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Glen Earrach Pumped Storage Hydro

Environmental Impact Assessment Report

Volume 2: Main Report
Chapter 5: Planning Policy

Glen Earrach Energy Ltd

Quality information

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5. Planning Policy

5.1 Introduction

- 5.1.1 This chapter of the Environmental Impact Assessment Report (EIAR) outlines the relevant energy and planning policy and legislative context for the Proposed Development. Policy and legislation are also set out in the wider chapters of the EIAR, where they are relevant to the Chapter's assessment of the Proposed Development.
- 5.1.2 A separate standalone Planning Statement has been prepared to accompany the application which is being made for consent under Section 36 of the Electricity Act 1989¹ ('the Electricity Act') and deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 ('the Planning Act'). The Planning Statement sets out the relevant legislative context in further detail and assesses the Proposed Development against the relevant planning and energy policies.

5.2 The Legislative Framework

The Electricity Act 1989

- 5.2.1 This EIAR has been submitted as part of an application made to the Scottish Ministers under Section 36 of the Electricity Act. The following Schedules of the Electricity Act apply to the Proposed Development:

Schedule 8 'Consents of the Secretary of State and the Scottish Ministers under Section 36 and 37':

- Requires that applications for Section 36 consents must be in writing and include a site map showing the land on which the generating station is proposed to be constructed;;
- Ensures involvement of the relevant local planning authority (LPA) by serving notice as part of the application process and providing an opportunity for the LPA to appraise the project; and
- Allows other consultees and the public to submit comments on the proposal.

Schedule 9 'Preservation of Amenity and Fisheries':

- Requires that a license holder shall, in formulating any relevant proposals, have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects;; and
- Requires that, in considering applications under Section 36, the Scottish Ministers shall have regard to the desirability of the matters mentioned above; and the extent to which the applicant has complied with their duty to do what they reasonably can to mitigate any effects.

- 5.2.2 In determining applications under Section 36, alongside the requirements outlined in Schedules 8 and 9, the following key factors are relevant to the decision-making process: international, UK, and Scottish climate change and energy policies; relevant provisions of the statutory Development Plan; and the views of statutory consultees and other interested parties.

- 5.2.3 **Sections 5.3 to 5.5** set out the international, UK, and Scottish legislation and policies relevant to the Proposed Development.

Town and Country Planning (Scotland) Act 1997

- 5.2.4 Section 57(2) of 'the Planning Act'², allows the Scottish Ministers, when granting consent under Section 36 of the Electricity Act, to issue a direction granting deemed planning permission for a development (subject to any specified conditions). The applicant is seeking deemed planning permission for the Proposed Development.

¹ UK Parliament (1989) Electricity Act 1989 (Online). Available at: <https://www.legislation.gov.uk/ukpga/1989/29/contents>

² Scottish Parliament (1997) Town and Country Planning (Scotland) Act 1997 (Online). Available at: <https://www.legislation.gov.uk/ukpga/1997/8/contents>

- 5.2.5 In the case of Section 36 applications there is no primacy of the Development Plan (as there is for planning applications under Section 25 of the Planning Act). However, the Development Plan remains a relevant consideration to the determination of a Section 36 application
- 5.2.6 The accordance of the Proposed Development with the statutory Development Plan is considered in the Planning Statement.

Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

- 5.2.7 As consent is sought under Section 36 of the Electricity Act, the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations') also apply to the Proposed Development. By virtue of its size, nature and location, the Proposed Development constitutes an 'EIA development' under Schedule 2 of the EIA Regulations. This EIAR has therefore been prepared in accordance with the EIA Regulations as detailed in **Chapter 4: Approach to EIA (Volume 2: Main Report)**.

5.3 International Agreements

Introduction

- 5.3.1 This section sets out the goals and commitments of relevant international legislation and policy focusing on the Paris Agreement 2015, and policy associated with limiting the global average temperature to 1.5°C.

The Paris Agreement 2015

- 5.3.2 The Paris Agreement³, established at the 21st Conference of the Parties (COP21) and ratified by the UK on 17 November 2016, is a key element of the international effort to reduce greenhouse gas (GHG) emissions to combat climate change. The Paris Agreement sets a goal of keeping the increase in global average temperature "*well below 2°C*" and aims to limit it to 1.5°C.
- 5.3.3 The Paris Agreement follows a five-year cycle in which countries commit to progressively more ambitious climate actions. Since 2020, countries have been submitting their national climate action plans, known as Nationally Determined Contributions (NDCs). Each new NDC is designed to demonstrate a greater level of ambition than the one before.
- 5.3.4 The United Nations Environment Programme (UNEP) Emissions Gap Report series tracks global progress towards limiting warming to well below 2°C, with an aim of pursuing 1.5°C, as set out in the Paris Agreement. Since 2010, this annual, science-based report has assessed the gap between projected global GHG emissions – based on countries' climate mitigation pledges – and the levels needed to avoid the most severe impacts of climate change.
- 5.3.5 The United Nations Emissions Gap Report 2024⁴ states that:
- "Nations must deliver dramatically stronger ambition and action in the next round of Nationally Determined Contributions or the Paris Agreement's 1.5°C goal will be gone within a few years... [this] calls for countries to set sector-specific global mitigation efforts, including the tripling of renewable energy capacity by 2030, doubling the global average annual rate of energy efficiency improvements by 2030, transitioning away from fossil fuels in energy systems, and conserving, protecting and restoring nature and ecosystems...."*
- 5.3.6 COP29 took place in Baku, Azerbaijan, from 11 – 22 November 2024. COP serves as a critical forum for global negotiations to address climate change, bringing together world leaders, policymakers, climate scientists, businesses, and civil society. The conference aims to accelerate collective actions to meet the goals of the Paris Agreement, including limiting global warming to 1.5°C, achieving net-zero emissions by 2050, and building climate resilience. Key priorities included finalising a new climate finance goal to help developing nations address climate impacts, enhancing NDCs, and fostering a transition to renewable energy and sustainable practices.

³ United Nations Climate Change (2015). *The Paris Agreement*. (online). Available at: <https://unfccc.int/process-and-meetings/the-paris-agreement>.

⁴ United Nations Environment Programme. (2024). *Emissions Gap Report 2024*. (online). Available at: <https://www.unep.org/resources/emissions-gap-report-2024>.

- 5.3.7 The IPCC (Intergovernmental Panel on Climate Change) is a United Nations body that assesses the science related to climate change, providing regular reports on the scientific basis, impacts, and future risks, as well as options for adaptation and mitigation. The IPCC recognises that without complementary flexible generation and operation, maintaining energy system reliability with increasing sources of renewable energy may become more challenging and costly. However, a varied complementary system, which includes energy storage technologies, such as PSH, is a solution to this.
- 5.3.8 The IPCC conducts regular assessments, the latest being the Sixth Assessment Report⁵, which includes reports on the physical science basis of climate change, impacts, adaptation, and vulnerability, and mitigation. This report highlights the capacity of PSH to reduce carbon emissions to help meet net zero goals. The report states that established technologies like PSH form one of the many technologies available to reduce emissions over the next decade.

5.4 UK Climate Change and Energy Legislation and Policy

Introduction

- 5.4.1 This section sets out the relevant UK legislation and policy focussing on UK targets and strategies to achieve Net Zero by 2050. Further details and assessment of the Proposed Development against the UK Government's targets are contained in **Chapter 17: Climate Change (Volume 2: Main Report)**.

Climate Change Act 2008

- 5.4.2 The Climate Change Act 2008⁶ provides a framework to support the UK Government's commitments under the Paris Agreement and introduced a legally binding target for the UK to reduce CO₂ emissions by at least 80% by 2050, relative to the 1990 levels. The Climate Change Act 2008 also established the Climate Change Committee (CCC), an independent body to provide evidence-based advice to the UK Government and Parliament on the mandatory carbon budgets.

Climate Change Act 2008 (2050 Target Amendment) Order 2019

- 5.4.3 In June 2019, the Climate Change Act 2008 (2050 Target Amendment) Order 2019⁷ ('the 2019 Order') was introduced which amended the Climate Change Act 2008, by introducing a target for at least a 100% reduction of GHG emissions in the UK by 2050, compared to 1990 levels. This order follows on from the recommendations presented by the CCC 2019 publication 'Net Zero, the UK's Contribution to Stopping Global Warming'⁸.
- 5.4.4 The Seventh Carbon Budget Report (CCC, February 2025), required under the Climate Change Act 2008 describes the potential options to achieve net zero by 2050 as set in the 2019 Order.
- 5.4.5 A key recommendation of the Seventh Carbon Budget Report is that the UK Government requires a reduction in UK GHG emissions of 87% by 2040 relative to 1990 and that this should be coupled with a pledge by 2030 to reduce emissions by at least 68% from 1990 levels.
- 5.4.6 The Seventh Carbon Budget Report recognises that reducing emissions from electricity generation to near zero will require significant expansion of low-carbon generation, and places a stronger focus on integrating new technologies and enhancing renewable energy storage solutions, such as pumped storage hydro.

Carbon Budget Delivery Plan 2023

- 5.4.7 In March 2023, the UK Government published the Carbon Budget Delivery Plan which sets out a package of proposals and policies for enabling Carbon Budgets Four, Five and Six to be met. The UK Government is currently in the Fourth Carbon Budget period which runs from 2023 to 2027.

⁵ The Intergovernmental Panel on Climate Change (IPCC) (2022) Sixth Assessment Report (Online) Available at: <https://www.ipcc.ch/assessment-report/ar6/>

⁶ UK Government. (2008). *Climate Change Act 2008*. (online). Available at: <https://www.legislation.gov.uk/ukpga/2008/27/contents>.

⁷ UK Government. (2019). *The Climate Change Act 2008 (2050 Target Amendment) Order 2019*. (online). Available at: <https://www.legislation.gov.uk/ukdsi/2019/9780111187654>.

⁸ Committee on Climate Change. (2019). *Net Zero, the UK's Contribution to Stopping Global Warming*. (online). Available at: <https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/>.

British Energy Security Strategy 2022

5.4.8 The UK Government published the British Energy Security Strategy⁹ primarily in response to the rising global energy prices and following the Russian invasion of Ukraine. The key aim of the Strategy is to reduce the UK's dependence on imported oil and gas and to help decarbonise the energy sector, by achieving net zero by 2050.

5.4.9 The British Energy Security Strategy states that:

"We will ensure a more flexible, efficient system for both generators and users: encouraging all forms of flexibility with sufficient large-scale, long-duration electricity storage to balance the overall system by developing appropriate policy to enable investment

"...the transition away from oil and gas... depends critically on how quickly we can roll out new renewables... the growing proportion of our electricity coming from renewables reduces our exposure to volatile fuel markets."

"...we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies."

Energy Security Act 2023

5.4.10 The Energy Security Act 2023¹⁰ seeks to build on the commitment set out in the British Energy Security Strategy 2022 to reduce the UK's dependence on volatile fossil fuel markets, by improving domestic energy production and make the UK more self-sufficient when it comes to the energy it uses.

National Policy Statement for Renewable Energy

5.4.11 National Policy Statement for Renewable Energy Infrastructure¹¹ provides the primary policy for decisions by the UK Government Secretary of State in relation to nationally significant renewable energy infrastructure applications and states that, as part of UK energy policy, it may be a relevant consideration for planning decisions in Scotland.

5.4.12 The National Policy Statement for Renewable Energy Infrastructure states that:

"Few technologies that are commercial or have been demonstrated at scale are able to provide storage services at the scale of PHS."

"As the electricity grid sees increasing levels of generation from variable renewable generators such as offshore wind, onshore wind and solar power, there will be an increasing need for storage infrastructure to balance electricity supply and demand. PHS could therefore be a key piece of infrastructure for enabling increased use of renewable generation".

Climate Change Committee Progress Report to Parliament 2024

5.4.13 The CCC Joint Progress Report to Parliament 2024¹² considers the global picture with regards to emissions reductions and adaptation to climate change. It discusses the UK's role in a global context before discussing a range of sectors in terms of emission trends and drivers, indicators of progress, next steps, and major risks.

5.4.14 In the Executive Summary, the report notes that:

"British-based renewable energy is the cheapest and fastest way to reduce vulnerability to volatile global fossil fuel markets. The faster we get off fossil fuels, the more secure we become."

⁹ UK Government. (2022). *British Energy Security Strategy*. (online). Available at:

<https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>.

¹⁰ UK Government. (2023). *Energy Act 2023*. (online). Available at: <https://www.legislation.gov.uk/ukpga/2023/52..>

¹¹ UK Government. (2023). *National Policy Statement for Renewable Energy Infrastructure*. (online). Available at: <https://assets.publishing.service.gov.uk/media/65a7889996a5ec000d731aba/nps-renewable-energy-infrastructure-en3.pdf>

¹² Committee on Climate Change. (2024). *2024 Progress report to Parliament*. (online). Available at: <https://www.theccc.org.uk/publication/progress-in-reducing-emissions-2024-report-to-parliament/>. [Accessed: 01 November 2024].

Clean Power 2030 Action Plan

- 5.4.15 The UK Government have recently published their 'Clean Power 2030 Action Plan: A New Era of Clean Electricity' in December 2024. This Action Plan based on advice from the recently created National Energy System Operator (NESO) sets out steps to achieve clean power by 2030.
- 5.4.16 The Action Plan notes the importance of PSH in providing *"dispatchable and long-duration flexible capacity in 2030 to support out power system in extended periods of low renewable output"* (page14) going on to state that *"we...need to scale up deployment of pump storage hydropower and foster further innovation in more nascent long-duration storage technologies"*.

Draft Strategic Energy Plans

- 5.4.17 In addition to the Clean Power 2030 Action Plan, the UK Government have asked NESO to prepare a set of strategic energy plans to support the delivery of clean power by 2030 and the transition to a net zero economy by 2050. The draft methodology documents to support the delivery of the following strategic energy plans were published in December 2024:
- Strategic Spatial Energy Plan (SSEP): Spatial supply and demand modelling based on network needs. Focus on optimisation of technologies against cost, environment and community impact.
 - Centralised Strategic Network Plan (CSNP): A whole system plan for the development and assessment of high-level investment options for transmission networks.
 - Transitional Centralised Strategic Network Plan 2 (TCSNP2tCSNP2) Refresh Methodology: A refreshed version of NESO's Beyond 2030 report published in March 2024 that recommended reinforcement projects for the onshore electricity network.
- 5.4.18 Energy storage (including PSH) has been identified, within the SEPP (Draft Methodology) Report, as a technology which will be considered as part of the SSEP and highlights that the *"use of storage technology will be essential for meeting the government's decarbonisation ambitions"*.

5.5 Scottish Climate Change and Energy Legislation and Policy

Introduction

- 5.5.1 This section sets out the relevant Scottish legislation and policy focussing on Scottish targets and strategies to achieve Net Zero by 2045. Further details and assessment of the Proposed Development against the Scottish Government's targets are contained in **Chapter 17: Climate Change (Volume 2: Main Report)**.

Climate Change (Scotland) Act 2009

- 5.5.2 The Climate Change (Scotland) Act 2009¹³ set the statutory framework for GHG emission reductions in Scotland and built upon the framework established by the UK Government's Climate Change Act 2008. The Climate Change (Scotland) Act 2009 set an initial target to reduce GHG emissions by at least 80% by 2050 and mandated that Scottish Ministers seek advice from relevant bodies, such as the UK Committee on Climate Change, when setting targets.

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

- 5.5.3 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019¹⁴ amended the Climate Change (Scotland) Act 2009. It established 2045 as the target date for achieving net-zero emissions in Scotland and provided interim targets for 2020, 2030 and 2040.

Climate Change (Emissions Reduction Targets) (Scotland) Act 2024

- 5.5.4 The Scottish Government has acknowledged that the UK is substantially off track for 2030 commitments, with the coming into force of the new Climate Change (Emissions Reduction Targets) (Scotland) Act in November 2024.

¹³ Scottish Government. (2009). *Climate Change (Scotland) Act 2009*. (online). Available at: <https://www.legislation.gov.uk/asp/2009/12/contents>. [Accessed: 01 November 2024].

¹⁴ Scottish Government. (2019). *Climate Change (Emissions Reductions Targets) (Scotland) Act 2019*. (online). Available at: <https://www.legislation.gov.uk/asp/2019/15/enacted>. [Accessed: 01 November 2024].

While 2030 interim targets are out of reach, the legal commitment to net zero by 2045 is retained. This legislation replaced the previous annual targets with a requirement for multi-year budgets, these budgets will not be set until later in 2025.

Scottish Energy Strategy 2017

- 5.5.5 The Scottish Energy Strategy¹⁵ outlines the Scottish Government's strategy to transition to a low-carbon economy by 2050, marking a significant transition over the next three decades in energy management, demand reduction, and generation.
- 5.5.6 The Scottish Energy Strategy introduces a 2030 target to source the equivalent of 50% of Scotland's heat, transport, and electricity consumption from renewable sources. It also aims to increase energy productivity across the Scottish economy by 30%.
- 5.5.7 The Scottish Energy Strategy acknowledges that large-scale electrification of heat and transport could significantly increase demand on the renewable electricity sector. Achieving the 2030 goal of meeting 50% of energy consumption from renewable sources reflects the government's commitment to a low-carbon energy system and the ongoing growth of Scotland's renewable energy sector.
- 5.5.8 The Scottish Energy Strategy also recognises that renewable and low-carbon energy will form the foundation of Scotland's future energy system, presenting a substantial opportunity for economic and industrial growth. While all renewable technologies are vital, the Strategy highlights the importance of PSH, noting that:
- "...investment in new PSH capacity in Scotland could greatly enhance the flexibility and resilience of our electricity network and power supplies."*
- 5.5.9 The Scottish Energy Strategy will be replaced by the Energy Strategy and Just Transition Plan, discussed at paragraph 5.5.10 below, once adopted.

Climate Change Plan 2018 – 2032 - Update

- 5.5.10 In April 2019, the Scottish Government declared a climate emergency which was supported by the publication of an updated Climate Change Plan in December 2020. The Update to the Climate Change Plan 2018-2032: Securing a Green Recovery on the Path to Net Zero¹⁶ outlines the Scottish Government's legislative commitment to reducing emissions by 75% by 2030 and achieving net zero by 2045, emphasising these goals within the context of a green recovery from COVID-19.
- 5.5.11 The Climate Change Plan 2018-2032 Update stressed that a coordinated approach across sectors is essential to the green recovery. It highlights Scotland's progress in renewable energy generation, affirming the government's strong commitment to continued growth in this area. The report notes:
- "Pumped storage also has an important role to play, as it can release stored electricity when demand is high, and the system needs it most (e.g., when wind energy is low)."*

Draft Energy Strategy and Just Transition Plan 2023

- 5.5.12 In January 2023, the Scottish Government released the Draft Energy Strategy and Just Transition Plan¹⁷ for public consultation. The Draft Energy Strategy and Just Transition Plan sets a vision for achieving net zero by 2045, and a route map of ambitions and actions that, coupled with detailed sectoral plans and the forthcoming Climate Change Plan, will guide decision-making to 2030.
- 5.5.13 In the Ministerial Foreword, the 2020s are described as a "decisive decade" in building an energy system that can achieve net-zero emissions by 2045. It emphasises reducing dependency on oil and gas as a strategy for addressing climate change and minimising exposure to volatile global energy markets, which have seen prices spike since the Ukraine war began in 2022. The Draft Strategy aims to lower long-term energy costs and prevent

¹⁵ Scottish Government (2017). The Scottish Energy Strategy. (online) Available at: <https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/>.

¹⁶ Scottish Government. (2020). Security a green recovery on a path to net zero: climate change plan 2018- 2032- update. (online) Available at: <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/pages/2/>.

¹⁷ Scottish Government. (2023). Draft Energy Strategy and Just Transition Plan. (online) Available at: <https://www.gov.scot/publications/draft-energy-strategy-transition-plan/>.

future energy price crises while ensuring that the transition to a net-zero society delivers fair economic and employment benefits.

- 5.5.14 The Draft Energy Strategy and Just Transition Plan reiterated the importance of PSH for a secure net-zero energy system, stating that:

“...renewables and other zero-carbon technologies, including PSH, will need to provide all the services required to ensure a secure energy system.”

PSH continues to play a critical role in Scotland’s energy system, offering long-term storage and reserve capacity for electricity networks. Currently, PSH provides 740 MW of Scotland’s 864 MW of energy storage.”

Call for UK Government to support pumped hydro storage through a market mechanism: letter to Prime Minister 2023

- 5.5.15 In May 2023, the former First Minister for Scotland, Humza Yousaf, issued a letter¹⁸ to former UK Prime Minister Rishi Sunak, urging the UK Government to introduce a market support mechanism to promote the development of long-duration energy storage, particularly PSH:

“A UK Government consultation in 2022 identified pumped hydro storage as the most well-established large-scale, long-duration electricity storage technology in the UK.”

- 5.5.16 The former First Minister emphasised that while the increased deployment of renewables is vital for reducing the dependence on fossil fuels, large-scale, long-duration energy storage is critical for integrating and maximising renewable electricity generation, ensuring grid security, and managing constraints.

Programme for Government 2024-25: Serving Scotland

- 5.5.17 The Programme for Government 2024¹⁹ reflected the Scottish Government’s recent priorities across a broad range of issues. While not exclusively focused on energy policy, it outlined significant commitments for addressing the climate emergency, the nature crises, and renewable energy, among other key areas.

- 5.5.18 Under the priority “Tackling the Climate Emergency”, the Programme for Government 2024 underscores that:

“Our potential for renewable energy generation is one of our greatest environmental and economic opportunities.”

- 5.5.19 The Programme for Government 2024 recognises the need to reduce emissions and our vulnerability to the future impacts of climate change:

“The twin crises of climate change and biodiversity loss represent the existential threat of our times, underlined by recent confirmation that the global temperature has pushed past the internationally agreed 1.5 degrees Celsius warming threshold for a 12-month period.”

Climate Change: Scottish National Adaptation Plan 2024-2029

- 5.5.20 The Scottish National Adaptation Plan²⁰ sets out the actions that the Scottish Government and partners will take to respond to the impacts of climate change. The Scottish National Adaptation Plan refers to ‘Energy storage for resilience’, recognising that:

“As we move towards a net zero energy system, we will need increasing levels of storage and flexibility to support greater diversity of demand and greater proportions of renewable and geographically distributed electricity generation. In some specific cases, energy storage may help increase supply resilience in localised parts of the network for short durations This could support reduced power outages

¹⁸ Scottish Government (2023). *Call for UK Government to support pumped hydro storage through a market mechanism: letter to Prime Minister*. (online) Available at: <https://www.gov.scot/publications/call-for-uk-government-to-support-pumped-hydro-storage-through-a-market-mechanism-letter-to-prime-minister/>.

¹⁹ Scottish Government. (2024). *Programme for Government 2024 to 2025*. (online) Available at: <https://www.gov.scot/publications/programme-government-2024-25-serving-scotland/>.

²⁰ Scottish Government. (2024). *Climate Change: Scottish National Adaptation Plan 2024-2029*. (online) Available at: <https://www.gov.scot/publications/scottish-national-adaptation-plan-2024-2029-2/documents/>.

and increase the security of supply in response to the sort of weather events that are becoming more frequent due to climate change.”

Green Industrial Strategy 2024

5.5.21 The Green Industrial Strategy²¹ highlights Scotland’s strengths and opportunities for developing globally competitive industries as part of the transition to net zero. It details the actions the government and its partners will take to support stakeholders in fostering an environment conducive to investment and growth.

5.5.22 Under Opportunity 5: Building Clean Industries, the Green Industrial Strategy stated that:

“A strong pipeline of renewables in Scotland today could mean that our renewable electricity capacity in 2030 is more than double the current levels, potentially generating more than double Scotland’s electricity demand by 2030 and more than treble by 2045.”

5.6 Development Plan Policy

Introduction

5.6.1 The Proposed Development is located within The Highland Council authority area. The statutory Development Plan for the area therefore comprises the National Planning Framework 4 (NPF4) (2023)²², the Highland-Wide Local Development Plan (HwLDP) (2012)²³, the Inner Moray Firth Local Development Plan 2 (IMFLDP2) (2024)²⁴, and a range of adopted Supplementary Guidance documents. The following supplementary planning guidance is relevant to the Proposed Development:

- Food Risk and Drainage Impact Assessment
- Physical Constraints
- Trees, Woodland, and Development
- Historic Environment Strategy
- Highland’s Statutorily Protected Species
- Sustainable Design Guide
- Biodiversity Enhancement Planning Guidance

5.6.2 It should be noted that in accordance with Section 24 of the Planning Act, if there is any incompatibility between a provision of NPF4 and a Local Development Plan (LDP), the more recent provision will prevail. Therefore, for planning applications within Highland Council’s area, NPF4 will take precedence as the more recent document in the event of any incompatibility.

5.6.3 Due to the regulatory consenting process for Section 36 applications, the Planning Act is not fully engaged beyond section 57(2) and therefore primacy is not given to the Development Plan (as otherwise would be the case under section 25 for planning applications). Nevertheless, the Development Plan is a relevant consideration for Scottish Ministers, who are required to take the response from the local planning authority into account when determining Section 36 applications.

5.6.4 A brief summary of the Development Plan policies to the Proposed Development is provided below; more detailed commentary and an assessment of the Proposed Development against those policies is available in the accompanying Planning Statement.

²¹ Scottish Government. (2024). *Green Industrial Strategy*. (online) Available at: <https://www.gov.scot/publications/green-industrial-strategy/>.

²² Scottish Government (2024) National Planning Framework 4 (Online). Available at: <https://www.gov.scot/publications/national-planning-framework-4/>

²³ The Highland Council (2012) Highland-Wide Local Development Plan (HwLDP) (Online). Available at: https://www.highland.gov.uk/info/178/development_plans/199/highland-wide_local_development_plan

²⁴ The Highland Council. (2024). *Inner Moray Firth Local Development Plan 2*. (online) Available at: https://www.highland.gov.uk/info/178/development_plans/202/inner_moray_firth_local_development_plan.

National Planning Framework 4

- 5.6.5 As set out in Part 1 – A National Spatial Strategy for Scotland 2045 of NPF4, the Proposed Development Site is situated within the ‘North’ Regional Area. Under the ‘Priorities’ heading, NPF4 notes that:

“This part of Scotland can continue to make a strong contribution towards meeting our ambition for a net zero and nature-positive country by demonstrating how natural assets can be managed and used to secure a more sustainable future.”

- 5.6.6 ‘Pumped Hydro Storage’ development, where classified as a ‘Major Development’²⁵, such as the Proposed Development, is identified within NPF4 as being a National Development. According to NPF4, these ‘Pumped Hydro Storage’ national developments will contribute to a net zero economy by optimising electricity generated from renewables:

“...through the ability of pumped hydro storage schemes to optimise electricity generated from renewables by storing and releasing it when it is required” (page 102).

- 5.6.7 NPF4 clarifies that National Development status provides additional certainty:

“the principle of the development does not need to be agreed later in the consenting process, providing more certainty for communities, business and investors.”

- 5.6.8 As set out in Part 2 of NPF4, Policy 1 is an overarching policy applying to all development, emphasising that ‘significant weight will be given to the global climate and nature crises’. The Policy intent is to ‘encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change’. The Policy Outcomes being ‘Emissions from development are minimised’ and ‘Our places are more resilient to climate change’. Given the wording of the policy (that it attaches “significant” weight to proposals that address the climate and nature crises), particular regard should be had to it.

- 5.6.9 With an estimated storage capacity of 30,000 GWh, the Proposed Development will play a significant role in reducing carbon emissions by optimising electricity generation from renewables through storing and releasing electricity when required.

- 5.6.10 Policy 11: Energy of NPF4 aims to:

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

- 5.6.11 Policy 11 further affirms support for all forms of renewable, low-carbon, and zero-emission technology, specifically mentioning “...energy storage such as battery storage and pumped storage hydro...”. It also stipulates that “...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”.

- 5.6.12 Policy 11 (e) sets out the matters that the design, and any additional mitigation measures, of energy developments should address. The policy also notes that “significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets”.

An assessment of the Proposed Development against policies in NPF4 is set out in the accompanying Planning Statement. Highland-wide Local Development Plan (HwLDP)

- 5.6.13 The key HwLDP policy relevant to the Proposed Development is Policy 67: Renewable Energy Developments which states general support for renewable energy developments where the Highland Council *is* “satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments”. The Highland Council will also consider:

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

²⁵ Under the ‘Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009’ (i.e. 20 MW or above)

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

- The contribution of the Proposed Development towards meeting renewable energy generation targets; and
- Any positive or negative effects it is likely to have on the local and national economy.

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

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

- *Natural, built and cultural heritage features;*
- *Species and habitats;*
- *Visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);*
- *Amenity at sensitive locations, including residential properties, workplaces, and recognised visitor sites (in or out with a settlement boundary);*
- *The safety and amenity of any regularly occupied buildings and the grounds that they occupy – having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw;*
- *Ground water, surface water (including water supply), aquatic ecosystems and fisheries;*
- *The safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;*
- *Other communications installations or the quality of radio or TV reception;*
- *The amenity of users of any Core Path or other established public access for walking, cycling or horse riding;*
- *Tourism and recreation interests;*
- *Land and water-based traffic and transport interests; and*
- *Proposals for the extension of existing renewable energy facilities will be assessed against the same criteria and material considerations as apply to proposals for new facilities.*

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

5.6.15 **Table 5-1. Summary of Relevant HwLDP Policies** provides an overview of the key policies relevant to the Proposed Development.

Table 5-1. Summary of Relevant HwLDP Policies

HwLDP Policy	Policy Summary
Policy 28: Sustainable Design	All development schemes should consider sustainable design, sensitive siting, and climate change. Proposals will be assessed with regard to impacts on habitats, species, landscapes, cultural heritage, and scenic value.
Policy 30: Physical Constraints	Outlines the need to assess various physical and technical factors, including those impacting public health and safety, when evaluating development proposals.
Policy 51: Trees and Development	The Highland Council will support developments that prioritise the protection of existing hedges, trees, and woodlands on and around development sites.

HwLDP Policy**Policy Summary**

	To compensate for any removal and enhance the setting of new developments, The Highland Council will require additional tree and hedge planting as part of a tree planting or landscape plan.
Policy 55: Peat and Soils	Addresses the unnecessary disturbance, degradation, or erosion of peat and soils. Any unacceptable disturbance must be justified by the development's social, environmental, or economic benefits.
Policy 56: Travel	Development proposals that generate travel must provide sufficient information for THC to assess potential transport impacts both on-site and off-site.
Policy 57: Natural, Built and Cultural Heritage	All development proposals will be assessed based on the significance and type of heritage features, the form and scale of the development, and any impacts on the feature and its setting, within a detailed policy framework and with consideration of the following criteria: - Locally and regionally important features (primarily identified by the Council), - Nationally important features (identified by national organisations or by the Council under national legislation), and - Internationally important features (identified under government directives and European conventions).
Policy 58: Protected Species	Addresses a development's individual or cumulative impact on European Protected Species (EPS) and protected bird species. Development likely to have an adverse effect will only be permitted if no satisfactory alternative exists, there is an overriding public interest, and the species' favourable conservation status will be maintained.
Policy 59: Other Important Species	Addresses the individual or cumulative effects of development on species listed in Annexes II and V of the EC Habitats Directive (92/43/EEC), priority species identified in the UK and Local Biodiversity Action Plans, as well as species included in the Scottish Biodiversity List. Any detrimental effects will be mitigated through the implementation of planning conditions and agreements.
Policy 60: Other Important Habitats	Takes into account features of significant importance due to their linear and continuous structure or their role as habitat 'stepping stones.' It also pertains to habitats not protected under specific nature conservation site designations, including those listed in Annex I of the EC Habitats Directive, habitats for priority and protected bird species, priority habitats identified in the UK and Local Biodiversity Action Plans, and habitats including on the Scottish Biodiversity List. When necessary, planning conditions, agreements, or mitigation measures, such as compensatory habitat enhancement, will be implemented.
Policy 61: Landscape	New developments are required to reflect the landscape characteristics and special qualities identified in the relevant Landscape Character Assessment. This includes considerations of appropriate scale, form, and pattern, as well as potential cumulative species.
Policy 63: Water Environment	The objectives of the Water Framework Directive (2000/60/EC) to protect and improve the water environment must be preserved.
Policy 64: Flood Risk	Aims to steer development proposals away from areas prone to flooding and to promote sustainable flood management practices.
Policy 66: Surface Water Drainage	All development proposals must incorporate adequate drainage in accordance with the SuDS Manual (CIRIA C697).
Policy 72: Pollution	Development proposals that could lead to significant pollution, including noise, air, water, and light pollution, will only be approved if they provide information demonstrating that such pollution can be effectively avoided and, if necessary, mitigated.
Policy 77: Public Access	This policy requires development proposals to either preserve core paths and access points to water or provide suitable alternative access arrangements.

Supplementary Guidance

5.6.16

The Highland Council's website offers a range of statutory and non-statutory guidance, including the Highland Renewable Energy Strategy and Planning Guidelines. The following Supplementary Guidance forms part of the Development Plan²⁶ and is relevant to the Proposed Development:

- Sustainable Design Guide²⁷;

²⁶ The Planning (Scotland) Act 2019 removes that ability to prepare supplementary guidance; however, transitional arrangements allow supplementary guidance to continue to be prepared and adopted until 31 March 2025

²⁷ Highland Council. (2013). *Sustainable Design Guide Supplementary Guidance*. (online). Available at: https://www.highland.gov.uk/downloads/file/3019/highland_council_sustainable_design_guide.

- Physical Constraints Supplementary Guidance²⁸;
- Tree, Woodland and Development²⁹;
- Historic Environment Strategy³⁰;
- Statutorily Protected Species³¹;
- Flood Risk and Drainage Impact Assessment³²;
- Biodiversity Enhancement Planning Guidance³³

5.6.17 Relevant Supplementary Guidance is referenced within individual chapters as appropriate.

5.7 Local Community Plans

5.7.1 A Local Place Plan (LPP) in Scotland is a community-led plan that outlines proposals for the development and use of land within a local area. Introduced by the Planning (Scotland) Act 2019, these plans allow communities to express their aspirations and ambitions for future changes in their locality. There is currently a validated LPP for Stratherrick and Foyers Community Council area and draft LPPs prepared for Glen Urquhart and Fort Augustus and Glenmoriston Community Council areas.

5.7.2 The Planning Statement submitted as part of the Section 36 application sets out the key goals and policies identified in the LPPs and how the Proposed Development aligns with these goals. The identified LPPs have not specifically referred to renewable energy developments or the Proposed Development Site.

5.8 Summary

5.8.1 This chapter outlines the legislative framework and policy context, and Development Plan policies all relevant to the Proposed Development. A detailed analysis and assessment of the Proposed Development against planning, energy and climate change policy considerations is contained in the separate supporting Planning Statement which accompanies this application.

²⁸ Highland Council. (2013). *Physical Constraints Supplementary Guidance*. (online). Available at: https://www.highland.gov.uk/downloads/file/2899/physical_constraints_supplementary_guidance.

²⁹ Highland Council. (2013). *Trees, Woodlands & Development Supplementary Guidance*. (online). Available at: https://www.highland.gov.uk/downloads/file/354/trees_woodlands_and_development_supplementary_guidance.

³⁰ Highland Council. (2013). *Historic Environment Strategy*. (online). Available at: https://www.highland.gov.uk/downloads/file/11047/highland_historic_environment_strategy.

³¹ Highland Council. (2013). *Statutorily Protected Species Supplementary Guidance*. (online). Available at: https://www.highland.gov.uk/downloads/file/3026/highland_statutorily_protected_species_supplementary_guidance.

³² Highland Council (2013). *Flood Risk and Drainage Impact Assessment*. (online). Available at: https://www.highland.gov.uk/downloads/file/2954/flood_risk_and_drainage_impact_assessment_supplementary_guidance.

³³ The Highland Council. (2024). *Biodiversity Enhancement Planning Guidance*. (online). Available at: https://www.highland.gov.uk/downloads/file/28840/biodiversity_enhancement_planning_guidance.

