

## Chapter 5: Planning Policy

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## Glossary of Terms

Annex I Habitats	Habitats identified on Annex I of the Habitats Directive which are considered to be particularly vulnerable and are mainly, or exclusively, found within the European Union.
Annex II Species	Species listed on Annex II of the Habitats Directive for which core areas of habitat must be protected and managed in accordance with the ecological requirements of the species.
Annex V Species	Species listed on Annex V of the Habitats Directive for which Member States are required to ensure that their taking in the wild is compatible with maintaining them in a favourable conservation status.
Article 10 features	Features of the landscape of major importance due to linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora.
Biodiversity Action Plan	A plan developed at a Local or National level (UK BAP) outlining objectives for the improvement of biodiversity which identifies priority species and habitats as a focus for conservation and enhancement.
Birds Directive	European Legislation - Directive 2009/147/EC on the conservation of wild birds
Construction Environmental Management Plan (CEMP)	A document detailing measures to be followed during construction of a development to ensure that it is built in an environmentally sensitive manner.
Core Paths Plan	A network of paths identified by local authorities in compliance with the Land Reform (Scotland) Act 2003 that gives the public reasonable access throughout their area.
Directive	A form of European Union legislation which directs Member States to pass relevant domestic legislation and sets out the objective or policy which needs to be attained.
ECU	The Scottish Government’s Energy Consents Unit which deals with applications for under Section 36 and Section 37 of The Electricity Act (1989).
The EIA Regulations 2000	The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (Scottish Statutory Instrument 200 No. 320) – Enacts European Union Directive 2011/92/EU (2011 Directive) concerning the development of electrical infrastructure and details the types of development requiring EIA, the information to be presented and the procedures to be adopted.
The EIA Regulations 2017	The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (Scottish Statutory Instrument 2017 No. 102) – Enacts European Union Directive 2014/52/EU (2014 Directive) concerning the development of electrical infrastructure and details the types of development requiring EIA, the information to be presented and the procedures to be adopted.
EIA	Environmental Impact Assessment – the process of undertaking a series of specialist environmental studies in order to identify and describe potentially significant effects of a proposed development.
EIA Report	Reports in detail the findings of the EIA.
Emerging Highland Wide Local Development (EHwLDP)	The Local Plan currently in development which will eventually replace the adopted HwLDP.
FCS (Forestry Commission Scotland)	Management and advisory body responsible for Scotland’s national forest resource and tasked with the production of forest policy and guidance.
Gate Check Report	A report submitted to ECU and distributed to statutory and non-statutory consultees in advance of the Section 36 application to outline the design iterations that have occurred through the EIA process and how consultation has been carried out and taken on board.
Habitats Directive	European legislation - Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.
Highland-wide Local Development Plan (HwLDP)	Forms the basis for spatial planning within the Highland Council area as a whole.

Landscape Capacity Study	A study which analyses the existing landscape and its ability to accommodate development of a certain type.
Landscape Character Assessment	A study describing and classifying the landscape into identifiable units, assessing the potential of these areas to accommodate change and providing guidance for future development. May refer to documents published by SNH, Planning Authorities or others.
Major development	A development identified as Major in accordance with the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
Planning Advice Notes (PANs)	Notes produced by Scottish Government which provide advice on good practice and other relevant information.
Priority habitats	Habitats identified in the UK or Local Biodiversity Action plans as a focus for conservation and enhancement.
Priority species	Species identified in the UK or Local Biodiversity Action plans as a focus for conservation and enhancement.
Schedule of Mitigation	A schedule outlining proposed mitigation measures to offset potential effects which have been identified for The Proposed Development.
Scoping Opinion	The written opinion of the determining authority as to the scope and level of detail of information to be provided in an EIA report.
Scoping Report	A report submitted by an applicant to accompany a request for a Scoping Opinion, which contains initial information on a development proposal identifies key issues to be either assessed as part of the EIA or scoped out of the assessment.
Scottish Biodiversity List	A list of animals, plants and habitats that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland.
SEPA (Scottish Environment Protection Agency)	A non-departmental public body tasked with the protection of the environment and human health in Scotland.
Scottish Planning Policy (SPP)	Sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land.
Section 36 application	An application submitted under Section 36 of The Electricity Act (1989) for an electricity generating station with an output greater than 50 megawatts (MW).
Significant Effects	Effects deemed to be significant in relation to The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (Scottish Statutory Instrument 2017 No. 102).
SNH (Scottish Natural Heritage)	The body responsible for promoting, caring for and improving natural heritage in Scotland, and advising Government on natural heritage issues.
Special Landscape Area (SLA)	Non-statutory designation applied by the Highland Council to areas of landscape considered to be of regional importance for their scenic qualities.
Stakeholders	Organisations and individuals who can affect or may be affected by The Proposed Development.
Sustainable Drainage Systems (SuDS)	A method of treating run-off from a development by encouraging natural filtration and dissipation of dirty water through vegetation and into the ground, rather than directly into sewers.
Water Framework Directive	Directive 2000/60/EC establishing a framework for the Community action in the field of water policy.
West Highland and Islands Proposed Local Development Plan (proposed WestPlan)	More detailed Local Development Plan for the West Highlands and Islands area which focuses on where development should and should not occur in the West Highland and Islands area over the next 20 years. As yet unadopted.
The West Highland and Islands Local Development Plan (WHILP), 2012	Detailed Local Development Plan for the West Highlands and Islands. Superseded by the HwLDP but remains in force in some areas, primarily spatial planning within settlement boundaries. Will be superseded by the proposed WestPlan once adopted.
1989 Act	Electricity Act 1989 – Provided for the privatisation of the electricity supply industry in Great Britain and detailed the obligations of Energy Providers.



## **5 Planning Policy**

### **5.1 Executive Summary**

5.1.1 This Chapter comprises a review of policies and plans at a national, regional and local level relevant to the Revised Coire Glas Pumped Storage Scheme, referred to hereafter as “The Proposed Development”.

5.1.2 This Chapter provides a summary explanation of all the relevant development plan policies and other material considerations. This Chapter does not provide an assessment of the proposal against Planning Policies or other material planning considerations. A separate, standalone Planning Statement is provided with the Section 36 Application which provides an assessment of The Proposed Development against the relevant policies of the Development Plan and other material considerations to assist in the decision making process. The Planning Statement does not form part of this EIA Report.

### **5.2 Introduction**

5.2.1 This Chapter of the EIA Report will seek to outline the relevant national and local planning policy and guidance which has been taken into account in the preparation of this EIA Report and to set out the planning considerations relevant to the determination of The Proposed Development.

5.2.2 A separate Planning Statement, which does not form part of the EIA Report, has been prepared which interprets the relevant provisions of the development plan and other material considerations and provides a comprehensive assessment to confirm if the proposal accords with those provisions.

5.2.3 This Chapter will also set out relevant energy policies which confirm the UK and Scottish Government’s position regarding the energy supply, energy mix and the suitability of pumped hydro storage schemes.

5.2.4 Whilst The Proposed Development is not a renewable energy technology it is an important contributor to the energy mix, with the potential to support current and future renewable energy strategies and policies. Due to this crucial link, renewable energy policies are addressed within this Chapter.

### **5.3 Legislation**

5.3.1 The Proposed Development will generate in excess of 50 MW and therefore requires to be submitted to Scottish Ministers for determination under Section 36 of the Electricity Act 1989 (‘1989 Act’). As the EIA Report has been prepared to support a Section 36 application the Development Plan is a relevant consideration in the determination of the application, however does not have the same weight as it would if The Proposed Development were being assessed against Section 25 (1) of the Town and Country Planning (Scotland) Act 1997 (as amended). Indeed, it is the provisions under paragraph 3 (1) of Schedule 9 of the 1989 Act that are most relevant to the determination by Scottish Ministers and this advises:

*“In formulating any relevant proposals, a licence holder or a person authorised by an exemption to generate or supply electricity –*

- a) *shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and*
- b) *shall do what he reasonably can to mitigate any effects which the proposal would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects."*

5.3.2 Notwithstanding, the planning system plays a key role in protecting these very interests and this Chapter will outline the relevant policy guidance, including the development plan, relevant to The Proposed Development.

## **5.4 The Development Plan**

5.4.1 The development plan comprises the Highland-wide Local Development Plan, April 2012 ('HWLDP') and the West Highlands and Islands Local Plan, as continued in force, April 2012 ('WHILP'). The key policies, aims and objectives to be identified and addressed within the EIA Report are undernoted.

### **Highland-wide Local Development Plan 2012**

5.4.2 The Highland-wide Local Development Plan ('HwLDP') was approved by Scottish Ministers and came into force in April 2012.

5.4.3 The HwLDP sets out broad strategic themes in its vision statement, which seek to develop the Highland region by 2030. Those relevant to The Proposed Development include the following actions:

- Safeguard the environment – ensuring renewable energy resources are managed with clear guidance on their location and protecting and enhancing the natural, built and cultural environment; lead in the reduction of greenhouse gases released into the air, adapted to the effects of climate change and limited non-renewable resources development uses; and lead in the delivery of sustainable waste management;
- Support a competitive, sustainable and adaptable Highland economy by: providing opportunities for economic development and new employment across the area focusing on key sectors including energy to grow the economy over the long term and ensure there is guidance for the protection of key resources; and
- Provide a better opportunity for all and a fairer Highland through promotion of investment in services and infrastructure and opportunities for investment and diversification in the economy.

5.4.4 The HwLDP strategic vision for West Highland and Islands to be achieved by 2030, relevant to The Proposed Development includes seeking to:

- Be better connected through faster, reliable, safer connections, including better facilities for ferry, rail and inter-modal freight transfer, including marine access to help economic growth;
- Have a more diverse economy, particularly renewable energy developments, that deliver genuine and proportionate benefits to local communities;

- Be reconnected with its land and natural resources, with development respecting the limits of natural resources and the economic needs of local communities; and
- Be a place of outstanding natural and cultural heritage, safeguarding and enhancing the landscape and wildlife.

5.4.5 The final part of the HwLDP Spatial Strategy outlines General Policies. Full copies are provided in Appendix 5.1: HwLDP Policies. A summary of the policies, as relevant to The Proposed Development, including the key determining issues are set out below:

Policy 28 - Sustainable Design

5.4.6 This policy confirms the Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland, advising proposed developments will be assessed on the extent to which they:

- are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity);
- are accessible by public transport, cycling and walking as well as car;
- maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy and heat;
- are affected by physical constraints described in Physical Constraints on Development: Supplementary Guidance;
- make use of brownfield sites, existing buildings and recycled materials;
- demonstrate the minimisation of waste generation during the construction and operational phases. (This can be submitted through a Site Waste Management Plan);
- impact on individual and community residential amenity;
- impact on non-renewable resources;
- impact on the following resources, including pollution and discharges, particularly within designated areas:
  - habitats;
  - freshwater systems;
  - species;
  - marine systems;
  - landscape;
  - cultural heritage;
  - scenery; and
  - air quality.
- demonstrate sensitive siting and high-quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;
- promote varied, lively and well-used environments which enhance community safety and security and reduce fear of crime;

- accommodate the needs of all sectors of the community; and
- contribute to the economic and social development of the community.

5.4.7 Where a development is considered significantly detrimental in terms of criteria set out within paragraph 5.4.6, it will be considered not to accord with the HwLDP. Where environmental effects are predicted to be significant due to nature, size or location, they will only be supported if no reasonable alternative exist and where there is over-riding strategic benefit or satisfactory mitigating measures are incorporated.

5.4.8 Policy 28 requires that all development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:

- conserve and enhance the character of the Highland area;
- use resources efficiently;
- minimise the environmental impact of development; and
- enhance the viability of Highland communities.

#### Policy 29 - Design Quality and Place-Making

5.4.9 This policy requires the design to make a positive contribution to the architectural and visual quality of the place where it is located, demonstrating sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layout.

#### Policy 30 - Physical Constraints

5.4.10 Developers must consider if the development is in an area of constraints, set out in 'Physical Constraints: Supplementary Guidance' and must demonstrate compatibility with the constraint or confirm suitable mitigation. The list of Physical Constraints required to be considered are set out in Appendix 5.2.

#### Policy 31 - Developer Contributions

5.4.11 The Council may seek fair and reasonable contributions in cash or kind to address costs, which are created by the development, secured through a Section 75 obligation or other legal agreement.

#### Policy 36 - Development in the Wider Countryside

5.4.12 Developments outside the defined settlement development areas will be assessed against the following key considerations:

- siting and design;
- addressing existing patterns of development;
- being compatible with the landscape character and capacity;
- avoiding expansion of a one particular development type in a landscape whose distinct character relies on a mix of characteristics;
- avoiding the loss of croft land;



- addressing drainage constraints and can be adequately serviced; and
- whether the proposal assists 'Fragile Areas'.

#### Policy 51 - Trees and Development

- 5.4.13 This policy provides significant protection to existing hedges, trees and woodlands on and near development sites and requires an appropriate woodland management plan to secure management of existing resources. It also refers to separate Supplementary Guidance 'Trees, Woodland and Development' which will expand upon this policy and confirm the guidance and advise relevant to developing sites where there is need for woodland management, or woodland removal/compensatory planting.

#### Policy 52 - Principle of Development in Woodland

- 5.4.14 This policy requires demonstration of the need to develop a wooded site and that the site can accommodate the development. The Council confirms a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit and where woodland removal is required, compensatory planting will be required. Major development will be assessed against their socio-economic impact on the forestry industry, economic maturity of the woodland and the opportunity for the proposal to co-exist with forestry operations.
- 5.4.15 There will be a strong presumption against development on inventoried woodland, designated woodland or other important features. Proposals will be assessed against Scottish Governments policy on Control of Woodland Removal.
- 5.4.16 The current Highland Forest and Woodland Strategy will be considered as a material consideration.

#### Policy 54 - Mineral Wastes

- 5.4.17 The Council will encourage the minimisation and re-use of mineral, construction and demolition wastes. A Waste Management Plan is required to show minimisation, treatment, recovery and disposal of waste.

#### Policy 55 - Peat and Soils

- 5.4.18 The Council will require the applicant to demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils. The policy advises that unacceptable disturbance of peat will not be permitted unless adverse effects are clearly outweighed by social, environmental or economic benefits arising from the development proposal. Where it is demonstrated that development on peat is unavoidable then a peatland management plan is to be submitted demonstrating how impacts have been minimised and mitigated.
- 5.4.19 Proposals must also demonstrate that extraction would not adversely affect the integrity of any nearby Natura sites containing areas of peatland.

#### Policy 56 - Travel

- 5.4.20 This policy requires details of on and off-site transport implications, those criteria relevant to the proposal advise proposed development's should:

- Be well served by the most sustainable modes of travel;
- Be designed for the safety and convenience of all potential uses;
- Incorporate appropriate mitigation, through developer contribution if necessary, to improve and enhance all transport modes; and
- Include appropriate parking provision.

5.4.21 Green Travel Plans may be required for significant travel generating developments.

5.4.22 The Council will take account of The Core Paths Plan.

Policy 57 - Natural, Built and Cultural Heritage

5.4.23 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 it's setting. The following criteria will also apply:

- Features of local/regional importance – development allowed if it can be satisfactorily demonstrated it will not have an unacceptable impact on the natural environment, amenity and heritage resource.
- Features of national importance - developments allowed if shown not to compromise the natural environment, amenity and heritage resource. Significant adverse effects, must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.
- For features of international importance - developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where the Council is unable to ascertain that a proposal will not adversely affect the integrity of a site, development will only be allowed where there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers). Where it is not ascertained if the proposal will adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.
- It refers to Supplementary Guidance adopted January 2013 on the Highland Historic Environment Strategy. The main principles of this guidance will ensure that:
  - Future developments take account of the historic environment and that they are of a design and quality to enhance the historic environment bringing both economic and social benefits; and
  - It sets a proactive, consistent approach to the protection of the historic environment.

Policy 58 - Protected Species

- 5.4.24 Where a protected species may be present on site or may be affected, a survey is required to establish presence and necessary mitigation to avoid or minimise any impacts on the species, before determining the application.
- 5.4.25 Development that is likely to have an adverse effect, individually and/or cumulatively, on European Protected Species will only be permitted where:
- there is no satisfactory alternative;
  - the development is required for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and
  - the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 5.4.26 Development that is likely to have an adverse effect, individually and/or cumulatively, on protected bird species will only be permitted where:
- there is no other satisfactory solution; and
  - the development is required in the interests of public health or public safety.
- 5.4.27 This will include but is not limited to avoiding adverse effects, individually and/or cumulatively, on the populations of the following priority protected bird species:
- species listed in Annex 1 of the EC Birds Directive;
  - regularly occurring migratory species listed in Annex II of the Birds Directive;
  - species listed in Schedule 1 of the Wildlife and Countryside Act 1981 as amended; and
  - birds of conservation concern.
- 5.4.28 Development with adverse effect, individually and/or cumulatively on other protected animals and plants will only be permitted where the development is required for preserving public health or public safety.
- 5.4.29 Development proposals should avoid adverse disturbance, including cumulatively, to badgers and badger setts, protected under the Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004 and Wildlife and Natural Environment (Scotland) Act 2011 (as amended)).

Policy 59 - Other Important Species

- 5.4.30 The Council will have regard to the presence of any adverse effects of development proposals, either individually and/or cumulatively, on other Important Species which are included in the lists below, if these are not already protected by other legislation or by nature conservation site designations:
- species listed in Annexes II and V of the EC Habitats Directive;
  - priority species listed in the UK and Local Biodiversity Action Plans; and

- species included on the Scottish Biodiversity List.

#### Policy 60 - Other Important Habitats and Article 10 Features

- 5.4.31 The integrity of features of the landscape of major importance due to linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora. (Article 10 Features) will be safeguarded.
- 5.4.32 The Council will have regard to the value of the following Other Important Habitats, where not protected by nature conservation site designations (such as natural water courses), in the assessment of any development proposals which may affect them either individually and/or cumulatively:
- 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; and
  - habitats included on the Scottish Biodiversity List.
- 5.4.33 Where it is judged that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats, the Council will seek to put in place satisfactory mitigation measures, including where appropriate consideration of compensatory habitat creation.

#### Policy 61 - Landscape

- 5.4.34 New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed, including an appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments. The Council encourage measures to enhance the landscape characteristics of the area. The Council will take account of Landscape Character Assessments, Landscape Capacity Studies and its supplementary guidance on Siting and Design and Sustainable Design, together with any other relevant design guidance.

#### Policy 62 - Geodiversity

- 5.4.35 Development with measures to protect and enhance geodiversity interests of international, national and regional/local importance in the wider countryside, will be supported. The Council will also support improvement of accessibility and interpretation as an educational or geo-tourism resource.

#### Policy 63 - Water Environment

- 5.4.36 Developments that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection and improvement of Scotland’s water environment will be supported. In assessing proposals, the Council will take into account the River Basin Management Plan for the Scotland River Basin District and associated Area Management Plans and supporting information on opportunities for improvements and constraints.

Policy - 64 Flood Risk

- 5.4.37 Development proposals should avoid areas susceptible to flooding and promote sustainable flood management. Development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with Scottish Planning Policy (SPP) through the submission of suitable information, which may take the form of a Flood Risk Assessment.
- 5.4.38 Development proposals outwith indicative medium to high flood risk areas may be acceptable. However, flood prevention management may be required where:
- better local flood risk information is available and suggests a higher risk; or
  - a sensitive land use (as specified in the risk framework of Scottish Planning Policy) is proposed.
- 5.4.39 Where flood management measures are required, natural methods such as restoration of floodplains, wetlands and water bodies should be incorporated, or adequate justification should be provided as to why they are impracticable.

Policy 65 - Waste Water Treatment

- 5.4.40 Connection to the public sewer is required unless the applicant can demonstrate that:
- the development is unable to connect to a public sewer for technical or economic reasons; and
  - the proposal is not likely to result in or add to significant environmental or health problems.
- 5.4.41 The policy requires that any private system should discharge to land rather than water. Within areas of cumulative drainage impact (defined by SEPA), evidence is to be submitted to SEPA and the Council confirming the proposal will not result in or add to significant environmental or health problems.
- 5.4.42 Where connection to the public sewer is not currently feasible and Scottish Water has confirmed public sewer improvements or first time public sewerage within its investment programme that would enable the development to connect, a private system would only be supported if:
- the system is designed and built to a standard which will allow adoption by Scottish Water; and
  - the system is designed such that it can be easily connected to a public sewer in the future, typically installing up to the likely point of connection and through provision of funds to allow the connection in the future.

Policy 66 - Surface Water Drainage

- 5.4.43 All proposed development must be drained by Sustainable Drainage Systems (SuDS) designed in accordance with The SuDS Manual (CIRIA C697) and, where appropriate, the Sewers for Scotland Manual 2nd Edition. Planning applications should be submitted with information in accordance with Planning Advice Note 69: Planning and Building Standards Advice on Flooding paragraphs 23 and 24. Each drainage scheme design must be accompanied by particulars of proposals for ensuring long-term maintenance of the scheme.

Policy 67 - Renewable Energy Developments

- 5.4.44 Renewable Energy proposals must demonstrate that they are well related to the primary renewable resource. It advises the Council will consider the contribution a proposed development makes in meeting renewable energy targets and negative/positive effects on the local and national economy. The Council advises it will support development where it is located, sited and designed so that it will not be significantly detrimental overall, either individually or cumulatively.

Policy 72 - Pollution

- 5.4.45 Proposals that may result in significant pollution by way of noise, air, water and light will only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided which demonstrates pollution can be appropriately avoided and if necessary mitigated.
- 5.4.46 Major Developments will be expected to follow a robust project environmental management process, following the approach set out in the Council's Guidance Note "Construction Environmental Management Process for Large Scale Projects" or a similar approach.

Policy 77 - Public Access

- 5.4.47 Where a proposal affects a route included in a Core Paths Plan or an access point to water, or significantly affects wider access rights, then the Council will require it to either:
- retain the existing path or water access point while maintaining or enhancing its amenity value; or
  - ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats.

Policy 78 - Long Distance Routes

- 5.4.48 The Council, with its partners, will safeguard and seek to enhance long distance routes.

### **West Highland and Islands Local Plan**

- 5.4.49 The adopted Highland-wide Local Development Plan replaced the Highland Structure Plan (March 2001) and updates/supersedes the “general policies” of the existing adopted Local Plans, including the West Highland and Islands Local Plan. In order to retain aspects of the local plans that had not been superseded, such as site allocations, settlement development areas and site specific policies, a Parliamentary Order was laid before Scottish Parliament on 16th March 2012 to enable these elements to remain in force. Notwithstanding this, there are no policies or allocations, which continue in force relevant to the determination of The Proposed Development.

### **5.5 Emerging Development Plan**

- 5.5.1 The Emerging Highland Wide Local Development (‘EHwLDP’) Main Issues Report was consulted upon in September 2015, however progress was halted in Summer 2016 to allow the emerging area Local Plans to progress. Progress has further been delayed following the publication of the Planning Bill by the Scottish Government in December 2017. The Council has decided that the review of the EHwLDP should be postponed until there is clarity on possible changes to the content of local development plans and how they are prepared. The EHwLDP therefore remains at an early stage of preparation, and so is not considered to be currently of sufficient weight to be included within the EIA Report.

- 5.5.2 The West Highland and Islands Local Development Plan, Proposed Plan 2017 (‘WestPlan’) was issued for consultation in the Summer of 2017 and comments to the plan have been published. Whilst the plan is not adopted, it is sufficiently progressed to have developed a strategy and policies, which should be considered as a material consideration in the determination of The Proposed Development. Relevant strategy and policies are undernoted.

- 5.5.3 The WestPlan identifies the Fort William Hinterland and Fragile Areas. The site is located outwith both of these allocations.

- 5.5.4 The site is allocated within a Special Landscape Areas (‘SLA’), landscapes of regionally significant landscape and visual quality. WestPlan refers to the planning policy in the HwLDP.

- 5.5.5 There are no site-specific policies or allocations contained within WestPlan relevant to The Proposed Development.

### **5.6 Highland Council Planning Guidance**

- 5.6.1 The Highland Council Guidance Note ‘Construction Environmental Management Process for Large Scale Projects’ (August 2010), provides a guide to developers as to the requirements for the contents of any Construction Environment Management Plans which will be a material consideration in the determination of large scale applications such as The Proposed Development.

## 5.7 National Planning Policy

- 5.7.1 The Scottish Government published Scotland's third National Planning Framework (NPF3) on 23<sup>rd</sup> June 2014. NPF3 is a long-term strategy for Scotland and is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. It is a material consideration in the determination of The Proposed Development.
- 5.7.2 Together, NPF3 and Scottish Planning Policy 2014 (referred to 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 objective: sustainable development.
- 5.7.3 NPF3 sets out the Government's "vision" for Scotland, which is referred to as inter alia:
- A successful, sustainable place – "we have a growing low carbon economy which provides opportunities..."
  - A low carbon place - "we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore..."
  - 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..."
- 5.7.4 Paragraph 2.8 confirms that the Scottish Government will support growth in priority areas, which includes the energy sector. Chapter 3 of NPF3 address 'A Low Carbon Place', also a 'subject policy' in Scottish Planning Policy.
- 5.7.5 Paragraph 3.1 explains that planning will play a key role in delivering on the commitments set out in 'Low Carbon Scotland': The Scottish Government's Proposals and Policies'. It adds: "the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate legalisation".
- 5.7.6 The introduction to Chapter 3 of NPF3 states that the Government's ambition "is to achieve at least an 80% reduction of greenhouse gas emissions by 2050".
- 5.7.7 Paragraph 3.4 confirms that the Scottish Government have long relied on hydropower as a source of clean energy and recognise the contribution of untapped potential to sustain the energy for around a quarter of Scotland's homes and para 3.30 states "...increasing the capacity of pumped storage hydroelectricity can complement our ambitions for more renewable energy capacity."
- 5.7.8 Paragraph 3.8 makes reference to targets and states that by 2020, the aim is to reduce total energy demand by 12 %. In order to achieve this, and to maintain energy supplies, further diversification of supplies will be required.



## 5.8 Scottish Planning Policy

5.8.1 Scottish Planning Policy (SPP) was published on 23<sup>rd</sup> June 2014. The purpose of the 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.

The SPP identifies four key Planning outcomes for Scotland<sup>1</sup>:

- A successful **sustainable place** – supporting **economic growth, regeneration** and the creation of **well-designed places**
- **A low carbon place** – reducing our carbon emissions and adapting to climate change
- **A natural resilient place** – helping to protect and enhance our natural cultural assets and facilitating their sustainable use
- **A connected place** – supporting better transport and digital connectivity

5.8.2 Paragraph (iii) states that as a statement of Ministers' priorities, the content of the 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.

5.8.3 SPP contains two Principal Policies: 'sustainability' and 'place making'. Sustainability is addressed at Page 9, stating: "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".

5.8.4 Paragraph 25 adds that the Scottish Government's commitment to the concept of sustainable development is reflected in its Purpose.

5.8.5 Paragraph 27 cross refers to the Government's Economic Strategy which it states, "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".

### SPP Subject Policies

5.8.6 SPP addresses 'A Low Carbon Place' as a 'subject policy' on page 36 and refers to 'delivering electricity'. Paragraph 152 refers to the NPF3 context and states that NPF3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government.

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

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<sup>1</sup> pages 6 and 7 of the SPP

- 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; and 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; and
- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

5.8.8 Paragraph 155 confirms that development plans should ensure an area's full potential for electricity and heat from renewable sources is achieved, giving due regard to relevant environmental, community and cumulative impacts and that local development plans should support new build developments which deliver energy efficiency and recovery of energy that would otherwise be wasted.

5.8.9 With regard to other renewable electricity generating technologies and storage, it advises that development plans should facilitate development of decentralised and mobile energy storage installations. Indeed, it confirms that energy storage schemes help to support development of renewable energy and maintain stability of the electricity network in areas where reinforcement is needed to manage congestion.

5.8.10 Paragraph 169 sets out criteria which may be likely to be relevant for proposals for energy infrastructure, these include:

- net economic impacts, including local and community socio economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effects on greenhouse gas emissions;
- impacts on communities and individual dwellings, including visual impact, residential amenity and noise and shadow flicker;
- landscape and visual impacts including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils using the carbon calculator;
- public access, including impact on long distance cycling and walking routes and scenic routes identified in the NPF;
- impacts on the historic environments, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;

- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure and site restoration; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

5.8.9 SPP also cross-refers to 'key documents'. Those of relevance include:

- The Electricity Generation Policy Statement;
- The 2020 Routemap for Renewable Energy in Scotland; and
- Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 – 2027.

## 5.9 Other Material Considerations

### UK and Scottish Energy Policy

5.9.1 The following UK Climate Change, Carbon and Renewable Energy documents confirm the current commitments at a UK level and generally set out aspirations to reduce greenhouse gas emissions and to increase the proportion of energy consumption coming from renewable sources. These documents are relevant to the assessment of The Proposed Development in terms of providing the energy policy context and confirmation of how the proposal complies with each document will be confirmed within the separate Planning Statement.

- Climate Change Act 2008
- The Energy Act 2013
- The UK Renewable Energy Strategy
- The UK Low Carbon Transition Plan
- The UK Carbon Plan
- The UK Renewable Energy Roadmap (and 2013 update)
- Electricity Market Reform Delivery Plan

5.9.2 Energy is a devolved matter for the Scottish Government, and the following documents set out the aspirational targets of the Scottish Government, which seeks to secure a de-carbonised economy by 2025. Hydropower (including pumped storage hydropower) is recognised as having a key role in meeting the emission reduction requirements. The following documents are material considerations, which are addressed in the separate Planning Statement.

- The Climate Change (Scotland) Act 2009
- The Climate Change Delivery Plan: Meeting Scotland's Statutory Climate Change Targets

- The Renewables Action Plan (RAP) 2009
- A Low Carbon Economic Strategy for Scotland
- Low Carbon Scotland: Meeting the Emissions Reduction Targets 2010-2022
- Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013-2027: The Second Report on Proposals and Policies (RPP2)
- The Electricity Generation Policy Statement 2013
- The 2020 Routemap for Renewable Energy in Scotland
- The Draft Climate Change Plan 2017
- The Scottish Energy Strategy: The Future of Energy in Scotland, December 2017.

### Planning Advice Notes and Online Advice

5.9.3 Table 5.1 sets out the relevant Planning Advice Notes and Online Advice taken into account within the EIA Report technical chapters and assessed in the separate Planning Statement.

**Table 5.1: Planning Advice Notes**

Title	Summary of Document
PAN 1/2013 Environmental Impact Assessment (as updated by Circular 1/2017, Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017)	These documents provide confirmation of the EIA process, and requirements to ensure a competent EIA Report.
PAN 3/2010 Community Engagement	This PAN sets out the process by which communities should be engaged with the planning process.
PAN 50 Controlling the Environmental Effects of Surface Mineral Workings (including Annexes A-D)	This PAN provides an overview of how to protect the environment, neighbouring communities and addresses potential conditions which can be attached to control workings.
PAN 51 Planning, Environmental Protection and Regulation (as revised)	This document sets out how the planning system will work alongside environmental protection legislation and regulations.
PAN 60 Planning for Natural Heritage	Advises on the process of consultation with SNH and the role of EIA to assess and identify environmental effects and ensure that these are prevented, reduced or appropriately mitigated to protect natural heritage.

Title	Summary of Document
PAN 61 Planning and Sustainable Urban Drainage Systems	This PAN provides advice regarding the design, integration and management of Sustainable Urban Drainage systems as an essential part of the site drainage considerations.
PAN 68 Design Statements	This confirms what is required to be contained within a Design Statement to inform decision makers regarding the design process and matters that have been taken into account.
PAN 69 Planning and Building Standards Advice on Flooding	This PAN confirms the standards that must be met and the requirements for applicants to address in addressing flooding within their planning submissions.
PAN 75 Planning for Transport	This document provides detailed guidance as to the requirements for supporting technical reports to confirm the suitability of the development with regard to sustainable transport measures which adequately service the site and prevent significant negative impacts on existing or proposed transport infrastructure.
PAN 79 Water and Drainage	This PAN sets out the guidance for addressing water and drainage issues within planning submissions.
PAN 1/2011 Planning and Noise	This document sets out the requirements for the undertaking of supporting noise assessments to demonstrate the suitability of the proposal to protect amenity and prevent noise pollution.
PAN 2/2011 Planning and Archaeology	This PAN sets out the requirements for archaeological technical reports and sets out the scope of requirements expected to be addressed by the planning process.
Online Renewables Planning Advice: Hydro Schemes (updated Dec 2013)	<p>This document recognises the value of hydro schemes contribution to the energy mix for Scotland. It advises that relevant organisations should be engaged, including SNH and SEPA. For precise siting, components should achieve good integration with local landscape characteristics and consideration given to conceal elements within existing woodland, provide new planting or carry out land re-profiling works. Careful consideration should be given to the architectural quality and materials of built elements, along with the surfacing treatments for access tracks. Measures to minimise the visual impact of headrace pipes and power lines should also be considered carefully at the design and planning application stages.</p> <p>An EIA would be expected to establish significant impacts,</p>

Title	Summary of Document
	<p>including aquatic and terrestrial ecosystems, habitats and species. Areas of particular concern are identified as water quality, water quantity and flow, the transport of sediment, water temperature, impacts on migratory fish and freshwater pearl mussels. In designing a hydro scheme, it is likely that special account will have to be given to the ecological status of the water environment, as well as aquatic species and habitats, particularly those protected under the EC Habitats Directive. SEPA should provide guidance where significant effects are predicted.</p>
<p>Scottish Government Policy Statement 2010: Balancing the benefits of renewables generation and protection of the water environment.</p>	<p>Ministers recognise the valuable contribution that hydropower generation makes to Scotland's renewables targets but confirm aspirations to protect the water environment from significant adverse impacts. Emphasis will be placed on supporting hydropower developments, which can make a significant contribution to Scotland's renewables targets whilst minimising any adverse impacts on the water environment.</p> <p>For larger schemes with a generation capacity of 100 kW or more, Ministers accept some deterioration of the water environment may be necessary. However, this must be justifiable in terms of costs and benefits, and therefore considerations such as wider social or economic benefits, or impacts on other users of the water environment, will continue to be important factors in the decision-making process.</p>

### Historic Environment Scotland Policy

- 5.9.3 This document replaces the previous Scottish Historic Environment Policy (SHEP) following the creation of Historic Environment Scotland ('HES') and confirms how HES will manage the historic environment alongside other statutory bodies and decision makers including local planning authorities and Scottish Ministers. Its overall aspiration and vision is the ongoing management and protection of historic environment resources. Detailed policies are contained within SPP.

### The Scottish Forestry Strategy

- 5.9.4 The strategy, published in 2006, seeks to publish up to date guidance in the form of Implementation Plans and provides actions for the Highlands within the most recent plan covering 2015 to 2018 with the overall aspiration to increase woodland cover.

### Scottish Government Policy on the Control of Woodland Removal

- 5.9.5 This is prepared to support the Forestry Commission to provide detailed guidance for planning applications and EIA reports to confirm woodland removal, woodland management and compensatory planting.

## 5.10 Conclusions

- 5.10.1 This Chapter has set out the relevant national and local planning policy context against which The Proposed Development will be assessed.
- 5.10.2 The separate Planning Statement, which does not form part of this EIA Report, provides a detailed assessment of the proposal against the planning policy context outlined in this Chapter to provide an independent assessment of the planning issues relevant to The Proposed Development.

## 5.11 References

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