



Loch Liath Wind Farm

Section 36 Application:

Planning Statement Update re Grid Connection Environmental Appraisal

June 2026

Contents

1.	Introduction	2
1.1	Background & Scope	2
1.2	Description of the Grid Connection	3
1.3	Scope of this Planning Statement Update	4
2.	The Renewable Energy Legislative & Policy Framework: Update	5
2.1	Introduction	5
2.2	Conclusions on the Renewable Energy Policy & Legislative Framework	7
3.	Conclusions & The Planning Balance	9
3.1	Summary of Key Findings of the Grid Assessment	9
3.2	Development Plan Policy Considerations	9
3.3	Updated Planning Balance	10
3.4	Overall Conclusion	11

1. Introduction

1.1 Background & Scope

- 1.1.1 This Planning Statement Update has been prepared by David Bell Planning Ltd ('DBP') on behalf of Loch Liath Wind Farm Ltd (the Applicant) in support of an application to construct and operate a 13-turbine wind farm (with associated infrastructure) known as Loch Liath Wind Farm (hereafter referred to as 'the Proposed Development') located within the Balmacaan Estate, directly west of the Great Glen and Loch Ness, in the Highland Council (THC) administrative area.
- 1.1.2 As the Proposed Development has a generating capacity in excess of 50 megawatts ('MW'), consent is required from Scottish Ministers under Section 36 of the Electricity Act 1989 ('the 1989 Act'). In addition, a request is being made by the Applicant that planning permission is deemed to be granted under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, as amended ('the 1997 Act').
- 1.1.3 The application for consent for the Proposed Development was submitted under S36 of the 1989 Act (S36) to the Scottish Government's Energy Consents Unit in April 2023. Following receipt of feedback from consultees, including NatureScot, Supplementary Environmental Information ('SEI') was submitted in November 2024, which provided further information on peat and an updated cumulative assessment.
- 1.1.4 The Highland Council objected to the project in February 2025 which resulted in a Public Local Inquiry ('PLI') being heard by the Scottish Government's Planning and Environmental Appeals Division ('DPEA') in November 2025. Prior to the PLI being held, Additional Information was submitted in August 2025 providing an updated cumulative landscape and visual appraisal. Determination of the application for the wind farm is currently 'on hold' pending the provision of further information on the grid connection. The Applicant has prepared an Environmental Appraisal on a likely grid connection route as Additional Information.
- 1.1.5 In March 2026 the Scottish Government Reporters considering the application for consent for the Proposed Development issued a 'Procedure Notice' asking for further information in respect of the recent judgment: *Raeshaw Farms Limited v Scottish Ministers and Energiekontor UK Ltd* [2026] CSIH 10¹ ('Raeshaw Farms') and how it relates to the Proposed Development.
- 1.1.6 In the Applicant's response to the Procedure Noted dated 1 April 2026, the Applicant acknowledged that a grid connection will be required from the Proposed Development to connect it to the national grid. Giving consideration to the '*Wingfield factors*²' and taking a precautionary approach, the Applicant considers that the wind farm and the grid connection could be considered to comprise one EIA project. Given that grid connection works were not considered in the suite of submitted Loch Liath Wind Farm EIA material, further environmental assessment material is required to include such works and has been formally requested by the Reporters.
- 1.1.7 The Additional Information therefore presents an assessment prepared on a precautionary basis. Firstly, on the basis that it assumes that both the Proposed Development and the cable route to the grid connection point comprise a single EIA project, in the absence of a position from the Scottish Ministers as to whether they consider these to be a single EIA project or two. Secondly, in that it considers the entirety of the defined EIA project on that basis and "*at the earliest possible stage in all the technical planning and decision-making processes*", as rehearsed as a requirement by reference to EU Directive 2011/92/EU in Raeshaw Farms.

¹ Raeshaw Farms Ltd v Scottish Ministers and Energiekontor UK Ltd, 17th February 2026.

² The Wingfield factors, namely: Common ownership, Simultaneous Determinations, Functional Interdependence and Stand-alone projects.

- 1.1.8 As explained in the Additional Information ('Grid Connection Environmental Appraisal'), until the Proposed Development receives a Gate 2 Offer, the connection date, connection point and route connecting the Proposed Development to the grid network will not be known.
- 1.1.9 A potential connection point may be the Fasnakyle substation, or the recently consented Bingally 400kV substation³. For the purposes of the Additional Information the most likely of these, in the opinion of the Applicant, has been considered - a potential connection route between Bingally substation and the Proposed Development⁴.
- 1.1.10 It is the Transmission Operators ('TO') responsibility to design, consent, build and operate the grid connection from the wind farm to the transmission substation.

1.2 Description of the Grid Connection

- 1.2.1 The Grid Connection Environmental Appraisal covers the following:
- > An overview of the grid route and connection point, and how the grid route has been identified.
 - > The Environmental Appraisal methodology.
 - > The Environmental Appraisal, including consideration of: landscape and visual amenity; ecology and ornithology; cultural heritage; hydrology, hydrogeology and peat; traffic and transport; noise; and socio-economics.
 - > A brief overview of cumulative effects of the grid route with other projects.
- 1.2.2 For the purposes of this Grid Connection Environmental Appraisal, it has been assumed that the Proposed Development would be connected to the electricity network via the following:
- > Approximately 1.8 km of underground cable ('UGC'); and
 - > Approximately 8.2 km of overhead line ('OHL') supported on wood 'H' poles.
- 1.2.3 Delivery of construction materials for the OHL and UGC would be achieved by access from public roads. A series of access points from the public road network would be identified and included on plans to accompany the Section 37 application to be progressed by SSEN in due course, as will temporary construction compounds along the length of the route. Vehicular access will be required to every pole location along the route during construction, and these would be agreed by SSEN with the landowners. Further detail on the description of the Grid Connection at this preliminary stage is contained within the Grid Connection Environmental Appraisal (sections 3.3 and 3.4).

³ Bingally 400kV Substation - SSEN Transmission.

⁴ Currently the Transmission Entry Capacity (TEC) Register notes that there will be a direct connection effective from October 2035 between Loch Liath substation and the existing 275 kV Fasnakyle substation. However, the Transmission Owner Reinforcement Instruction (ToRI) register notes that there is potential for the Proposed Development to connect to the recently consented SSEN Bingally 400 kV substation located approximately 7 km west of Loch Liath Wind Farm. This is indicative at this stage and may be subject to change following Gate 2 Queue optimisation.

1.3 Scope of this Planning Statement Update

- 1.3.1 The purpose of this Planning Statement Update is therefore to examine the grid connection corridor alongside the Proposed Development, and to review the conclusions reached in the overall planning balance, taking account of the findings of the Grid Connection Environmental Appraisal.
- 1.3.2 The Planning Statement Update has considered whether the introduction of the Grid Connection would alter the planning balance and overall conclusions to be reached in respect of the Section 36 application for the Proposed Development. This Planning Statement Update should be read alongside the previously submitted Planning Statement documents and it is structured as follows:
- > **Chapter 2** provides an update to the renewable energy legislative and policy framework. The original Planning Statement and its first Update (2023 and 2024) have addressed this topic. The topic was also addressed in the Applicant's Hearing Statement of September 2025, however there are a number of matters to update.
 - > **Chapter 3** considers the likely potential environmental effects of the grid connection and whether the conclusions reached in the assessment would alter the planning balance and overall conclusion reached in the Applicant's Policy Hearing Statement (September 2025). Updated conclusions on the overall accordance of the Proposed Development with the Development Plan and material considerations are set out.

2. The Renewable Energy Legislative & Policy Framework: Update

2.1 Introduction

2.1.1 The Statement and its update (2023 and 2024) that was submitted with the planning application addressed the renewable energy policy and legislative framework. It is noted the topic was also covered in the Applicant's policy evidence to the Inquiry (Hearing Statement, September 2025).

2.1.2 This Planning Statement Update provides an update on that policy framework, with an emphasis on new policy and legislative provisions which have emerged since September 2025. Relevant updates are:

2.1.3 At the UK level – the Energy Secretary's Statement on Energy Security (2026).

2.1.4 At the Scottish Government level:

- > Climate Change Committee Report to Scottish Parliament - Progress in reducing emissions in Scotland (February 2026); and
- > The Climate Change Plan (2026).

Government Statement on Energy Security (March 2026)

2.1.5 The Energy Secretary (The Right Hon Ed Miliband MP) issued a statement on 15 March 2026 outlining a package of measures to go "further and faster" in the pursuit of national energy security, as a response to events in the Middle East. The Energy Secretary announced various energy interventions to boost the UK's energy security, including relating to solar deployment and stated an intention to bring forward the Government's next annual renewables option to July 2026. The Energy Secretary stated:

"Global events demonstrate there is not a moment to waste in our drive for clean power because there can be no energy security while we are so dependent on fossil fuels... everything we are doing is about one purpose: fighting the corner of the British people by taking back control of our energy".

Climate Report to Scottish Parliament - Progress in reducing emissions in Scotland (February 2026)

2.1.6 The CCC produced a report to the Scottish Parliament entitled 'Progress in reducing emissions in Scotland'⁵ in February 2026 ('CCC 2026 Report'). The CCC assessment of the Scottish Government's progress in reducing emissions found that there are 'credible plans' and 'plans with only some risks' in place for 91% of the emissions reduction needed to achieve Scotland's First Carbon Budget (2026 to 2030). Action in several areas has improved in the last two years. Achievements include a rise in the roll-out of electric vehicles and related charging infrastructure, as well as the highest rates of peatland restoration seen to date.

2.1.7 The CCC 2026 Report acknowledges the progress made stating that "*the Scottish Government and Scottish Parliament have made rapid progress in legislating the levels of the four carbon budgets, covering the period 2026 to 2045.*" This was secured through the Climate Change (Scotland) Act 2009 (Scottish Carbon Budgets) Amendment Regulations 2025 ('2025 Regulations').

⁵ CCC (2026) Progress in reducing emissions in Scotland.

- 2.1.8 In relation to energy supply the CCC 2026 Report states that (page 20):
“deployment of variable renewable electricity generation is continuing to increase in Scotland, with 1.1 GW of offshore and 1.3 GW of onshore wind capacity deployed in 2024. Remaining emissions in electricity generation come predominantly from the Peterhead gas-fired power station. Reducing emissions further relies on the continued roll-out of wind and solar generation and of network capacity to accommodate it.”
- 2.1.9 The CCC 2026 Report states that *“Scotland will need to continue its strong progress in rolling out renewable electricity generation and ensure development of electricity networks can keep pace. The Scottish Government should act to accelerate planning and consenting for transmission infrastructure to achieve this.”* (Page 22)
- 2.1.10 At Page 77 this is discussed in further detail and it notes that *“To achieve the Scottish Government’s target of 20 GW of onshore wind by 2030, nearly 10 GW needs to be installed in the next five years, which would be a doubling of capacity. This equates to a rate of deployment approximately two and a half times higher than the average annual deployment in 2023 and 2024.”*
- 2.1.11 The CCC 2026 Report acknowledges the progress in emission reductions relating to the energy supply noting that *“around two-thirds of the emissions reductions seen since the introduction of the Act in 2009 have been in the energy supply sector. Electricity supply in Scotland is now almost fully decarbonised”.* (Page 58)
- 2.1.12 However, it goes on to state that *“further expanding low-carbon generation and supporting transmission network infrastructure in Scotland remains critical to enable decarbonisation of other sectors and to supply low-carbon electricity to the rest of the UK.”* (Page 58)
- 2.1.13 The CCC call on the Scottish Government to enable *“rapid expansion of renewable energy and ensure timely planning approval of the transmission infrastructure required to move power from generation sites to where it will be used”.* (Page 108)
- 2.1.14 As part of the priority recommendations the CCC note that *“constraints on the transmission network mean that a significant proportion of Scotland’s renewable electricity cannot be exported and is curtailed.”* (Page 123)
- 2.1.15 The CCC 2026 Report identified positive progress over the last year in securing emissions reduction but identifies more to do, including continued deployment of renewable energy infrastructure and the acceleration of the transmission infrastructure needed to support the route to net zero by 2045.
- Scotland’s Climate Change Plan (2026)**
- 2.1.16 The Scottish Government published ‘Scotland’s Climate Change Plan – 2026-2040’ (‘CCP’) on 25 March 2026. The CCP covers the period 2026 to 2040 and aligns with three five-year “carbon budget” periods: 2026-30, 2031-35 and 2036-40.
- 2.1.17 The CCP sets out the policies and proposals the Scottish Government will take forward to enable the carbon budgets set out in legislation to be met. The carbon budgets have been set in line with the levels proposed by the CCC in May 2025, referred to above, and provide a clear pathway towards Scotland achieving net zero by 2045.
- 2.1.18 The carbon budgets are:
- > 57% lower than 1990 levels for the First Carbon Budget (2026 to 2030).
 - > 69% lower than 1990 levels for the Second Carbon Budget (2031 to 2035).
 - > 80% lower than 1990 levels for the Third Carbon Budget (2036 to 2040).
 - > 94% lower than 1990 levels for the Fourth Carbon Budget (2041 to 2045).

- 2.1.19 The CCP confirms that Scotland remains committed to achieving net zero GHG emissions by 2045 at the latest and that as of 2023, Scotland had reduced emissions by 51.3% since 1990 — the largest reduction in the UK.
- 2.1.20 The CCP notes that the key driver of the transition to date has been the transformation in the way energy is generated - from coal and gas to a thriving renewables sector. It acknowledges the opportunity the transition to net zero provides in terms of growing the economy, noting that the net zero transition can support significant economic opportunities for Scotland.
- 2.1.21 The CCP sets out sectoral policies relating to a range of sectors, which are prescribed in legislation, including energy supply, agriculture and transport, amongst others. Key policies and actions have been set out for each sector to meet the carbon budgets.
- 2.1.22 Annex 2 of the CCP contains the Sectoral Annexes which support the CCP. Energy supply is one of the key areas of focus. At page 84, the document sets out the vision for Scotland stating that:
- “By 2035, we will have expanded our renewable capacity significantly to meet the increasing demand as other sectors decarbonise. We already have an ambition to have delivered 20GW of onshore wind by 2030 and in January 2026, we published the ‘Offshore Wind Policy Statement 2020 update: Scotland’s Offshore Wind Ambition’. This set out an increased offshore wind ambition for Scotland of up to 40GW of new offshore wind capacity by 2040.”*
- 2.1.23 It adds that as we transition to net zero and reduce reliance on fossil fuel generation “energy storage will play a larger role in ensuring a secure and resilient electricity system by providing a reliable and flexible electricity supply.” (page 84, Annex 2)
- 2.1.24 One of the actions identified to achieve the vision of emissions reduction for the energy generation sector means “moving to an electricity system in which the residual amount of unabated gas is displaced by low carbon and renewable sources. To deliver this target, whilst ensuring a safe and secure supply, **we must grow our renewables capacity**, including from offshore and **onshore wind**, and solar.” (Page 89, Annex 2) (emphasis added).
- 2.1.25 The publication of the CCP demonstrates the continued commitment and needs case for delivering additional renewable energy capacity.

2.2 Conclusions on the Renewable Energy Policy & Legislative Framework

- 2.2.1 It is considered that the Proposed Development is very strongly supported by the climate change and renewable energy policy and legislative framework. The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper, and it is essential that rapid progress is made otherwise the legally binding target in Scotland of net zero by 2045 will not be met.
- 2.2.2 It is clear from the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport. This expected substantial increase in electricity demand is also highlighted in the Onshore Wind Policy Statement (2022).
- 2.2.3 The change from annual Scottish emission reduction targets to a system of carbon budgets has served to show that Scotland is not on track to attain net zero by 2045, and it strengthens the case for rapidly approving schemes that can contribute to this goal. The overall target of net zero remains unchanged in the move to carbon budgets.
- 2.2.4 Decisions through the planning and wider consenting system must be responsive to this position. Decision makers can do this by affording substantial weight to the energy policy objectives, articulated above, in the planning balance in a given case.

- 2.2.5 It must follow that the need case for the Proposed Development is to be afforded substantial weight in the planning balance. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance, and the contribution of the Proposed Development to meeting net zero and low carbon energy targets. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be in order to attain net zero.

3. Conclusions & The Planning Balance

3.1 Summary of Key Findings of the Grid Assessment

- 3.1.1 The Grid Connection Environmental Appraisal provides an overview of the indicative grid connection type, an indicative route and the likelihood for it to give rise to any significant environmental effects, alone or in-combination with the Proposed Development. The assessment is restricted to an early and high-level appraisal and baseline data limitations are recognised.
- 3.1.2 The Appraisal includes consideration of: landscape and visual amenity; ecology and ornithology; cultural heritage; hydrology, hydrogeology and peat; traffic and transport; noise; and socio-economics.
- 3.1.3 The Appraisal concludes that based on the information available at this preliminary stage, it is not considered that the construction and operation of the indicative grid connection route will result in significant short-term (during construction) or long-term (during operation) environmental effects if the final grid connection route follows careful routeing and design, as well as the implementation of standard good practice and mitigation measures including the application of the Holford Rules⁶.
- 3.1.4 Overall, the Appraisal confirms that through careful route refinement, micro-siting, standard mitigation measures, and adherence to established best-practice construction and environmental management measures, potential significant environmental effects can be effectively avoided.

3.2 Development Plan Policy Considerations

- 3.2.1 The Planning Statement documentation submitted with the Section 36 application and the Applicant's policy evidence to the Inquiry provided a detailed assessment of the Proposed Development against the relevant planning policy, namely the statutory Development Plan, made up of National Planning Framework 4 ('NPF4') (2023) and the Highland wide Local Development Plan (2012) ('HwLDP') and associated Supplementary Guidance.
- 3.2.2 As previously noted, the grid connection application for consent will be subject to a separate consenting process under the relevant legislation at a later date. Nevertheless, the Development Plan will be a relevant consideration in the determination of that application, alongside other matters.
- 3.2.3 The lead Development Plan policy for the consideration of any future consent application for the grid connection would be NPF4 Policy 11 (Energy). Additional policies which may be relevant include the following NPF4 policies:
- > Policy 1: Tackling the Climate and Nature Crises;
 - > Policy 3: Biodiversity;
 - > Policy 4: Natural Places;
 - > Policy 5: Soils;
 - > Policy 6: Forestry, Woodland and Trees;
 - > Policy 7: Historic Assets and Places; and

⁶ Environmental and planning guidelines used to route new high voltage overhead lines aimed at minimising the visual impact of electrical infrastructure on the landscape.

> Policy 22: Flood Risk and Water Management

- 3.2.4 From a review of the key findings of the Grid Connection Environmental Appraisal, it is considered that there are likely to be no significant effects arising from the grid connection in combination with the Proposed Development, or cumulatively with other developments that would give rise to a policy conflict with Policy 11, or indeed the other policies of potential relevance to the grid connection.
- 3.2.5 The Proposed Development has also been considered in terms of accordance with the relevant policies of the HwLDP and its Supplementary Guidance. Again, given the outcome of the Grid Connection Environmental Appraisal, there are considered to be no impacts predicted which are likely to give rise to a conflict with any policy of the HwLDP.

3.3 Updated Planning Balance

- 3.3.1 This Planning Statement Update is intended to assist the decision maker in the consideration of the Proposed Development. It should be read alongside the submitted Planning Statements (May 2025) and the Applicant's policy evidence to the Public Inquiry.
- 3.3.2 The Applicant has prepared a Grid Connection Environmental Appraisal by way of Additional Information to set out the potential likely environmental effects associated with the grid connection route identified.
- 3.3.3 As such, based on the information before Scottish Ministers, they are in a position to conclude what likely effects – or disbenefits – would arise from the associated grid connection and weigh those against the considerable benefits of the Proposed Development (acknowledging these will only be realised if consent is obtained for the associated grid connection) and supportive planning policy, as set out within the Planning Statement documentation and Applicant's policy evidence. On that basis, Scottish Ministers can properly undertake the exercise of weighing the benefits and disbenefits in the planning balance.
- 3.3.4 Consideration of the environmental effects of the grid connection, assessed in combination with the effects of the proposed wind farm, is a relevant consideration in the determination of the Section 36 application for the Proposed Development. Both projects together must be delivered in order to realise the benefits.
- 3.3.5 However, it is reasonable to conclude, based on the information that has been made available, that appropriate mitigation will be secured where adverse environmental effects have been identified.
- 3.3.6 National Planning Policy Framework 4 ('NPF4') requires that the decision-maker must identify and weigh the adverse effects of a proposed development. However, increased weight is to be given to the benefits of a development in the planning balance owing to the seriousness and importance of energy policy related considerations and the contribution of the Proposed Development to meeting climate change targets – as required by NPF4 Policy 11 (Energy) and 1 (Tackling the climate and nature crises).
- 3.3.7 These benefits are balanced with the identified adverse effects of the Proposed Development (and associated grid connection) in the overall planning balance in considering whether Section 36 consent for the Proposed Development should be granted.

3.4 Overall Conclusion

- 3.4.1 It is considered that the conclusions as set out in Planning Statement documentation and the Applicant's policy evidence to the Inquiry are not changed as a result of the updated considerations set out within this Planning Statement Update. As such:
- > The Proposed Development delivers important renewable energy capacity to meet national renewable energy and emission reduction and renewable energy generation targets and would contribute to the attainment of net zero for Scotland by 2045 and the UK by 2050.
 - > The Proposed Development is in accordance with the relevant policies of the Development Plan and with the plan when read as a whole.
 - > Other relevant considerations, including the energy policy related updates provided in this report, further support the position that the Proposed Development should be granted Section 36 consent.
- 3.4.2 The conclusion is that the Proposed Development would be consistent with all relevant national planning and energy policies comprising the statutory Development Plan. While there is no statutory duty on the Applicant at the present time under Part 3 of Schedule 9 of the Electricity Act 1989, the Applicant has through the EIA process, had full regard to the matters set out therein.

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