policy 2(c) states that within decision making "*the scale of the contribution of development proposals to emissions in relation to emissions reduction targets should be taken into account*". These matters are considered under discussion on climate change within Section 4.7 below.

Draft Policy 3 of the NPF4: Nature crisis, considers the requirement for the facilitation of biodiversity enhancement and nature restoration through development plans and encourages developments to contribute to the enhancement of biodiversity. It requires that potential adverse impacts of proposals should be minimised through careful design and planning. The EIAR discusses the mitigation measures taken to avoid and offset significant ecological effects and is further discussed against the Development Plan.

Draft Policy 6 is concerned with good design, and states that development proposals should be designed to a high quality such that the scale and nature of the development contributes positively to the character and sense of place of the area in which it is located. The Design and Access Statement which accompanies this application sets out the consideration of these matters further, and demonstrates the careful consideration given to the placing and design of the Onshore Development.

Draft Policy 16: Business and Employment sets out under part (d) that development proposals for business and general industrial use should be compatible with the primary business function of the area. Part (g) advises

that proposals with business and industrial use must take into account surrounding residential amenity, population health and wellbeing, environmental quality and historic assets, and access, parking, traffic generation and air quality. All of these elements are discussed within the consideration of the Onshore Development against the subject specific topics of the Development Plan.

Importantly, the proposed Onshore Development draws support from draft Policy 19: Green Energy, which states under section (b) that "*development proposals for all forms of renewable energy and low-carbon fuels, together with enabling works such as transmission and distribution infrastructure…should be supported in principle*". It is clear therefore that the draft NPF4, which will likely be adopted by the time of determination, is supportive in principle of the Project, subject to the specific details and impact assessment.

Owing to the nature and location of the Project, draft Policy 35: Coasts is also useful to note. Part (b) states that "*development proposals that require a coastal location should be supported in areas of developed shoreline where the proposal does not result in the need for further coastal protection measures and does not increase the risk to people of coastal flooding and coastal erosion*". This is detailed within Chapter 7: Geology, Hydrology and Hydrogeology of the EIAR and further discussed within this Planning Statement.

As stated previously, whilst the NPF4 remains in draft form and is subject to change, it cannot form a considerable material consideration as confirmed by recent decisions of Reporters appointed by the Scottish Government. However, it is likely that the policy position would not change for maintaining support for renewables and infrastructure that supports renewable energy generation, and it is anticipated that the Project as a whole could be considered as a national development once the NPF4 is adopted. This would provide considerable policy-based support for the principle of the Project, provided that adverse significant effects are mitigated to an acceptable level.

It is also useful to review and note THC's input to the NPF4 process. The Scottish Government invited Planning Authorities across Scotland to prepare Indicative Regional Spatial Strategies (IRSS) to help inform the preparation of NPF4. Following an initial draft by THC in Autumn 2020, a refined version was published in April 2021 which aimed to align the thinking of both the Scottish Government and THC. The 'Vision and Spatial Strategy' sets out that by 2050, THC would wish to position itself as "*an exemplar carbon action region by optimising its unique, rich and diverse assets to lead national emissions reduction targets*". It will have "transitioned to a green, circular economy" which will maximise the value of core industries and help attract new and emerging sectors. The declaration of a Climate Emergency in April 2019 commits THC to becoming a net zero carbon region by 2025, which has "*redefined the Council approach to future planning and is now embedded in all services*". THC see the area as continuing to play a "*disproportionately significant role*" in delivering national requirements to meet national climate change goals", and that "*it is unrealistic to expect that Scotland can meet its target of a net zero country by 2045 without THC's contribution*".

Whilst the IRSS forms an input paper to a document which at the time of writing has not yet been adopted, it is, however, fully clear and unequivocal that THC sees itself at the forefront of delivering the Scottish Government's ambitious climate change targets (which are further discussed within section 5). It is evident that developments such as the Project would enable THC to realise the goals and obligations expressed within the IRSS and, therefore, the principle of the Onshore Development is supported by the IRSS.

3.3 Scottish Planning Policy

Scottish Planning Policy (SPP) was published in June 2014 and following a legal challenge was updated briefly in 2020, but was reverted back to its 2014 edition, which presently remains the most definitive set of national planning policies. The purpose of SPP is to set out national planning policies which reflect Scottish Government Ministers' priorities for the operation of the planning system, and for the development and use of land. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed. Paragraph (iii) states that the content of SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

SPP is relevant to understanding the national context, the generic duties under Schedule 9 to the 1989 Act are also material considerations in the decision-making process.

3.3.1 Relationship of SPP to National Outcomes

Paragraph 9 of the SPP refers to 'Outcomes' which relate to the Scottish Government's 'Purpose' "*of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth...*".

Paragraph 10 adds that the Scottish Government's 16 national outcomes articulate in more detail how the Purpose is to be achieved. It states that the pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both SPP and NPF 3.

Paragraph 13 introduces four planning outcomes which explain "how planning should support the vision" for the planning system in Scotland. Three of these outcomes are particularly relevant and are outlined above in relation to NPF3. The fourth outcome, "*A Connected Place*", which promotes sustainable transport and active travel and supports digital connectivity, is not considered relevant to the nature of the Onshore Dvelopment.

Of the three relevant outcomes, Outcome 2 A Low Carbon Place: Delivering Heat and Electricity is of most relevance to the Onshore Development. By its nature, the Onshore Development will facilitate the transmission of electricity in the region, generated from a renewable, low carbon source, while contributing to the diversification of the energy sector.

Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. It should be noted, as considered later in this Planning Statement, that the Government has now set updated emission reduction targets.

3.3.2 SPP Subject Policies – A Low Carbon Place

SPP addresses 'A Low Carbon Place' as a 'subject policy' on page 36 and refers to 'delivering electricity'. Paragraph 152 refers to the NPF context and states that NPF 3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government. It is stated that Scotland has significant renewable energy resources, both onshore and offshore.

In terms of 'Policy Principles', Paragraph 154 states that the planning system should:

- Support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
    - 30% of overall energy demand from renewable sources by 2020;
    - The equivalent of 100% of electricity demand from renewable sources by 2020.
- Support the development of a diverse range of electricity generation from renewable technologies including:
    - The expansion of renewable energy generation capacity.
- Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

The Onshore Development would be consistent with the 'low carbon place' subject policy and would contribute to its attainment.

3.3.3 Principal Policies of SPP

SPP contains two Principal Policies, 'sustainability' and 'placemaking'. Sustainability is addressed at Page 9. The SPP states that "*the Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth*".

Paragraph 25 adds that the Scottish Government's commitment to the concept of sustainable development is reflected in its Central Purpose. Paragraph 27 cross refers to the Government's Economic Strategy which "*indicates that sustainable economic growth is the key to unlocking Scotland's potential…. and to achieving a*

low carbon economy…" It also makes reference to the need to maintain a high quality environment and to pass on "a sustainable legacy for future generations".

3.3.4 Renewable Energy within SPP

Paragraph 154 contains the policy principles associated with delivering heat and electricity. It is stated that the planning system should "*support the transformational change to a low carbon economy, consistent with national targets and objectives", whilst "supporting "the development of a diverse range of electricity generation from renewable energy technologies, including the expansion of renewable energy generation capacity*".

3.3.5 Presumption in Favour of Development that contributes to Sustainable Development

Paragraph 27 of the SPP includes a statement underpinning a key 'Policy Principle' in the planning system, stating that "*this SPP introduces a presumption in favour of development that contributes to sustainable development*".

Paragraph 28 continues and states that "*the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost*".

Paragraph 29 of SPP then sets out that policies and decisions should be guided by a number of principles. Those of relevance to the Onshore Development include the following:

- Giving due weight to the net economic benefit of proposals;
- Supporting good design;
- Supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- Supporting climate change mitigation and adaptation, including taking account of flood risk;
- Having regard to the principles for sustainable land use as set out in the Land Use Strategy;
- Protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- Protecting, enhancing and promoting access to natural heritage including…., landscape and the wider environment; and
- Avoiding over development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

The introduction of the presumption in favour of development that contributes to sustainable development has important consequences for development management practice. Paragraph 32 states that "*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making*". SPP directs decision makers as follows:

"*proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations*"

Paragraph 33 adds:

"Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old".

It is therefore noted that as the HwLDP (2012) is more than five years old, the presumption in favour of sustainable development is engaged and as such is a is a significant material consideration. The PFOWF

clearly qualifies as sustainable development, with the Onshore Development constituting infrastructure to facilitate significant renewable energy generation.

The provisions of paragraph 33 also mean that 'the tilted balance' would apply. This requires that, should decision makers find issue with a development, the adverse impacts (or reasons for refusal) must "*significantly and demonstrably*" outweigh the benefits. As the adopted HwLDP is more than five years old, this applies to the Onshore Development.

3.3.6 EIA Subject-Specific Policies

SPP contains subject-specific policies which aim to guide Development Planning and Development Management decisions, acting as overarching policy requirement to adhere to in the drafting of Local Development Plans.

Paragraphs 135 to 151 aim to protect, maintain and enhance the cultural heritage assets of Scotland and include policy relevant to the change of setting of Listed Buildings, Conservation Areas, Scheduled Monuments, Historic Marine Protected Areas, World Heritage Sites, Gardens and Designed Landscapes, and Battlefield, along with non-designated assets.

Paragraph 169 contains requirements for renewable energy infrastructure to be tested against a range of considerations. These include:

- Net economic impact;
- The scale of contribution to renewable energy generation targets;
- Effect on greenhouse gas emissions;
- Cumulative impacts;
- Impacts on communities and individual dwellings;
- Landscape and visual impacts;
- Effects on natural heritage, including birds;
- Impacts upon carbon rich soils;
- Public access including impact upon long distance walking and cycling routes and scenic routes;
- Impacts upon the historic environment including scheduled monuments, listed buildings and their settings;
- Impacts upon tourism and recreation;
- Impacts upon aviation and defence interests;
- Impacts upon telecommunications and broadcasting installations;
- Impacts upon road traffic;
- Impacts upon adjacent trunk roads;
- Effects upon hydrology, the water environment and flood risk;
- The need for conditions relating to the decommissioning of developments including ancillary infrastructure;
- Opportunities for energy storage; and
- The need for robust planning obligations to ensure operators achieve site restoration.

These matters are further considered within section 4 of this Planning Statement.

3.4 The Highland Wide Local Development Plan

The HwLDP (or 'Plan') was formally adopted on 5th April 2012 replacing The Highland Structure Plan (2001). The Plan sets out a vision statement, the spatial strategy and the overarching spatial planning policy for the whole of the Highland Council area against which development will be assessed, with the exception of the area covered by the Cairngorms National Park Local Plan. As such, The Onshore Development has been considered in the context of the HwLDP, and the most relevant policies are identified and considered below.

All Local Development Plans are required to set out a 'Vision' which informs the aims and objectives of the plan, as well as its enabling policy framework. The HwLDP sets out a vision where "*by 2030, Highland will be one of Europe's leading regions. We will have created sustainable communities, balancing population growth, economic development and the safeguarding of the environment*".

In relation to the Onshore Development, the HwLDP then sets out the vision and land use aims specific to the Caithness and Sutherland Area informed by the challenges and opportunities facing the region, including to:

- be a regenerating place with a network of strong communities;
- be a competitive place connected to the global economy;
- be a connected and accessible place;
- be a place of outstanding heritage: safe in the custody of local people;
- be a centre of excellence for energy and engineering;
- have become an international centre of excellence for marine renewables;
- have a high quality tourist industry; and
- have a more diverse economy.

The most relevant policies from the HwLDP are identified in Table 1.

Table 1: Relevant HwLDP Policies

HwLDP POLICY	POLICY SUMMARY
Policy 28 Sustainable Design	Sustainable design is to be taken into consideration in the design of all development.
Policy 36 Development in the Wider Countryside	Development proposals may be supported if they are judged to be not significantly detrimental under the terms of the policy and will be assessed to the extent to which they: - are acceptable in terms of siting and design; - are sympathetic to existing patterns of development in the area; - are compatible with landscape character and capacity; - avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics; - avoid, where possible, the loss of locally important croft land; and - would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.
Policy 55 Peat and Soils	This policy considers the unnecessary disturbance, degradation or erosion of peat and soils.

Policy 56 Travel	This policy considers likely on- and off- site transport implications of the development.
Policy 57 Natural, Built and Cultural Heritage	All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting, in the context of the policy framework.
Policy 58 Protected Species	This policy considers a development's individual or cumulative effects on European Protected Species and protected bird species. Adverse effects would only be permitted under certain circumstances as detailed within the wider policy wording.
Policy 59 Other Important Species	If not already protected by other legislation or by nature conservation site designations this policy considers a development's individual or cumulative effects on: > Species listed in Annexes II and V of the EC Habitats Directive; > Priority species listed in the UK and Local Biodiversity Action Plans; > Species included on the Scottish Biodiversity List.
Policy 60 Other Important Habitats and Article 10 Features	THC will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat "stepping stones" for the movement of wild fauna and flora. (Article 10 Features). Other Important Habitats, where not protected by nature conservation site designations will also be considered, including: > Habitats listed in Annex I of the EC Habitats Directive; > Habitats of priority and protected bird species (see Glossary); > Priority habitats listed in the UK and Local Biodiversity Action Plans; > Habitats included on the Scottish Biodiversity List.
Policy 61 Landscape	Landscape characteristics and special qualities identified in the Landscape Character Assessment should be reflected in development design, while measures to enhance the landscape characteristics of the area are also encouraged.
Policy 63 Water Environment	This policy supports proposals for development that do not compromise the objectives of the Water Framework Directive (2000/60/EC),
Policy 64 Flood Risk	Development proposals should avoid areas susceptible to flooding and promote sustainable flood management.
Policy 67 Renewable Energy Developments	This policy considers the contribution of the Onshore Development towards meeting renewable energy generation targets and any positive or negative effects it is likely to have on the local and national economy. Developments will be supported where they do not have a significantly detrimental effect overall (individual or cumulative), having regard in particular to any significant effects on: > natural, built and cultural heritage features; > species and habitats;

	> visual impact and impact on the landscape character of the surrounding area; > amenity at sensitive locations; > safety and amenity of any regularly occupied buildings and their grounds (visual intrusion, noise, ice throw, 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; > 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.
Policy 69 Electrical Transmission Infrastructure[1]	*"Proposals for overground, underground or sub-sea electricity transmission infrastructure (including lines and cables, pylons/ poles and vaults, transformers, switches and other plant) will be considered having regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption. Subject to balancing with this consideration, and taking into account any proposed mitigation measures, the Council will support proposals which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features.* *In locations that are sensitive, mitigation may help to address concerns and should be considered as part of the preparation of proposals. This may include, where appropriate, underground or sub-sea alternatives to overground route proposals. Where new infrastructure provision will result in existing infrastructure becoming redundant, the Council will seek the removal of the redundant infrastructure as a requirement of the development."*
Policy 72 Pollution	Proposals that may result in significant pollution such as noise, air, water and light will only be approved where a detailed assessment has been undertaken as required and mitigation measures proposed where appropriate.
Policy 73 Air Quality	Proposals where there is the potential to individually or cumulatively adversely affect air quality must be accompanied by appropriate provisions, such as an Air Quality Assessment, including proposed mitigation.
Policy 77 Public Access	Access Plans required for a Major Development.

[1] *Policy 69 is the 'lead' and most pertinent policy with regard to the Onshore Development.*

3.5 The Caithness and Sutherland Local Development Plan

The CaSPlan is one of three wider area local development plans that, along with the HwLDP and Supplementary Guidance, will form THC's Development Plan that guides future development in Highland and determine planning applications in Caithness and Sutherland. The CaSPlan was formally adopted by THC on the 31st of August 2018 replacing the previous Caithness Local Plan and Sutherland Local Plan.

Alongside the HwLDP the CaSPlan seeks to deliver key outcomes for the wider Caithness and Sutherland area. Key outcomes have been derived from the Highland Community Planning Partnership's Single Outcome Agreement (SOA), simplified down to prioritise as identified by the community to reflect the following vision for 2035 tailored to the CaSPlan:

- Growing Communities: A network of successful, sustainable and socially inclusive communities where people want to live, which provide the most convenient access to key services, training and employment and are the primary locations for inward investment;
- Employment: A strong, diverse and sustainable economy characterised as being an internationally renowned centre for renewable energy, world class engineering, land management and sea-based industries and a tourist industry that combines culture, history, adventure and wildlife;
- Connectivity and Transport: Enhanced communications, utilities and transport infrastructure that support communities and economic growth, with development anchored to existing or planned provision; and
- Environment and Heritage: High quality places where the outstanding environment and natural, built and cultural heritage is celebrated and valued assets are safeguarded.

One of the aims of this Plan is to ensure that development helps to maintain and grow a strong and diverse Caithness and Sutherland economy, while the current reliance upon the Dounreay Nuclear Facility for employment is recognised and forms part of the need case to diversify the economy. Options for future use of land within or adjoining the Dounreay site are considered limited due to the previous activities and ongoing decommissioning. However, The Dounreay Planning Framework suggests some potential future use that includes "*The Council's vision for the end use of the Dounreay Site is to see it as far as practicable redeveloped for employment uses, with potential opportunities being the offshore renewables sector (wind, wave, tidal)*".

This is particularly pertinent to note and gives clear indication of the acceptability of the principle of the Onshore Development.

It is also noted that investment in renewable energy generation in North Highland is not only helping to meet THC's and national climate change targets but it has also delivered economic benefits for the area. With a recent reliance upon onshore wind, the potential for marine energy generation particularly in the north-east of the CaSPlan area, which is identified in the Spatial Strategy for Energy Business Expansion is recognised.

The CaSPlan recognises the potential for marine renewable energy generation and the need to maximise opportunities arising from offshore renewables and oil and gas, particularly within the Area for Energy Business Expansion[2] in the north east. Furthermore, the need to strengthen the link between marine and terrestrial planning including harbour related developments associated with marine renewables sector, including those in the Pentland Firth is recognised. Another key spatial element which is considered is the need to support and enable High Voltage Energy Transmission Network (as identified in NPF3), recognising the strategic need, and where relevant, national priority of some projects.

Paragraph 114 of CaSPlan sets out that Dounreay has played a pivotal part in the development of Thurso, however with decommissioning expected to be completed by 2030, the plan states that is "*essential that new opportunities for inward investment and job creation are identified and supported*", with the marine renewables sector being cited as a significant growth area.

[2] *Area within which the Plan seeks to maximise opportunities arising from offshore renewables and oil and gas, including employment-generating uses to service the sector, through support for harbours, allocation of business and industrial land and a flexible approach to considering the needs of emergent sectors and strategic infrastructure proposals.*

From a climate change perspective, the CaSPlan notes the area's substantial renewable energy resource with onshore wind and hydro energy sectors, while the merging opportunity for marine energy development is also recognised.

CaSPlan notes that the HwLDP policies provide safeguards for these features. The HwLDP already provides a number of policies which seek to address these priority issues. The spatial strategy for CaSPlan reflects how this can be achieved at the local level. Whilst the individual policies of CaSPlan, which primarily focus on directing development within settlement areas, are considered of limited relevance to the determination of this application, is it considered that the Onshore Development complies with the aspirations of the plan.

3.6 Update to HwLDP

The HwLDP was adopted in 2012 and now exceeds the recommended lifespan of five years for a Development Plan. THC has been undertaking a review of the HwLDP for some time, with a Main Issues Report published for consultation in 2016 for HwLDP2. In December 2017 the Scottish Government published a Planning Bill outlining potential changes to the Scottish planning system. Subsequently, The Planning (Scotland) Act 2019 was passed by the Scottish Parliament in June 2019. Due to the proposed changes and potential new arrangements for the content of Local Development Plans and how they are prepared, THC has taken the decision to postpone the review of the HwLDP until further information was available regarding the changes.

As set out above the Scottish Government is preparing NPF4. For the first time, the NPF will be part of the Development Plan. This will likely lead to a reduction in the number and range of policies required in the Local Development Plan. THC are in the process of inputting into the preparation of NPF4. This means that review of the HwLDP is expected to be taken forward under the new arrangements for Local Development Plans, with formal work anticipated to start in spring/summer 2022. However, it is noted that the HwLDP2 Main Issues Report refers to the potential to review the existing policy 69 relating to Electricity Transmission Infrastructure:

"*Existing Policy 69 Electricity Transmission Infrastructure will be improved to cover energy storage and distribution infrastructure. A more comprehensive policy is proposed outlining expectations for the preparation and assessment of proposals for electricity infrastructure. National Developments (defined by NPF3) will be supported in principle with transmission routing options being fully considered under this policy as well as the detail of proposals. The updated policy will set the context for any site-specific matters that may be picked up in Area LDPs. We invite the submission of information from the energy industry to help us identify areas for national and local electricity network improvement (as illustrated on the Spatial Strategy Map), as well as areas for potential decentralised and mobile energy storage installations*."

Given the status and timeframe of the emerging HwLDP2, it is considered to have limited weight in the consideration of the Onshore Development. Notwithstanding this, the Onshore Development is considered to align with the aims of the Main Issues Report, because it is a National Development aligning with the future aims for Policy 69.

4 Planning Policy Assessment

4.1 Introduction

This section sets out the assessment of compliance with the Development Plan and wider material considerations by using an evidence-based approach drawn from the EIAR which is widely referenced throughout this assessment. Each environmental topic assessed within the EIAR is linked to the relevant planning policies which accord to that assessment, and overall conclusions are drawn as to the level of compliance.

The primacy of the Development Plan in determining planning applications is established by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended). These provisions require decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, the primary policy to assess compliance against is the HwLDP and CaSPlan as per section 25 of the TCPA. However, at the time of writing and preparing this Planning Statement, the tilted balance promoted within paragraph 33 of SPP also applies, where developments which promote sustainable development should be provided with additional weight.

The following sections correspond directly to the EIAR chapters presented within Volume 1 of the EIAR.

4.2 Geology, Hydrology and Hydrogeology

The Development Plan policies considered of relevance to geology, hydrology and hydrogeology in the context of the Onshore Development are:

- HwLDP Policy 55: Peat and Soils;
- HwLDP Policy 62: Geodiversity;
- HwLDP Policy 63: Water Environment;
- HwLDP Policy 64: Flood Risk;
- HwLDP Policy 66: Surface Water Drainage; and
- HwLDP Policy 72: Pollution.

It is considered that the Environment Strategy of CaSPLan refers directly to the HwLDP, and therefore the above policies form the primary policy test in this area. Chapter 7: Geology, Hydrogeology of the EIAR sets out the relevant assessment.

Potential effects during construction of the Onshore Development are related primarily to ground disturbance associated with ground-breaking, including the intrusive nature of works such as horizontal directional drilling (HDD) to bring the Offshore Export Cable onshore, construction at landfall including Transition Joint Bays (TJB), the installation of cables from the landfall to the Onshore Substation and across to Dounreay Substation, and the construction of access tracks.

In terms of the geological resource during construction, there are no significant effects anticipated upon coastal geology, quaternary sediment and bedrock geology due to the lack of geological protected features and comparatively small scale intrusion of HDD. Trenches for cabling and associated impact upon superficial geology will be backfilled with excavated material once the cabling is complete, and therefore no significant effects are predicted. There is considered to be very low risk of ground instability, however, detailed ground investigations would take place prior to construction. During operation there are anticipated to be no effects on the geological resource via ground instability. Some potential exists for the heating of superficial deposits from the onshore cable circuit, however, given the negligible sensitivity of this resource at the Onshore Site it is considered not significant in terms of the EIA.

The overall effects on the geological resource both in terms of construction and operation are therefore not significant, and accordingly the Onshore Development has no conflict with Policy 55 and Policy 62 of the HwLDP which aim to protect this resource.

In terms of hydrology, Chapter 7 of the EIAR considers potential effects related to the alteration to surface and groundwater drainage, impacts to water environment via construction pollution, and impacts upon potential historic areas of contamination from trenching works resulting in the mobilisation of radioactive materials.

It is considered that through commitment to a Construction Environmental Management Plan (CEMP) which incorporates the embedded mitigation requirements set out within Chapter 7, the potential effects are not likely to be significant. These embedded measures include a Pollution Prevention Plan, a Wet Weather Protocol, Drainage Strategy, and monitoring by a trained Environmental Clerk of Works (including water sampling). In addition, no evidence of anthropogenic radioactive contamination in the soils was identified, which would ensure that any risk of mobilisation would be negligible. Construction effects were therefore deemed to be not significant, and the mitigation measures would be secured via planning condition by THC.

Additionally, an offset of 50 m working space from the coast has been described within Chapter 5: Project Description of the EIAR. This, amongst other ecological benefits, would ensure that risks from direct pollution incidents were further minimised. Therefore, the Onshore Development would accord with the HWLDP in relation to construction effects given there are no significant effects following the implementation of embedded mitigation.

Potential operational effects would relate to alteration to surface and groundwater flows and drainage regimes, pollution of watercourses or groundwater via chemical contamination or sediment run-off. Again, embedded

mitigation measures which would be secured by planning condition would ensure that these did not occur. The use of sustainable urban drainage systems (SUDS) and the conditioning of a detailed Drainage Strategy would mitigate against the potential for changes to the hydrological regime which would encourage groundwater or coastal flooding.

With the implementation of embedded mitigation and the conditioning of mitigation measures, the Onshore Development will not have any adverse significant effects on hydrology and hydrogeology; it therefore complies with SPP and HwLDP policies 63,64, 66 and 72.

4.3 Land Use, Agriculture and Soils

The Development Plan policies considered of relevance land use, agriculture and soils in the context of the Onshore Development are:

- Policy 55: Peat and Soils;
- Policy 66: Surface Water Drainage; and
- Policy 72: Pollution.

In addition to these, paragraph 80 of SPP gives preference to using land which is not for prime agricultural use except where it is essential, for example where it associated with the generation of renewable electricity.

The soils in the Study Area are predominantly gleys (poorly drained organic soils) and their agricultural land capability is Class 3.2 capable of average production though high yields of barley, oats and grass, which is not considered to be prime agricultural land.

Changes to soil quality and agricultural drainage will be minimised through best practice workings, in addition to implementing a Construction Method Statement (CMS) and a CEMP. It is considered that the soil recovery following the construction period would be achieved following the reinstatement phase without significant adverse impacts. Any potential damage to utilities would be managed through mapping, consultation and agreements, with respective utilities providers as standard best practice. No significant effects were identified through the construction phase.

The impacts assessed through the operation and maintenance phase were impacts on soil and sediment quality from pollution or contamination, loss of agricultural land, and changes to access requirements. The CEMP will include a Pollution Prevention Plan and Oil Spill Contingency Plan which will minimise the risks associated with the operational impacts on the soil. This will be achieved through identifying and monitoring potential hazards before they occur and mitigating the effects of the pollution in the unlikely circumstance that they could occur by having in-place processes and procedures for staff to follow.

The loss of agricultural land through the operation of the Onshore Development is calculated to be 0.78 ha, resulting from the permanent access tracks and substation; this is not assessed to be a significant loss within the EIA. Any changes to access requirements during operation and maintenance are assessed to be negligible, as the majority of the site will have no public access restrictions and the small vehicle numbers expected for maintenance purposes will not result in a significant impact to access.

With the implementation of best practice workings including a CMS and CEMP, the Onshore Development, which is situated close to similar land uses at the Vulcan NTRE and former Dounreay plant, complies with SPP and HwLDP policies 55, 66 and 72.

4.4 Terrestrial Ecology

The Development Plan policies considered of relevance to ecology in the context of the Onshore Development are:

- HwLDP Policy 49: Coastal Development;
- HwLDP Policy 51: Trees and Development;
- HwLDP Policy 57: Natural Built and Cultural Heritage;
- HwLDP Policy 58: Protected Species;

- HwLDP Policy 59: Other Important Species; and
- HwLDP Policy 60: Other Important Habitats and Article 10 features.

The overarching theme of each of these policies is to safeguard the integrity of habitats and species and aim to conserve and enhance these where applicable. Policy 58 contains provision for when development does have a likely adverse effect upon European Protected Species, development will only be permitted where there is no satisfactory alternative, where the development is required for an imperative reason of overriding public interest, and where the development will not be detrimental to the maintenance of the species population at a favourable conservation status in their natural range.

Chapter 9: Terrestrial Ecology within Volume 1 of the EIAR records that most ecological receptors were found to be of low (or lower) importance, with only three habitats indicated to be of medium importance, corresponding to nationally important Annex I habitats under the Habitats Directive. The three habitats are M15 wet heath, MC2 maritime rock-crevice community and MC8d maritime grassland. M15 wet heath lies over 200m south of the Onshore site boundary and therefore no significant effects are anticipated. MC2 maritime rock-crevice community would also not be impacted given the embedded commitment to avoid direct impacts upon sensitive coastal habitats by employing HDD methodologies. There are no coastal habitats under Annex I that are anticipated to be lost, including MC8d.

Within 250m of the Onshore Site, 30 target notes for protected species were noted, including otter, reptiles, and potential habitat for badger and pine marten. The Onshore Site was considered to be of limited or sub-optimal importance for otter, badger and pine marten, with a small area of 6 ha potentially lost as foraging habitat for otter. As the majority of habitats impacted will be reinstated after installation of the onshore cable circuit, effects will be transient in any event. There were no other significant effects found on any ecological feature of low importance, for example plants or bees.

Chapter 7 of the Onshore EIA contains a commitment to a 50 m working buffer from the coastline, and contains other embedded measures such as avoidance of the Sandside Bay SSSI, commitment to a CEMP, incorporation of best practice measures in relation to locally occurring protected terrestrial mammals and reptiles (e.g. pre-construction surveys, covering of trenches and excavations etc.). A precautionary 30 m buffer between onshore works and buildings with bat roost potential would be maintained, and under the circumstances where this cannot be maintained, then a detailed preliminary bat roost assessment would be required, with the potential for further licencing works.

A Habitats Regulations Appraisal was carried out upon the four internationally important Special Areas of Conservation (SAC) within 20 km of the Onshore site in order to inform THC's Appropriate Assessment. No significant effects were found upon the integrity of these designations. In terms of national designations, Sandside Bay Site of Special Scientific Interest (SSSI), Red Point Coast SSSI and East Halladale SSSI (all within 4km of the Onshore Site) were assessed as having no effects, subject to the imposition of the 50 m coastal working buffer.

Adverse significant effects on terrestrial ecology have been avoided through careful design and embedded mitigation. The Onshore Development is therefore in accordance with Policies 49, 51, 57, 58, 59 and 60 of the HwLDP and associated ecological commentary within SPP.

4.5 Terrestrial Ornithology

There are no policies specifically related to ornithology within the HwLDP, however Policy 58: Protected Species covers bird species including those listed in Annex I of the EC Birds Directive, regularly migrating birds listed under Annex II of the Birds Directive, species listed under Schedule 1 of the Wildlife and Countryside Act 1981, and other birds of conservation concern.

Potential significant effects upon bird species are assessed within Chapter 10: Terrestrial Ornithology. The farmland habitats adjacent to the coastline support a range of breeding birds including skylark and meadow pipit, lapwing and curlew, and also by non-breeding birds during late summer to winter for feeding, including greylag goose, curlew, lapwing, starling and corvids. The rocky shoreline also supports a variety of wader and wildfowl species including eider, shelduck, oystercatcher and ringed plover, and widgeon, purple sandpiper, oystercatcher, turnstone and curlew during the autumn and winter.

During construction, there may be some limited habitat loss (5.27 ha) over a short period of time, however, appropriate post-construction restoration as set out within Chapter 10 of the EIAR would result in this effect

being not significant. There are considered to be negligible to minor effects, of a non-significant nature, upon protected bird species as a result of disturbance, habitat loss or change during construction. During operation, effects would be negligible.

As there would be no adverse significant effects upon ornithological species, the Onshore Development accords with the Development Plan and SPP with regards to terrestrial ornithology.

4.6 Onshore Archaeology and Cultural Heritage

The cultural heritage of the Highlands is promoted within the HwLDP primarily through Policy 57: Natural, Built and Cultural Heritage. This policy sets out the various levels of protection and THC's stance – where for features of local/regional importance THC will allow developments where the effects can be demonstrated to be acceptable, and for national features, where the benefits of the proposed development outweigh any significant effects.

Chapter 11: Archaeology and Cultural Heritage sets out an assessment of effects upon cultural heritage receptors, including the Scheduled Monument (SM564) Cnoc Urray and other Canmore records within the site, and wider setting impacts upon 11 Scheduled Monuments and several Listed Buildings within a 5 km study area. The main potential impact is upon Cnoc Urray Scheduled Monument, which is located adjacent to a track which would require to be upgraded to facilitate works. No direct impact would take place on the Scheduled Monument. Given the setting of the broch makes little positive contribution to its understanding and appreciation and given that the onshore substation building would be no higher or more prominent that the Vulcan site, the Dounreay Site and the SSE Dounreay substation, the change is of low impact, resulting in an effect of minor significance regardless of whether substation option 1 or 2 was chosen.

Chapter 11 assessed that there will be no significant effects through either direct or indirect means, including upon Cnoc Freiceadain (SM90078), Sandside House and Estate (LB 14984, LB14985 and LB14986) and Reay Church (LB14992).

An archaeological watching brief would be included in the Written Scheme of Investigation (WSI) which would be secured through planning condition. This would only apply to areas where intrusive works are needed in previously un-investigated areas of the site (primarily the southern section of the application boundary).

Given there are no identified significant effects upon local, regional or national receptors, the Onshore Development is deemed to be in accordance with the provisions of Policy 57 of the HwLDP and the wider Development Plan and SPP.

4.7 Air Quality and Climate Change

Policy 73 within the HwLDP states that development proposals which individually or cumulatively may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment, must be accompanied by appropriate provisions such as an Air Quality Assessment which demonstrates how such effects would be mitigated.

An assessment of air quality and climate change is provided within Chapter 12: Air Quality of the EIAR. Nuisance associated with dust from earthworks, construction activities and vehicle movements are considered the most likely construction-based effect. However, given the intervening distance to receptors such as Isauld Farm and Isauld House, and amenity areas such as Reay Golf Course, the potential for significant effects was considered not significant. Embedded measures such as production of a dust management plan secured within a wider CEMP, and best practice measures such as on-site speed limits, wheel washing, adequate dust suppression, and continued liaison, were sufficient to conclude that effects upon air quality would not be significant during construction. During operation, there would be no impact upon air quality.

The assessment also noted that carbon emissions would be negligible and therefore not significant. The associated Offshore Development would result in a net positive carbon balance and assessment is presented within the Offshore Application submitted to Marine Scotland in August this year.

No significant effects were identified within the EIAR on air quality; therefore, the Onshore Development accords with Policy 73 of the HwLDP as well as the provisions on air quality within SPP.

4.8 Landscape and Visual

Key Development Plan policies include Policy 29: Design Quality and Place Making of the HwLDP, which states that new developments should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located, and that Applicants should demonstrate sensitivity towards the local distinctiveness of the landscape, architecture, design and layout of their proposal. Policy 61: Landscape states that development should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Areas in which they are proposed, including consideration of scale, form, pattern and construction materials.

Chapter 13: Landscape and Visual of the EIAR assesses the potential effects upon receptors, including landscape character types and representative viewpoints selected and agreed with regulators prior to the commencement of the EIAR.

In terms of Policy 61 of the HwLDP, the Onshore Development is situated within the Farmed Lowland Plain Landscape Character Type (LCT) 143 which is an extensive LCT covering much of north-eastern Caithness. To the immediate west of the Onshore Site, there is a small area of Sandy Beaches and Dunes LCT covering Sandside Bay and further west is the High Cliffs and Sheltered Bays LCT extending out to Melvich Bay. The host LCT is characterised by the cultivation of the land, the development of small farmsteads and settlements, and its road network, whilst the landform is gently sloping with low rounded hills separated by broad shallow valley. There is a strong horizontal emphasis and a sense of openness, with the most notable developments incorporating the Dounreay Site and Vulcan NRTE, along with Baillie Hill and Forss wind farms, establishing energy infrastructure as a baseline feature of the LCT. There is very little tree cover. The EIAR establishes that there is a close-range influence from large scale energy developments, establishing a localised industrial character to the north-west of the LCT around the Onshore Site. Based on the two indicative options for the substation location considered in the assessment, the magnitude of change is deemed to be medium-low, given the localised character of the LCT. Therefore, the assessment concludes there would not be significant effects upon the host LCT, and the Onshore Development is designed to reflect the landscape characteristics and is in accordance with Policy 61 as a result.

Local Coastal Character Areas (LCCA) have also been assessed, with Crosskirk Bays to White Geos LCCA, and White Geos to Sandside Head LCCA both assessed as receiving no significant effects. The five viewpoints for which visualisations were prepared: Sandside Harbour, the A836 Dounreay junction, Reay Golf Course, the A836 layby at Drum Hollistan and Beinn Ratha, are all deemed to receive effects which are not significant. In terms of Policy 29, the Onshore Development has been designed in accordance with the historic pattern of development. Design has demonstrated sensitivity and respect to both local landscape and people via design choices made, as detailed within the Design and Access Statement.

No significant effects were identified within the EIAR on landscape or visual receptors and, accordingly, the Onshore Development accords with HwLDP Policies 29 and 61 and SPP.

4.9 Traffic and Transport

The most relevant Development Plan policy for traffic and transport related concerns is Policy 67 which deals with the wider implications of renewable energy developments and ancillary infrastructure, and contains land-based traffic and transport interests as a receptor which should not experience significantly detrimental effects.

Chapter 14: Traffic and Transport of the EIAR scopes out operational effects as having limited to no effects on traffic and transportation. Construction effects upon road safety, community severance, traffic-based noise and vibration, vulnerable road users and dust and dirt would all result in minor and not significant effects subject to mitigation measures.

These mitigation measures include a Construction Traffic Management Plan (CTMP), a framework of which is contained within the EIAR, with the detail being reserved to planning conditions. The CTMP would include co-ordination with other developments to ensure no adverse cumulative effects on the road network, information dissemination to local residents, and good practice measures such as wheel washing and careful loading.

The EIAR concludes that would be no significant effects upon the road network, traffic or transport during construction or operation. Therefore, there is no conflict with HwLDP Policy 67 or SPP in this respect.

4.10 Onshore Noise and Vibration

Policy 67 of the HwLDP requires consideration of noise generation on building occupants, whilst Policy 72 considers noise as a form of pollution and requires an assessment demonstrating how significant pollution can be avoided and if necessary, mitigated.

Construction and operational noise were assessed within Chapter 15: Onshore Noise of the EIAR. Construction effects were assessed to BS5228-1 whilst operational effects were calculated in line with BS4142. For construction effects, the nearest receptors at Isauld House, Isauld Lodge and the nearest farmhouse on the A836 were assessed.

Based on the unlikely event where all construction work is undertaken simultaneously, construction activities would not result in an exceedance of 65dB at the closest noise sensitive receptor (Isauld House). Should work require to be undertaken outside of 'core hours' (Monday – Friday 07:00 to 19:00 and Saturday 7:00 to 16:00), for example during earthworks or construction of the substation, then this may result in effects of increased significance. There should also be engagement with potentially affected residents, in consultation with THC. Based on this review, specific management methods or physical measures will be determined and secured and implemented in the CEMP. These measures could include further restriction on working hours for certain activities; use of noise-controlled equipment (acoustically enclosed pumps etc.); local temporary solid screening, for example in HDD works areas. THC also has the ability to control the impact of construction noise through imposing conditions.

Operational effects would be of minor significance at most. Although significant levels are considered unlikely, the findings of the EIAR would be supplemented by an updated review when the final location and specification of the Onshore Substation is known. This study will likely include a survey of measured background noise in the area and will consider compliance against THC recommended criteria in further detail, with an analysis of frequency levels and context. Given the above analysis, achieving suitable noise levels from the equipment is considered possible in practice using standard selection of electrical equipment (and specification of acoustic rating and mitigation if required), enclosure and/or placement of the equipment (for example, screened from the nearest noise-sensitive properties by the Onshore Substation building itself. This finalised assessment can be secured through a specific planning condition.

Cumulatively, the prospect of the SHET Dounreay West Substation was considered as being constructed at the same time as the Onshore Development, which could give rise to significant effects if construction programmes overlapped. It was therefore proposed within the EIAR that subject to liaison with SSE and local residents, adjustments to the construction programme could be made to avoid significant cumulative effects, or where applicable localised acoustic screening could be employed – these interventions would result in effects which would not be significant.

If constructed, the Dounreay West Substation would at some stage operate simultaneously with the Onshore Development. It is therefore possible that cumulative operational noise impacts from both developments, when combined, add up to total noise levels marginally in excess of the relevant requirements. In any case, although a detailed assessment is not possible at this stage, there is the theoretical potential for cumulative operational noise levels to represent medium magnitude of impact on one or more highly sensitive receptor(s) and a moderate adverse effect which is considered significant.

Additional mitigation is therefore proposed to consider likely cumulative operational noise impacts in consultation with SHET and THC. The final specification of noise mitigation measures will be determined once the detailed design of the Onshore Substation has been finalised, including selection of final plant. Reasonable endeavours will be made to take into account the information set out in the finalised noise impact assessment for the Dounreay West Substation, if available. Alternatively, if not available whilst the design of the Onshore Substation is being finalised, consultation with SHET and THC will be undertaken to make reasonable allowances for expected cumulative impacts of the Dounreay West Substation. A suitable design is considered achievable. This finalised assessment of operational noise from the Onshore Substation can be secured through the OEMP and/or a specific planning condition. Consequently, the residual cumulative operational noise impact would reduce to a low magnitude and would correspond to minor effect which is considered not significant.

There are measures available to mitigate potential significant adverse effects from the Onshore Development, and accordingly no residual significant adverse effects are expected. In turn, this

accords with Policy 72 of the HwLDP in that the Applicant has clearly demonstrated how noise pollution can be appropriately avoided and mitigated, and how THC may manage this via condition.

4.11 HwLDP Policies 67 and 69: Renewable Energy and Electricity Transmission Infrastructure

Policy 67: Renewable Energy Generation and Policy 69: Electricity Transmission Infrastructure form distinct and important policies within the HwLDP that require separate consideration.

Policy 67 offers guidance for renewable energy developments including the siting of them compared to the source of the primary renewable resource, the contribution of the development in meeting renewable energy generation targets, and any positive and negative effects. Whilst the overall policy is designed to assess effects of the renewable generating station per se (in this case, offshore and not under the jurisdiction of the HwLDP), it contains useful commentary in which to place the Onshore Development. Policy 67 states that THC will consider proposals which are "*able to demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities*". As previously discussed within this Planning Statement, the Onshore Development is carefully sited within its LCT and surroundings, and within an area previously consented for similar land use (see section 6 of this Planning Statement). There is therefore significant benefit to its siting as discussed fully within Chapter 3: Site Selection of the EIAR.

There is a list of environmental requirements upon which to assess renewable energy proposals (as set out within section 3.4 of this Planning Statement). The above analysis from section 4.2 to 4.10 should provide sufficient evidence that these policies tests can be met.

Policy 69: Electricity Transmission Infrastructure sets out that THC will support transmission infrastructure proposals which are assessed as having a not unacceptable significant impact upon the environment. This is to be balanced with the level of strategic significance in transmitting electricity from areas of generation to areas of consumption.

In terms of the Onshore Development with its lack of significant environmental effects, and in light of the significant material considerations afforded to climate change policy (see section 5) and the national status awarded by NPF4, the Onshore Development can draw full support from Policies 67 and 69.

4.12 Development Plan Conclusions and Tilted Balance

The key policy document currently adopted is the HwLDP which, despite its age, remains the primary policy document upon which to assess compliance with the Development Plan. CaSPlan, whilst being newer, focuses upon more localised and detailed land allocations. The HwLDP2 is some way from being adopted and cannot form more than a small material consideration.

Therefore, the balance must be struck between the level of compliance with the Development Plan (i.e. the HwLDP) and the requirement to employ a tilted balance as per paragraph 33 of SPP.

Owing to the EIAR finding no residual significant adverse effects on any receptor through construction, operation or decommissioning, either on its own or cumulatively, and that the design and location is generally and broadly in accordance with the surrounding land use, it derives strong support from the Development Plan. Paragraph 33 of SPP discusses that where relevant policies in a development plan are out of date or where the development plan is more than five years old (which applies in this case), then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. The Onshore Development clearly facilitates offshore renewable energy and as such maintains favourable national development status within NPF3 and draft NPF4 as ancillary infrastructure. Accordingly, it is found to represent sustainable development as it is in the national interest to facilitate the move to a net zero future by 2045 as per the Scottish Government's ambitious targets (see Section 5).

Subject to the conditioning of mitigation measures throughout the EIAR, it is HWL's opinion that there are no grounds upon which to assess that the Onshore Development does not comply with the Development Plan (i.e. HwLDP). If THC came to a different conclusion, as per paragraph 33 it would be required to demonstrate how any adverse effects "significantly and demonstrably" outweigh the benefits when assessed against the wider policies in SPP.

The Onshore Development clearly accords with and has support from the Development Plan as per Section 25 of the TCPA, and it also complies and draws support from national planning policy as a significant material consideration in favour of the Onshore Development.

5 Climate Change and Energy Legislation and Policy

5.1 Introduction

This section sets out relevant UK and Scottish Energy Strategy and Policy which establishes a framework of legally binding targets, that underpins a needs case for further renewable energy. Whilst this Planning Statement is not required to set this out in full, given the assessment is of the Onshore Development representing ancillary development to the Offshore Development, it is still relevant to underpin the need for the overall Project and to demonstrate the importance of the Onshore component.

5.2 Wider Policy and Targets

5.2.1 UK energy Security Strategy

The Energy Security Strategy (April 2022) was published by the UK Government under a geopolitical setting of uncertainty, both via the invasion of Ukraine by Russia, and the more domestic matter of the country's decision to pursue Brexit. The overarching aim of the policy is to rely less on foreign imports of energy and to create and sustain more indigenous supplies, whilst remaining responsible about its environmental impacts.

It states that "*accelerating the transition from fossil fuels depends critically on how quickly we can toll out new renewables*", and that "*we must now go further and faster, building on our global leadership in offshore wind" where we are "global leaders in offshore wind and pioneers of floating wind*". There is a clear aim to deliver up to 50 GW by 2030 including up to 5 GW of innovative floating wind.

Key to the delivery of the UK Energy Security Strategy is the commitment by the UK Government to "*reduce consent time from up to four years down to one year*". This clearly illustrates the urgency of which the floating offshore industry must deploy, and accordingly how quickly a project such as the Offshore Development is required. The Onshore Development, as a facilitating component of the wider Project, would also be subject to the same urgency. The Project therefore represents an important step in realising future energy security rooted in significant offshore (and floating offshore) expansion.

5.2.2 IPCC AR6

In August 2021, the Intergovernmental Panel on Climate Change (IPCC) issued the Working Group I contribution to the Sixth Assessment Report (AR6), Climate Change 2021: The Physical Science Basis. This first instalment to AR6 further confirmed that climate change is a global issue, resulting from greenhouse gas (GHG) emissions released into the atmosphere, and largely due to human activity, including the combustion of fossil fuels. Evidence of the effects of climate change includes widespread and rapid changes in the atmosphere, ocean, cryosphere, and biosphere. The Working Group I report emphasised that global surface temperatures will continue to increase until at least mid-century under all emissions scenarios considered. Absent deep, sustained reductions in carbon dioxide and other GHG emissions, global warming is expected to reach or exceed 1.5°C and 2°C during the 21st century.

In April 2022, the IPCC released the Working Group III contribution to AR6, Climate Change 2022: Mitigation of Climate Change. This third instalment to AR6 stressed the importance of taking immediate action to mitigate the effects of climate change. The Working Group III report states with high confidence that:

"*reducing GHG emissions across the full energy sector requires major transitions, including a substantial reduction in overall fossil fuel use, the deployment of low-emission energy sources, switching to alternative energy carriers, and energy efficiency and conservation. The continued installation of unabated fossil fuel infrastructure will 'lock-in' GHG emissions*." (IPCC, 2022).

5.2.3 UK Policy Context

Several UK Government policies preceded the IPCC 2022 reports and the Energy Security Strategy. Whilst the Scottish Government have agreed to more ambitious targets (via the Climate Change (emissions Reduction targets) (Scotland) Act 2019) than the UK Government, the wider UK context is also useful to understand.

The UK Government was the first within the G7 Group to pass into law the requirement to be Net Zero by 2050 via The Climate Change Act 2008 (2050 Target Amendment) Order 2019. This was accompanied by the Energy White Paper: Powering out Net Zero Future in 2020 which sets out the UK's view on incurring a "*Green Industrial Revolution*" which requests urgent action to minimise global heating to below 2°C, while pursuing efforts to limit it to 1.5°C as per the Paris Agreement of 2015.

Although it is ancillary to the Offshore Development, the Onshore Development can draw high-level support from UK and wider energy policy.

5.3 Scottish Government Policy Targets

5.3.1 Climate Change (Scotland) Act 2009

The Climate Change (Scotland) Act 2009 provides a long-term framework to ensure a reduction in greenhouse gas emissions by 80% by 2050, with an interim milestone of 42% by 2020.

Whilst successive bills and legislation have increased the target to net zero emissions, as reported below, the Climate Change (Scotland) Act 2009 provides the wider context for Scotland's ambitious targets for the reduction of carbon emissions.

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

The Scottish Government introduced a new Climate Change (Emissions Reduction Targets) (Scotland) Bill to Parliament on 23rd May 2018. The Act was subsequently passed in September 2019.

The Bill raises the ambition of further reducing greenhouse gas emissions by amending the targets set out within the Climate Change (Scotland) Act 2009, hence superseding them and sets a legally binding net zero target for all greenhouse gases by 2045. This target date is five years ahead of the current date set for the rest of the UK and aims to ensure Scotland contributes to the worldwide efforts to deliver on the Paris Agreement. It requires net zero by 2045 at the latest, with challenging interim targets of a 75% reduction target by 2030 and 90% by 2040.

Setting a net-zero target by 2045 is an ambitious target and places Scotland at the forefront of efforts to combat climate change. Therefore, through this Act and other associated Government strategies and policies, the Scottish Government aim to provide certainty and credibility to businesses, industries and investors that are vital partners in Scotland's transition to a low carbon economy.

The trajectory of net zero targets and the actions required to meet them have become steeper following the passing of the 2019 Act into law.

5.3.3 Climate Change Emergency

In April 2019 the Scottish Government declared a climate change emergency, which instigated a commitment to enforcing stronger climate change proposals and targets whilst delivering support to the transition to a low carbon economy. It is anticipated at this stage that this declaration will deliver revised approaches and shape future guidance for a range of policy decisions, affecting transport, oil and gas and renewable energy strategy.

5.3.4 Scottish Energy Strategy

The Scottish Energy Strategy 2017: The Future of Energy in Scotland outlines the vision for the future energy system in Scotland, up until 2050. Among the key priorities are the development of an integrated approach that considers both the use and supply of energy for heat, power and transport.

The Energy Strategy aims to strengthen the development of local energy projects, protect consumers and support Scotland's climate change ambitions. It states that Scotland's long term climate change targets will require the complete decarbonisation of our energy system, with renewable energy meeting a significant share of our needs. There is explicit recognition that onshore wind is amongst the lowest cost forms of power generation.

5.3.5 Recent Policy Developments

The Scottish Government's Advisory Group on Economic Recovery was formed to provide input to Government on Scotland's economic recovery post-Covid 19. The report provided to the Government in June 2020 recognises that there is a need to "*grasp the tremendous opportunities for a green recovery which such a transition offers*", and that the net zero imperative presents "*an increased and urgent challenge for existing policy, planning and licencing frameworks to identify and consent suitable projects with a sufficient level of impact in the light of the climate emergency*".

Shortly following the Economic Advisory Group's Report, the Report of the Climate Emergency Response Group (CERG) to the Scottish Government was published in July 2020, titled 'Eight Packages for Scotland's Green Recovery'. The CERG Report states that it "*encourages the Scottish Government to embrace these policy packages as key components of its economic recovery plan for a fairer and greener Scotland*", and that these should be reflected in key policy milestones. It states that green recovery must be investment led, and the Scottish Government must create "*an attractive policy environment for investors, resulting in a stronger business case for a climate neutral economy*". The Report concludes with the view that "*Scotland's response to Covid-19 is a massive opportunity to catapult and prioritise a just transition to a net carbon economy*".

In December 2020, the Scottish Government published an update to the Climate Change Plan, covering the period 2018 to 2032, and responding to the new requirement in Scotland to meet net zero by 2045. In particular, page 9 sets out the strategic goal of achieving "*decarbonisation across the whole energy system, including electricity, transport, industry and buildings*" and "*integrating climate change action into all of the decisions we make across Government*".

The Update sets out the intention to prepare an Energy Strategy in 2021 and an updated Electricity Generation Policy Statement by 2022. Page 19 refers to a 2032 'pathway' whereby decisions take account of benefits across all energy sectors as well as economic and social benefits they create across Scotland. By 2032 it is intended that we will generate at least the equivalent of 50% of our energy from renewable sources. It is stated on page 18, importantly, that "*there will be a substantial increase in renewable generation, particularly through new offshore and onshore wind capacity*".

The planning and consenting systems are recognised (p78) as remaining a "*critical enabler of rapid renewables deployment in Scotland*". The Climate Change Plan Update expects that renewable energy generation is expected to increase substantially between now and 2032 with an expectation of the development of between 11 and 16 GW of new capacity to meet a rapidly increasing electricity demand.

The Scottish Energy Strategy Position Statement (March 2021) reinforces the consistent theme of the Scottish Government's support for a green, fair and resilient economy. Onshore renewables are addressed within section 8 of the Statement where it is reported that "the continued growth of Scotland's renewable energy industry is fundamental to enable us to achieve our ambition of creating sustainable jobs as we transition to net zero". It adds that the Scottish Government "*is committed to supporting the increase of onshore wind in the right places to help meet the target of net zero*".

As discussed in Section 5.2.2 of this Planning Statement, the IPCC issued the Working Group III contribution to AR6 in April 2022 stressing the importance of taking immediate action to mitigate the effects of climate change. The report lists the deployment of low-emission energy sources as one way to reduce GHG emissions.

These findings prompted the First Minister to write to the UK Prime Minister detailing the urgency with which the four nations of the UK must work together and ensure leadership to limit the global temperature rise to 1.5°C in the longer term. The First Minister emphasised that:

"*the answer to these challenges - given the urgency of the climate emergency - cannot be business as usual. Instead, we must take decisions and make investments now to support - and accelerate - the development of these alternative [energy sources]*." (Scottish Government, 2021a).

0n 20th August 2021 the SNP-led Scottish Government and the Scottish Green Party signed the Bute House Agreement which represents a formal co-operation agreement. On page 12 of this agreement the Government set out that "*the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system…our plans will see a significant increase in electricity demand for heating and transport. To accommodate this, we will support the continued and accelerated deployment of renewable energy*".

5.4 Compliance with and Weight to be Afforded to Energy Legislation and Policy

In the balance of material considerations, it is the role of the decision maker to determine which weight to assign to each material consideration and then potentially groups of material considerations thereafter.

What is clear is that, at all levels, there is a clear and determined effort to reduce global carbon emissions. It is also abundantly clear that wind energy has a very significant part to play in this. Taken and read as a whole, there is a very clear policy priority upon the deployment of renewable technology and specifically the deployment of wind energy.

The Onshore Development supports these ambitious aims to deliver greater security over energy supplies by reducing reliance upon imported fossil fuels, and contributing to system security, flexibility and enabling the utilisation of renewable and low carbon solutions. The planning system (and its decision makers) is a critical enabler of this type of deployment and its ancillary infrastructure. The current weight to be afforded to the preceding matters is therefore, in the Applicant's view, significant.

6 Other Material Considerations

There are two other pertinent material considerations which should assist THC in its planning assessment and balance which do not fit into the categories set out elsewhere within this Planning Statement.

Although this Planning Statement and application refers to the Onshore components of the wider Project, the Onshore Development will be used to facilitate the floating demonstrator project which will facilitate the successful delivery of ScotWind. This in itself is the world's largest commercial round for floating offshore wind, breaking new ground in putting large-scale floating wind technology on the map at a utility scale. Therefore, the Onshore Development is a crucial piece of the wider potential success of the ScotWind process, forming an overwhelmingly material consideration.

Whilst the above sections discuss the influence and level of compliance with planning and national energy policy, a further material consideration should be that of previous consent. The Dounreay Trì Project, consented on 16th March 2017 via Scottish Ministers under virtue of Section 36 of The Electricity Act 1989, also comprised deemed planning consent for onshore infrastructure, including JTB, substation and underground cabling at the same onshore location as that of the Onshore Development.

THC did not object to this Section 36 application following a meeting of the North Planning Applications Committee on 21st February 2017. The HwLDP was in force during the consultation on the 2017 application, and both the Planning Department of THC along with its North Planning Committee were satisfied that the Dounreay Trì project was in accordance with the HwLDP. There were no fundamental objections from any key consultees associated with either infrastructure works or environment. It is stated that "*no residential or commercial properties*" would be significantly and adversely affected by the works, and noise and pollution could be controlled via condition.

Given that the Onshore Development applied for currently is within a similar envelope and in a similar location as the Dounreay Trì development, it is considered by the Applicant that the spirit of onshore development is also similar and planning precedent exists for the type of Onshore Development being sought in this location. This is a considerable additional material consideration in the determination of this application.

7 Conclusions

This Planning Statement presents a planning policy-led analysis of compliance with the Development Plan as per the principles within Section 25 of the TCPA. The EIAR has been used as evidence to determine the level of compliance with the policies of the Development Plan. The analysis finds that although the HwLDP is around

10 years old, the Onshore Development can draw support from its policies. No conflict is found, subject to conditioning mitigation outlined within the EIAR. The Onshore Development can draw significant support from local policy.

The Onshore Development fully accords with the subject-specific policies and guidance within SPP. It is found that the tilted balance as described within this document and as per the tests within SPP paragraph 33 do apply given the age of the Development Plan (i.e. >5 years old). This provides a requirement that developments which comprise sustainable development are given primacy, and if the decision maker (i.e. THC) does not believe that the Onshore Development accords with the Development Plan it must "*significantly and demonstrably*" set out the adverse impacts which would outweigh the tilted balance towards sustainable development. It is not believed this should be required, however, owing to the absence of any significant adverse effects and the resultant accordance with the Development Plan.

In a national planning policy sense, both the NPF3 and draft NPF4 outline a direction of travel for Scotland's economy, planning system and environment that developments like the Project will help to realise. Accordingly, the Onshore Development, by virtue of being ancillary infrastructure to a generating station of over 50 MW, forms national development and thereby should receive additional support in principle, subject to the findings of the EIAR which as per the above, also support the Onshore Development. The Onshore Development, and indeed the Project as a whole, draws significant support from existing and forthcoming national planning policy as a strong material consideration. Whilst the NPF4 is currently in draft format and may be adopted during the determination of this application, the fact that it will form part of the Development Plan is likely to give further weight to the acceptability of the Onshore Development given the requirement of Section 25 of the TCPA.

Other material considerations also give weight to the planning case for the Onshore Development. The ever-evolving national and international energy policy situation places continued emphasis upon the need to decarbonise and the requirement to tackle the climate emergency. The Onshore Development plays an ancillary role to an offshore array which will help to realise these goals. Therefore, there is a strong material consideration via energy policy.

Lastly, but not insignificantly, the Onshore Development can gain support from the previous decisions of THC in presenting a view of no objection to the Onshore components of the Dounreay Trì development which was of a similar scale. This presents an unequivocal planning precedent for the acceptability of this type of development in this location.

Subject to conditions, the Applicant respectfully submits that the combination of planning precedent, planning policy, energy policy and absence of significant adverse effects identified within the EIAR, combine to form an overwhelming reason to consent the Onshore Development in light of its status as a national development.

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