WEST OF ORKNEY WINDFARM

Onshore Planning Statement: Onshore Infrastructure

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West of Orkney Windfarm

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2	Throughout document	Addressed comments from EIA contractor review
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SUMMARY OF LOCATION OF NATIONAL PLANNING FRAMEWORK & DEVELOPMENT PLAN POLICY ASSESSMENT	
Policy	**Location of detailed policy assessment**
National Planning Framework 4	
Policy 3: Biodiversity	Section 8.1, 9.3, 9.4, 9.5 and 9.6
Policy 4: Natural places	Section 8.1, 9.4, 9.5 and 9.6,
Policy 5: Soils	Section 9.2 and 9.4
Policy 6: Forestry, woodland and trees	Section 8.1, 9.4 and 9.6
Policy 7: Historic assets and places	Section 8.1, 9.6 and 9.7
Policy 10: Coastal Development	Section 8.1 and 8.3
Policy 11: Energy	Section 8.1, 8.2, 8.5, 9.9 and 9.10
Policy 13: Sustainable transport	Section 9.10
Policy 22: Flood risk and water management	Section 8.1, 8.4 and 9.2
Policy 23: Health and safety	Section 8.1, 8.4, 9.8 and 9.9
Policy 29: Rural development	Section 9.4 and 9.6
Highland Wide Local Development Plan (HwLDP)	
Policy 28 Sustainable Design	Section 8.1 and 8.4
Policy 29 Design Quality and Place-Making	Section 8.1 and 8.4
Policy 30 Physical Constraints	Section 8.1, 8.2, 8.3 and 8.4
Policy 34 Settlement Development Areas	Section 9.6
Policy 36 Development in the Wider Countryside	Section 8.1, 8.4 and 9.6
Policy 42 Previously Used Land	Section 9.6
Policy 49 Coastal Development	Section 8.1 and 8.3
Policy 51 Trees and Development	Section 8.1, 8.2, 8.4, 9.4 and 9.6
Policy 52 Principle of Development in Woodland	Section 9.4 and 9.6
Policy 55 Peat and Soils	Section 9.2 and 9.6

SUMMARY OF LOCATION OF NATIONAL PLANNING FRAMEWORK & DEVELOPMENT PLAN POLICY ASSESSMENT	
Policy 56 Travel	Section 9.6
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Policy 58 Protected Species	Section 9.3, 9.4 and 9.5
Policy 59 Other Important Species	Section 9.3, 9.4 and 9.5
Policy 60 Other Important Habitats and Article 10 Features	Section 9.3 and 9.4
Policy 61 Landscape	Section 8.1, 8.2, 8.4 and 9.6
Policy 62 Geodiversity	Section 9.2
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Policy 64 Flood Risk	Section 9.2
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Policy 66 Surface Water Drainage	Section 9.2
Policy 67 Renewable Energy Developments	Section 9.10
Policy 69 Electrical Transmission Infrastructure	Section 8.1 and 8.2
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Policy 73 Air Quality	Section 9.8
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Policy 78 Long Distance Routes	Section 9.6

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1. Introduction

1.1 Background

This Planning Statement has been prepared by Offshore Wind Power Limited (OWPL), hereafter referred to as 'the Applicant', in support of a Planning Permission in Principle (PPP) application to The Highland Council (THC) under the Town and Country Planning (Scotland) Act 1997 (as amended) in Caithness, Scotland, to construct and operate the onshore infrastructure associated with the West of Orkney Wind Farm ('the Project') (Figure 1-1). The application is accompanied by an Environmental Impact Assessment (EIA) Report and a Report to Inform Appropriate Assessment (RIAA).

Crown Estate Scotland (CES) awarded the Applicant the Option Agreement Area (OAA) within the N1 Plan Option to the West of Orkney in January 2022 for the development of the proposed Project following the ScotWind leasing round.

The offshore elements of the Project (the offshore Project) are being consented separately from the onshore elements. An application for consent for the construction and operation of the offshore generating station under Section 36 of the Electricity Act 1989 has been submitted to Marine Directorate alongside Marine Licence applications for the offshore Project in accordance with the Marine and Coastal Access Act 2009 and Marine (Scotland) Act 2010.

The Project has a connection agreement with National Grid for a connection to the grid network in Caithness on mainland Scotland. Connection will be to a new onshore Scottish Hydro Electric Transmission plc (SHET-L) substation located at or near Spittal.

This document is the Planning Statement for the proposed onshore infrastructure associated with the West of Orkney offshore windfarm and demonstrates in detail, the delivery of this Project aligns with the delivery of National and Local planning policies. In terms of satisfying the requirements set out under section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), the following Planning Statement demonstrates and provides confidence that the onshore Project would be undertaken in accordance with the Development Plan and sets out a clear case for consent. When delivered the Project will make a significant and important contribution to decarbonisation and security of supply, as well as provide supply chain opportunities and other local benefits. The proposed Project is wholly consistent with the Scottish Energy Strategy and UK energy policy and is critical if Scottish and UK policy and aims and legislative net zero targets are to be achieved.

Details of the substantial socio-economic benefits, including significant supply chain benefits, that will arise from this Project are described in this statement and these should be afforded substantial weight in the planning balance.

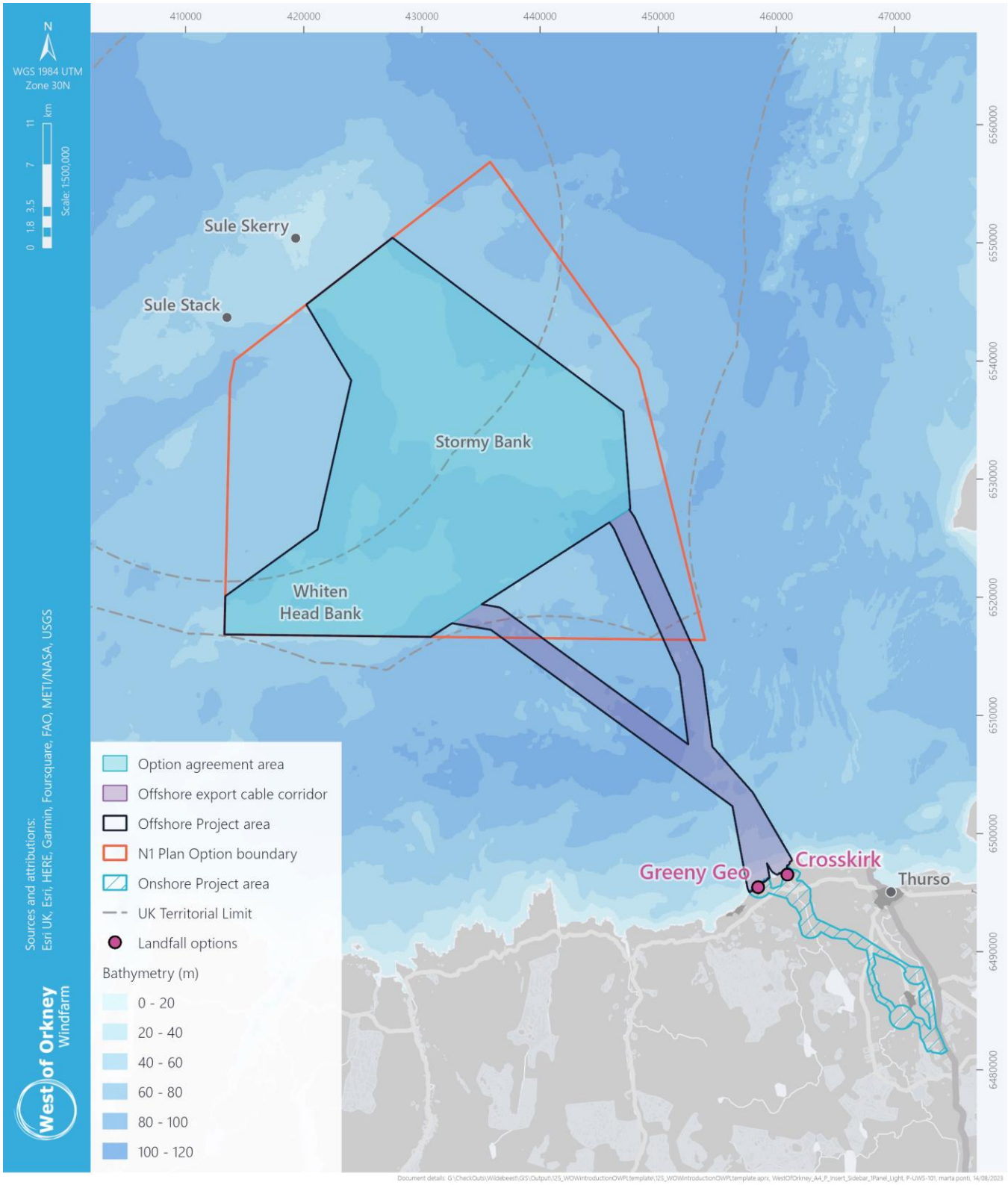

Figure 1-1 The offshore and onshore Project areas

1.2 The Applicant

OWPL is a joint venture arrangement comprising Corio Generation, TotalEnergies and Renewable Infrastructure Development Group (RIDG). The Applicant brings together a unique combination of financial, technical and project development capability, with deep Scottish roots, a commitment to delivery, and a clear vision for the Project.

Corio Generation is a specialist offshore wind business dedicated to harnessing renewable energy worldwide. Corio commenced operations in 2022 and is already one of the world's largest specialist offshore wind developers with 20+ GW of projects in its global portfolio. Corio is a Green Investment Group (GIG) portfolio company, operating on a standalone basis. GIG, a leading renewable energy developer with a mission to accelerate the green transition, has invested around £625m in Scotland since 2012. Macquarie Group, GIG's parent company, has supported almost half of the UK's offshore wind capacity currently in operation and is also supporting the Acorn project at St Fergus, a leading Scottish carbon capture and storage project.

TotalEnergies is a broad energy company and one of the largest offshore operators on the UK continental shelf with a significant track record of successfully delivering complex projects in harsh sea conditions. With an ambition to be a world-class player in the energy transition, the company develops and operates renewable projects worldwide. In Scotland, it has a majority stake in the 1,140 Megawatts (MW)) Seagreen 1 offshore wind farm located off the east coast of Scotland, which is currently under construction. Some of its recent developments also include the £3.2bn Culzean gas project, delivered with 52% UK local content. Over the last five years, TotalEnergies has invested around £2.5bn in projects in Scotland.

RIDG is a Scottish offshore wind developer with decades of sector experience. RIDG was established as an independent, specialised offshore wind project development company with the knowledge and experience to identify, design and deliver high quality consented assets for strategic partners to build and operate. RIDG presents a simpler, leaner and more flexible approach to project development, one that draws upon the strengths of both established and emerging suppliers to deliver projects safely, efficiently and cost effectively.

1.3 The Proposed Development

The key components of the onshore Project include:

- Up to five underground cable circuits (each circuit consisting of three single core power cables and one fibre optic communications cable);
- Two landfall options (Crosskirk and / or Greeny Geo) where Horizontal Directional Drilling (HDD) will be used to install six ducts (five plus one spare) for the offshore cables to be pulled through and connected to the Transition Joint Bays (TJBs);
- Up to five TJBs (where the offshore cables will connect to the onshore cables);
- Up to 288 Cable Joint Bays (CJBs);
- Onshore substation;
- Temporary construction compounds and laydown areas; and
- Temporary access tracks and up to seven permanent access tracks.

1.4 Planning Application Approach

1.4.1 PPP Approach

As the application is for PPP, it is not possible at this stage to provide a detailed description of all elements of the Project. The PPP application defines the application site boundary and development zones within the application site boundary to illustrate the areas of search within which different elements of the Project will be located. The PPP will therefore acknowledge that the details of the Project will evolve within the parameters described and will be subject to the approval of 'matters specified in conditions'.

On this basis, a Design Envelope Approach has been used to define the reasonable maximum development parameters such as to enable a robust and worst case assessment of the likely significant effects of the Project. Detailed plans will be prepared prior to the commencement of construction which will provide specific detail on the final design specifications, such as dimensions, layout colour, height, massing and access etc, of the various elements of the Project. These detailed plans will be submitted to THC approval in accordance with conditions attached to the PPP.

1.4.2 EIA and HRA

The PPP application is accompanied by the Onshore EIA Report, which presents the assessment of the Project in the context of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The scope of the EIA was informed by a formal Scoping Opinion issued by THC on 9th May 2022.

The Onshore EIA Report comprises the following chapters:

- Chapter 1: Introduction;
- Chapter 2: Need for the project;
- Chapter 3: Planning policy and legislative context;
- Chapter 4: Site selection and consideration of alternatives;
- Chapter 5: Project description;
- Chapter 6: Stakeholder engagement;
- Chapter 7: EIA methodology;
- Chapter 8: Geology and hydrology;
- Chapter 9: Freshwater ecology;
- Chapter 10: Terrestrial non-avian ecology;
- Chapter 11: Terrestrial ornithology;
- Chapter 12: Land use and other users (including forestry);
- Chapter 13: Terrestrial archaeology and cultural heritage;
- Chapter 14: Air quality;
- Chapter 15: Noise and vibration;
- Chapter 16: Access, traffic and transport;
- Chapter 17: Landscape and visual;
- Chapter 18: Offshore EIA summary;
- Chapter 19: Summary of mitigation and monitoring; and
- Chapter 20: Conclusions and next steps.

Closely associated to the EIA process is the Habitats Regulations Appraisal (HRA) process. Where there is potential for a project to have an adverse effect on a European Site i.e. Special Areas of Conservation (SACs), Special Protected Areas (SPAs) (including candidate and proposed sites) and Ramsar sites, an Appropriate Assessment (AA) is required in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 (and other associated legislation), to ascertain whether a project will adversely affect the integrity of a site given the conservation objectives of the site. A Report to Inform Appropriate Assessment (RIAA) has been provided alongside the PPP application to assess the likely significant effect on European Sites from the onshore Project.

This Planning Statement provides a summary assessment of the proposed development against Development Plan policies relevant to the topic specific assessments undertaken as part of the EIA. Cross reference is provided within the summary assessment to the relevant EIA Report chapters (and RIAA as appropriate) where the detailed assessments are documented.

1.5 Structure of this Planning Statement

The remainder of this Planning Statement has been structured as follows:

- **Chapter 2** provides details of the proposed development;
- **Chapter 3** provides a summary of the legislation relevant to the planning application;
- **Chapter 4** presents a summary of relevant Development Plan Policy;
- **Chapter 5** presents a summary of other material of relevance to the proposed development;
- **Chapter 6** presents a summary of energy policy of relevance to the proposed development;
- **Chapter 7 to 9** presents policy assessments of the proposed development in terms of:
  - Need for the development;
  - Significant environmental effects;
  - Other considerations;
- **Chapter 10** provides a summary of pre-application consultation; and
- **Chapter 11** provides the overall conclusions of this planning statement.

Note: A separate Design and Access Statement has been produced (OWPL, 2023a) that should be read alongside this Planning Statement.

2. The Proposed Development

2.1 Project Location

The onshore Project will comprise of underground cable circuits and associated Transition Joint Bays (TJBs) and Cable Joint Bays (CJBs) and a substation to allow for export of power, around 2 GW of wind energy, to the allocated grid connection at or near Spittal. An overview of the onshore Project boundary and development zones is provided in Figure 2-1 and chapter 5: Project description, of the Onshore EIA Report.

The development of the onshore Project (considered to be from landward of Mean Low Water Springs (MLWS)) is located in an area west and south of Thurso, Caithness. The export cables from the West of Orkney Windfarm will landfall to the east of the Dounreay Nuclear Facility in Caithness, at Crosskirk and / or Greeny Geo approximately 3.7 kilometres (km) to the west of Thurso. Underground cables will transport power to a new substation infrastructure at Spittal, approximately 33 km inland of the cable landfall. The onshore Project boundary (the “Red Line Boundary”) includes the landfalls, onshore cable corridor and substation.

The onshore Project boundary comprises:

- Onshore Landfall Development Zone (above MLWS) – where the offshore export cables come ashore and interface with the onshore Project;
- Onshore Cable Development Zone – where the onshore export cables, cable joint bays, watercourse and other infrastructure crossings (e.g. roads and railway), permanent and temporary access tracks and construction compounds and laydown areas will be located; and
- Onshore Substation Development Zone – where the onshore substation and associated screening, cable connection, permanent and temporary access tracks and construction compound and laydown areas will be located.

The key Project milestones are:

- Commencement of onshore construction – 2027;
- Commencement of offshore construction – 2028; and
- First power – earliest date is 2029.

2.2 Proposed Development

2.2.1 Project Design Envelope

The Applicant has opted to apply for PPP in order to retain flexibility as detailed engineering studies and design are still ongoing and therefore the onshore Project design will not be finalised until post-consent. Subsequently, a ‘Project Design Envelope’ approach has been used for the EIA.

The Project Design Envelope consists of a range of design parameters for each onshore Project aspect, providing flexibility for further refinement of the onshore Project design in order to accommodate technological advancements and more detailed site information. The PPP application for the onshore Project defines the application site boundary and development zones within the application site boundary to illustrate the areas of search within which different elements of the onshore Project will be located. The PPP will acknowledge that the details of the Project will evolve within those parameters and will be subject to the approval of ‘matters specified in conditions’.

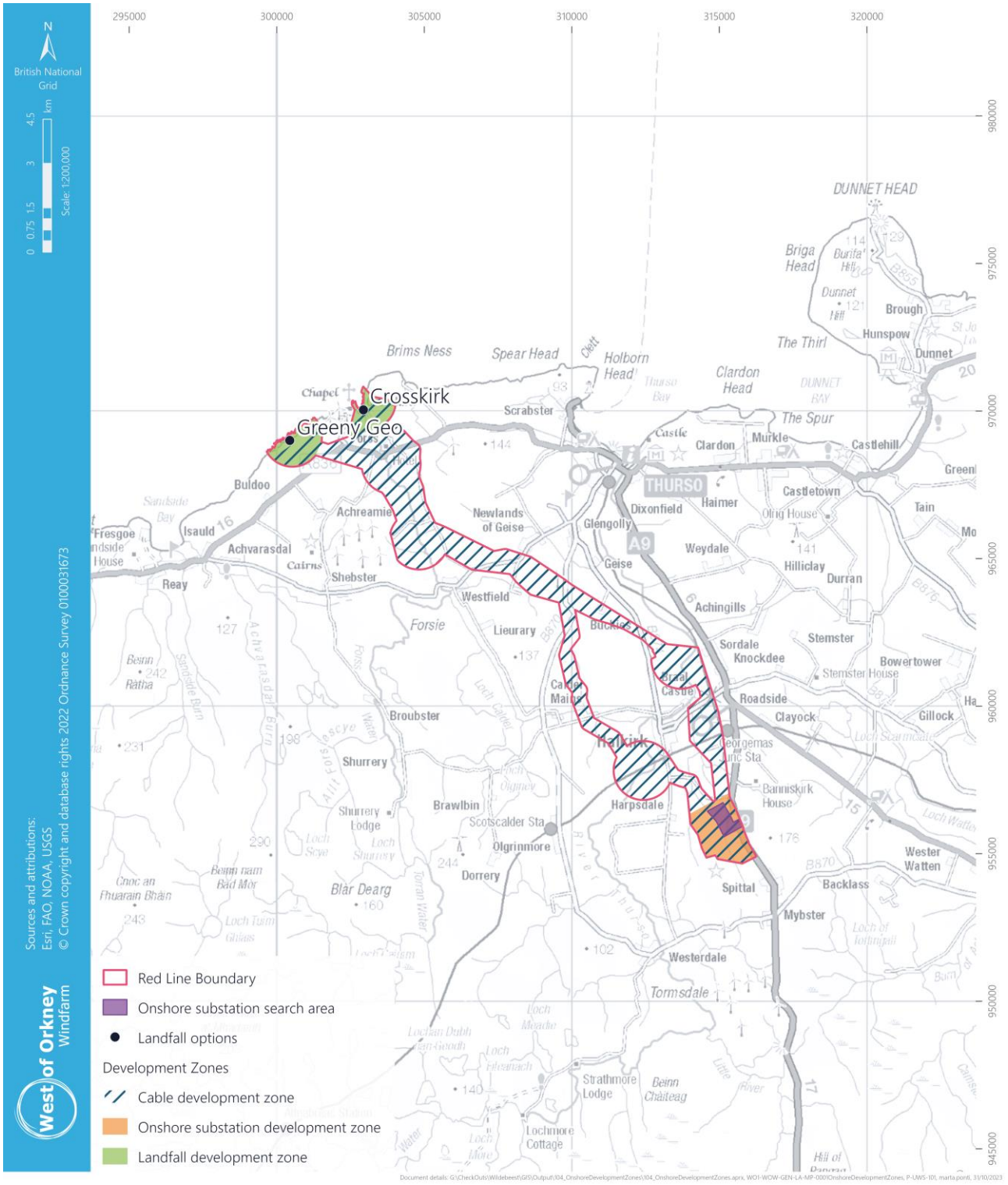

Figure 2-1 Map of the onshore Project area and associated development zones

The key Project components are illustrated in Figure 2-2 and described below.

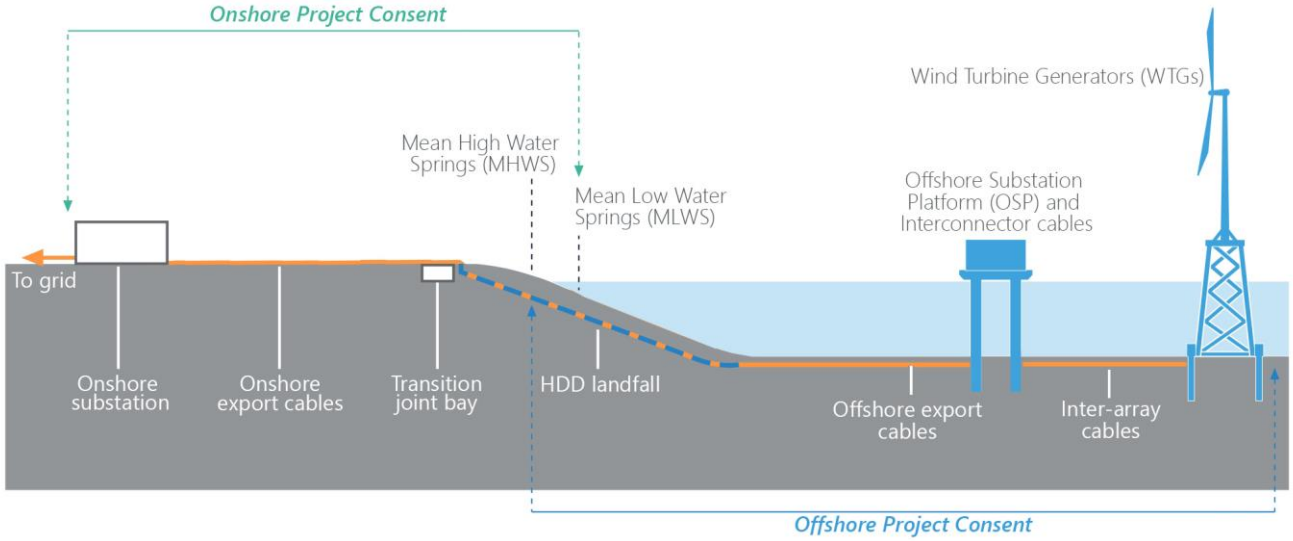

Figure 2-2 Overview of the main components of the Project

2.2.2 Landfall Works

The Project has two landfall options, one at Greeny Geo and one at Crosskirk (see Figure 2-1). At the landfall, up to five offshore export cables will come ashore and be connected to the onshore cable circuits via transition joint bays.

The landfall installation methodology is Horizontal Directional Drilling (HDD). HDD is a trenchless installation technique and at the landfall will involve drilling a duct from an onshore HDD compound (i.e. HDD working and laydown area) out to an exit point on the seabed beyond MLWS. Once the duct is drilled it is followed by the installation of a conduit pipe through which the shore end of the offshore export cable can be pulled. Up to 1.630 m^3 of rock cuttings is expected from each bore. Assuming five bores and a contingency six bore, the total rock cuttings from the six bores is expects to be a maximum of 9,780 m^3. Cuttings will be disposed of offsite by a licenced waste contractor (in line with the requirements of **THC Supplementary Guidance: Managing Waste in New Developments**).

The concrete TJBs house the interface joint between the offshore and onshore export cables. Up to five TJBs are required, equating to one per export cable. The TJBs will be set in the ground, flush with the surface, above Mean High Water Springs (MHWS) and comprise an area ranging between 6 m long x 3 m wide x 3 m deep to 30 m long x 6 m wide x 5 m deep. The final selection of the TJBs dimensions depends on ground conditions and cables, transition joints and link box sizes. At each TJB, there will be a links box and communications box pit with a manhole cover to allow for operational access during the lifetime of the Project.

There will be temporary construction compounds, laydown areas and access routes associated with the installation of the cable landfalls. A permanent access track to the transition joint bay may also be required.

2.2.3 Onshore Cables Between Landfall and Substation

From the TJBs, the onshore cables will be installed underground through predominantly agricultural land, between the coast and Spittal. The exact route of the cables is still to be defined at the point of PPP application, two cable route corridors have

been identified as illustrated in Figure 2-1. The five underground export cable circuits will be laid in separate trenches and comprise three single unarmoured power cables and a separate fibre optic communications cable.

The anticipated ground conditions along the onshore export cable route will require a variety of installation methods to be used, including rock breaking excavators to create trenches; battered-back or shored excavations in glacial tills, dewatering systems and shoring in wetter ground conditions.

The onshore export cables will be buried using Open Cut Trenching (OCT) techniques over unobstructed ground. Crossing methods for linear features, such as watercourses, roads and railways, will range from open trenching (i.e. dry OCT will be the main methodology for minor watercourses or ditch crossings) to a range of trenchless crossings (e.g. cased auger boring, thrust boring, pipe jacking or HDD). The precise installation technique will be determined based on location specific requirements; however, HDD operations will only be used at major crossings including the River Thurso, Forss Water and the single-track Network Rail Scotland railway line.

At approximately every 700 m along the onshore export cable route, will be the installation of CJBs to house the onshore export cables and provide access points for operations and maintenance during the lifecycle of the Project. The CJBs will be set in the ground, flush with the surface and comprise an area ranging between 15 m long x 3 m wide x 2.5 m deep to 30 m long x 3 m wide x 2.5 m deep. The final selection of the CJBs dimensions depends on ground conditions and cables and link box sizes. At each CJB, there will be a links box and communications box pit with a manhole cover to allow for operational access during the lifetime of the Project.

Although not fully defined, it is conservatively assumed that the installation of the onshore export cables will progress in sections across multiple work fronts. The process will follow trenching, installation of ducts and reinstatement and will be conducted in sections (i.e. from one CJB to the next) and repeated. The total working corridor width for installation of all five onshore export cables is a maximum of 100 m, which includes an area for cable trenches, haul roads, areas of stripped soil (for the use of laydown of construction plant and other activities), cable safety zones, and an allowance of tapering of the trenches. Temporary laydown compounds (approximately 100 m x 100 m) are required approximately every 2 km along the cable route corridor.

Prior to installation, temporary fencing will be erected along the boundaries of the working corridor. There are several areas of woodland that are located within the onshore Project area. Local microrouting will be utilised where possible to avoid these areas, however, there are instances where woodland avoidance may not be possible, for example, at Sibster Forest and / or Hill of Howe woodland.

To allow for cable installation, following vegetation clearance, topsoil will be stripped and stored. A large excavator utilising rock breaking equipment will dig the ground along the route and once reached the required depth, the ducts will be installed in the trench. Due to the length of the onshore export cable route, the cables require to be installed in a number of sections, resulting in connections at CJBs.

Once the ducts are installed, the power cables and communication cable will be pulled through the ducts utilising intermediate pull pits as required for application of lubrication and visual inspection. Pulling pits are temporary ground excavations that are required to provide a pulling point, and once the onshore export cable installation is complete, the pulling pits will be fully reinstated back to existing ground levels.

Following installation, the trench is backfilled with sand and/or stabilised material to approximately 300 mm above the top of the cables. This is then followed by native subsoils and finally native topsoil is placed on the trench with a typical depth of 300 mm up to the surface level.

The number of cable joint bays are dependent on the single (continuous) length of the onshore export cables and depends on the manufacturing specification of the cable supplier. It is anticipated for the onshore Project, that the minimum spacing of the cable joint bays will be 700 m. Therefore, there could be a requirement for up to 288 cable joint bays in total for all five onshore export cable circuits. However, the exact location, length and number of cable joint bays is dependent on ground conditions and route alignment and will be confirmed during detailed design.

There will be temporary construction compounds, laydown areas and access routes associated with the installation of the onshore cables. Some permanent access tracks to major infrastructure crossings such as rivers and the railway may also be required.

2.2.4 Onshore Substation

The onshore substation includes the electrical equipment required to connect the Project to the grid. The offshore Wind Turbine Generators (WTGs) are expected to export at 132 kV with offshore substations transforming the voltage up to approximately 420 kV for transmission to the onshore substation. The onshore substation will then contain all the necessary equipment to allow connection to the grid. The preferred onshore substation is located in agricultural fields immediately adjacent to the existing SHET-L Spittal substation and overhead lines, where the existing landscape is influenced by existing large scale energy infrastructure. It is located outwith the high flood risk area beside the Burn of Achanarras. The grid connection point for the onshore Project will be to the new SHET-L Spittal 2 substation. The current preferred location of this new SHET-L substation (at the time of application) is north of Spittal Hill at Banniskirk, to the east of the indicative onshore substation on the other side of the A9 trunk road.

An onshore substation typically includes switchgear, transformers, harmonic filters, reactive compensation devices, power electronics, protection equipment, batteries and other auxiliary equipment and control systems. Some equipment may be located outdoors. The onshore substation will be above ground and secured by perimeter fencing. The exact equipment specifications will be determined during detailed design and be dependent on the specification of the grid connection.

There are two options under consideration for the substation design; a Gas Insulated Switchgear (GIS) or Air Insulated Switchgear (AIS) design. An AIS substation would be expected to be 520 m long x 250 m wide x 13.5 m high. If a GIS substation design is used the footprint would be approximately 35 - 40 % reduced compared to the AIS option, and the height would be approximately 14 m. The maximum footprint of the substation including screening and bunding is approximately 24 hectares.

External lighting for the onshore substation will range from 2.2 lux to 150 lux in order to illuminate the building and external area. 2.5 lux will be required around the perimeter fencing. There may also be a need for up to 150 lux at areas requiring higher illumination. Passive infrared (PIR) sensor lighting will be used or similar, however consideration will be given to permanent lighting of certain areas. All lighting will be designed to minimise light pollution with use of flat glass luminaires asymmetrical optics.

There will be a temporary construction compound, laydown area and an access route associated with the construction of the onshore substation. A permanent access road to the onshore substation will be required. This will be from the entrance road to the existing SHET-L Spittal substation and will not require any modifications to allow long term access to the substation. It

will be a private road and include appropriate drainage. Permanent and temporary drainage systems will be established round the onshore substation, including permanent Sustainable Urban Drainage System (SUDs) ponds to the west adjacent to the Burn of Achanarras, outwith the high flood risk area.

Details of the final design of all components of the onshore substation are proposed to be agreed with THC through the approval of matters specified in conditions, should PPP be granted. Further detail on the design principles that have been adopted by the Project are provided in chapter 8: Policy Assessment: Significant Residual Effects of this Planning Statement.

3. Statutory Considerations

3.1 Introduction

This section provides an overview of the statutory considerations that are pertinent to the onshore Project area. It outlines the legislative provisions which are directly applicable to the determination of the PPP application.

3.2 The Planning (Scotland) Act 2019

The Planning (Scotland) Act 2019 came into force on 26th July 2019 to amend the Town and Country Planning (Scotland) Act 1997 and set out a broad range of changes to be made across the planning system, including a requirement to prepare Regional Spatial Strategies and changes to the process of preparing Local Development Plans (LDPs). The Planning (Scotland) Act 2019 establishes the roles of local authorities with regard to Development Plans, development management and enforcement.

The Planning (Scotland) Act 2019 is part of the modernisation of Scotland's planning system, aiming for high quality planning that will allow creation of quality places. The Act states that '*the purpose of planning is to manage the development and use of land in the long term public interest'* which includes contributing to sustainable development and national outcomes (as defined in Part 1 of the Community Empowerment (Scotland) Act 2015).

Secondary legislation and guidance has been produced to allow for The Planning (Scotland) Act 2019 provisions to work in practice. The policy is in the form of the recently published (February 2023) NPF4 which builds on the provisions made in The Planning (Scotland) Act 2019.

3.3 The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009

The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 is the relevant legislation referring to categories of development (e.g., Local, Major or National development). The hierarchy is intended to deliver a planning system in which different types of applications will be dealt with in different ways depending on their scale and complexity and decisions will be taken at the most appropriate level.

National Developments are developments that are designated as such in the National Planning Framework. NPF4 specifically lists the following development in Scotland as national development:

- On and offshore electricity generation from renewables exceeding 50 megawatts capacity;
- New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and
- New and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations

The onshore Project is therefore classed as a 'National' development, as set out in NPF4. As such the application for PPP will be considered as a significant development of national importance that will help to deliver the spatial strategy outlined in NPF4.

3.4 Town and Country Planning (Scotland) Act 1997 (as amended)

The principal planning statute in Scotland is the Town and Country Planning (Scotland) Act 1997 ('the Planning Act') as amended by the Planning etc. (Scotland) Act 2006, and more recently The Planning (Scotland) Act 2019. The Planning Act sets out the roles of local authorities with regard to development plans, development management and enforcement.

The Planning Act brought into force the planning of development via LDPs. LDPs set out what the future of development should be (new homes and workspaces etc), how they will be built and facilitated and overall, how the area will benefit the local people for the future. The management of development is subsequently based on the LDPs for the area, in this case it is the HwLDP, the CaSPlan and THC Supplementary Guidance.

To construct and operate the required onshore infrastructure to export electricity from the offshore Project to the National Grid network, consent is required under the Planning Act.

The application is for the construction and operation of the required onshore transmission infrastructure. The application is supported by an Onshore EIA Report which has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

The Planning Act section 3A(3A) directs that the NPF must contribute to a series of six outcomes and one of these includes "*meeting any targets relating to the reduction of emissions of greenhouse gases*" (NPF4, Annex A, page 95).

Section 25 of the Town and Country Planning (Scotland) Act 1997 states: "*Where, in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan*". Section 37 should be read alongside Section 25. Section 37 (2) states: "*In dealing with such an application the authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations*".

The determining authority must first consider whether the proposal accords with the Development Plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the Development Plan, it follows that consent should be granted unless any site-specific matters preclude consent.

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that: "Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case".

The judgement set out the following approach to determining a planning application:

- Identify the provisions of the Development Plan that are relevant to the decision;
- Consider them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies;
- Consider whether or not the proposal accords with the Development Plan;
- Identify and consider relevant material considerations for and against the proposal; and
- Assess whether these considerations warrant a departure from the Development Plan.

This judgement sets out a clear and methodical approach to determining a planning application and clarifies how the Development Plan should be used.

The House of Lords has ruled that material considerations must satisfy two tests:

- They must be considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
- They must be material to the circumstances of the case and they must relate to the Project.

3.5 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended)

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended) require National Developments, such as the onshore Project, to submit a proposal of application notice (PAN) and undertake pre-application consultation (PAC) with communities in accordance with the Planning Act and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. This process provides opportunities to receive feedback from the public and organisations that can then be addressed in the application and supporting Onshore EIA Report.

The Regulations require that the applicant must hold at least two public events with no less than 14 days separation between the first and last events. These events must be advertised through a PAC notice that is published in the local paper(s) at least 7 days prior to the events taking place. Additionally, at the final event the Applicant must provide feedback to the public on comments received.

Chapter 10 summarises the stakeholder engagement process for the West of Orkney Windfarm and further details of the PAC process undertaken to inform the Onshore EIA Report are presented in chapter 6: Stakeholder engagement of the Onshore EIA Report and within the associated PAC Report (OWPL, 2023b) accompanying the PPP application.

4. Policy Framework

4.1 Introduction

This section provides an overview of the policy framework relevant to the onshore Project. It highlights the key policies and local and national commitments that shape the decision-making process for development projects.

The relevant statutory Development Plans for the site, as defined by Section 24 of the Town and Country Planning (Scotland) Act 1997 comprises:

- National Planning Framework 4 (NPF4) (Scottish Government 2023);
- Highland-wide Local Development Plan ("the HwLDP", adopted April 2012);
- Caithness and Sutherland Local Development Plan ("the CaSPlan" adopted August 2018); and
- THC Supplementary Guidance (which form part of THCs statutory Development Plan).

This Planning Statement does not necessarily quote policy verbatim but rather summarises relevant elements of policies of relevance to the proposed development. The following summaries do not reference all elements of policies, only those considered relevant to the proposed development.

4.2 National Planning Framework 4

The NPF is a long-term spatial strategy for Scotland that identifies development and infrastructure needs. The fourth iteration, NPF4, sets out spatial development until 2045, outlining national planning policies, designating National Developments, and emphasising regional spatial priorities. Adopted by the Scottish Ministers in February 2023, NPF4 replaces NPF3 and incorporates updated Scottish Planning Policy, consolidating spatial and thematic planning policies.

The planning system is an important tool that brings a balance between competing interests, such as projects that may pose a small amount of significant impacts but will bring a long-term benefit to the public, whether this is local or national. As said in NPF4, A National Spatial Strategy for Scotland 2045, Part 1 *"Planning is a powerful tool for delivering change on the ground in a way which brings together competing interests so that decisions reflect the long-term public interest."*

4.2.1 National Developments

Part 1 of NPF4 sets out a 'National Spatial Strategy for Scotland 2045' identifying that the world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change. The application of over arching spatial principles through a national spatial strategy will support the planning and delivery of **Sustainable Places:** "*where we reduce emissions, restore and better connect biodiversity".*

Eighteen **National Developments** have been identified for delivery of the NPF4 spatial strategy, six of which have been identified as supporting the delivery of sustainable places, including:

National Development 3: Strategic renewable energy electricity generation and transmission infrastructure*: "which supports electricity generation and associated grid connection throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply".*

In terms of the scope of this development, as described in Annex B of NPF4 **National Developments Statement of Need**, it relates to electricity transmission infrastructure on a Scotland wide basis Part (b) considers: "*New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132 kv or more*; whilst part (c) considers: "*New and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations*."

Accompanying text on page 103 states:

"*A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets*."

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

In terms of need: "*Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas*."
Also of relevance to the wider proposed development is National Development 1: Energy Innovation Development on the Islands which supports *"proposed developments in the Outer Hebrides, Shetland and Orkney Island groups, for renewable energy generation…… and associated opportunities in the supply chain for fabrication, research and development*".

4.2.2 Spatial Planning Policies

The **Spatial Planning Priorities** (detailed in Annex C) for the North and the North and West Coast and Islands areas state the importance of maximising the benefits of renewable energy and the internationally significant role natural assets in the region will play, noting that more onshore and offshore renewable energy will be needed to significantly reduce greenhouse gas emissions.

4.2.3 National Planning Policy

Part 2 of NPF4 focuses on National Planning Policy, with several policies relevant to the onshore elements of the Project. Notably:

Policy 1 highlights the urgency of addressing the global climate crisis, ensuring it remains a priority in all plans and decisions, "*When considering all development proposals significant weight will be given to the global climate and nature crises*.".

Policy intent is set out as being "*to encourage, promote, and facilitate development that addresses the global climate emergency in nature crisis*". Policy outcomes are identified as being zero carbon, nature positive places.

Policy 11 specifically aims "to *encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, …. transmission and distribution infrastructure…..*".

Part (a) states "*development proposals for all forms of renewable, low carbon and zero emissions technologies will be supported*." These include (i) "*wind farms*…." and (ii) "*enabling works, such as grid transmission and distribution infrastructure…"*

Part (c) continues: "*Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities*."

Part (e) further states: "*In addition, project design and mitigation will demonstrate how the following impacts are addressed:*

(i) *impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;*

(ii) *significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;*

(iii) *public access, including impact on long distance walking and cycling routes and scenic routes;*

(iv) *impacts on aviation and defence interests including seismological recording;*

(v) *impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*

(vi) *impacts on road traffic and on adjacent trunk roads, including during construction;*

(vii) *impacts on historic environment;*

(viii) *effects on hydrology, the water environment and flood risk;*

(ix) *biodiversity including impacts on birds;*

(x) *impacts on trees, woods and forests;*

(xi) *proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;*

(xii) *the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*

(xiii) *cumulative impacts.*

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse emissions reduction targets."

With regards to the onshore elements of the Project, NPF4 has a focus on creating more sustainable places whether this is through mitigation and adaptation to the climate crisis or biodiversity enhancement (Policies 1, 2 and 3).

As such, the Project has provided a **Climate and carbon assessment** alongside the onshore PPP application which sets out the Project's resilience to the predicted future climate projections and an assessment of the Project's carbon emissions and associated pay-back period, impacts and how it mitigates its carbon emissions (SS 1: Climate and Carbon Assessment of the Onshore EIA Report).

Additionally, the Project has produced an **Outline Biodiversity Enhancement Plan** (submitted alongside this application) which sets out four proposals (three onshore and one offshore) that act separately from the Project's proposed mitigations to enhance the biodiversity in the specified areas in line with Policy 3 "*Development proposals for national or major development or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention".*

A summary of all relevant NPF4 policies is provided below, followed by Table 4-2 which summarising the relevant polices on a topic by topic basis.

Table 4-1 NPF4 policies relevant to the onshore Project

Policy	Policy Summary
Policy 3: Biodiversity	*"Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them."* *"Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity,"* To achieve this, development proposals must include appropriate measures that follow local and national guidance. Where there is any potential adverse effects, mitigation measures will be used to minimise these impacts, including through design. Policy outcome: • *"Biodiversity is enhanced and better connected including through strengthened nature networks and naturebased solutions."*
Policy 4: Natural places	Development proposals that demonstrate unacceptable impact will not be supported. *"Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence."* Policy outcomes: • *"Natural places are protected and restored."* • *"Natural assets are managed in a sustainable way that maintains and grows their essential benefits and services."*
Policy 5: Soils	Development proposals will only be supported where they demonstrate a manner that protects damage such as soil compaction and erosion, there is restoration of peatland habitats and a detailed site-specific assessment on peatland. Carbon rich soils and priority peatland habitats has been undertaken. "*Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required".* For those development proposals located on prime agricultural land or land that is of lesser quality but is locally important the proposal will only be supported where it is essential infrastructure and there is generation of energy from renewable sources. Policy outcomes: • *"Valued soils are protected and restored."*

Policy	Policy Summary
	• *"Soils, including carbon-rich soils, are sequestering and storing carbon."* • *"Soils are healthy and provide essential ecosystem services for nature, people and our economy."*
Policy 6: Forestry, woodland and trees	Support will be given to those development proposals that *"enhance, expand and improve woodland and tree cover"* and do not cause loss to ancient woodlands, adverse impacts on native woodlands or fragmenting of woodland habitats. Where woodland removal is required, this will only be supported should the proposal achieve a clear significant public benefit. Policy outcomes: • *"Existing woodlands and trees are protected, and cover is expanded."* • *"Woodland and trees on development sites are sustainably managed."*
Policy 7: Historic assets and places	Where there is potential for significant impacts upon historic assets or places proposals must be accompanied by an assessment of the cultural significance of such assets / places. Where a scheduled monument is likely to be affected support will only be given where *"direct impacts on the scheduled are avoided"*, *"significant adverse impacts on the integrity of the setting"* are avoided or *"exceptional circumstances have been demonstrated to justify impacts".* For those no-designated historic environment assets, wherever feasible, their places and setting should be protected and preserved in situ. Evaluation of the archaeological resource on any buried archaeological remains will be provided at an early stage. Policy outcomes: • *"The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change."* • *"Redundant or neglected historic buildings are brought back into sustainable and productive uses."* • *"Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity."*
Policy 10: Coastal Development	Proposals will only be supported where they do not *"result in the need for further coastal protection measures"," is anticipated to be supportable long term"* and is necessary in the support to net zero emissions or contribute to the economy. Policy outcome: • *"Coastal areas develop sustainably and adapt to climate change."*

Policy	Policy Summary
Policy 11: Energy	Support will be given to all forms of renewable technologies including windfarms and grid transmission. These will only be supported should they maximise net economic impact. Policy outcome: • *"Expansion of renewable, low-carbon and zero emissions technologies."*
Policy 13: Sustainable transport	*"Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel".* Where there is a significant increase in travel generated, proposals will only be supported where they are accompanied by a Travel Plan and where there is likely to impact the Strategic Transport Network and assessment must be made to determine these impacts. Policy outcome: • *"Investment in transport infrastructure supports connectivity and reflects place-based approaches and local living."* • *"More, better, safer and more inclusive active and sustainable travel opportunities."* • *"Developments are in locations which support sustainable travel."*
Policy 22: Flood risk and water management	There will not be an increase in the risk of surface water flooding to others due to development proposals and they will *"manage all rain and surface water through Sustainable Urban Drainage Systems (SuDS)"* and should presume no connection to combined sewers. Those applications that will create, expand or enhance natural flood risk management will be supported. Policy outcome: • *"Places are resilient to current and future flood risk."* • *"Water resources are used efficiently and sustainably."* • *"Wider use of natural flood risk management benefits people and nature."*
Policy 23: Health and safety	Where there is likely for significant adverse effects upon air quality, unacceptable noise issues these proposals will not be supported. A noise impact assessment may be required where the proposal and location suggest significant effects are likely. Policy outcome: • *"Health is improved and health inequalities are reduced."* • *"Safe places protect human health and the environment."* • *"A planned approach supports health infrastructure delivery."*
Policy 29: Rural development	Where essential infrastructure will *"contribute to the viability, sustainability and diversity of rural communities and local rural economy"* this will be supported by the Council. These proposals

Policy	Policy Summary
	should be suitably located, sited, designed and scaled to be in keeping with the landscape character. Policy outcome: • *"Rural places are vibrant and sustainable and rural communities and businesses are supported."* • *"A balanced and sustainable rural population."*

Table 4-2 Summaries of NPF4 policies on a topic-by-topic basis

Topic	Relevant Onshore EIA Report	Relevant parts of NPF4
Geology and hydrology	Chapter 8: Geology and hydrology	Policy 5 and 22.
Ecology and ornithology	Chapter 9: Freshwater ecology Chapter 10: Terrestrial non-avian ecology Chapter 11: Terrestrial Ornithology	Policy 3, 4, 5, 6, 29.
Land use, tourism and recreation	Chapter 12: Land use and other users (including forestry)	Policy 3, 4, 6, 7 and 29.
Cultural heritage	Chapter 13: Terrestrial archaeology and cultural heritage	Policy 7.
Air quality	Chapter 14: Air quality	Policy 23.
Noise and vibration	Chapter 15: Noise and vibration	Policy 11 and 23.
Traffic and transport	Chapter 16: Access, traffic and transport	Policy 11 and 13.
Landscape and visual	Chapter 17: Landscape and visual	Policy 3, 4, 6, 7, 10, 11 and 22.

4.3 The HwLDP, CaSPlan and Supplementary Guidance

The HwLDP was formally adopted on 5th April 2012. It sets THCs vision for the whole Highland area (excluding the area covered by the Cairngorms National Park which has its own plan) and sets out how land can be used by developers for the 20 years from the date of adoption. The HwLDP should be read alongside National Planning Framework 4 (NPF4), the Area Local Development Plans, which in the case of the proposed development is the Caithness and Sutherland Plan (CaSPlan), formerally adaopted on 31 August 2018. The HwLDP, CasPaln and THC Supplementary Guidance, forms THC's Development

Plan that guides future development in the Highland region and is used in determining planning applications in Caithness and Sutherland.

THC started the process of reviewing the HwLDP, including initial consultation in 2016. However, following the publishing of a Planning Bill by the Scottish Government, outlining potential changes to the Scottish planning system in December 2017, it decided to halt the HwLDP Review until more was known about the changes. The Planning (Scotland) Act 2019 was subsequently made. Further details of new arrangements in the Act for Development Plans are emerging, together with arrangements for transition to them. As described above the Scottish Government has prepared, adopted and published NPF4, which is now, for the first time, part of the Development Plan. This will likely lead to a reduction in the number and range of policies that are required in the Local Development Plan. THC now expect to take forward review of the HwLDP under the new arrangements for Local Development Plans, with formal work anticipated to start in the near future.

This Planning Statement for the proposed onshore development, has been based on the currently published plans, despite there being some overlap with NPF4.

The HwLDP has an ambitious vision that *"By 2030, Highland will be one of Europe's leading regions."* This will be achieved by sustainable communities, balancing population growth, economic development and safeguarding the environment.

The HwLDP outlines the planning policy for THC area and contains general policies for the THC area that planning applications are assessed against. The vision of the HwLDP involves enabling sustainable Highland communities, safeguarding the environment, creating a competitive, sustainable and adaptable Highland economy, achieving a healthier Highlands and providing better and fairer opportunities. Part of safeguarding the environment is "*ensuring that development of renewable energy resources are managed effectively with clear guidance on where renewable energy should and should not be located"* and this is particularly important when considering developments within rural areas, such as the onshore Project area.

The HwLDP states that "…*it is important to ensure that development is, in the first instance, directed to places with sufficient existing or planned infrastructure and facilities to support sustainable development*" and sets out the policies to achieve this. Chapter 6 - Caithness and Sutherland outlines the specific aims for the region including, by 2030, being **a centre of excellence for energy and engineering**.

The CaSPlan builds upon the HwLDP broad vision to provide a guide for future development in Highland. The priorities of the CaSPlan include growing communities, employment, connectivity and transport, environment and heritage. The CaSPlan notes that investment in renewable energy generation in North Highland is not only helping to meet THC and national climate change targets, but it has also delivered economic benefits for the area. It also states that the THC is committed to maximising renewable energy contributions.

Local Development Plan policy can be split into the following categories:

(i) Policies relevant to the given nature of the proposed development (HwLDP); and

(ii) General policies (HwLDP); and

(iii) Spatial / site specific policies (identified in the HwLDP and CasPlan).

Each of these are considered in turn below.

4.3.1 HwLDP Policies Relevant Given the Nature of the Proposed Development

The following Local Development Plan policies are relevant to the generation and transmission of power from renewable energy.

Table 4-3 HwLDP policies relevant to the given nature of the proposed development

Policy	Policy Summary
Policy 67 Renewable Energy Developments	Outlines the considerations against which the Council will assess and support renewable energy developments. These include: • *"the contribution of the proposed development towards meeting renewable energy generation targets"* • *"any positive or negative effects it is likely to have on the local and national economy."* The Council will support proposals where it has been reasonably demonstrated that there will not be significant adverse effects on specific environmental designations and receptors. The Council will support proposals, either individually or cumulatively, where they will not be significantly detrimental overall with the location, sitting and design. Some of the receptors that will be considered are: • Natural, built and cultural heritage features; • Species and habitats; • Visual impact and impact on landscape character; • Amenity at sensitive locations; • Likely effect of noise generation; • Ground water, surface water and aquatic ecosystems; • The amenity of users of any Core Paths; • Tourism and recreation interests; and • Traffic and transport interests. Proposals for renewable energy developments will be assessed against the Development Plan, the Highland Renewables Energy Strategy (HRES) and Planning Guidelines (see Chapters 7 to 9).
Policy 69 Electrical Transmission Infrastructure	Electricity Transmission Infrastructure states that proposals for electricity transmission infrastructure will be considered having regard to their level of strategic significance, and proposals *'which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features'* will be supported.

4.3.2 HwLDP General Policies

General Local Development Plan policies, typically of an environmental nature, are also relevant, and in the majority of cases underpin the assessments undertaken as part of the EIA. These policies and their relevance to the proposed development are summarised in Table 4-4.

Table 4-4 HwLDP general policies

Policy	Policy Summary
Policy 28 Sustainable Design	Sustainable design is to be taken into consideration in the design of all development particularly in relation to enhancing the social, economic and environmental wellbeing of the people of the Highlands. This includes whether a development is; • Compatible with public service provision (including electricity); • Affected by physical constraints; • Demonstrating that they have sought to minimise the generation of waste; • Impacting on individual and community residential amenity; • Impacting on prime-quality agricultural land or approved routes for road and rail links; • Impacting on habitats, species, freshwater systems, landscape, cultural heritage and air quality (including pollution and discharges); • Demonstrating high-quality design with sensitive siting that is in keeping with the local character and environment; • Contributing to the economic and social development of the community. *"Developments which are judged to be significantly detrimental in terms of the above criteria will not accord with this Local Development Plan. All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance."*
Policy 29 Design Quality and Place-Making	Any *"new developments should be made to make a positive contribution to the architectural and visual quality of the place in which it is located."* The policy encourages applicants and developers to *"demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals*" and to have regard to the historic pattern and landscape in the local area.
Policy 30 Physical Constraints	Consideration must be made to whether proposals would be located within areas of constraint by using most up to date information. Ensuring that adverse effects on human health do not occur or pose risk to safeguarded sites. *"Developments must demonstrate compatibility with the constrains or outline appropriate mitigation measures to be provided."*
Policy 34 Settlement Development Areas	Within Settlement Development Areas (as defined), developments will be judged as to how compatible they are within the existing landscape character and with the already existing development patterns and approved adjacent land uses.

Policy	Policy Summary
	"Developments which are judged to be significantly detrimental in terms of the above criteria will not be supported unless there are clear material considerations which would justify permission being granted."
Policy 36 Development in the Wider Countryside	Outwith Settlement Development Areas (as defined) development in the wider area will be assessed on how acceptable the siting and design is, how sympathetic the development is to the existing patterns of development and are compatible with landscape character and capacity. Avoidance, where possible, of the loss of croft land which is important locally should be considered. *"Renewable energy development proposals will be assessed against the Renewable Energy Policies, the non statutory Highland Renewable Energy Strategy and where appropriate, Onshore Wind Energy: Supplementary Guidance."*
Policy 42 Previously Used Land	Development proposals that will bring previously used land back into beneficial use, provided that site investigations and assessment have been undertaken to assess and demonstrate that the site conditions are suitable and subsequently capable of hosting the proposed development.
Policy 49 Coastal Development	Coastal developments are considered to be those that are on "*the coast and or installations in nearshore waters*." They should show consideration to the existing interests and best use of resources while taking into account any marine activities that the development may use. The proposal sites should demonstrate that there is no risk of coastal erosion or flooding, however in areas of medium or high flood risk other infrastructure "*such as sub-sea cables may be acceptable."* The proposals should not have an unacceptable impact on the natural, built or cultural heritage and amenity value of the area. *"Essential infrastructure, which cannot be located elsewhere, may be acceptable, both subject to mitigation, as appropriate."* Particularly important factors to be considered in the design of the development are landscape impact and effect on the setting of coastal communities.
Policy 51 Trees and Development	*"The Council will support developments which promote significant protection to existing hedges, trees and woodlands areas."* The acceptable area in which the development is located will be influenced by the impact the development will have on trees and a woodland management plan will be required where appropriate. Compensatory planting from any woodland removal will be secured through a tree planting or landscape plan with the Council factoring in any communal area agreements where necessary. The Tree's Woodland and Development Supplementary Guidance identifies the following principles; • Key legislation and Regulation • Key factors for assessment of development sites;

Policy	Policy Summary
	• Guidance on the preparation of tree management, planting, protection and landscape plans; • Advice for those developments that are within areas of existing woodland and have the potential for the need for removal and compensatory planting; • Support will be given to those developments that are designed in such a way that they are able to coexist with significant areas of new woodland.
Policy 52 Principle of Development in Woodland	Protection of woodland resources is favoured strongly by the Council and they will only support those developments that offer clear and significant public benefit. Consideration will be made by the Council on the impact from major developments on the socio economic impacts on the forestry industry, economic maturity and opportunities for co-existence with forestry operations. *"In all cases there will be a stronger presumption against development where it affects inventoried woodland, designated woodland or other important features (as defined in Trees, Woodland and Development Supplementary Guidance)."* For those proposals that will be affecting woodland, they will be assessed against the Control of Woodland Removal Policy from Scottish Government.
Policy 55 Peat and Soils	Requires development proposals to *"demonstrate how they have avoided unnecessary disturbance, degradation, or erosion of peat and soils".* Unacceptable disturbance of peat is only acceptable where the adverse effects are clearly outweighed by social, environmental, or economic benefits of the development proposal. A peatland management plan may be asked for by the Council should areas of peat be unavoidable where the development be located, this plan should demonstrate how the development is mitigating and minimising the impacts upon peat.
Policy 56 Travel	Where a development is to generate travel, sufficient information on both on and off site transport should be included. These modes of transport should be the most sustainable for the activities proposed, be designed for the safety of all potential users, incorporate appropriate mitigation and provide an appropriate level of parking. *"When development proposals are under consideration, the Council's Local Development Strategy will be treated as a material consideration."* Site masterplans should consider the impact upon local and strategic transport network and have particular regard to the implications upon the core paths.
Policy 57 Natural, Built and Cultural Heritage	Assessment on development proposals will account for "*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*." Assessment will be made upon features of local/regional importance, national importance and international importance.

Policy	Policy Summary
	Features of local/regional importance: developments will be allowed should they demonstrate satisfactorily that there will not be unacceptable impacts on the natural environment, amenity and heritage resource. Features of national importance: developments will be allowed where they can demonstrate that they will not compromise the natural environment, amenity and heritage resource and any adverse impacts identified are outweighed by social / economic benefits of national importance. Features of international importance: developments are subject to appropriate assessment where there is likely potential for significant effects upon a site. Should there be inability to ascertain if a development does not adversely affect the integrity of a site it will only be allowed should the proposal have no alternative solutions and has imperative reasons for overriding public interest.
Policy 58 Protected Species	The policy states that *"where there is good reason to believe that if a protected species may be present on site or may be affected by the proposed development"* the Council *"will require a survey to be carried out to establish any such presence and if necessary a mitigation plan"* be implemented to avoid or minimise impacts on species. Where it is demonstrated that a development is likely to have adverse effects upon European Protected Species it will only be permitted should there be no satisfactory alternative, there are imperative reasons of overriding public interest and the development will not be detrimental to the maintenance of the population of the species concerned. Where it is demonstrated that a development is likely to have adverse effects upon protected bird species it will only be permitted should there be no satisfactory solution or that the development is required in the interests of public health or public safety.
Policy 59 Other Important Species	The policy states that species listed under the Habitats Directive, UK and Local Biodiversity Action Plans (LBAPs) and the Scottish Biodiversity List (SBL) will need to be considered in terms of adverse effects from proposals.
Policy 60 Other Important Habitats and Article 10 Features	*"Safeguarding of the integrity of features of the landscape which are of major importance"* (e.g. habitat "stepping stones" for the movement of wild fauna and flora). Habitats listed under the Habitats Directive, UK and LBAPs and the SBL will need to be considered in terms of adverse effects from proposals. Conditions and agreements will be used by the Council on development proposals to ensure that significant harm to the features mentioned above is avoided. However, where the development *"clearly outweighs the desirability of retaining"* such features / important habitats satisfactory mitigation measures will be sought to be put in place.

Policy	Policy Summary
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. *"This will apply particularly where the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place."*
Policy 62 Geodiversity	Development proposals will be supported *"that include measures to protect and enhance geodiversity interests of international, national, and regional / local importance in the wider countryside."*
Policy 63 Water Environment	States that the Council will endorse development proposals that do not compromise the objectives of the Water Framework Directive, aimed at safeguarding and enhancing Scotland's water environment. *"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	Development proposals should avoid flood-prone areas and promote sustainable flood management. Proposals within or bordering medium to high flood risk areas must comply with the Scottish Planning Policy by submitting information, such as a Flood Risk Assessment. *"Developments may also be possible where they are in accord with the flood prevention or management measures as specified within a local (development) plan allocation or a development brief. Any developments, particularly those on the flood plain, should not compromise the objectives of the EU Water Framework Directive."*
Policy 65 Waste Water Treatment	States that *"connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is required for all new development proposals"* unless it can be demonstrated that the development is unable to connect to a public sewer; and *"that the proposal is not likely to result in or add to significant environmental or health problems."* For proposals where connection to the public sewer is not possible, a private system will only be supported if *"the system is designed and built to a standard which will allow adoption by Scottish Water*", or, *"the system is designed such that it can easily connect into a public sewer in the future."*
Policy 66 Surface Water Drainage	Requires all proposed development to be drained by SuDS designed in line with The SUDS Manual (CIRIA C697) and, when necessary, 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."*
Policy 72 Pollution	Proposals that may result in significant pollution may be supported only when a detailed assessment report on the levels, character, transmission, and receiving environment of the potential pollution and appropriate mitigation measures is provided.

Policy	Policy Summary
	"Major Developments and developments that are subject of Environmental Impact Assessment 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 73 Air Quality	*"Proposals where there is the potential to individually or cumulatively adversely affect 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",* including proposed mitigation. Consideration must be taken particularly with areas that have land uses that may have localised effect in air quality.
Policy 74 – Green Network	States the requirement for protection and enhancement of green networks where possible. "*Development in areas identified for the creation of green networks should seek to avoid the fragmentation of the network and take steps to improve its connectivity, where this is appropriate."*
Policy 77 Public Access	In the instance where a development proposal is likely to affect a route that has been included within the Core Paths Plan or to significantly affect wider access rights it will be required to "*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*." Access Plans will be required for a Major Development
Policy 78 – Long Distance Routes	States *"The Council, with its partners, will safeguard and seek to enhance long distance routes and their settings."* This takes into consideration the already existing Natural Heritage features.

4.3.1 Spatial Site-Specific Policies

There are two spatial policies in the HwLDP that cover land immediately adjacent to the cable landfall development zone. These are summarised in Table 4-5.

Table 4-5 HwLDP Spatial Policies

Policy / Framework	Policy Summary
Policy 41	Sustainable economic growth is at the heart of the Plan's vision and spatial strategy and THC is supportive of new business and industrial developments where they are located in sustainable locations at sites / locations identified on the proposals map, including Forss. Area local development plans (in this case CasPlan) further identify and specify business and industrial sites.

Policy / Framework	Policy Summary
Dounreay Economic Development Area	Translates the decommissioning and restoration proposals described in UKAEA's Dounreay Site Restoration Plan into a land use planning framework for the decommissioning, restoration and after use of the site.

The CaSPlan has set out four visions and their outcomes to be achieve by 2035 for Caithness and Sutherland covering Growing Communities, Employment, Connectivity and Transport and Environment and Heritage. The onshore Project has identified its association with three of these visions (as set out below) and has discounted the vision for Growing Communities from further assessment within this Planning Statement.

The three vision outcomes and key targets associated with the onshore Project include the following:

Employment – By 2035 it is the aim to have established a diverse and sustainable economy that is identified to be an internationally renowned centre for renewable energy. The economy will be strengthened through facilitating world class engineering, land management and sea based industries and additionally a tourist industry that combines culture, history, adventure and wildlife.

Although investment into renewable energy generation is helping to meet both local and national climate change targets, it is also delivering economic benefits for the Caithness and Sutherland area. Particularly, the CaSPlan recognises that the Caithness and Sutherland area has the potential for marine renewable energy generation in **the Area of Energy Business Expansion** identified in the Spatial Strategy. Integration of marine and coastal development is supported through the CaSPlan by means of employment-generation.

Connectivity and transport – It is envisaged that by 2035 there will be enhanced connectivity and transport across Caithness and Sutherland with the key focus on communications, utilities and transport infrastructure. These key areas of focus will be enhanced to support communities and economic growth, while having development anchored to existing or planned provision.

There are a number of challenges identified that CaSPlan is aiming to address by 2035, some of which overlap with the onshore Project, including limited road infrastructure and community reliance on single-track roads and sectors such as the renewable energy industry increasing pressure on the existing road network. The renewable energy sector however can contribute to solutions, '*Key growth sectors, like the renewables industry, may put increased pressure on the road network. In some cases renewable energy projects may result in repairs and upgrades but it is essential that the Council ensures that there is no net degradation to infrastructure from these projects'*. A particular asset that the CaSPlan is aiming to support is the **East Coast Connectivity and Tourism Corridor** where sustainable transport and connection to larger service centres is at the centre. This area has been identified in the Spatial Strategy and overlaps with the onshore Project area.

Environment and heritage – The vision for the environment and heritage is to maintain and establish places of high-quality within the already outstanding environment across Caithness and Sutherland. By 2035 the safeguarding of those natural, built and cultural heritage assets will be in place.

Green networks / green spaces have been identified in various areas of Caithness and Sutherland, they serve for multiple functions for open space, use of the core paths, forests and woodlands and coastal areas and more. CasPlan (through HwLDP policies) has identified the need to safeguard and enhance these networks / spaces. Enhancement opportunities must be considered by developments.

As well as green networks / spaces, maximising renewable energy contributions will aid the Council in its commitment to mitigate impacts upon climate change. The Caithness and Sutherland area has been identified as a substantial renewable energy resource. A particularly important carbon store is peatland which is an internationally importance resource found in Caithness and Sutherland and is safeguarded through the policies in the HwLDP.

The four visions and their outcomes have been used to map the CaSPlan's Spatial Strategy for future development which will support in achieving the desired vision outcomes by 2035. There are nine areas identified on the spatial strategy, some of which are focused to more than one of the visions set out in the CaSPlan. These range from green space and tourism networks to strengthening the economy through energy business expansion. The **East Coast Connectivity and Tourism Corridor** and the **Area for Energy Business Expansion** are the two areas identified to overlap with the onshore Project, the detail of each is set out below.

East Coast Connectivity and Tourism Corridor – This area covers the entire east coast from John 'O' Groats to Dornoch including a section of the A9 from Scrabster to Latheronwheel. The CaSPlan has identified this area as having suitable investment and development which will support and strengthen the transport links by providing foundations for sustainable transport services.

Area of Energy Business Expansion – This area, identified in the north east Caithness area, links to the employment vision and identifies the importance of maximising opportunities arising from offshore renewables such as employment generation.

CasPLan identifies the following classification of areas within Caithness and Sutherland where specific development strategies and policies have been identified:

- Settlement Development Areas;
- Economic Development Areas; and
- Growing Settlements.

None of the areas identified under each of the above classifications overlap the onshore Project area. Dounreay and the Forss Business and Energy Park Economic Development Areas are located adjacent to the landfall development zones. Halkirk, located between the cable corridor route options and 2.5 km from the onshore substation, is identified as a settlement development area.

4.3.2 Supplementary Planning Guidance

The HwLDP refers to several pieces of Supplementary Planning Guidance throughout to guide and assist developers into considering the location, siting and design of a project and align with the policies outlines within HwLDP. This supplementary guidance forms part of the Council's statutory Development Plan and assists with onshore development. The following supplementary guidance has been considered within this PPP application:

- Flood Risk and Drainage Impact Assessment Supplementary Guidance (THC, 2013a);
- Highland's Statutory Protected Species Supplementary Guidance (THC, 2013b);
- Highland Historic Environment Strategy (THC, 2013c);
- Managing Waste in New Developments (THC, 2013d);
- Physical Constraints (THC 2013e);
- Roads and Transport Guidelines for New Developments Supplementary Guidance (THC, 2013f);
- Special Landscape Area Citations (THC, 2011);
- Reporting Standards for Archaeological Work (THC, 2023);

- Sustainable Design Guide (THC, 2013g);
- Trees, Woodlands and Development Supplementary Guidance (THC, 2013h);
- Visualisation Standards for Wind Energy Developments Supplementary Guidance (THC, 2016a); and
- Onshore Wind Energy Supplementary Guidance (OWESG) (THC 2016b) and OWESG Addendum 'Part 2b' (THC, 2017). Given the onshore Project relates to an offshore windfarm, the OWESG predominantly applies to the undergrounding of power lines connecting the West of Orkney Windfarm to the onshore substation and the construction of access tracks; however, consideration was given to the following criteria as they applied to the onshore Project as a whole:
  - OWESG paragraph 4.14 requires that appropriate mitigation should be put in place, including with respect to the *'length, route, visibility and methods and materials used in the construction of access tracks';*
  - Criterion 2: Key Gateway locations and routes are respected with consideration to the extent to which the proposal '*reduces or detracts from the transitional experience of key Gateway Locations and routes'* with respect to wind turbines or other infrastructure;
  - Criterion 3: Valued natural and cultural landmarks are respected with consideration and assessment of the extent to which the proposal affects the fabric and setting of valued natural and cultural landmarks;
  - Criterion 4: The amenity of key recreational routes and ways is respected, including Core Paths and National Cycle Routes;
  - Criterion 5: The amenity of transport routes is respected and that wind turbines or other infrastructure '*do not overwhelm or otherwise significantly detract from the visual appeal of transport routes*'; and
  - Criterion 8: The perception of landscape scale and distance is respected with consideration of and assessment of the '*extent to which the proposal maintains or affects receptors' existing perception of landscape scale and distance'*.

5. Other Considerations: Planning

5.1.1 Highland Renewable Energy Strategy (HRES) and Planning Guidelines

As previously identified in Section 4.3 **the Highlands (including Caithness and Sutherland) is an area of important renewable energy resources including wind, hydro, wave and tidal.** Renewable energy developments can contribute to both positive and negative impacts, such as benefiting the local communities with opportunities and infrastructure improvements and / or disturbing local communities and their habitats. The HRES has been produced with the aim to balance both these positive and negative impacts**, *'This strategy aims to ensure that, overall, the advantages presented by renewables outweigh the disadvantages for most people and for the wider environment.'*** There are seven strategic themes in the HRES for which 30 HRES policies fall under, these are identified as;

- Targets for development;
- Areas and types of development;
- Capacity building;
- Planning process;
- Possible positive aspects;
- Possible negative aspects; and
- Infrastructure and other issues.

Policy B.1 (Targets for development) highlights the importance of renewable energy contribution to reducing carbon dioxide emissions and the significant contribution the Highland area can have to this. **Policies J.1 and J.2 (Planning process)** encourages that all National Developments should exercise the pre-scoping to allow for complete understanding of those areas of opportunity and constraint taking into consideration of alternatives. With regards to community benefit **Policy L.1 (Possible positive aspects)** supports local communities' involvement in renewable energy developments.

5.1.2 Regional Spatial Strategies and Local Place Plans

NPF4 and any relevant Local Development Plan (LDP) form the statutory Development Plan for any given area of Scotland. Along with Regional Spatial Strategies (RSSs) and Local Place Plans (LPPs) this creates a spatial framework for decision making that will support the delivery of a wide range of strategic priorities. In particular, climate change, nature recovery, inclusive growth, the wellbeing economy and child poverty have shaped the approach. THC is yet to draft up these RSSs and LPPs.

5.1.3 Marine Planning

The policy framework for marine planning is evolving at both national and regional levels with the publication of the National Marine Plan (March 2015) and the development of Regional Marine Plans. The National Marine Plan applies from Mean High Water Springs and covers both Scottish inshore waters (out to 12 nautical miles) and offshore waters (12 to 200 nautical miles). The National Marine Plan has statutory effect for any public authority taking decisions which can affect the marine area. Statutory Regional Marine Plans will be delivered by Marine Planning Partnerships once established. THC, in partnership with Marine Scotland and Orkney Islands Council, has finalised and adopted the non-statutory Pilot Pentland Firth and Orkney Waters Marine Spatial Plan which is a material consideration in assessing relevant planning applications along the north Caithness and Sutherland coastline. Key elements of the National Marine Plan include the full integration of the Western and Northern Isles into the UK electricity network, which will include an AC connection between Orkney and Caithness and a high

voltage DC connection between Spittal, Caithness and Blackhillock, Moray. The National Marine Plan also recognises the Caithness and Sutherland Coast's coastal and marine tourism assets.

Given the growth of various maritime industries around the coasts of the Highland region, including offshore renewable energy in Caithness and Sutherland some policy steer is required at the local level to shape where growth sectors can be develop. CasPLan supports the integration of marine and coastal development. This is achieved by the approach of supporting employment generating uses like offshore industries, encouraging growth of the area's ports and harbours, supporting key infrastructure, and identifying business and industrial land.

Alongside the above, is the Sectoral Marine Plan (SMP) for Offshore Wind Energy. The SMP for Offshore Wind Energy in Scotland (2020) aims to identify sustainable options for the future development of commercial-scale offshore wind energy in Scottish waters, including deep water offshore wind technologies. It seeks to minimise adverse effects on marine users, economic sectors, and the environment while maximising opportunities for economic development and employment. The plan established 15 POs across four regions, capable of generating significant renewable energy. Feedback from consultation led to boundary amendments and the exclusion of certain options to mitigate negative impacts. The plan served as the basis for the ScotWind Leasing cycles and is reviewed periodically. It aligns with the strategic aims of the NMP and the development of RMPs. The plan acknowledges the potential for cumulative positive effects, contributes to decarbonisation, and highlights the importance of in-combination assessments and regional surveys. The iterative nature of the plan allows for adaptation as new information becomes available.

The Project falls within one of the established SMP PO areas which has been identified as a sustainable option for future commercial-scale wind energy.

Although this application is for the onshore Project it is facilitating the offshore Project. The assessment of compliance with this plan is outlined within the offshore Planning Statement that accompanies the Section 36 application and Marine Licences.

6. Other Considerations: Energy Policy

6.1 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 Project representing ancillary development to the offshore Project, it is still relevant to underpin the need for the overall Project and to demonstrate the importance of the onshore Project.

6.2 Scotland Climate Change and Renewable Energy Policy

The **Scottish Energy Strategy (SES)**, released in December 2017, sets a goal for 50% of Scotland's energy consumption in heat, transport, and electricity to be supplied by renewable sources by 2030. This builds upon the earlier target of 30% set in 2009. There is a clear aim to deliver up to 50 GW by 2030 including up to 8 - 11 GW of offshore wind.

In accordance with the 2017 Strategy, **Scotland's Energy Strategy Position Statement** was published in 2021 (Scottish Government, 2021). The Position Statement notes that:

"Since the publication of the 2017 strategy, the Scottish Government has committed to achieving our ambitious targets of net zero greenhouse gas emissions by 2045 and a 75% reduction by 2030. In light of the economic crisis created by the COVID-19 pandemic, the Scottish Government is now striving to deliver a green economic recovery aligned to those net zero ambitions."

The Position Statement sets out the programme of work required across the energy sector to support the energy targets and outlines key energy priorities for Scotland, including priorities for renewable energy. It also states that the 2017 Strategy will remain in place until an Energy Strategy refresh is adopted by the Scottish Ministers.

In January 2023, the Scottish Government published its draft **Energy Strategy and Just Transition Plan**, inviting consultation until May 2023. The Plan aims to "deliver a fair and secure zero carbon energy system for Scotland" (Scottish Government, 2023). Key themes in relation to new energy infrastructure required for Scotland are apparent in the draft which emphasises the need for Scotland to ensure systems are put in place to allow for net zero emissions by 2045 and provides a road map of how this can be accomplished. The draft heavily references a need to reduce reliance on fossil fuel consumption, in particular those produced from the oil and gas sector. The draft sets out key ambitions for Scotland including producing more than 20 GW of additional renewable electricity both on and offshore by 2030 and energy security through the development of Scotland's own resources and additional energy storage.

Current economic development strategies, policies and statements produced by the Scottish Government that are most relevant to the development of the renewable energy sector in Scotland include the following:

Energy Strategy (2017) emphasises the development of the renewable energy sector to generate socio-economic benefits for Scotland. The Strategy includes a specific commitment to growing and supporting the further development of the offshore wind sector in Scotland, emphasising both the development of a stronger industrial supply chain and a highly skilled and competitive workforce;

Climate Change Plan Update (2020) further emphasises the important role that Ministers place on offshore renewable energy as a source of high-quality green jobs, with additional emphasis on the role that the sector can play in harnessing the industrial and workforce skills already available in the declining offshore oil and gas sector;

Climate Emergency Skills Action Plan (2020) identifies renewable energy as being key to the future creation of additional high quality, green jobs for Scotland and sets out priorities for public policy actions and investment to assist people to access these employment opportunities;

The Sectoral Marine Plan for Offshore Wind Energy in Scotland (2020) provides a strategic spatial framework for the development of the offshore renewables sector in Scotland;

The **Scotland Offshore Wind Policy Statement (2021)** provided an update and reinforcement of the objectives set out in the 2017 Energy Strategy. The Statement indicates that there is frustration amongst the Scottish Government and key stakeholders that the renewable energy supply chain in Scotland has been missing out on offshore wind manufacturing contracts and identifies several actions being taken by the Scottish Government and industry to help address this issue; and

Scotland's National Strategy for Economic Transformation (March 2022) emphasises the role that the offshore renewables sector is expected to play in helping drive future prosperity and sustainability for the Scottish economy. The strategy highlights in particular the potential for substantial supply chain benefits and opportunities for new highvalue jobs, as well as replacing jobs expected to be lost in the fossil fuels sector. The strategy also highlights the role that the offshore renewables sector is expected to play in supporting the objectives of the Regional Economic Partnership operating in the Highland and Islands region.

In support of the above plans and policies, a **Supply Chain Development Statement (SCDS)** was prepared for the Project and submitted to CES in July 2021 as part of the ScotWind Leasing process.

In accordance with the 2017 Strategy, Scotland's Energy Strategy Position Statement was published in 2021 (Scottish Government, 2021c). The Position Statement notes that:

"Since the publication of the 2017 strategy, the Scottish Government has committed to achieving our ambitious targets of net zero greenhouse gas emissions by 2045 and a 75% reduction by 2030. In light of the economic crisis created by the COVID-19 pandemic, the Scottish Government is now striving to deliver a green economic recovery aligned to those net zero ambitions."

6.3 UK Climate Change and Energy Legislation and Policy

The **Climate Change Act 2008** forms the cornerstone of the UK's approach to combatting and responding to climate change. This legislation legally binds the UK government to reduce greenhouse gas emissions to at least 100% of 1990 levels (net zero) by 2050. This commitment encompasses emissions from the devolved administrations of Scotland, Wales, and Northern Ireland, which presently contribute approximately 20% of the UK's overall emissions.

The Act mandates the production of a UK Climate Change Risk Assessment (CCRA) by the UK Government every five years. The CCRA evaluates current and future risks and opportunities associated with climate change in the UK. In response to the CCRA, the UK government is also obligated to develop a National Adaptation Programme (NAP), specific to England, while the devolved administrations create their own programmes and policies in alignment with the Act.

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The **Energy Act 2013** outlines the UK's commitment to a low carbon energy industry and investments in low carbon electricity generation. The Act establishes the legislative framework to enable secure, affordable, low-carbon energy. It includes provisions for the following:

- The Secretary of State is granted authority to set a 2030 decarbonisation target range for electricity in secondary legislation; and
- Electricity Market Reform, which consists of measures aimed at attracting the £110 bn investment needed for the low-carbon transition. It introduces Contracts for Difference (CfD), which are long-term contracts that are designed to encourage investment in low-carbon electricity generation.

The **UK Energy White Paper** Powering our Net Zero Future (2020) follows on from the Ten Point Plan, providing further clarity on the Prime Minister's measure to Transform energy, support a green recovery and create a fair deal for consumers. With a commitment over the next decade to cut emissions, while supporting up to 220,000 jobs.

The **Offshore Wind Sector Deal (2020)** seeks to ensure the UK can significantly increase renewable generation while reducing carbon emissions. It also aims to ensure further investment in the supply chain with the aim of increasing UK content of UK offshore windfarms to 60% by 2030, providing greater certainty over CfD, and creating jobs in coastal communities, where economic regeneration is needed.

The **British Energy Security Strategy (2022)** outlines how the UK Government plans to bring clean, affordable, secure power to future generations. Specifically, in relation to renewables it states "Accelerating the transition from fossil fuels depends critically on how quickly we can roll out new renewables. Our 'Ten point plan for a green industrial revolution' has already put the UK at the forefront of many renewable technologies, delivering £40 billion of private investment in under two years. By the end of 2023 we are set to increase our capacity by a further 15%. But now we must go further and faster, building on our global leadership in offshore wind".

The **Offshore Wind Investment Roadmap Policy (2023)** summarises the UK government's offshore wind policies and investment opportunities available and highlights the significant opportunities for private sector investment offered by the established offshore wind sector in the UK, ranging from site development to construction, and across a diverse supply chain. It states, "The UK's leading ambitions to reach up to 50 GW of offshore wind deployment by 2030, including up to 5 GW of floating offshore wind, are supported by a strong pipeline of investment-ready projects".

7. Policy Assessment: Need for Development

7.1 Policy Background

The starting point for any policy assessment should be the recognition of the acceptability of the principle of the proposed development, in this case the onshore transmission infrastructure associated with the West of Orkney offshore windfarm. The principle of the proposed development is supported from several policy perspectives:

- Scottish Government policy support through its 2020 Offshore Wind Policy Statement (backed up by wider UK Government policy as detailed in Chapter 6) sets out ambitions to capitalise offshore wind development and recognises the role this technology could play in meetings climate change targets.
- NPF4 National Development 3 on strategic renewable energy electricity generation and transmission infrastructure: "*supports electricity generation and associated grid connection throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply*".
- NPF4 recognises the significance of the global climate emergency, stating "*when considering the all development proposals significant weight will be given to the global climate and nature of the crisis*".
- NPF4 Policy 11 supports all forms of renewable energy including "*wind farms"* and "*enabling works such as grid transmission and distribution infrastructure*".
- HwLDP policies 67 and 69 indicate THC support for renewable energy development and electrical transmission infrastructure. CasPLan identifies that the north east as an Area of Energy Business Expansion. The associated HRES outlines THC support and targets for development renewable energy, including offshore wind.

7.2 Need for the Project

The UK requires renewable energy generation and new energy transmission infrastructure in order to:

· Reduce the carbon footprint of electricity generation capacity in order to achieve net zero climate change targets;

· Enable the transition from fossil fuels to renewable energy sources;

· Ensure adequate supply due to changes in the demands on transmission infrastructure; and

· Ensure security of supply through replacing and upgrading infrastructure systems to meet increased demands.

Further details on the need for the Project are outlined in chapter 2: Need for the Project of the Onshore EIA Report.

7.2.1 Renewable Generation and Emission Savings

The Project location has been strategically identified through the Scottish Government Sectoral Marine Plan (SMP) process and has been subject to Strategic Environmental Assessment (SEA), Habitats Regulations Appraisal (HRA), Socio-Economic Impact Assessment (SEIA) and an Island Communities Impact Assessment. If the Project does not proceed, a significant area

of seabed identified by the Scottish Government's SMP as suitable and made available for large-scale offshore wind development.

The Project has an expected capacity of around 2 GW and will be capable of powering the equivalent of more than two million homes with clean electricity. As such, it will provide a reliable source of energy and be a significant contribution to domestically sourced low carbon energy.

The UK Government has introduced a series of carbon 'budgets' for five-year periods, which function as interim targets to achieve the overall reduction in GHG emissions by 2050. The five-year budgets are currently set up to 2037. The CCC in 2022 outlined concerns that "current programmes will not deliver Net Zero" and the UK will be unable to meet carbon targets at the current rate of climate action, urging the UK Government to act urgently (CCC, 2022). It further goes onto state "The areas of strongest progress are backed and led by well-designed Government policy: Deployment of renewable electricity. Emissions from electricity generation have fallen by nearly 70% in the last decade. With offshore wind, business has shown that given the right market conditions and support it can cut costs dramatically and deploy low-carbon solutions rapidly".

This Project will help contribute to these urgent climate targets by generating approximately 332,499,816 Megawatt hours (MWh) of low carbon electricity during its 30-year operation and maintenance stage and will avoid emitting 16,489,285 tonnes Carbon Dioxide Equivalent (CO2E) into the atmosphere that would otherwise have been emitted from conventional, higher carbon emitting forms of energy generation (i.e., fossil fuels).

Due to the carbon savings that the operation and maintenance stage will produce from low carbon electricity generation, the Project is assessed in the offshore EIA Report Climate and carbon assessment as having a significant beneficial effect on the climate.

7.2.2 Security of Supply

Energy consumers need to have access to a reliable, secure and affordable energy supply. With the movement towards low carbon energy systems in order to support the UK and Scotland's net-zero targets this presents a real need for energy security, which includes the need to a secure energy supply; the need for new energy infrastructure; and the need to maximise economic and supply opportunities in Scotland and the UK. The First Minister recently stated that (Scottish Government, 2021d):

"*Countries must prioritise, as far as we can, an approach to energy security that focuses on sustainability, with measures to promote energy efficiency, and to accelerate the development renewable and low carbon energy*"

In emerging strategies and plans it is clear that development of renewable energy systems and transmission infrastructure are key to achieving these aims. The recent 'Draft Energy Strategy and Just Transition Plan' published by the Scottish Government in January 2023 highlights that development of Scotland's own resources and additional energy storage is key to energy security (Scottish Government, 2023a). The draft emphasises that:

"*In addition to building our renewable capacity, we also now need to focus significant efforts on decarbonising energy for heat, transport and industry, on reforming markets to ensure energy security and affordability, and on maximising the benefits from the transition to net-zero for our economy and our communities. The opportunities that creates are immense*."

The UK and Scotland need to secure large scale, low carbon sources of energy, and the development of offshore wind electricity and transmission systems will improve energy security, through low carbon means. This remains a priority for the UK Government and the Scottish Government, and the onshore Project, through supporting the transmission of low carbon electricity from offshore wind can provide a significant contribution to securing a low carbon home grown energy supply.

7.3 Socio-Economic Considerations

NPF4, in which offshore renewables is prominent within its policies, highlights that there is opportunity for offshore renewable developments to strengthen local economies, successfully regenerate, and secure long-term sustainability. It also states that offshore renewables will be at the heart of future well-being of the economy and is an important part of Scotland's energy transition. The HwLDP and CaSPlan have also stated that by 2030 Caithness and Sutherland will be a centre of excellence for energy and engineering, which this Project will contribute towards achieving by providing jobs through construction, operations and maintenance and decommissioning.

The construction and operation and maintenance stages of the Project will have a significant (minor to major) beneficial effect on the local economy and employment throughout the Highlands, Caithness and Sutherland and Orkney. A summary of these beneficial effects is provided below.

Scotland's National Strategy for Economic Transformation (March 2022) emphasises the role that the offshore renewables sector is expected to play in helping drive future prosperity and sustainability for the Scottish economy. The strategy highlights in particular the potential for substantial supply chain benefits and opportunities for new high-value jobs, as well as replacing jobs expected to be lost in the fossil fuels sector. The strategy also highlights the role that the offshore renewables sector is expected to play in supporting the objectives of the Regional Economic Partnership operating in the Highland and Islands region.

7.3.1 Supply Chain

Business sub-sectors have the potential to contribute to the supply chain for the Project, including the provision of civil engineering, transport services, and professional services.

A Supply Chain Development Statement (SCDS), which supports OWPL's commitment to invest in Scotland was prepared for the Project and submitted to CES in July 2021 as part of the ScotWind Leasing process. The SCDS sets out the commitment by OWPL to a £105 million investment in developing supply chain capacity within the UK. This includes over £9 million expected to be invested in upgrading ports and harbours in Caithness and Orkney. OWPL has set a target of 40% Project content sourced from Scotland, with a further 20% elsewhere in the UK.

7.3.2 Job Creation

During the construction stage, the Project in the spatial area of Caithness and Sutherland is estimated to generate an average annual total of 81 to 200 direct / indirect jobs, representing a temporary increase of 3.4% to 8.3% to the baseline employment figure. In the spatial area of Highland, the Project is expected to create an average total of 167 to 453 annual direct / indirect workforce jobs, resulting in a temporary increase of 0.71% to 1.9% to the baseline employment figure. In Orkney, the Project is anticipated to generate an average total of 123 to 281 direct / indirect workforce jobs during construction, representing a temporary increase of 7.7% to 17.6% to the baseline employment figure.

For the operation and maintenance stage, in Caithness and Sutherland, the Project would require an average permanent workforce of 93 to 115 workers per year. This would represent an increase of 3.9% to the baseline employment figure. In Orkney, the average annual operational stage expenditure would necessitate a local workforce of 13 to 15 jobs, resulting in a permanent increase of 0.79% to 0.96% to the baseline employment figure.

7.3.3 Gross Value Added (GVA)

During the construction stage, in the spatial area of Caithness and Sutherland, the Project's annual expenditure is expected to contribute an average annual total of £13.8 million to £29.7 million of GVA, representing a temporary increase of 2.6% to 5.5% to the baseline GVA figure. In Orkney, the Project's construction expenditure would result in an average annual GVA of £19.6 million to £40.8 million, representing a temporary increase of 3.1% to 6.4% to the baseline GVA figure.

For the O&M stage, in Caithness and Sutherland, the Project's expected annual operational expenditure would result in an overall average annual GVA of £28.8 million to £36.4 million, representing a permanent increase of 5.3% to 6.7% to the baseline GVA figure. In Highland, the expected overall average annual GVA during the operational stage would range from £34.6 million to £39.7 million, corresponding to an increase of 0.54% to 0.62% to the baseline GVA figure. In Orkney, the overall annual average increase in GVA during the operational stage is expected to be £3.5 million to £5.3 million, representing an increase of 0.55% to 0.83% to the baseline GVA figure.

7.3.4 Housing Needs

During the construction phase, according to the draft Housing Needs Demand Assessment (HNDA) produced by THC (draft HNDA, p92), there is expected to be a need for 385 additional dwellings in the Caithness local housing market area over the 10-year period to 2028/29 (i.e., an average of 38.5 p.a.). Adding extra demand for up to eight dwellings to this total would represent a temporary increase of around 21% to the baseline demand total.

During the operation and maintenance stage, there is expected to be a need for 385 additional dwellings in the Caithness local housing market area over the 10-year period to 2028/29. Adding extra demand for up to 114 dwellings to this total would represent an increase in demand of around 30% to the predicted future demand over this period. The magnitude of impact for housing demand during the operation and maintenance stage is therefore concluded to be High for Caithness under the worst case scenario.

7.3.5 Community Benefit Fund

Community benefit funds (CBF) are voluntary schemes created by developers to help local communities to benefit from commercial developments. The West of Orkney Windfarm is developing a CBF which will be available when the windfarm starts generating power in 2029. The CBF will be shared across communities in Caithness, Sutherland, and Orkney. Engagement with local communities will ensure that the fund is managed effectively and fairly. Discussions to date suggest a broad range of priorities from short-term to longer term strategic goals.

The Scottish Government are currently updating their ‘Good Practice Principles for Community Benefit from Offshore Renewable Energy Developments’ (Scottish Government, 2018), and consultation on new draft guidance will be ongoing throughout 2023 (Scottish Government, 2023). Further details on the socio-economic benefits of the Project are outlined in chapter 19: Socio-economics of the Offshore EIA Report.

7.4 Summary

The principle for the proposed development is clearly established in policy terms. When coupled with the need for the Project and the benefits it will provide, there exists a compelling basis for the proposed development. The Project will make an important and timely contribution to decarbonisation targets, security of supply and have a beneficial significant effect on local and national socioeconomics, thereby addressing all key aspects of Scotland and the UK’s legal obligations and existing and emerging Government policy.

8. Policy Assessment: Significant Residual Environmental Effects

8.1 Introduction

The EIA Regulations require that the EIA should consider the likely significant environmental impacts of the onshore Project. The decision process that defines whether or not a project is likely to significantly impact the environment is the core principle of the EIA process. The Regulations themselves do not provide a specific definition of "significance". However, the methods used for identifying and assessing impacts should be transparent and verifiable. The method used to define significance of environmental impacts for this onshore Project are detailed in the Onshore EIA Report chapter 7: EIA methodology.

Chapters 8 to 17 of the Onshore EIA Report detail the findings of the topic specific assessments undertaken as part of the EIA. The majority of the assessments indicate that with the proposed embedded and secondary mitigation the majority of residual environmental impacts will not be significant. The only identified significant residual environmental impacts are impacts on (i) the visual amenity of residential, recreational and tourist receptors during construction and (ii) from the long-term presence of the onshore substation (Chapter 17: Landscape and visual, Onshore EIA Report).

During construction, potential significant impacts are identified to the following visual receptors:

- Residents at Crosskirk, Forss, Halkirk, Hapsdale and scattered properties within the onshore export cable corridor;
- North Coast 500 route and National Cycle Route 1; and
- Core path at Crosskirk.

From the long-term presence of the substation the primary concern is loss of wide-open views. Of the eight viewpoints selected for assessment, immediately following construction (at year 1) significant impacts are identified at five viewpoints. By year 15 when screening planting is established, significant visual amenity impacts are predicted to be experience at three viewpoints only. These being:

- Viewpoint 4: A9, Spittal, at Road to Quarry, located 1.7 km to the west of the substation;
- Viewpoint 5: Junction of A9, Spittal and Road to Halkirk / Bridge Street, located 650 m to the north west of substation; and
- Viewpoint 6: Road to Halkirk at entrance to Hayfold Cottage, located 490 m to the north of the substation.

Identification of a significant residual impact in EIA terms does not necessarily mean conflict with Development Plan policies. The following paragraphs consider the proposed onshore substation in the context of relevant visual, Development Plan policy and other material considerations.

The following policies are relevant:

- NPF4 Policy 3: Biodiversity;
- NPF4 Policy 4: Natural places;
- NPF4 Policy 6: Forestry, woodland and trees;
- NPF4 Policy 7: Historic assets and places;
- NPF4 Policy 10: Coastal development;

- NPF4 Policy 11: Energy;
- NPF4 Policy 22: Flood risk and water management
- HwLDP Policy 23: Health and safety;
- HwLDP Policy 28: Sustainable design;
- HwLDP Policy 29 Design quality and place-making
- HwLDP Policy 30: Physical constraints;
- HwLDP Policy 36: Development in the wider countryside;
- HwLDP Policy 49 Coastal development;
- HwLDP Policy 51: Trees and development;
- HwLDP Policy 61: Landscape; and
- HwLDP Policy 69: Electricity transmission infrastructure; and
- HwLDP Policy 77: Public access;
- Physical Constraints (THC 2013e);
- Special Landscape Area Citations (THC, 2011);
- Sustainable Design Guide (THC, 2013g);
- Visualisation Standards for Wind Energy Developments Supplementary Guidance (THC, 2016a);
- OWESG (THC 2016b) and OWESG Addendum 'Part 2b' (THC, 2017).

8.2 All Onshore Works

NPF4 Policy 11 and **HwLDP Policy 69** support proposals for renewables and associated infrastructure recognising their strategic significance. The onshore Project is located in **CasPlan Spatial Strategy Area of Energy Business Expansion** which identifies the importance of maximising opportunities arising from offshore renewables such as employment generation. These policies apply to the proposed Project as a whole.

HwLDP Policy 30 Physical Constraints Developments and Physical Constraints Supplementary Guidance, which states that development must demonstrate compatibility with the constraints or provide appropriate mitigation measures, applies to the entirety of the onshore Project. An extensive constraints analysis exercise has informed the selection of the onshore Project area (cable landfalls, cable route corridors and the substation area of search) and has resulted in the avoidance of a wide range of constraints, including landscape designations (**THC Supplementary Guidance Special Landscape Area Citations**).

Similarly**, NPF4 Policy 6: Forestry, woodland and trees** and **HwLDP Policy 51 Trees and Development** apply to the entirety of the onshore Project. The value of trees, including their use as a screening for impacts from construction and permanent infrastructure, are recognised in the Chapter 12 Land Use and other users, including forestry, Onshore EIA Report. The majority of woodland will be avoided, however where this is not possible, compensatory planting will be undertaken in line with an agreed compensatory planting plan, that will be secured via matters specified in conditions. The retention of existing hedgerows in the vicinity of the onshore substation has been a specific consideration in the design of landscaping at the substation.

8.3 Landfall Works and Cable Corridor

By definition, the landfall elements of the Project require a coastal location and this is recognised in **NPF4 Policy 10: Coastal development** and **HwLDP Policy 49 Coastal Development**. The latter policy states that particularly important factors to be

considered in the design of the development are landscape impact and effect on the setting of coastal communities. The permanent infrastructure located in the coastal area will largely be buried with the exception of manhole covers and a permanent access track. Construction impacts from the presence of cable installation equipment and laydown areas etc will only be temporary in nature, however due to the close proximity of some visual receptors, potentially significant impacts have been identified.

HwLDP Policy 61: Landscape and OWESG, is relevant in general terms, applying to the landfall works and the cable corridor. It states 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. The cable works are largely buried, other than some limited permanent infrastructure in the form of manhole covers and tracks. The use of buried cables as opposed to overhead electricity lines and their associated towers, is significant mitigation of the potential visual (and landscape) impacts. The residual above ground infrastructure is minimal and will not result in long term significant visual impacts beyond the short term construction related impacts.

With respect to potential visual (and other) impacts during construction on residents at Crosskirk, Forss, Halkirk, Hapsdale and scattered properties within the onshore export cable corridor, the siting of construction compounds and lay down areas will as far as possible respond to sensitive receptors. In addition, if necessary and where possible, screening will be utilised to reduce impacts on specific receptors. The same will also apply with regards to the management of potential significant impacts on users of the core path at Crosskirk during the construction phase of the Project. This is in line with **HwLDP Policy 30 Physical Constraints Developments and Physical Constraints Supplementary Guidance**, which states that development must demonstrate compatibility with the constraints or provide appropriate mitigation measures.

In line with **HwLDP Policy 77 Public access and OWESG**, public access to St Mary's Chapel core path (or equivalent) at Crosskirk, will be maintained during construction.

Users of the North Coast 500 route and National Cycle Route 1 will only have transient significant impacts during the construction stage.

Wider mitigation over and the above include:

- Construction:
  - Implementation of a Construction Environmental Management Plan to avoid disturbance or damage to the baseline landscape character;
- Operation and maintenance:
  - Landscape Restoration Plan for the export cable corridor which will establish the principles for landscape reinstatement post construction including specifications for stripping and stock piling of sub soil and top soil, respreading planting and seeding.

8.4 Onshore Substation

The onshore substation will introduce large scale energy infrastructure into farmland, replacing agricultural fields. The onshore substation is located immediately adjacent to the existing SHET-L Spittal substation and overhead lines, where the existing landscape is influenced by existing large scale energy infrastructure. The proposed landscape bunds will physically and visually contain the onshore substation. In addition, Spittal and Achanarras Hills and the associated vegetation provide containment of the onshore substation and it surrounds, including the proposed bunding.

The key factors that influenced the selection of the substation area of search were proximity to the point of grid connection detailed in the grid connection offer, i..e at or near Spittal, Caithness and the availability of as unconstrained as possible area required for the substation infrastructure, i.e. ~ 24 hectares, in line with **HwLDP Policy 30 Physical Constraints and Physical Constraints Supplementary Guidance**. This led to the selection of the area to the west of the A9 trunk road, immediately north of the existing SHET-L Spittal substation.

An indicative layout for the onshore substation is proposed at this stage, with detailed design to be undertaken at a later stage. Despite this, there has been a process of landscape and visual led design evolution to address the landscape and visual effects and established mitigation principles that from embedded mitigation for the onshore substation and minimise the amount of land required in line with **NPF4 Policy 4: Natural places.**

Following the early identification of an area of search for the substation, in order to maximise natural screening the indicative location and platform was amended to address the following recommendations:

(i) Locate the substation as low as possible in the landscape;

(ii) Undertake land forming to screen the site from key sensitive views as far as reasonable practical; and

(iii) Introduce planting in order reenforce the screening.

Taking into account the above, the indicative design onshore substation was defined to be a long thin arrangement that could be located on the lower part of the substation area of search and maximise its distance from the A9 trunk road.

The indicative onshore substation layout was developed through a series of design workshops with the Project development and technical teams, alongside other EIA specialists (specifically archaeological and noise specialists). This ensured the indicative layout was technically feasible, including the gradient of access into the onshore substation, balancing cut and fill, implementing noise mitigation measures, and avoiding earthworks within the flood risk area along the Burn of Achanarras, in line with **NPF4 Policy 22: Flood risk and water management** and also took account of other mitigation requirements with respect to archaeological setting in line with **NPF4 Policy 7: Historic assets and places**. The potential for the landscaping bunds to provide noise impact mitigation were also taken account of in the mitigation design, in line with **HwLDP Policy 23: Health and Safety**. Where possible existing natural (in line with **HwLDP Policy 51 Trees and Development**) and physical features have been retained and as part of the wider package of landscape and visual mitigations have been enhanced.

Based on design development and consultation with THC and other stakeholders, the following presents the design principles agreed for the onshore substation, which reduce potential impacts on both landscape and visual receptors:

Site location: The preferred location for the development platform location has been identified within the substation area of search, located to the north-west where it would make use of the natural enclosure provided by the Burn of Achanarras and Achanarras and Spittal Hills. The preferred location for the development platform is located north of the access track to reduce the extent of cut and fill required and enable the development platform to be relatively low-lying in the landscape and set back from the A9(T). The site avoids an area of croft land to the north east;

Site design: A linear arrangement is the preferred arrangement to enable the onshore substation to be set back from the A9(T) and respond to the existing terrain to reduce the extent of cut and fill required and ensure a better ‘landscape fit’;

Development platform height and levels: The preferred level for the development platform level is set at 70 m AOD to balance cut and fill and achieve the best ‘landscape fit’ for a large, linear platform, with a maximum development height of 13.5 m (83.5 m AOD);

Colours: Buildings and structures will be coloured in a recessive colour such as dark brown or dark grey;

Landscape screening: Landscape bunds will be the principal means of screening the onshore substation, and the following principles for the bunding design have been agreed:

Slopes will be varied, with an average slope of 1:6, and a recommended maximum slope of 1:4 to the outer faces;

- 'Internal' slopes adjacent to the development platform can be steeper and/or make use of retention;
- The bunds will have rounded and varied tops and toes, and their shape will respond to the existing landforms within the surrounding context where possible;

The maximum height of the landscape bunds will be determined by the requirement to screen the onshore substation from the surrounding visual receptors and for noise mitigation;

- No level changes are possible within the flood plain; and
- No bunding is possible over the cable corridors around the development platform.

Landscape planting: Where possible existing hedgerows are being maintained. Proposed native planting will be used to soften views of the proposed bunds and to integrate the bunds into the wider landscape. The planting will be designed to enhance biodiversity, in line with **NPF4 Policy 3: Biodiversity**, within the onshore substation area, including a mix of wildflower meadow, shrub planting and mixed native woodland; and

Landscape restoration: areas temporarily disturbed during construction will be restored to their previous condition.

The approach described above is in line with the requirements of a number of different relevant polices as detailed below. The design principles detailed above will be secured via the Construction Method Statement for the onshore substation that will subject to matters specified in conditions:

- **HwLDP Policy 28: Sustainable design**; Demonstrating high-quality design with sensitive siting that is in keeping with the local character and environment.
- **HwLDP Policy 29 Design Quality and Place-Making**, which encourages applicants and developers to demonstrate sensitivity and respect towards the local distinctiveness of the landscape, design and layouts in their proposals and to have regard to the historic pattern and landscape in the local area.
- **HwLDP Policy 36 Development in the Wider Countryside**, which requires development to be sympathetic to the existing patterns of development and compatible with landscape character and capacity. Avoidance, where possible, of the loss of croft land which is important locally.
- **HwLDP Policy 61: Landscape**, which states 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.

Wider mitigation over and above the design principles identified above include:

- Construction:
  - Implementation of a Construction Environmental Management Plan to avoid disturbance or damage to the baseline landscape character;
- Operation and maintenance:
  - Landscape Strategy Plan for the onshore substation with planting schedules specifying the species, density and size of plants.
  - A Landscape Biodiversity Management Plan to illustrate how the proposed planting will be established and maintained to meeting the landscape and visual ecological objectives

The proposed mitigation measures minimise impacts as much as possible and ensure impacts, which are in some cases significant, can be considered localised.

A number of development policies support the development of renewable energy projects, given the wider benefits of the proposed development as it relates to the Project, including **HwLDP Policy 28: Sustainable design**; which indicates the support to projects that contribute to the economic and social development of the community, and **HwLDP Policy 36 Development in the Wider Countryside** which states states renewable energy development proposals should be assessed assessed against the renewable energy policies, and the non-statutory Highland Renewable Energy Strategy (HRES). The HRES strategy aims to ensure that, overall, the advantages presented by renewables outweigh the disadvantages for most people and for the wider environment.

NPF4 is also a significant consideration and in respect of landscape and visual impacts ratifies this conclusion stating that where impacts are localised, which is demonstrated by the findings of the EIA, and have been mitigation, which as demonstrated above they have been, the proposed development will generally be considered acceptable.

8.5 Summary

Whilst the Onshore EIA Report identifies significant visual receptor impacts associated with landfall and cable works during construction and from the long term presence of the onshore substation, those impacts have been minimised to the extent that the aspirations of HwLDP Policies 36, 57 and 69 are met to the fullest extent possible.

The test introduced by NPF4's Policy 11 e(ii) i.e. that impacts are localised and appropriate design mitigation applied, has been met, the proposed development should be considered acceptable in landscape and visual terms.

9. Policy Assessment: Remainder

9.1 Introduction

This section sets out the assessment of compliance to the Development Plan (i.e. NPF4, HwLDP, CaSPlan and Supplementary Planning Guidance) and wider considerations by using an evidence-based approach drawn from the Onshore EIA Report which is widely referenced throughout this assessment. Each environmental topic assessed within the Onshore EIA Report is linked to the relevant planning policies which accord to that assessment, and overall conclusions are drawn as to the level of compliance (Sections 9.2 to 9.10).

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, CaSPlan and Supplementary Planning Guidance (as under the NPF4) as per section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended). The Environment Strategy of CaSPlan refers directly to the HwLDP, and therefore the policies from the HwLDP and associated Supplementary Guidance are considered the primary local policy test in this area, however reference has been made to the relevant specific CaSPlan visions and strategies as appropriate.

The following sections correspond directly to the chapters presented within Volume 1 of the Onshore EIA Report.

It should be noted that this section presents a high-level summary of residual effects, and more detail is contained in the Onshore EIA Report topic specific chapters and in the Non-Technical Summary for the onshore Project.

In addition to topic specific mitigations that are highlighted within the following sections there are Project wide mitigations such as a Construction Environmental Management Plan (CEMP), Decommissioning, Restoration and Aftercare Plan that will be subject to matters specified in condition and finalised and agreed with THC prior to construction taking place. These will be adhered to throughout the lifecycle of the Project.

All mitigations identified in the following sections will be implemented via matters specified in conditions.

9.2 Geology and Hydrology

The statutory policies identified to be of relevance to geology and hydrology (chapter 8: Geology and hydrology) in the context of the onshore Project are outlined below:

- NPF4 Policy 5: Soils;
- NPF4 Policy 22: Flood risk and water management;
- HwLDP Policy 55: Peat and soils;
- HwLDP Policy 62: Geodiversity;
- HwLDP Policy 63: Water environment;
- HwLDP Policy 64: Flood risk;
- HwLDP Policy 65: Waste Water Treatment;
- HwLDP Policy 66: Surface water drainage;
- HwLDP Policy 72: Pollution;

- Flood Risk and Drainage Impact Assessment Supplementary Guidance (THC, 2013a); and
- CaSPlan Environment and Heritage Strategy.

The potential effects upon geology and hydrology during the construction, operation and maintenance of the onshore Project were identified to not be significant in EIA terms. This included the potential impact upon ground flows and levels, soil compaction and erosion, changes to soil and groundwater quality, changes in flow to and / or contamination of vulnerable receptors, contamination of surface watercourses or waterbodies, changes to surface water runoff, risk of flooding to the development and increased risk of flooding in areas downstream and interactions with contaminated land.

The onshore Project area selection and comparatively small-scale intrusion of HDD works has resulted in minimal impact upon protected geological features. Trenches for cabling and associated impact upon superficial geology will be backfilled with excavated material once the cabling is complete, and therefore no significant residual effects are predicted. There is potential for soil compaction and erosion from construction vehicle movements, however movement will be planned to minimise this along with temporary tracks and full reinstatement works. The are overlaps with two know private water supplies and over laps with the Loch Calder and Loch Calder Surface catchment surface water Drinking Water Protected Areas (DWPAs). Mitigation captured within a drainage strategy (such as silt fencing, installation of soil bunds downslope) will be followed to mitigate impacts towards the private water supplies. The DWPAs source are located upstream of the onshore Project area and there for unlikely to be affected. Additionally there are very small pockets of shallow peat located within the onshore Project area, particularly in the areas of Moss of Giese and Yellow Moss / Bloody Moss. A Peat Management Plan (PMP) will be finalised and followed throughout construction and given the low quantities of peat found in the area it was considered not to be significantly impacted by the onshore Project. River flooding has a high likelihood along the channels of the Forss Water, River Thurso, Burn of Achanarras, Halkirk Burn and Calder Burn and associated minor tributaries, an area with high likelihood of surface water flooding is present in the main channel of the Forss Water between Forss and Crosskirk Bay. The onshore cable route will avoid high risk flooding areas where practicable, where this isn't possible the cable circuits will be designed to be flood resilient.

A pollution prevention plan will be provided, post consent, as part of the finalised Construction Environmental Management Plan (CEMP). The CEMP incorporates the embedded mitigations for both geological and hydrological aspects. Additionally, there will be minimisation of watercourse crossings where possible and a PMP and Drainage Strategy (an outline of which has been submitted alongside this application) will be finalised post-consent. With these mitigation measures and plans in place there is considered to be no significant residual effect upon hydrological receptors. In addition, no evidence of anthropogenic radioactive contamination in the soils was identified, which would suggest that any risk of mobilisation would be negligible.

With the implementation of embedded mitigation and the conditioning of mitigation measures, the onshore Project will not have any adverse significant residual effects on geology and hydrology; it therefore complies with NPF4 policies 5 and 22, HwLDP policies 55, 62, 63, 64, 65, 66, 72 and Supplementary Guidance and CaSPlan environment and heritage strategy.

9.3 Freshwater Ecology

The statutory policies identified to be of relevance to freshwater ecology (chapter 9: Freshwater ecology) in the context of the onshore Project are outlined below:

- NPF4 Policy 3: Biodiversity;
- HwLDP Policy 58: Protected species;
- HwLDP Policy 59: Other important species;

- HwLDP Policy 60: Other important habitats and Article 10 features;
- Highland's Statutory Protected Species Supplementary Guidance (THC, 2013b); and
- CaSPlan Environment and heritage.

The potential effects upon freshwater ecology during the construction, operation and maintenance of the onshore Project were identified to not be significant in EIA terms. This assessment considered mortality of important freshwater ecology receptors, damage to key freshwater habitats and interruption to fish passage.

The onshore Project area was selected to avoid all designated site, with the exception of the River Thurso SAC which was unavoidable (designated for Atlantic salmon (*Salmo salar)*) which runs across the onshore Project area. The use of the technique of HDD will however mitigate the need to undertake works in the River Thurso as this will drill deep below the river. Additional embedded mitigations include avoidance of sensitive timings and areas, sustaining passage of fish at watercourse crossing locations, fish rescues at all working areas should they be required, sufficient burial depths to avoid Electromagnetic Fields (EMF), the use of an Ecological Clerk of Works (ECoW) (to undertake pre construction checks, ensure all activities are compliant with planning conditions and associated management plans) and no post-construction channel barriers have also been included.

An Aquatic Monitoring Plan will be developed post consent and will include controls to quantify a baseline ecological standard. With these mitigation measures and plans in place no significant residual effects upon freshwater ecology receptors are predicted.

Separately from the embedded mitigation proposed the Project has provided an outline Biodiversity Enhancement Plan alongside the PPP application. This sets out three onshore enhancement opportunities that the Project proposes to set up.

With the implementation of embedded mitigation and the conditioning of mitigation measures, the onshore Project will not have any adverse significant residual effects on freshwater ecology; it therefore complies with NPF4 policy 3, HwLDP policies 58, 59, 60 and Supplementary Guidance and CaSPlan Environment and Heritage strategy.

A RIAA was carried out upon the River Thurso SAC in order to inform THC's Appropriate Assessment. The RIAA concluded that the onshore Project will not adversely affect the integrity of the designated site.

9.4 Terrestrial Non-avian Ecology

The statutory policies identified to be of relevance to terrestrial non-avian ecology (chapter 10: Terrestrial non-avian ecology) in the context of the onshore Project are outlined below:

- NPF4 Policy 3 Biodiversity;
- NPF4 Policy 4 Natural places;
- NPF4 Policy 5 Soils;
- NPF4 Policy 6 Forestry, woodland and trees;
- NPF4 Policy 29 Rural development;
- HwLDP Policy 51: Trees and development;
- HwLDP Policy 52: Principle of development in woodland;
- HwLDP Policy 58: Protected species;
- HwLDP Policy 59: Other important species;
- HwLDP Policy 60: Other important habitats and article 10 features;
- Highland's Statutory Protected Species Supplementary Guidance (THC, 2013b); and

- CaSPlan Environment and heritage strategy.

The potential effects upon terrestrial non-avian ecology during the construction, operation and maintenance of the onshore Project were identified to not be significant in EIA terms. This assessment included habitat loss due to land-take; disturbance and damage / injury to habitats or protected species; indirect effects on habitats or protected species (e.g., pollution, sedimentation or accidental spillage) and reduction in deer welfare.

The onshore Project area was selected to avoid all designated non-avian ecology sites. The primary area of habitat concern identified is Groundwater-dependent terrestrial ecosystems (GWDTEs), however the use of clay plugs will be utilised in areas where depths are greater than 1 m and within 250 m of GWDTEs and a buffer of 100 m for excavations less than 1 m depth will be used. Additional embedded mitigations include avoidance of sensitive timings and areas, development of a Species and Habitat Protection Plan (SHPP), no de-vegetation works within 50 m of the cliff edge, return location to pre-construction state (high sensitivity habitats), pollution prevention and the use of an ECoW.

A SHPP, Deer Management Plan and a pollution prevention plan will be developed post consent. The SHPP will be a separate document and a pollution prevention plan and Deer Management Plan will form part of the finalised CEMP (an outline of which has been submitted alongside this application). With these mitigation measures and plans in place no significant residual effects upon terrestrial non-avian ecology receptors are predicted.

Separately from the embedded mitigation proposed the Project has provided an outline Biodiversity Enhancement Plan alongside the PPP application. This sets out three onshore enhancement opportunities that the Project proposes to set up.

With the implementation of embedded mitigation and the conditioning of mitigation measures, the onshore Project will not have any adverse significant residual effects on terrestrial non-avian ecology; it therefore complies with NPF4 policies 2, 3, 4, 5, 6 and 29, HwLDP policies 51, 52, 58, 59, 60 and Supplementary Guidance and CaSPlan Environment and Heritage Strategy.

A RIAA was carried out upon the Caithness and Sutherland Peatlands SAC / Ramsar (located approximately 5.4 km west of the onshore study area) for Otter (*Lutra lutra*) in order to inform THC's Appropriate Assessment. The RIAA concluded that the onshore Project will not adversely affect the integrity of the designated site.

9.5 Terrestrial Ornithology

The statutory policies identified to be of relevance to terrestrial ornithology (chapter 11: Terrestrial ornithology) in the context of the onshore Project are outlined below:

- NPF4 Policy 3 Biodiversity;
- NPF4 Policy 4 Natural places;
- HwLDP Policy 58: Protected species;
- HwLDP Policy 59: Other important species;
- Highland's Statutory Protected Species Supplementary Guidance (THC, 2013b); and
- CaSPlan Environment and heritage strategy.

The potential effects upon terrestrial ornithology during the construction, operation and maintenance of the onshore Project were identified to not be significant in EIA terms. This assessment considered loss of habitat used by birds for nesting, foraging, and roosting due to land-take; mortality, disturbance and damage / injury of important terrestrial ornithological receptors; effects on habitats used by birds e.g. due to pollution or sedimentation.

The onshore Project area was selected to avoid all designated terrestrial ornithology site. Primary features of concern include all breeding birds, schedule 1 birds and those associated with the Caithness Lochs SPA (Loch Calder). Pre-construction checks will be conducted ahead of construction works by a suitably qualified ECoW to check for signs of breeding birds and maintaining 50 m distance from cliff edge will be required. Additional embedded mitigations include avoidance of sensitive timings and areas, development of SHPP, return location to pre-construction state, pollution prevention. For those species associated with the Caithness Lochs SPA (whooper swan (*Cygnus cygnus*), greylag goose (*Anser anser*), Greenland white-fronted goose (*Anser albifrons flavostris*) it is specified that appropriate distances from important feeding areas should be considered (500 m for Greenland white-fronted goose, whooper swan and greylag goose and 600 m for breeding greylag goose). Where this buffer is not possible a suitably qualified ECoW will be present to monitor these species and take appropriate action where necessary.

A SHPP and a pollution prevention plan will be developed post consent. The SHPP will be a separate document and the pollution prevention plan will form part of the finalised CEMP (an outline of which has been submitted alongside this application, not including the pollution prevention plan). With these mitigation measures and plans in place no significant residual effects upon terrestrial non-avian ecology receptors are predicted.

Separately from the embedded mitigation proposed, the Project has provided an outline Biodiversity Enhancement Plan alongside the PPP application. This sets out three onshore enhancement opportunities that the Project proposes to set up.

With the implementation of embedded mitigation and the conditioning of mitigation measures, the onshore Project will not have any adverse significant residual effects on terrestrial ornithology; it therefore complies with NPF4 policies 2, 3 and 4, HwLDP policies 58, 59 and Supplementary Guidance and CaSPlan Environment and Heritage Strategy.

A RIAA was carried out upon the North Caithness Cliffs SPA, Caithness Lochs SPA / Ramsar and Caithness and Sutherland Peatlands SPA / Ramsar (located approximately 1.4 km, 1.6 km and 5.4 km from the onshore study area, respectively) in order to inform THC's Appropriate Assessment. The RIAA concluded that the onshore Project will not adversely affect the integrity of these designated sites.

9.6 Land Use and Other Users (Including Forestry)

The statutory policies identified to be of relevance to land use and other users (chapter 12: Land use and other users, including forestry) in the context of the onshore Project are outlined below:

- NPF4 Policy 3: Biodiversity;
- NPF4 Policy 4: Natural places;
- NPF4 Policy 6: Forestry, woodland and trees;
- NPF4 Policy 7: Historic assets and places;
- NPF4 Policy 29: Rural development;
- HwLDP Policy 34: Settlement development areas;
- HwLDP Policy 35: Settlement development areas;
- HwLDP Policy 36: Development in the wider countryside;
- HwLDP Policy 42: Previously used land;
- HwLDP Policy 51: Trees and development;
- HwLDP Policy 52: Principle of development in woodland;

- HwLDP Policy 55: Peat and soils;
- HwLDP Policy 56: Travel;
- HwLDP Policy 57: Natural, built and cultural heritage;
- HwLDP Policy 61: Landscape;
- HwLDP Policy 74: Green network;
- HwLDP Policy 77: Public access;
- HwLDP Policy 78: Long distance routes;
- Trees, Woodlands and Development Supplementary Guidance (THC, 2013h);
- CaSPlan Environment and heritage; and
- CaSPlan Employment.

The potential effects upon land use and other users, including forestry during the construction, operation and maintenance of the onshore Project were identified to not be significant in EIA terms. This assessment considered temporary loss of agricultural land and soils (including peatland), temporary loss of forestry due to felling, temporary impacts upon tourism and recreational assets, temporary interference with infrastructure, long term loss of agricultural land and soils including peatland and long-term loss of forestry. The land found within the onshore Project area is considered to be of mostly low-value.

The primary area of concern identified is the loss of forestry, agricultural land and impact on tourism / recreation. All land, where possible, will be reinstated to its original use, the need to fell any forestry / woodland has been minimised through avoidance and will continue to be minimised through detailed design, post consent. Impacts upon tourism / recreation will be minimised where possible, particularly maintaining access at all times to core paths. Additional embedded mitigations include compensatory planting, restoration to pre-construction state and protection of water supplies for livestock.

An outline CEMP and an outline PMP has been submitted alongside this application and will be finalised post-consent. The PMP will be part of the finalised CEMP. Additionally, engagement with landowners affected by the onshore Project will be sought prior to and throughout the construction stage. With these mitigation measures and plans in place no significant residual effect upon land use and other users, including forestry receptors are predicted.

With the implementation of embedded mitigation and the conditioning of mitigation measures, the onshore Project will not have any adverse significant residual effects on land use and other users (including forestry); it therefore complies with NPF4 policies 2, 3, 4, 6, 7 and 29, HwLDP policies 34, 35, 36, 42, 51, 52, 55, 56, 57, 61, 74, 77, 78 and Supplementary Guidance and CaSPlan Environment and Heritage and Employment strategies.

9.7 Terrestrial Archaeology and Cultural Heritage

The statutory policies identified to be of relevance to terrestrial archaeology and cultural heritage (chapter 13: Terrestrial archaeology and cultural heritage) in the context of the onshore Project are outlined below:

- NPF4 Policy 7: Historic assets and places;
- HwLDP Policy 57: Natural, built and cultural heritage;
- Highland Historic Environment Strategy (THC, 2013c);
- Reporting Standards for Archaeological Work (THC, 2023); and
- CaSPlan Environment and heritage strategy.

The potential effects upon terrestrial archaeology and cultural heritage during the construction, operation and maintenance of the onshore Project were identified to not be significant in EIA terms. This assessment considered loss of or damage to known

onshore historic environment assets; loss or damage to unknown onshore historic environment assets; loss of or damage to deposits of paleoenvironmental or geoarchaeological interest; temporary changes to the setting of historic environment assets; and long-term changes to the setting of onshore historic environment assets that reduces their value.

The onshore Project has committed to avoiding designated assets and medium- to high-value non-designated assets across the onshore Project area. Additional embedded mitigations include an Archaeological Management Plan, archaeological clerk of works (who will be responsible for the implementation of the Archaeological Management Plan), preparation of a written scheme of investigation (WSI), screening of the substation through bunding and planting and reinstatement of terrain and ground cover. A setting assessment for those assets that are likely to be impacted by the onshore substation concluded that the setting will not have a significant residual impact should the proposed screening be utilised. These assets are the Benachie cairn (SM2400), Achanarras Hill North hut circle (SM 2402) and Achanarras cairn (SM 2401) which will be screened by planting and bunding round the substation perimeter.

An outline CEMP (OMP 1: Outline CEMP) is provided alongside the application for PPP and the final CEMP will be secured through conditions attached to the PPP. With these mitigation measures and plans in place no significant residual effects upon terrestrial archaeology and cultural heritage assets are predicted.

With the implementation of embedded mitigation and the conditioning of mitigation measures, the onshore Project will not have any adverse significant residual effects on terrestrial archaeology and cultural heritage assets, it therefore complies with NPF4 policy 7, HwLDP policy 57 and Supplementary Guidance and CaSPlan Environment and Heritage Strategy.

9.8 Air Quality

The statutory policies identified to be of relevance to air quality (chapter 14: Air quality) in the context of the onshore Project are outlined below:

- NPF Policy 23: Health and safety; and
- HwLDP Policy 73: Air quality.

The potential effects upon air quality during the construction, operation and maintenance of the onshore Project were identified to not be significant in EIA terms. Embedded mitigations, include ensuring an adequate water supply on site to suppress dust / particular matter, avoidance of dust causing activities at sensitive locations and site inspections. This assessment included dust emissions associated with onshore Project works involved at static sites and dust associated with mobile activity (onshore cable laying).

It is identified that low intensity impact from dust is likely to occur and will be highly localised. A Dust and Air Quality Management Plan (DAQMP) will be produced as part of the finalised CEMP (post-consent). An outline CEMP (OMP 1: Outline CEMP) is provided alongside the application for PPP. With these mitigation measures and plans in place it is identified that there is no significant residual effect upon air quality receptors.

With the implementation of embedded mitigation and the conditioning of mitigation measures, the onshore Project will not have any adverse significant residual effects on air quality; it therefore complies with NPF4 and HwLDP policy 73.

9.9 Noise and Vibration

The statutory policies identified to be of relevance to noise and vibration (chapter 15: Noise and vibration) in the context of the onshore Project are outlined below:

- NPF4 Policy 11: Energy
- NPF4 Policy 23: Health and safety; and
- HwLDP Policy 72: Pollution.

The potential effects upon noise and vibration during the construction, operation and maintenance of the onshore Project were identified to not be significant in EIA terms. This included onshore construction noise associated with construction of onshore components for the landfall, onshore export cables and onshore substation; ground-borne vibration associated with the construction of onshore components for the landfall, onshore export cables and onshore substation; onshore construction noise associated with vehicle use; and operational noise associated with operation and maintenance of onshore components at the substation.

The primary area of concern identified is the operational noise associated with operations and maintenance of the onshore substation. Following consultation with THC it was agreed that noise rating levels would not exceed 25dB(A) at night (instead of background levels) or 30dB at 100Hz, this was due to the nature of the location and taking into consideration the contextual factors such as the absolute level of noise which can be more relevant than the difference with the background noise. Embedded mitigation for this includes installation of screening in the form of landform bunds around the onshore substation, the use of noise reducing equipment include vibration isolation pads and the use of best practicible means during construction. Additionally, during construction the times proposed by THC (Mon – Fri 8:00 – 19:00 and Sat 8:00 – 13:00) will be adhered to, where appropriate, for noisy activities. Where this is not possible (such as night-time HDD activities) further consultation will be had with THC and landowners prior to works being undertaken.

A Noise and Vibration Management Plan (NVMP) will be developed and appended to the CEMP post consent. With these mitigation measures and plans in place ino significant residual effects upon noise and vibration receptors are predicted.

With the implementation of embedded mitigation and the conditioning of mitigation measures, the onshore Project will not have any adverse significant residual effects on noise and vibration receptors; it therefore complies with NPF4 policies 11 and 23 and HwLDP policies 67 and 72.

9.10 Access, Traffic and Transport

The statutory policies identified to be of relevance to access, traffic and transport (chapter 16: Access, traffic and transport) in the context of the onshore Project are outlined below:

- NPF4 Policy 11 Energy
- NPF4 Policy 13: Sustainable transport;
- HwLDP Policy 67: Renewable energy development;
- Roads and Transport Guidelines for New Developments Supplementary Guidance (THC, 2013f); and
- CaSPlan Connectivity and transport.

The potential effects upon access, traffic and transport during the construction, operation and maintenance of the onshore Project were identified to not be significant in EIA terms. This assessment considered impacts on road users as a result of the increased generation of traffic, impact on road safety as a result of the generation of increased traffic, impacts on local community and impact on road carriageway, verges and associated structures.

During construction it was identified that there would be increased traffic generation across the onshore Project area with key areas of concern being associated within the settlements of Thurso and Halkirk. Construction traffic will be focussed on temporary access tracks such as haul roads and will be routed via the A9 to minimise use of C and Unclassified roads. Limits around times and on speed around schools will be put in place. Additional embedded mitigations include the construction of additional laybys and structural works, use of roadworthy Heavy Goods Vehicles (HGVs), adequate road traffic management and banksmen and maximised HGV loads.

An outline Construction Traffic Management Plan (CTMP) has been submitted alongside this application and will be finalised post-consent. Additionally, an Abnormal Loads Assessment (ALA) has been undertaken for the transport of the onshore substation transformer units at the known access locations. This provided to be a feasible route from Scrabster harbour where there may be removal of some street furniture and the need for night time transport. There will be road conditions surveys conducted pre-construction and post-construction across all construction routes and passing places (with the exception of the A9 and A836[1]) to identify areas of damage caused by construction vehicles. Where possible, improvements will be made to roads (such as structural improvements and additional laybys) which falls in line with **CaSPlans Connectivity and transport vision.** With these mitigation measures and plans in place no significant residual effects upon access, traffic and transport receptors are predicted.

With the implementation of embedded mitigation and the conditioning of mitigation measures, the onshore Project will not have any adverse significant residual effects on access, traffic and transport; it therefore complies with NPF4 policies 11 and 13, HwLDP policy 67 and Supplementary Guidance and CaSPlan Connectivity and transport vision.

[1] The A9 and A836 are considered to be of low sensitivity to wear and tear and due to the volume of other users on these roads any wear and tear cannot be apportioned to the Project alone.

10. Stakeholder Engagement, Including Community Consultation

Early and ongoing engagement with stakeholders is an important part of EIA best practice and the development of any project. It allows the integration of public and stakeholder concerns, opinions and data to inform decisions about the Project. The Project is committed to significantly exceeding its statutory obligations as it sees to build effective and long-term working relationships with the Project's stakeholders, including local communities. To this end OWPL has pro-actively engaged with all key stakeholders and the public, and as such, have undertaken a significant volume of engagement since the early stages of the Project.

Seeking to build long-term and effective working relationships with all of the stakeholders, the Project fully recognises the need for openness and transparency during engagement. They have been consulted through a wide variety of traditional and innovative stakeholder activities, including virtual exhibitions, live webinars, mobile exhibitions, village hall events, an information session at a festival, presentations at conferences and supply chain seminars. Ahead of the applications, public and community engagement has been achieved through public consultation events (including the Pre-Application Consultation (PAC) events), Project presence at informal public events and through the Community Panels.

In order to gather views and feedback on the Project in a systematic way, a questionnaire was designed. Attendees at all events have been encouraged to fill out a complete the community questionnaire, which was available to participants who attended public consultation events, on QR codes located on the leaflets, on the website, and hard copies could be sent and returned by post, if requested. The community questionnaire was also promoted via posters, press activity, and was circulated through the Community Panels and Technical Working Groups. Further questionnaires were launched during the first PAC event in May 2023: one focusing on the onshore infrastructure associated with the Project and a second seeking ideas around the proposed West of Orkney Windfarm community benefit fund.

In addition to the PAC events, OWPL organised additional public consultation events and were present at informal public events through Caithness, Sutherland and Orkney. Various other methods of communication were used to engage with the wider community and to advertise upcoming events, such as leaflet drops, newspaper adverts, newsletters, posters in local venues, press releases, and radio segments.

Further details of the PAC process undertaken to inform the Onshore EIA Report are presented in chapter 6: Stakeholder engagement of the Onshore EIA Report and within the associated PAC Report (OWPL, 2023) accompanying the PPP application.

Given the above, the Project aligns with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

11. Conclusions

Offshore wind is recognised as having a significant role as part of Scotland's requirement to tackle the climate emergency and decarbonise the energy sector. The proposed development which has been the subject of this Planning Statement, forms an essential part of a major offshore wind Project. Therefore, there is a strong material consideration in favour of the Project via energy policy.

It is considered that the overall policy appraisal presented demonstrates a compelling case that the proposed development, as part of the wider Project, will deliver significant benefits in the public interest. The proposed development has been designed and assessed in accordance with relevant legislative requirements and the underlying aims and objectives of policy framework. The Project can substantially contribute to both the Scotland and the UK's legally binding climate change targets by helping to decarbonise energy supply, whilst also contributing to ensuring security of supply in line with the Scotland and UK Government's national policies.

The West of Orkney Windfarm will also contribute materially to the economic and social landscape in Scotland and the UK as it can provide substantial employment and skills development opportunities, particularly in rural and island communities, whilst also playing a major role in supporting and developing the local, Scottish and the UK supply chains. The proposed community benefit fund will allow local communities to benefit from the West of Orkney Windfarm.

This status, when coupled with NPF4's national development number 3, establishes the need for the proposed development from both energy and planning perspectives.

Whilst the scale of the proposed development could generate potential environmental impacts, these have been offset through sensitive site selection and design, and a comprehensive package of embedded and secondary mitigation measures. Residual impacts are outweighed by the essential role of the proposed development as part of the wider West of Orkney Windfarm, a significant contributor towards the delivery of Scottish and UK renewable energy and decarbonisation policy, and towards achieving "net-zero" targets.

NPF4 represents the Scottish Government's up-to-date planning policy and spatial planning framework. It contains an unqualified statement that "*development proposals for all forms of renewable, low-carbon and zero emissions technologies* [including "enabling works, such as grid transmission and distribution infrastructure"] *will be supported*." Through this Planning Statement and the other supporting documentation submitted with this application, we have proposed appropriate general and development-specific mitigation and planning controls, demonstrating that there are no adverse impacts that outweigh the proposals' benefits.

Subject to conditions, the Applicant respectfully submits that the combination of planning policy, energy policy and absence of significant residual effects across the majority of receptors, combine to form an overwhelming reason to consent the onshore Project in light of its status as a national development.

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13. Abbreviations

Abbreviation	Description
AA	Appropriate Assessment
ALA	Abnormal Loads Assessment
CAR	Controlled Activities (Scotland) Regulations
CaSPlan	Caithness and Sutherland Local Development Plan
CBF	Community Benefit Fund
CEMP	Construction Environmental Management Plan
CES	Crown Estate Scotland
CJB	Cable Joint Bay
cSAC	Candidate Special Area of Conservation
CTMP	Construction Traffic Management Plan
DAQMP	Dust and Air Quality Management Plan
ECoW	Ecological Clerk of Works
EIA	Environmental Impact Assessment
EMF	Electromagnetic Field
EU	European Union
GIG	Green Investment Group
GW	Gigawatts
GWDTE	Groundwater Dependent Terrestrial Ecosystem
HDD	Horizontal Directional Drilling
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Appraisal
HRES	Highland Renewable Energy Strategy
HwLDP	Highland-wide Local Development Plan
km	Kilometres
LBAP	Local Biodiversity Action Plan
LDP	Local Development Plan
m	Metres
MLWS	Mean Low Water Springs
MPS	Marine Policy Statement
mw	Megawatts
NMP	National Marine Plan

NPF4	National Planning Framework 4
NVMP	Noise and Vibration Management Plan
OAA	Option Agreement Area
OWPL	Offshore Wind Power Limited
PAC	Pre-Application Consultation
PAN	Proposal of Application Notice
PMP	Peat Management Plan
PPP	Planning Permission in Principle
pSPA	Proposed Special Protected Area
RIAA	Report to Inform Appropriate Assessment
RIDG	Renewable Infrastructure Development Group
SAC	Special Area of Conservation
SBL	Scottish Biodiversity List
SCDS	Supply Chain Development Strategy
SES	Scottish Energy Strategy
SHET-L	Scottish Hydro Electric Transmission plc
SHPP	Species and Habitat Protection Plan
SPA	Special Protected Area
SUDS	Sustainable Urban Drainage Systems
THC	The Highland Council
TJB	Transition Joint Bay
UK	United Kingdom
WFD	Water Framework Directive
WSI	Written Scheme of Investigation

14. Glossary

Term	Description
Cable Joint Bays	A housing to allow a firm, solid base for cable jointing along the cable route which can be covered to ensure the necessary environmental conditions are maintained for the jointing work.
Construction Compounds	A hub for construction workers working on the onshore Project where offices, welfare facilities, materials and equipment storage and a car park for workers is located.
Designated Sites	Areas of the countryside and nature sites that have a protected area status due to their natural of cultural importance.
Environmental Impact Assessment (EIA),	A report documenting the findings of the environmental impact assessment for the onshore Project in accordance with relevant Regulations, including a summary of the findings of the environmental impact assessment for the onshore Project.
Groundwater Dependant Terrestrial Ecosystems (GWDTE)	Wetlands which are fed by groundwater and sensitive to changes in hydrology and ecology caused by construction
Horizontal Directional Drilling (HDD),	A trenchless system for installing underground cable in a shallow arc along a prescribed bore path.
Landfall	The interface between the offshore and onshore aspects of the Project.
Mean Low Water Springs (MLWS)	The average height of the lowest tides in a year.
Onshore Project	The entire onshore Project, which is defined by the onshore export cables and routes from the MLWS to the new onshore substation, the onshore substations itself and any new temporary or permanent access tracks.
Onshore Project area	The Red Line Boundary
Onshore Substation	A set of equipment transforming the high voltage of electrical power transmission to a suitable supply high voltage for connection to the National Grid.
Transition Joint Bays (TJBs)	A housing to allow a firm at the landfall, solid base for cable jointin of the offshore and onshore cables which can be covered to ensure the necessary environmental conditions are maintained for the jointing work.
Working Corridors	The area in which construction work related to the laying of the onshore export cable from the landfall to the inshore substation will be carried out.

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