

Chapter 4: Planning Policy and Context

- 4. PLANNING POLICY AND CONTEXT 1
- 4.1. EXECUTIVE SUMMARY..... 1
- 4.2. LEGISLATIVE FRAMEWORK 1
- 4.3. PLANNING POLICY FRAMEWORK..... 1
- 4.4. SUMMARY 7

4. Planning Policy and Context

4.1. Executive Summary

- 4.1.1. This EIAR Planning Policy Chapter sets out the planning legislation, policies and material considerations applicable to the Proposed Varied Development.
- 4.1.2. The purpose of this chapter is to identify all legislative and policy requirements relevant to the technical assessments in the Chapters of the Environmental Impact Assessment Report (EIAR).
- 4.1.3. This Chapter is factual in nature and does not assess the Proposed Varied Developments accordance with relevant planning policies. The standalone Planning Statement¹ provides the assessment of the relevant legislation and policies and will assess its compliance with them to assists in the decision-making process. The Planning Statement does not form part of the EIAR.

4.2. Legislative Framework

- 4.2.1. They key pieces of legislation of relevance to this EIA are as follows:
 - The Electricity Act 1989;
 - The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013;
 - Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017; and
 - The Town and Country Planning (Scotland) Act 1997 as amended (the 1997 Act’).

4.3. Planning Policy Framework

- 4.3.1. Unlike planning applications determined under Section 25 of the Planning Act, the Development Plan does not have primacy under a Section 36C application. However, the Development Plan will still be a material consideration. This Chapter will reference the most salient development plan policies.
- 4.3.2. The Statutory Development Plan relating to the propose comprises the following:
 - National Planning Framework 4 (NPF4) 2023;
 - The Highland-wide Local Development Plan (HwLDP) (adopted April 2012);

¹ Provided as supporting information to the Section 36C Planning Application

- Onshore Wind Energy Supplementary Guidance November 2016 including Addendum Supplementary Guidance: 'Part 2b', December 2017;
- Emerging Highland Local Development Plan (Evidence Report); and
- The Caithness and Sutherland Local Plan (Casplan) (Adopted July 2018).

National Planning Framework 4 (NPF4)

4.3.3. NPF4 was adopted on 13th February 2023 and now comprises the national element of the statutory Development Plan. NPF4 sets out the long-term vision for development and investment across Scotland and replaces Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3) in their entirety. NPF4 represents a significant change from the status of NPF3 and SPP which did not form part of the Development Plan.

4.3.4. The most relevant NPF4 policies as they relate to this Section 36C application comprise of the policies in **Table 4.3**.

Table 4.3: NPF4 Policies

Policy Number & Title	Policy Summary	Relevant EIA Chapter & Supporting Document
Policy 1 (Tackling the climate and nature crises)	Development proposals should be considered against the global climate and nature crises, considering just transition, conserving assets and rural revitalization.	All Chapters
Policy 3 (Biodiversity)	Enhance biodiversity by strengthening nature networks & implementing nature-based solutions. Policy 3(b): 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.	Chapter 6: Ecology & Chapter 7: Ornithology
Policy 4 (Natural Places)	The principle of Policy 4 is to protect, restore and enhance natural assets making best use of nature-based solutions.	Chapter 5: Landscape & Visual

Policy Number & Title	Policy Summary	Relevant EIA Chapter & Supporting Document
Policy 5 (Soils)	Protect carbon-rich soils and peatlands and minimise disturbance to soils for development.	Chapters 6: Ecology, Chapter 7: Ornithology & Chapter 9: Geology & Carbon Balance
Policy 6 (Forestry & Trees)	Ensure development proposals enhance and improve woodland and tree cover. Where woodland is removed, compensatory planting will most likely be expected to be delivered.	Chapter 15: Other Issues
Policy 7 (Historic Assets and Places)	The purpose of Policy 7 is to safeguard and enhance historic assets, places, and their settings while enabling sensitive and positive development. In terms of scheduled monuments, the policy states development will only be supported if direct impacts are avoided, that the integrity of the setting should be protected and exceptional justification is provided, and impacts are minimised.	Chapter 10: Cultural Heritage
Policy 11 (Energy)	This policy seeks to realise full potential for electricity and heat from renewable, low carbon and zero emission sources by identifying a range of opportunities for energy development.	All Chapters
Policy 22 (Flood risk and water management)	This policy seeks to “strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding” Policy 22(c) notes that development proposals must not increase the risk of surface water flooding and manage all rain and surface water through sustainable drainage systems.	Chapter 8: Hydrology & Hydrogeology

Policy Number & Title	Policy Summary	Relevant EIA Chapter & Supporting Document
Policy 25: Community Wealth Building	To encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels	Maximising Socio-Economic Benefit Statement

- 4.3.5. Where relevant, the scope of this EIA Report will allow for these considerations to be identified and assessed. A summary of EIA outcomes is provided in **Chapter 17: Summary of Residual Effects**. The assessment of compliance with relevant policy is provided within the accompanying Planning Statement.

The Highland-wide Local Development Plan (HwLDP) (adopted April 2012).

- 4.3.6. The Highland-wide Local Development Plan (LDP) was adopted by The Highland Council (THC) in April 2012 and sets out the overarching vision, spatial strategy and general planning policies to guide development across the local planning authority for a 20-year period. The relevant planning policies are outlined in **Table 4.4**.

Table 4.4: HWLDP Policies

Policy	Policy Summary	Relevant Chapter	EIA
Policy 28 – Sustainable Development	This policy confirms the Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland, advising proposed developments will be assessed on a range of criteria which protect and ensure sustainable use of existing and future infrastructure, built and natural resources and residential amenity.	All	
Policy 29 – Design Quality and Place-making;	Development is required to make a positive contribution to the architectural and visual quality of the place where it is located, demonstrating sensitivity and respect towards the local distinctiveness of the landscape architecture, design and layout.	All	

Policy	Policy Summary	Relevant Chapter	EIA
Policy 36 – Development of Wider Countryside	Developments should be well sited and designed to complement the surrounding landscape and local character, while avoiding adverse effects on natural, built, or cultural heritage. They must be safely accessible and serviceable without placing strain on existing infrastructure, and should support suitable small-scale housing, tourism, or economic activities. All proposals should also align with relevant supplementary guidance, such as <i>Housing in the Countryside</i> .	All	
Policy 54 - Mineral Waste	The Council promotes the reduction and reuse of mineral, construction, and demolition waste. Applicants must submit a Waste Management Plan detailing how waste will be minimised, treated, recovered, and disposed of responsibly.		
Policy 55 – Peat & Soils	Proposals must demonstrate that unnecessary disturbance, degradation, or erosion of peat and soils has been avoided. Development causing unacceptable impacts will not be supported unless it can be clearly shown that the resulting social, environmental, or economic benefits outweigh the adverse effects.	Chapter 9: Geology & Carbon Balance	
Policy 57 – Natural, Built and Cultural Heritage	Requires proposals to be assessed taking account of the level of importance and type of heritage features, the form and scale of development and the impact on the feature and its setting. The policy sets a series of criteria based on level of features importance (local, regional or international).	Chapter 5: Landscape & Visual & Chapter 10: Cultural Heritage	
Policy 58 – Protected Species	Requirement for developers to carry out appropriate surveys to determine whether protected species are present on a site before submitting a planning application. If protected species are found, the proposal must include suitable mitigation to avoid or minimize harm. This could involve changes to design, timing of works, or habitat enhancements.	Chapter 6: Ecology & Chapter 7: Ornithology	
Policy 60 - Other Important Habitats	This policy sets out the need to avoid significant adverse effects on the integrity or special qualities of international or nationally	Chapter 6: Ecology &	

Policy	Policy Summary	Relevant EIA Chapter
and Article 10 Features	designated natural and built environment sites.	Chapter 7: Ornithology
Policy 61 – Landscape	New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed.	Chapter 5: Landscape & Visual
Policy 63 – Water Environment	Supports proposals that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection of the water environment.	Chapter 9: Geology & Carbon Balance & Chapter 8: Hydrology
Policy 64 – Flood Risk	Development should not occur in areas where there is a significant risk of flooding, especially in areas identified as Potentially Vulnerable Areas (PVAs). Future flood risk scenarios must be considered, especially with rising sea levels and increased rainfall intensity. Flood risk assessment should be provided for proposals in or near flood prone areas and development should not increase flood risk elsewhere.	Chapter 9: Geology & Carbon Balance & Chapter 8: Hydrology
Policy 66b – Surface Water Drainage	All proposals must be drained by Sustainable Urban Drainage Systems (SUDs) designed in accordance with CIRIA C697.	Chapter 9: Geology & Carbon Balance & Chapter 8: Hydrology
Policy 67 - Renewable Energy Developments	Proposals should contribute to meeting renewable energy generation targets and avoid significant impacts.	All
Policy 72 – Pollution	Proposals likely to cause significant pollution—whether noise, air, water, or light—will only be supported if accompanied by a thorough assessment detailing the nature, extent, transmission, and impact on the receiving environment, with appropriate mitigation measures implemented where required.	All
Policy 77 – Public Access	Provides protection to Core Paths and access points to water or rights of way and presumption of retention and enhancement of amenity value. Alternative access must be equally safe and attractive if required.	Chapter 2: Design Iteration and Proposed Development, Chapter 5: Landscape & Visual &

Policy	Policy Summary	Relevant Chapter	EIA
		Chapter 10: Cultural Heritage	

Onshore Wind Energy Supplementary Guidance November 2016 including Addendum Supplementary Guidance: 'Part 2b', December 2017

- 4.3.7. The Onshore Wind Energy Supplementary Guidance, as amended, forms part of the THC's Development Plan. It sets out how onshore wind energy proposals will be addressed and the material considerations, key features, aspects and issues that will be assessed.

Emerging Highland Local Development Plan

THC is currently preparing a new local development plan for the Highland Region. The Highland Local Development Plan Evidence Report Chapters are currently out for consultation. Once this consultation period is complete, the next stage of the process is for THC to submit the Evidence Report to the Scottish Government for Gatecheck review.

Caithness and Sutherland Local Development Plan (CaSPlan) (adopted 2018).

- 4.3.8. The CaSPlan provides a vision, strategy and policies and subsequently provides settlement statements and allocations. There are no general policies which are considered to be relevant to the Proposed Varied Development.

4.4. Summary

- 4.4.1. This Chapter has set out the relevant planning legislative and policy context against which the Proposed Varied Development will be assessed.
- 4.4.2. The separate standalone Planning Statement, which does not form part of this EIA Report, provides a detailed assessment of the proposal against the energy, climate change and planning policy context outlined in this Chapter to provide an independent assessment of the planning issues relevant to the Proposed Development.