THE HIGHLAND COUNCIL

Agenda Item	3.2
Report No	HC 41/16

Special Meeting – 9 September 2016

15/04112/S37: Scottish Hydro Electric Transmission (SHET) PLC
275kv Overhead-line Between Knocknagael to Tomatin

Report by Head of Planning and Environment

SUMMARY

Description: Construction of a 275kv grid transmission line between the Knocknagael Substation (by Inverness) and the proposed new substation by Garbole (by Tomatin).

Recommendation: Raise No Objection.

Ward: 20 South Inverness.

Development category: Section 37.

Pre-determination hearing: No.

Pre committee site visit: Yes.

Reason referred to Committee: Per scheme of delegation.

1. INTRODUCTION

1.1 The Council is processing two inter-dependent applications but these are being handled in different ways. Both are national category development; the need for which is recognised in the Scottish Government's third National Planning Framework Plan (NPF3). However given that one is founded within the Electricity Act, as opposed to the Town and Country Planning (Scotland) Act, this means that there are separate handling processes.

1.2 The Council is a consultee to the Section 37 (S37) application under the Electricity Act for a new overhead "grid transmission" line (OHL), which will ultimately be determined by Scottish Ministers. The Council's current Scheme of Delegation requires such consultations to be processed as if they were planning applications and this is why the consultation will be considered by the Full Council.

1.3 The Council will also determine a planning application for a new electricity substation by Garbole, Tomatin. Given its status under the category of "National Development as set out in Section 26A of the Act" it requires to be reported to the Full Council. The Council is also required to facilitate a pre determination hearing

in advance of determining the application.

2. PROPOSED DEVELOPMENT

2.1 The S37 application consists of the following key elements: -

- 19 km overhead transmission line (275kv) between Tower 1 at Knocknagael Substation, by Essich, Inverness, and Tower 60 at the proposed Tomatin Substation, by Garbole, Tomatin;
- 4.5 km overhead transmission line (132kv) deviation to the existing Beauly to Boat of Garten overhead transmission line between Tower 127 and Tower 137 to connect the proposed Tomatin Substation; and
- A combination of new permanent and temporary access tracks along the route of the 275 kV and 132 kV overhead lines as described above. This will include the formation of bell-mouths at access points with the public road network.

2.2 A total of 60 galvanised steel lattice 'L8' series towers are proposed. The specific tower design will vary to accommodate localised engineering requirements for factors such as topography, span length (distance between towers), exposure and changes of direction. Typical tower height will range between 46m and 55m above existing ground levels, generally 20 – 25 higher than the existing towers. The typical span between towers will be approximately 300m. A wayleave 40m either side of the built line will then be maintained / managed free of woodland.

2.3 The application is for the line to be sited and contained within Limits of Deviation (LOD). The LOD is designed to allow flexibility in the final siting of individual towers and access tracks to reflect topographical, engineering and environmental constraints. The following parameters have been identified for the LOD: -

- a horizontal LOD of 200m (width) (100m either side of the OHL) where no specific environmental constraints have been identified;
- a horizontal LOD of 80m where the OHL passes through woodland;
- a vertical LOD set at a maximum of 60m (height) above ground level, based on the maximum height of the proposed lattice steel towers; and
- a horizontal LOD of 100m (width) has been applied to proposed new access track (50 m either side of the proposed track alignment).

2.4 The existing 132kv line between Knocknagael and the Farr substation would be decommissioned and dismantled following the commissioning of the proposed development. These works do not form part of this consultation as they can be undertaken by SHET as permitted development given its status as a statutory undertaker. The works will be manged with input from the Council particularly in respect of traffic impact, controls over access and the safeguarding of the local environment / ecology interests (i.e. trees, site restoration, etc.). It is noteworthy that no borrow pits are proposed for the development, with material being procured from local quarries.

2.5 The application is supported by an Environmental Statement (ES) prepared under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000. Documents submitted as part of the ES contain plans, maps, assessments of environmental interests, construction and traffic impact, noise, hydrology, energy

policy, routing options, cultural heritage landscape and visual impacts. A high level of mitigation is proposed particularly in relation to the construction impacts. This will see the development of a Construction and Environmental Management Plan (CEMP) that requires final approval of the Council, in consultation with key statutory consultees. This would be set by condition, in line with Council guidance.

3. SITE DESCRIPTION

3.1 The northern end of the development is located to the south of Inverness, on the southern side of the existing substation at Knocknagael. It extends southwards over open moorland, then through coniferous forest to cross Strathnairn / the River Nairn, before heading south east through Farr, Fanack Wood and into Glen Kyllachy to Garbole. It runs approximately parallel and to the west of the existing 132 kV line in the north and to the east of this line in the southern section following a cross-over at Milton of Farr. The existing 132kv line continues southwards across Strathdearn before crossing the A9(T) road at the Slochd heading on to Boat of Garten. A small diversion of the retained line will be undertaken to connect with the new Tomatin substation.

3.2 The development runs from the Great Glen, across Strathnairn towards Strathdearn via intervening open moorland ridges. It commences at approximately 180m AOD on the Inverness skyline and briefly ascends to 230m AOD before entering the forest plantation at Carr Ban to cross the ridge at 240m AOD. Thereafter the line descends over undulating ground to the floor of Strathnairn, crossing the River Nairn at a height of approximately 180m AOD. It then negotiates a localised area of higher ground (210m AOD) before commencing a steady ascent to 260m AOD east of Farr House, crossing the Uisge Dubh and attaining a maximum height of 508m AOD at Cam Eitidh. Thereafter the proposed line descends steadily towards Strathdearn linking with the site of the proposed substation at an elevation of around 410m AOD.

3.3 Communities in the area include Inverarnie 2km north of the proposed line in Strathnairn and Tomatin 7km to the east in Strathdearn. The OHL passes across farmland within Strathnairn, where there is a scattered pattern of rural housing. In a similar manner a small number of houses prevail within Strathdearn, by Garbole. Currently Farr wind farm (WF), comprising 41 turbines, operate to the east of the proposed OHL as will the consented Glen Kyllachy WF (20 turbines) when built. Moy WF (20 turbines) lies further to the east again and Dunmaglass WF (36 turbines) to the west. Other prominent features in the vicinity of the OHL development include single turbines (i.e. Daviot), telecommunication and radio masts, pylons and transmission wires and wood pole overhead distribution lines.

3.4 The main transport routes through the local area are the A9(T), the B862 (Inverness - Dores – Duntelchaig), the B861 (Asda – Inverarnie Road) and the B851 (Strathnairn Road). Other notable roads are the minor road through Strathdearn and the unclassified Garbole road which links the Strathdearn road with the B851.

3.5 The Glen Kyllachy area can also be accessed via the forestry and estate tracks that serve the Farr Wind Farm and potentially the consented Glen Kyllachy wind farm, directly from the A9(T) road. This private (forestry / estate) road will be used

for construction works for access to the southern end of the development, where the local road network is most fragile.

3.6 The project site does not fall within areas designated for landscape purposes. Within the surrounding areas the following designations are noteworthy including the Cairngorm National Park Authority (6km to the south), Loch Ness and Duntelchaig Special Landscape Area (2km to the west), Drynachan, Lochindorb and Dava Moor SLA (5km to the east) and Leys Castle Garden / Designed Landscape (3km to the northeast). An area of Wild Land (AWL) as recognised within Scottish Planning Policy (SPP) (Monadhliath) lies 5km to the south west of the project.

3.7 The development site does not fall within any nature conservation site, although a number of protected species (badgers, bats, otters and squirrels) and birds are present in this locality. The line will also impact on a number of locations which are valued for habitat purposes including blanket bog, semi natural woodland, wet heath, Groundwater Dependent Terrestrial Eco-Systems, etc. Such features are relatively common to the area but nevertheless require particular attention in the development / construction phase to minimise adverse impact on such interests.

3.8 The development has the potential to result in effects on three Special Protection Areas (SPAs) The Inner Moray Firth SPA (Greylag Goose and Osprey); Loch Ruthven SPA and Loch Ashie SPA both mesotrophic lochs classified for supporting populations of Slavonian Grebe during the breeding season and on passage. At the closest point these SPA's are approximately 3 km from the development. There are also riparian interests associated with crossing of the River Nairn and other localised watercourses which drain to the River Findhorn, both valued for Atlantic salmon.

3.9 Ornithological surveys have been undertaken to determine the species and numbers of birds that could be impacted across the route of the OHL. These included for example red kite, white tailed eagle, goshawk and golden eagle.

3.10 The development impacts on several woodlands, managed as commercial forestry. This includes woodland at Carr Ban west of Loch Bunachton; Blar Buidhe / Creag Sholleir on the north side of Strathnairn; and Farnack / Craggan woods to the south of Strathnairn; and woods In Glen Kyllachy / Strathdearn. There are no statutory or other designations affecting the woodlands within the OHL. Some of these areas are identified in the Forestry Commission's Native Woodland Survey of Scotland (NWSS) as having native woodland status, including "plantations on ancient woodland" sites.

3.11 There are no Schedule Ancient Monuments (SAMs), Listed Buildings, Conservation Area or Historic Battlefield within the project area (Limits of Deviation). However 37 heritage assets have been identified, which have archaeological interest including former settlement remains, agrarian features from pre-historic periods through to the post-medieval period.

3.12 In the wider area there is a larger number of historical interests. However screening of these features against the project Zone of Theoretical Visibility (ZTV), and taking into account the screening effects (albeit intermittent) of forestry blocks,

the likely heritage assets against which the project needs to be assessed has been identified. This includes 20 Scheduled Monuments, 7 Category B listed Buildings, 2 category C Listed Buildings, 2 Inventory status Garden and Designed Landscapes and 1 Conservation Area within 5 km of the Proposed Development and 9 Scheduled Monument, 1 Category A Listed Building, 1 Inventory Garden and Designed Landscapes, 2 Conservation Areas and 1 Historic Battlefield.

4. PLANNING HISTORY

4.1 **31 January 2013** – Pre-application meeting response issued to SHET (13/04108/PREAPP).

5. PUBLIC PARTICIPATION

5.1 Advertised : 6, 13 and 20 November 2015.

Representation deadline : 18 December 2015.

Timeous representations : None.

Late representations : 1

5.2 Material considerations raised are summarised as follows:

- Failings with the environmental statement (ES) to fully consider alternative options.
- Construction impacts and operational impact of permanent line and / or pylon(s) on cattle / pastures – Tordarroch is world-renowned for its pedigree Highland cattle.
- Landscape and visual impacts.

5.3 Letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

6. CONSULTATIONS

Consultations Undertaken by the Planning Authority: -

6.1 Strathdearn Community Council did not respond to the consultation.

6.2 Strathnairn Community Council did not respond to the consultation.

6.3 Dores and Essich Community Council did not respond to the consultation.

6.4 Access Officer has no objection to the application.

6.5 Transport Planning has no objection to the application. Further relevant information will be required in advance of any construction as part of a

Construction Traffic Management Plan which can be set by condition. This will also require a wear and tear agreement including a bond to safeguard against potential damage to the existing network.

6.6 Environmental Health has no objection to the application. Request is made for planning conditions to control risks to potential private water supplies, construction noise and dust.

6.7 Flood Unit has no objection to the application.

6.8 Historic Environment Team has no objection to the application.

Consultations undertaken by the Energy Consent and Development Unit: -

6.9 Scottish Water (SW) has no objection to the application.

6.10 Scottish Environmental Protection Agency (SEPA) has no objection to the application. Request is made for conditions to be attached to any approval.

6.11 Transport Scotland (TS) has no objection to the application.

6.12 Scottish Natural Heritage (SNH) has no objection to the application. A number of recommendations are made in respect of landscape and visual impacts, other protected species and habitats.

6.13 Historic Environment Scotland (HES) has no objection to the application.

6.14 National Air Traffic Systems (NATS has no objection to the application.

6.15 Highland and Islands Airport Limited (HIAL) has no objection to the application.

6.16 Royal Society for the Protection of Birds (RSPB) has no objection to the application.

6.17 Marine Scotland has no objection to the application. It welcomes the proposed buffers to local watercourses including the River Nairn.

6.18 British Telecom has no objection to the application.

6.19 Halcrow (Ch2m) has suggested a peat landslide risk assessment is undertaken prior to consent being granted.

6.20 Mountaineering Council of Scotland has no objection to the application. It requests a condition that all temporary roads are reinstated after construction.

6.21 Forestry Commission has no objection to the application. A request is made for conditions to be attached to any deemed planning consent to safeguard forestry interests.

6.22 Scottish Rights of Way and Access Society has no objection to the application.

7. DEVELOPMENT PLAN POLICY

7.1 The following policies are relevant to the assessment of the application.

Highland Wide Local Development Plan 2012

7.2 Policy 28 - Sustainable Design
Policy 29 - Design Quality & Place-making
Policy 31 - Developer Contribution
Policy 52 - Principle of Development in Woodland
Policy 55 - Peats and Soil
Policy 57 - Natural, Built & Cultural Heritage
Policy 58 - Protected Species
Policy 61 - Landscape
Policy 64 - Flood Risk
Policy 66 - Surface Water Drainage
Policy 67 - Renewable Energy Developments
Policy 69 - Electricity Transmission Infrastructure.
Policy 72 - Pollution
Policy 77 - Public Access

Inner Moray Firth Local Development plan (2015)

7.3 No site specific policies.

8. OTHER MATERIAL CONSIDERATIONS

Scottish Government Planning Policy and Guidance

8.1 The Scottish Government has principal policies on Sustainability and Place-making including Policies for: -

- A Low Carbon Place
    - Delivering Heat and Electricity.
    - Support for construction and improvement of strategic energy infrastructure.
    - Onshore Wind.
- A Natural Resilient Place
    - Valuing the natural Environment.
    - Promoting responsible extraction of Resources.
    - Managing Flood risk and Drainage.

Highland Council Supplementary Planning Policy Guidance

8.2
- Construction Environmental Management Process for Large Scale Projects (August 2010).
- Flood Risk & Drainage Impact Assessment (Jan 2013).
- Highland's Statutorily Protected Species (March 2013).
- Trees, Woodlands and Development (Jan 2013).

9. PLANNING APPRAISAL

9.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This approach is also adopted by the Council when considering consultations on Section 36 & 37 applications under the Electricity Act 1989. The reason for this is that should Scottish Ministers approve the application the applicant will be issued with a deemed planning permission which the local authority is asked to manage / discharge.

9.2 The determining issues for the Council as planning authority responding to this consultation are:

- Does the proposal accord with the Development Plan?
- If it does, are there any material considerations for not approving the proposed development?
- If it does not accord, are there any material considerations for approving the proposed development?

Assessment

9.3 To address the determining issues, the Planning Authority must consider the following:-

a) Development Plan.
b) National Policy.
c) Roads / Traffic Impact and Public Access.
d) Water / Drainage
e) Forestry / Woodland / Trees.
f) Natural Heritage.
g) Design.
h) Landscape Impact.
i) Visual Impact.
j) Cultural Heritage.
k) Noise and other Emissions
l) Construction Impacts.
m) Economic Benefits
n) Other Material considerations.

<u>Development Plan</u>

9.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP) and Inner Moray Firth Local Development Plan (IMFLDP). The Development Plan must be read as a whole, with applications then assessed against all of the policies relevant to the proposed development and its location. Conformity with a single policy or element of the plan does not necessarily indicate that a proposal is acceptable. The HwLDP and the IMFLDP provides policy which can be regarded as up-to-date. There are no site specific policies affecting this application site within the IMFLDP.

9.5 The principal HwLDP policy on which the application needs to be determined is Policy 69 - Electricity Transmission Infrastructure. Other policies listed at 6.2 of this report are also relevant and the application must be assessed against these also; for example Policy 52 (Principle of Development in Woodland) and Policy 61 - Landscape. These matters are assessed in full within a number of material considerations examined within this report.

9.6 Policy 69 specifically highlights that the "Council will have regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption." "It will support proposals which are assessed as not having unacceptable impact on the environment including natural, built and cultural heritage features." "Where new infrastructure provision will result in existing infrastructure becoming redundant, the Council will seek the removal of redundant infrastructure as a requirement of the development."

9.7 Policy 52 (Principle of Development in Woodland) highlights that the Council will maintain a strong presumption in favour of protecting woodland resource. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.' It also advises "the Council will consider major development proposals against their socio-economic impact on the forestry industry within the locality, the economic maturity of the woodland, and the opportunity for the proposals to co-exist with forestry operations"

9.8 The Development Plan supports the broad principle of energy development. This includes transmission of electricity. Where development is assessed as not having unacceptable significant impact on the environment and public benefit of the scheme relative to its woodland impact is identified then the proposal would accord with the Development Plan.

National Policy

9.9 Scotland's Third National Planning Framework sets out the government thoughts on how best to achieve a more successful country, through increasing sustainable economic growth. It includes plans for infrastructural investment including a high voltage electricity transmission network as vital in meeting national targets for electricity generation, statutory climate change targets and security of energy supplies. Whist the need for such projects is evident from National Policy guidance, all necessary consents / assessment are still required. Appropriate levels of mitigation would still be expected in order to avoid or reduce environmental effects and demonstrate, for example, no adverse effects on the integrity of European protected sites.

9.10 An aim of the planning system is to achieve the right development in the right place; it is not to allow development at any cost. SPP introduces a presumption in favour of development that contributes to sustainable development. The connection of approved renewable energy projects to the grid, which would be enhanced by this project, advances its sustainable development credentials. The extension and upgrading of the area's grid transmission not only is a short term economic construction boost, but also a valued investment in the Highland grid

network.

9.11 Further advice is also provided in SPP in respect of potential impacts on the natural environment and the need to protect and enhance Scotland's key natural resources including landscape, ecology, woodland, habitats and biodiversity. The impacts on these resources have been presented within the supporting ES and are considered in more detail within this assessment. The policies and content of SPP is a material consideration that carries significant weight; it is for the decision maker to determine the appropriate weight in each case. If there are no significant adverse impacts on the locality, the development should be supported.

Roads / Traffic Impact and Public Access

9.12 The project extends across a wide corridor (24km) and thereby it has many potential routes for access for all levels of construction vehicles. Vehicle movements would be required to construct new access tracks or upgrades to existing access tracks; deliver the foundation and tower components and conductor materials to site; deliver and collect materials and construction plant from the main site compound and to individual tower locations.

9.13 The construction project would necessitate regular, but low numbers, of staff transport movements, with small work crews travelling to work site areas. It is anticipated that the principal contractor would identify a single main compound area, with a safe area for parking away from the public highway. It is likely that this may itself require planning permission if not contained within the site of this application.

9.14 It is noteworthy that non dual carriage way sections of the A9(T) road are to be upgraded to dual carriageway standards in the coming years. This may impact on the proposed construction routing and the Farr Wind Farm haul road / Trunk road access, with alternative arrangements being led through the Trunk Road improvement programme. The works add a complication to route planning, but in itself does not significantly impact on the proposed development.

9.15 To enable an assessment of the likely access and traffic impacts the applicant has split the construction traffic route into links (See Plan / Map Appendix attached) quantified the number of HGV two way movements in links from the Trunk Road network. From north to south this includes: -

- Zone 1 – using Route Link 1 involving the Inverness SDR (B8082), Essich Road and the Knocknagael spur (U1096).
- Zone 2 – using Route Link 2 involving the Inverness SDR (B8082), Inverarnie / Farr Road (B861).
- Zone 3 – using the C1068 in combination with either Route Link 2 (roads highlighted above) or Route Link 6 and 4 using the B851 (Daviot to Inverarnie, then Farr).
- Zone 4 – Using Route Link 6 and 4 (as highlighted above).
- Zone 5 – Using Route Link 5 – the Private Forestry Route from the A9 known as the Farr Wind Farm haul road).

9.16 A package of road mitigation is expected to be delivered by the applicant that will arise from the outcome of a finalised Construction Traffic Management Plan (CTMP). This plan should be set as a requirement of any approval / planning condition. Mitigation will be in the form of road improvements such as new / upgrade laybys, road widening or junction upgrades. A reasonable and commensurate package of mitigation, founded from the works highlighted within the Council's South Loch Ness – Road Improvement Strategy is seen as appropriate covering the B851, B861 and other minor roads in the area. This should deliver effective and durable mitigation to off set the transport impacts arising from the development. Where new and temporary access tracks join Council roads, such accesses must be designed and constructed to the satisfaction of the Roads Authority to maintain the road safety to the travelling public. It is likely that post construction, improved accesses that are to be retained will need to have their construction softened by landscaping measures to leave a more appropriate junction design suited to its expected longer term usage. Dialogue between the applicant and the Council's local Area Roads and Community Services office and Transport Planning Team is on going.

9.17 There is a significant risk of damage to Council maintained roads from the movement of large and heavy construction vehicles. Structural failure of carriageway during construction is a possibility, as is verge and carriageway edge damage due to vehicle overrun. A wear and tear agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 will be required under which the developer is made responsible for the repair of any damage to the Council's road network that can be attributed to construction related traffic. This will require the developer to lodge a Road Bond to protect the interest of the Council. As part of this agreement, pre-start and post construction road condition surveys shall be carried out by the developer at his expense to the satisfaction of the Roads Authority.

9.18 The Mountaineering Council of Scotland (MCoS) has requested the removal of all temporary access tracks required for construction and that this be set as a requirement for the project. Such a request is founded on its concerns and experience of grid improvement projects where tracks are retained after the construction phase, notwithstanding the specific terms of the initial project submission and or decision. SEPA has stated that it expects all ground associated with temporary access tracks (approximately 16km) to be reinstated regardless of potential interest from land owners to make these tracks permanent after they have served this proposed development.

9.19 These concerns are understandable although tracks retention also has its place. New tracks often provide new experiences and opportunities. Provided any proposal to amend any consent is properly made through the planning process, retention of temporary tracks should always be considered on their own merits at the time that any such application is made for retention. In the context of this application temporary access tracks would form part of the decision making process with full decommissioning of such tracks and full ground restoration expected.

9.20 This proposal has the potential to have a significant physical impact on outdoor

access along the length of this route and its construction access points. Initial concerns include problems arising from the severance of existing access routes during construction, old gates being removed from accessible tracks, new gates being locked on new permanent tracks and access takers demanding that temporary tracks being left as reduced width permanent paths. If the proposal is approved it would be appropriate for all parties to fully understand what this proposal would mean for outdoor access across the length of the project. The Council's Access officer can work with the applicant to identify the areas where the proposals interact with outdoor access elements, assess the impacts during the construction and operational phases and mitigate them. This can be covered by planning condition.

Water / Drainage

9.21 The overhead line (OHL) runs though the Big Burn (south of Knocknagael) catchment which drains to the River Ness, the Allt Beag catchment which drains to the River Nairn and through the Coachan Breach catchment which flows into Glen Kyllachy before joining the River Findhorn. These river systems support salmon populations, which are listed in the European Habitats Directive and therefore need to be given due consideration throughout the development. The proposal seeks to apply buffers (construction constraints) in proximity of the River Nairn. This has been welcomed by Marine Scotland, as are a number of other mitigation measures submitted within the application and its supporting documentation. This includes the use of Sustainable Urban Drainage (SUDs) principles, adherence to Pollution Prevention guidelines and the appointment of an Ecological Clerk of Works to oversee construction activity to minimise, amongst other duties, to minimise impact on the water resources of the area, through effective works planning and monitoring.

9.22 The OHL crosses the Inverness Trunk Main. Scottish Water (SW) has advised that it is essential that the location of this main is confirmed from SW's Asset Plan Providers. Prior to works commencing, the location of the Trunk Main should be marked out and an appropriate Risk Assessment Method Statement (RAMS) put in place and agreed with Scottish Water to prevent damage to the main. In addition to this, all other Scottish Water assets potentially affected by the development must be identified, with particular consideration being given to pipelines crossed by access roads / tracks. These requests can be addressed by planning condition or an informative attached to any deemed consent.

9.23 Scottish Water has advised that there are no drinking water supply catchments that would be affected by activity in the Allt Beag catchment, but it has a supply borehole located close to the River Findhorn, downstream of the OHL at Tomatin. The borehole is about 100m from the Findhorn and abstracts water from alluvial deposits and is therefore directly linked to flow in the River Findhorn. It is considered that the risk of a direct incursion of contaminated surface water from the Findhorn to the borehole arising after one isolated incident at the pylon works is low. Nevertheless a request is made for inclusion in any conditions for notification of any pollution incident in the Glen Kyllachy catchment or the Findhorn, so that the borehole can be temporarily shut down if needed.

9.24 SEPA notes the supporting ES has been undertaken in line with current SEPA guidance covering private water supplies. It is thereby content with the proposed mitigation measures and the development is considered acceptable in this respect. It notes however that if ground water abstractions are discovered during construction then further information will be needed if those abstractions are within 100m radius of all excavations less than 1m in depth or within 250m of all excavations deeper than 1m.

9.25 The applicant has advised that with the exception of watercourse crossings, all construction activity would be more than 30 metres from any watercourse. It further highlights that the applicant will also maximise the distance between towers and tracks from watercourses, again stating a 30m buffer. SEPA has advised that it is content with this level of mitigation. It also acknowledges that with regard to ensuring an appropriate level of pollution prevention and environmental management with the construction phase of this substantial project it requires by condition the production of a finalised Construction Environmental Management Document (CEMD). This would be consistent with Council guidance for largescale development. It would ensure control of all pollution prevention and mitigation measures for all construction elements (including detailed measures in relation to the disturbance of peat) potentially capable of giving rise to pollution during all phases of construction, final site decommissioning and ground reinstatement.

Forestry / Woodland / Trees

9.26 A total of 274ha of woodland lies within the LOD area. The likely impact on trees will be more limited with the OHL passing through an area of approximately 39ha of stocked woodland 86% commercial conifers 14% broadleaves. The woodlands are both privately owned and in the ownership of the Forestry Commission. The trees are of mixed age, with some plantations being harvested or felled as a consequence of recent wind blow damage.

9.27 There are small areas of native and other broadleaved woodland occurring within Crask, Craig Polchor, Achnaveran and the FCS woodlands within the OHL corridor that have inherent amenity value. Within the ES assessment these are not considered to be significant in the landscape. The OHL / and its wayleaves would provide a new woodland edge and open ground. The applicant has recognised planting would be required to compensate for the loss of woodland arising from the development, in balance with the residual creation of new areas of habitat restoration.

9.28 The applicant has advised that forest clearance operations (felling, extraction and transport off site) would be co-ordinated with other activities during the construction period, with felling of an initial corridor to allow access for construction being scheduled early in the overall programme. A detailed timber crop assessment would be carried out post consent and form the basis of a site specific timber harvesting and haulage plan. Where trees do not provide merchantable timber they will be felled to waste, with lop and top left on site to degrade and return nutrients to the soil as part of a natural process. The phasing and timber harvesting methodology will comply with UKFS4 Forests and Water guidelines to avoid adverse effects on water quality within the River Nairn, Farnack and Findhorn

catchments.

9.29 The application raised concerns from the Forestry Commission. It felt the forestry cuts over a relatively high shoulder of Creag Sholleir to Crask; then turns south east to Milton of Farr; and the Blair Buidhe to Crask section would have landscape impacts and significant impacts on the woodland. Whilst not objecting to the application it has asked for conditions that require the developer to produce forest plans for all woodland areas the powerline will cross to show how the woodland management will be adapted to be resilient with the powerline. It also requires the applicant to ensure any additional woodland work required as a result of the powerline outside the development corridor has necessary approvals in place such as a Felling Licence with a restocking condition or compliance with the Control of Woodland Removal Policy (COWRP).

9.30 In line with SEPA's forestry waste guidelines the applicant has advised that trees will be felled to waste if they are not of merchantable quality. It is likely that there will be waste wood generated which therefore must be disposed of or recovered under the Waste Management Licensing (Scotland) Regulations 2011. Further discussion with SEPA on such matters is to be encouraged.

9.31 Taking the above comments into account, the development of public infrastructure can be assessed in terms of its overall impact on existing woodland, as required by Policy 52 of the HwLDP. Given the conditions set out by the Forestry Commission which sustain the local woodlands and secures compensatory tree planting the proposal can be seen to accord with Development Plan Policy.

Natural Heritage

9.32 The development has the potential to directly impact on protected species and habitat as highlighted within the surveys undertaken and reported upon within the applicant's Environmental Statement. For the most part mitigation measures; such as micro-siting; species protection plans as developed during the Beauly / Denny 400kv grid line project but equally relevant for all similar construction projects; deployment of an Ecological Clerk of Works during construction with powers to stop the job etc., can ensure development and conservation can be effectively manged. Scottish Natural Heritage is supportive of the approach set out within the application and the requirement through condition for the approval of a finalised CEMD. It has requested the CEMD gives further consideration to additional ways to reduce the impacts of towers 37 - 55 on carbon rich soils, deep peat and priority peatland habitats.

9.33 SEPA has advised it is satisfied with the Groundwater Dependent Terrestrial Ecosystems (GWDTEs) work undertaken by the applicant. It agrees with the applicant's assessment, the level of impact identified and mitigation proposed including re-assessment of the finalised CEMD. In this manner the interests of GWDTEs can be most effectively managed.

9.34 The proposed limit of deviation (LOD) for this proposal is approximately 3km from Loch Ashie Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) and approximately 6.5km from Loch Ruthven SPA, Ramsar and SSSI.

These sites are designated for breeding and non-breeding populations of Slavonian grebe and are of key importance for this rare and declining species in Scotland. SNH has advised that from its assessment of the ES proposal will not have an adverse impact on the integrity of either Loch Ashie or Loch Ruthven SPA.

9.35 The proposed LOD is also less than 7km from the Inner Moray Firth SPA designated for a variety of breeding and non-breeding birds including wintering graylag geese and osprey. Given the low levels of flight activity for SPA qualifying species SNH concluded there will not be an adverse impact on the integrity of this SPA.

9.36 SNH has advised that in respect of a number of Annex 1 birds, including Red Kite, White-tailed Eagle, Goshawk and Golden Eagle, the proposal is unlikely to have an effect on the regional / national populations. A recommendation is made for the applicant to implement the line marking mitigation as proposed / offered. However, to provide data on the efficacy of line marking for raptors, in particular for kites, it recommends there should be a robust post construction monitoring plan agreed with SNH and other interested parties.

Design

9.37 The project design has been advanced from an assessment of the area and the application of the "Holford Rules" which is an established methodology for grid network design. These rules advocate a hierarchical approach to routeing which avoids major areas of highest amenity, then avoids smaller areas of high amenity, and then considers factors such as backdrop, woodland and orientation.

9.38 The preferred corridor emerged as having least adverse interaction with the key environmental features and sensitivities considered in this locality. It draws benefits from the existing grid line infrastructure, albeit this line will be decommissioned following completion of the new line. The alternative routes considered lay more to the east, using routes running more in parallel with the A9(T) road and rail line corridors. As such there would be much greater visibility to visitors and road users on these key routes between Inverness and the Cairngorm National Park. It has also been influenced by the need for a new substation to serve the Tomatin area given the approval of wind farm developments in the locality (Glen Kyllachy and Tom nan Clach).

9.39 Consideration of alternative technology, scales of development, etc. is raised within any design process where different engineering solutions are assessed. Some options such as using different current (DC or AC) and the undergrounding of cables are not practical, have drawbacks, nor were seen as cost effective. The use of wood pole structures in place of steel lattice towers could not meet the engineering requirements necessary to support a 275kv OHL. The proposed pylons will be generally 20m higher than the existing towers, but fewer in number.

8.40 The proposal is consistent with the existing infrastructure and thereby in design terms has as degree acceptability at the outset. A minimum separation distance of 100m from any house has been selected to ensure no existing residence would experience any significant effects from the OHL, particularly noise or electric-

magnetic interference with Radio / TV reception. There remains some flexibility in the design as set out in the application (see para 1.3 and 1.4), in respect of different spanning between pylons and limits of deviation (LOD) it will be necessary to ensure impacts are not varied to any great extent at key locations. This can be managed by condition to ensure further consultation over micro-siting where impacts are more critical to the acceptability of development.

9.41 Public representation has requested alternative route options to avoid the agricultural holdings at Tordarroch, where a high quality cattle breeding enterprise is located. This representation has to be considered along side the wide design parameters of the whole scheme and the benefits arising from the removal of the existing transmission line, which already crosses this locality. Tower placement within the existing holdings can very much assist impact on continued agricultural interests / use, which will help mitigate in part the concerns raised.

Landscape Impact

9.42 The ES highlights the landform of the area is typified by the three approximately parallel features of The Great Glen, Strathnairn and Strathdearn which are separated by moorland ridges. Land use across the extended site comprises a mosaic of improved and semi improved grassland, rough grazings, moor and forestry (commercial) plantations. Riparian woodland, occasional hedgerows and isolated groups of deciduous trees are also features of the area. The proposed development on account of its size, the pylons and wirescape will have considerable, but familiar, impact across the landscape within which the application site is located.

9.43 Man made elements in this landscape currently include scattered settlement, isolated dwellings and farmsteads in this hinterland of Inverness. It also accommodates Farr wind farm (WF) comprising 41 turbines to the east of the proposed OHL in Glen Kyllachy, with Moy WF (20 turbines) further to the east again and Dunmaglass WF (36 turbines) to the west. Other prominent features in the vicinity of the line of the development includes single turbines (i.e. Daviot), telecommunication and radio masts, and several transmission and distribution lines of varied styles including wirelines on both lattice pylons and wood poles.

9.44 Using the mapping of the Zone of Theoretical Visibility (ZTV) of the development the impact on the landscape and key receptors has been assessed. The development crosses three landscape character areas including “Rolling Farmland and Woodland” south of Inverness, the Farmed Strath formed by Strathnairn and Rolling Uplands of Glen Kyllachy. Receptors to these areas included residents within Inverness, small communities and individual households within the southern hinterland of the city, visitors to nearby designated sites, travellers on main transport routes, core paths and hill tops. The extent of the impact has been assessed across a 10km radius study area, which is considered appropriate, given the significant reduction of visibility from after the initial 2km radius from the development.

9.45 Notwithstanding the introduction of largescale development in the form of pylons, transmissions wires and tracks, the rolling landscape in this area helps to minimise

the extent of the impact across the wider countryside. The existing forestry blocks also help to screen the development from many angles, albeit commercial forestry does not provide a permanent screen. Not to be forgotten are the benefits arising from removal of the existing grid line. This may explain the lack of public representation to the application, with many residents benefiting from removal of the existing line.

9.46 From the largest settlement affected by the development, Inverness, the existing landscape to the south of the city has a range of grid lines crossing the skyline as viewed from the city centre, South and West Inverness. This includes the Foyer Knocknagael line, the Balblair (Beauly) to Dallas / Blackhillock line, the Balblair to Boat of Garten / Blackhillock line and the lower Balblair to Elgin / Blackhillock line which pass through the Dores Road substation. It is only the initial 9 pylon towers that would be visible above Inverness before the screening from the Carn Ban wood minimises the impact for city residents. Given the distance and topography, the impact on the landscape as viewed from the city is quite limited.

9.47 Looking at particular sections of the line, the impacts of the development are seen to be moderate as opposed to major adverse or severe adverse, categories as highlighted and defined within the supporting ES. Moderate impact can be regarded in some assessments to be significant in its effect. However the project avoidance of designated landscapes, settlements, main roads, popular route-ways and areas of public interests does indeed help to diminish to “not significant” its impact upon receptors in the area and the wider landscape. Given the removal of the existing line, the development also does not add significantly by way of a cumulative effect. The key sections of the line in the landscape are highlighted / considered in turn: -

9.48 <u>Section through LCA - Rolling Farmland and Woodland</u>

- Tower 1 – Tower 9 - the line crosses the high open moorland south of Knocknagael. The flat elevated section of Drumossie is uninhabited; the line is set back to the east of the Knocknagael – Dunlichity minor road, with the existing grid line and Inverness – Inverarnie road over a kilometre to the west. The Designed Landscaped Gardens at Leys Castle will not be impacted adversely, indeed it is more likely to benefit overall through the removal of the existing line.

- Tower 9 – Tower 19 – the line passes through the existing commercial woodland at Carn Ban / Blar Buidhe. A key landscape impact will arise from the felling of mature trees to form the new wayleave corridor. At this point the site lies closest to the Loch Ness and Duntelchaig Special Landscape Area (2km to the west) but this designated site will not be impacted to any significant degree.

9.49 <u>Section through LCA Farmed Strath</u>

- Tower 20 – Tower 26 - the line passes across Strathnairn. This is a critical section of the new line, where the spanning and positioning of the towers affects a number of field units, crosses two public roads, riparian interests and housing at a local level. In landscape terms the design of the new line has

advantages over the existing line which is to be removed. The latter crosses the Strath in a longer diagonal crossing, when compared with the proposed shorter and preferred direct routing between the River Nairn and River Fanack.

- Tower 26 – Tower 30 the line passes through the existing commercial woodland at Fanack and Craggan woods. The key landscape impact will arise from the felling of mature trees to form the new wayleave corridor, but would see the removal of the existing line and in time wayleave which currently cuts through the woods.

9.50 Section through LCA Rolling Uplands

- Tower 30 – Tower 56 the line climbs across and through the open moorland of Glen Kyllachy immediately to the east of the existing line, which is to be removed. The line is further to the east of the Garbole road and lies closer to the existing Farr wind farm. The overall impact on the landscape in this section is thereby neutral. It is visible to the wider countryside particularly to the south, including on the Cairngorms National Park and the Monadhliath area of wild land.

- Tower 57 – Tower 60 and Towers 136 – 137 fall within Glen Kyllachy woodland together with the proposed new substation. In landscape terms this will create new wayleaves within the existing forest, but would see the removal of the existing line and in time the wayleaves which currently cuts through the woods.

9.51 The application has raised no objection from the Cairngorms National Park Authority, which lies to the south of the development. The existing line runs from south of Inverness into the National Park at the Slochd and onto Boat of Garten. The existing line within the National Park will be unaffected as will the existing towers southward from 137 which continue across the River Findhorn and through the Slochd where the line enters into the National Park.

9.52 With regard to the Council's Special Landscape Area's including the Loch Ness and Duntelchaig SLA and Dryanchan, Lochindorb and Dava SLA the impact from the proposed line are in both instances quite limited, with the key features of these area not impacted in any significant manner.

9.53 In relation to areas of wild land, the policy position set out in SPP is clear that development may be appropriate in certain circumstances. No part of the development sits within an area of wild land (AWL). The development is in part visible from the Monadhliath AWL which lies to the south west. No significant impact is anticipated on this landscape interest. No concern has been raised by SNH on this matter in part in recognition of impact of the existing line, which will be removed and on account of the distance away from the AWL.

9.54 As noted earlier the Mountaineering Council for Scotland (MCoS) has highlighted the importance of removing all temporary access tracks following construction, as an important element of mitigating the impact of the development in the long term, particularly for those using higher ground / hill-tops in the wider landscape. The applicant has set out its intention to remove all temporary tracks.

Visual Impact

9.55 Following on from how the proposal would look in the landscape, consideration has been given to the key visual impacts that would be experienced by the principal receptors using this locality. These include people living working, traveling through or using the countryside surrounding the proposed development. Given the avoidance of impact on settlements and main transport corridors the anticipated visual impact on receptors is not high, therefore not significant or detrimental to receptors in these locations. Whilst this assessment seeks to highlight for the purposes of the EIA the worse impacts, it is always important to remember that given the existing impact of the existing line. Its removal offers much in the way of mitigation to local communities and ensures that many of the worse impacts of the new line, are already familiar and acceptable experiences.

9.56 12 viewpoints were assessed in the surrounding area to examine locations where the visual impacts of the proposal would be experienced by key receptors. Significant visual effects including cumulative sequential effects were identified within 5 viewpoints and two sequential routes. These are considered in turn.

- Viewpoint 4 on the minor road between Knocknagael and Dunlichity is identified as having “major” visual impact to road users. The nearest towers would be at a distance of 0.89km, with the viewer at this point seeing all or part of 25 towers and wires, largely over the open moorland, on the skyline. This is at a location that has no great visual focus and users of this route are few in number.

- Viewpoint 5 at Tombreck on the B861 is identified as having “moderate” visual impact to road users travelling between Inverness and Strathnairn and a few residents. The nearest section of OHL is at a distance of 1.6km to the west, which is more distant than the existing line. The impact gives rise to no great concerns from this viewpoint.

- Viewpoint 6 B851 at Milton of Farr is identified as having “severe” visual impact to residents and road users travelling in Strathnairn. This is where receptors can see the line crossing Strathnairn, with the line crossing over the road, but also ascending southwards into Glen Kyllachy and northwards into Carn Ban. One pylon is expected to be located at the roadside, with other pylons and wirescape being screened to receptors by roadside trees, particularly when in leaf. The experience however is very much consistent with the existing line and wayleaves, albeit slightly more distant, which will be removed but that have now matured into the landscape.

- Viewpoint 7 Creag Buidhe is identified as having “major” visual impact to walkers at the local high spot to the west of the development with panoramic views of Strathnairn and the wider countryside. Potentially 53 of the pylons would be seen from this high vantage point, many kilometres of wireline, together with the wayleaves through existing forestry particularly north of Crask. Receptors to this hill top are limited. Given the input from the Forestry Commission in respect of new wayleaves, the proposal can be successfully absorbed into the views from this hill top.

- Viewpoint 8 Minor Road between Farr and Garbole is identified as having "major" visual impact to road users, with the road running almost parallel across this open moorland. In addition to the proposed line, the view is also impacted by the existing Farr wind farm. The impact will be lessened by the removal of the existing line which runs closer to the road side.

9.57 Given the size and scale of this proposal the overall visual impact of the development has not given rise to particular concern, with the key visual impacts being experienced within locations which are not frequently used and / or where there are considerable benefits arising from the removal of the existing line. The assessment has correctly identified where impacts will be realised, highlighting that in the majority of these selected viewpoints the impacts will not be significant. Where the impacts are more significant, the number of receptors is low and or where the impact need not be given particular weight in the final planning balance given the lack of formal designation / interests in the vicinity of these locations / receptors.

Cultural Heritage

9.58 The ES recognises the potential impact on a number of cultural heritage assets that lie in close proximity of the development. Mitigation is proposed using localised micro-siting to avoid known interests. Where this cannot be achieved it is proposed that such interests are either given protective fencing to minimise impact or formally recorded prior to any construction impacts. Particular assets of national interests to Historic Environment Scotland and regional / local interest to the Council's Historic Environment Team. All have been have been assessed for impact.

9.59 Historic Environment Scotland has advised that the project raises no issues of national concern notwithstanding there is some impact on heritage assets of interest. These include Glas Carn chamber cairns SE of Achvraid; Mains of Gask ring cairn and standing stones; Ballone depopulated township; and Milton of Farr cup marks.

9.60 The Council's HET advises the applicant has provided a good level of detail with regard to the predicted impacts on historic environment assets including for example the Big Burn hut circles and field system, Tordarroch Cottage, Blarbuie and Essich hut circles. It highlights however that it is possible that further archaeological interests may survive, buried within the application area and that these may be impacted by the proposed development. The offered mitigation is welcomed but it is also recommended that a condition is attached to any consent to address potential finds arising from ground breaking activities in key areas of interest.

9.61 To the north east of the development lies Leys Castle, an A listed building. The Castle is set within the design garden / landscape which provides significant tree lined boundaries. As a consequence of these wooded policies and the fact that the existing overheadline, which lies closer to the castle / gardens, is to be removed following completion of development, it is considered that there is no significant or

greater impact arising from the development on this listed building and garden / landscape interest.

Noise and other Emissions

9.62 The operation of the overhead line is not expected to give rise to noise in excess of acceptable levels. Conductors can emit sound when under load, which occurs mainly in wet weather. Such noise is unlikely to be in excess of 3db above background noise levels, and with the line set back from all existing properties will not adversely impact on any key receptors associated with this project. In a similar manner there is no vibration, heat, or light from the OHL. Electro magnetic exposure arising from the line will fall well within International Commission Non-Ionising Radiation Protection (ICNRIP) guidelines.

9.63 With regard to construction noise this is largely being addressed by the applicant with limits on working hours. Construction working is likely to be during daytime only. Working hours are currently anticipated by the applicant between approximately 07.00 to 19.00 in summer and 07.30 to 17.00 (or within daylight hours) in winter. Any out of hours working then need to be agreed in advance with Planning Authority. In addition the applicant has advised that within the proposed Construction Environmental Management Document (CEMD) an assessment of the construction noise impact will be set down with potential mitigation measures highlighted. At the outset the contractor will follow BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites. A community liaison group will be established arrangements to ensure residents were kept updated and aware of the development as it progresses. This will allow liaison to assist with noise management, complaints, and particular considerations at any given point in time.

9.64 The Council's Environmental Health Officer (EHO) has recognised that the principal issue for EH would be construction noise affecting local residents in the few areas where the line is in proximity to any noise sensitive properties. This can be successful managed through the approved CEMD / Conditions and existing regulations / enforcement procedures available to the Council's EHO.

Construction Impacts

9.65 The ES in support of this application has outlined the applicant's commitment to working with in the framework of a Construction Environmental Management Document (CEMD). In this manner specific "Plans" are prepared in collaboration with the appointed contractor / sub-contractor to ensure all commissioned works are undertaken in a manner to protect the interests in the surrounding environment. Such plans, when finalised post procurement but in advance of commencement of development are submitted to key consultees such as SEPA and SNH before being approved and the relevant planning condition discharged.

9.66 The Plans submitted as part of the CEMD need to be complaint with best practice advice from Statutory Bodies, but essentially they also needs to be submitted for approval very much in Plan form, highlighting specific measures to be taken to safeguard interests at key locations. In this manner it is clear then how

development is to be set back from valued habitat; watercourses; how the workforce will approach (access) a construction area, what dust management, pollution protection fuel storage measures etc. will be adopted and enforced by the Contractor / and the ECOW. This can also include a Peat Management Plan (PMP) to ensure careful management of this valued resource and take account of any peat slide risk as highlighted within the consultation response from Halcrow (Ch2m). Specific requirements of the CEMD can be set out in the relevant planning condition attached to any approval. It can address issues such as dust management, blasting, etc.

9.67 Reinstatement plans would similarly take account of any identified important habitat, species locations and archaeological interests. All soils and peat removed during construction would be stored carefully having regard to the requirement to segregate different soil horizons and then replaced on site during reinstatement. reinstatement would seek to successfully integrate the site with surrounding land uses and habitats; the ground would be graded to fit with natural contours; artificial drainage measures installed as part of the construction work would be removed, with natural drainage patterns reinstated; and natural regeneration of habitats would be promoted.

Economic Benefits

9.68 The development will bring short term economic benefit, given the work force required to undertake such a construction project. The applicant has a well developed ePortal Highland and Islands Open for Business to ensure local companies have an opportunity to bid for work. The track record of local companies getting involved with such development is good. It has been particularly beneficial in securing a number of apprenticeships. The operational phase of the project will employ a much smaller number of people, with way-leave tasks and repair and maintenance being quite sporadic. In overall terms, the project is seen as having a lasting legacy, improving and enhancing the grid network serving this locality. It is expected that the project will lead to small but valued improvement to many local roads serving the area.

Other Material Considerations

9.69 There are no other relevant material factors highlighted within submissions made on this application.

Matters to be secured by Legal Agreement

9.70 The assessment of the application has highlighted a number of matters that need to be addressed through planning conditions attached to any consent granted by Scottish Ministers. A request is also made to secure for example compensatory planting and revised forest plans in collaboration with the Forestry Commission. The Council as Road Authority requests that any consent, requires prior to the commencement of any development requiring use of the local road network a wear and tear agreement under the Roads (Scotland) Act is secured, in collaboration with the finalised pack of mitigation required to enhance the road network.

9. CONCLUSION

9.1 The Scottish Government and the Council each have policies in support of projects which increase the capacity of the grid network to serve the community and in particular the significant level of investment in renewable energy. NPF3 justifies the need for such investment highlighting such development of national importance.

9.2 Highland has been successful in attracting inward investment in renewables, enabled in part by a matching level of investment in the improvement of the grid transmission system. This success has lead to the Highlands having a good understanding of this type of project and having a suite of policies and guidance that can assist in it assessment and effectively manage the implementation of such works. For example, the deployment of "CEMD", a particular approach to assist with the implementation / management of such largescale projects. There are investment benefits too that help favour these projects, not just from the short term construction benefits, but a continued stream of investment assisting with apprenticeships schemes and partnership networks with local companies.

9.3 Statutory and other consultees responding to this application are generally supportive. Some have set out recommended planning conditions that should be attached to any consent granted by Scottish Ministers to effectively ensure that the specific interests of consultees are secured. Of importance too are the comments from the Forestry Commission which has sought appropriate levels of investment in the affected woodland to ensure wind firm edges within the new forest wayleaves and compensatory planting.

9.4 The application has raised one late public objection related to its impact of the agricultural unit at Tordarroch. The objection is one that is not regarded as being significant requiring a re-design of the application, but further discussion with the applicant to ensure that the finalisation of the as built project ensures the expected impact of the line across the specific agricultural holding offers the maximum mitigation possible in retaining key parcels of land in effective agricultural use.

9.5 In overall design terms the application is seen to be a project that has been well designed. It will improve significantly the grid transmission line south of Inverness from Knocknagael to Strathdearn, particularly when taking account of the removal of the existing grid line consequential set back that the new line makes from existing residents.

9.6 There are no significant impacts arising from the project in respect of existing landscape and other designations / policy considerations. The visual impact of the development will be limited and in many places less than the existing line. The exception to this is perhaps the consequential impact on the landscape from the new wayleaves through existing forest holding, although with many being commercial woodlands such impacts on the area were inevitable at the felling stage.

9.7 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained

within the Development Plan and is acceptable in terms of all other applicable material considerations. The latter view has particular regard for the public benefits of the scheme given the impacts on existing forestry as required under Policy 52 of the HwLDP and the support for transmission as highlighted within Policy 69 of the HwLDP.

10. RECOMMENDATION

10.1 It is recommended that the Council **Raise No Objection** to the Section 37 application subject to the following conditions and informatives being submitted for consideration by Scottish Ministers.

Conditions

1 Prior to the commencement of any development a finalised Construction and Environmental Management Document (CEMD) shall be submitted for the approval of the Planning Authority in consultation with other relevant statutory consultees. The approved document and its supporting plans shall then be implemented unless otherwise agreed in writing with the Planning Authority. The CEMD, primarily using a series of plans, shall highlight the specific safeguards to be implemented on site as generally set out in the Environmental Statement supporting the application. It must address the following key interests: -

- An updated / final Schedule of Mitigation taking forward all mitigation proposed in support of the application and subsequent line decommissioning works together with the requirements of this decision.
- Process to action changes from the agreed Schedule of Mitigation.
- Proposals for community liaison preceding and during the construction stage.
- Species Protection Plan including details of pre-commencement surveys and development buffer areas to prevent encroachment on protected species, valued habitat and Groundwater Dependent Terrestrial Ecosystems.
- Watercourse Protection Plan including agreed requirements in respect of 30m watercourse and water supply development constraint buffers, incident reporting for protection of private water supplies (off-site / downstream), water mains pipelines and engineering works within the water environment.
- Site Drainage and Surface Water Management Plan.
- Pollution Prevention Mitigation Measures for all construction activities.
- Dust management.
- Noise Management Plan focused upon protecting neighbouring noise sensitive properties consistent the guidance outlined within BS5228: 2009 Part 1 Part 1 1997 – Noise and Vibration Control on Construction and Open Sites.
- Waste Management including as appropriate forestry waste arising from tree felling.
- Peat Protection Plan including as necessary account of further peat slide risk assessment, disruption to peatlands and treatments for excavated peat.
- Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:

i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
ii. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
iv. Directing the placement of the development (including any micro-siting, if permitted by the terms of this consent) and the avoidance of sensitive features; and
v. The power to call a halt to development on site where environmental considerations warrant such action.

- Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the client and the Planning Authority and other relevant parties.

Reason: - to minimise adverse impacts / risk to pollution of air, land water and local ecological interests.

2 Prior to the commencement of development a finalised Construction Traffic Management Plan (CTMP) must be submitted for the approval of the Planning Authority in consultation with the relevant road authorities. The plan must highlight all traffic impacts arising from the construction of the approved development including all associated decommissioning works arising from the removal of the existing overheadline. The plan must thereafter be implemented unless otherwise agreed in writing with the Planning Authority. The CTPM must set out programmes for: -

- The development of a wear and tear agreement with the Council as local roads authority including provision for pre and post commencement road condition surveys, the submission of a financial bond in respect of the risk of any road reconstruction works. Highway structures including bridges, culverts and retaining walls shall be inspected and load assessment undertaken where Road's Authority thinks fit.
- A programme of road mitigation works to be delivered in advance of agreed traffic impacts in line with the Highland Council's South Loch Ness Road Improvement Strategy.
- Measures to be implemented by the developer to inform all contractors and sub-contractors and the work force generally to comply with a controlled use of public roads and private access set down within the CMTP. This is expected to include voluntary controls to refrain from using some local roads. It should also highlight: -

    - arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
    - emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown, particularly on single track roads;

- timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- monitoring, reporting and implementation arrangements; and
- arrangements for dealing with non-compliance.

3 No blasting shall take place without the prior written approval of that planning authority to a blasting scheme. The applicant shall only carry out any blasting in accordance with the approved blasting scheme unless otherwise agreed in writing with the planning authority.

Reason: - to ensure the impacts of such activity is fully considered in respect of local housing and other relevant public safety interests.

4 Prior to the commencement of development a timetable for agreeing the design and positioning of pylon towers No 19 – 26 shall be set out for the Planning Authority to receive and approve the final design and siting options for the proposed works taking into account existing land uses, trees, existing housing and local routeways following initial ground investigation works. The overheadline shall then be implemented as agreed.

Reason: - To ensure the final design for the overheadline achieves the best design fit as it crosses Strathnairn.

5 Prior to the commencement of development a timetable for agreeing the design and positioning of pylon towers No 37- 55 shall be set out for the Planning Authority to receive and approve the final design and siting options for the proposed works taking into account carbon rich soil resource. The overheadline shall then be implemented as agreed.

Reason: - To ensure the final design for the overheadline achieves the least impact on peatlands above Glen Kyllachy.

6 No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development / construction works, including a timetable for investigation, all in accordance with Section 7.7 of the supporting Environmental Statement has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: - In order to protect the archaeological and historic interest of the site.

7 Prior to the commencement of any development a detailed Outdoor Access Plan, with timetable for any implementation, shall be submitted to and approved in writing by the Planning Authority. The purpose of the Outdoor Access Plan shall be to set out site tracks and paths in a manner to maintain public access routes during construction and to enhance public outdoor access in the long-term. The Outdoor Access Plan shall then be implemented as approved.

Reason: - To safeguard and enhance public rights of way.

8 Prior to the commission of the overhead line a post construction monitoring programme is drawn up and agreed with Scottish Natural Heritage in collaboration with other interested parties to provide data on the efficacy of line marking for raptors, in particular for kites. The agreed monitoring plan shall then be implemented in its entirety unless otherwise agreed by the Planning Authority.

Reason: - to confirm the effectiveness of measures deployed to safeguard raptors, particularly red kite, from collision with overhead electricity lines.

9 Prior to the energisation of the substation SHET shall confirm woodland management proposals for the area of overhead line corridor to be removed (as shown on Figure 2 of the Woodland Impact Assessment Report), including timescales for any planting / management of these areas in the context of a woodland management plan for the wider woodlands at Garbole. The proposals shall be submitted for written agreement of the Planning Authority in consultation with the Forestry Commission Scotland. The woodland management shall then be carried out in accordance with the agreed proposals.

Reason: - to ensure the woodland resource of the area continues in effective management following all construction impacts.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant an objection to the application.

TIME LIMITS

N/A

FOOTNOTE TO APPLICANT

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the

application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: http://www.highland.gov.uk/yourenvironment/roadsandtransport

Application forms and guidance notes for access-related consents can be downloaded from:
http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationforms forroadoccupation.htm

Mud & Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Woodland Management

For avoidance of doubt any requirement to fell trees out with the red line site boundary and not identified by the development proposed will require the relevant necessary approvals in place such as a Felling Licence with a restocking condition or an agreed amended Design Plan.

Designation:	Head of Planning and Building Standards.
Author:	Ken McCorquodale, Principal Planning officer
Background Papers:	Documents referred to in report and in case file.

List of Plans for approval include: -

- Location Plans 1- 16
- Typical Tower Elevations
- Typical Tower Foundations.
- Typical Track Construction Details 1 - 3.
- Construction Access Route Plan

Appendix – Letters of Representation

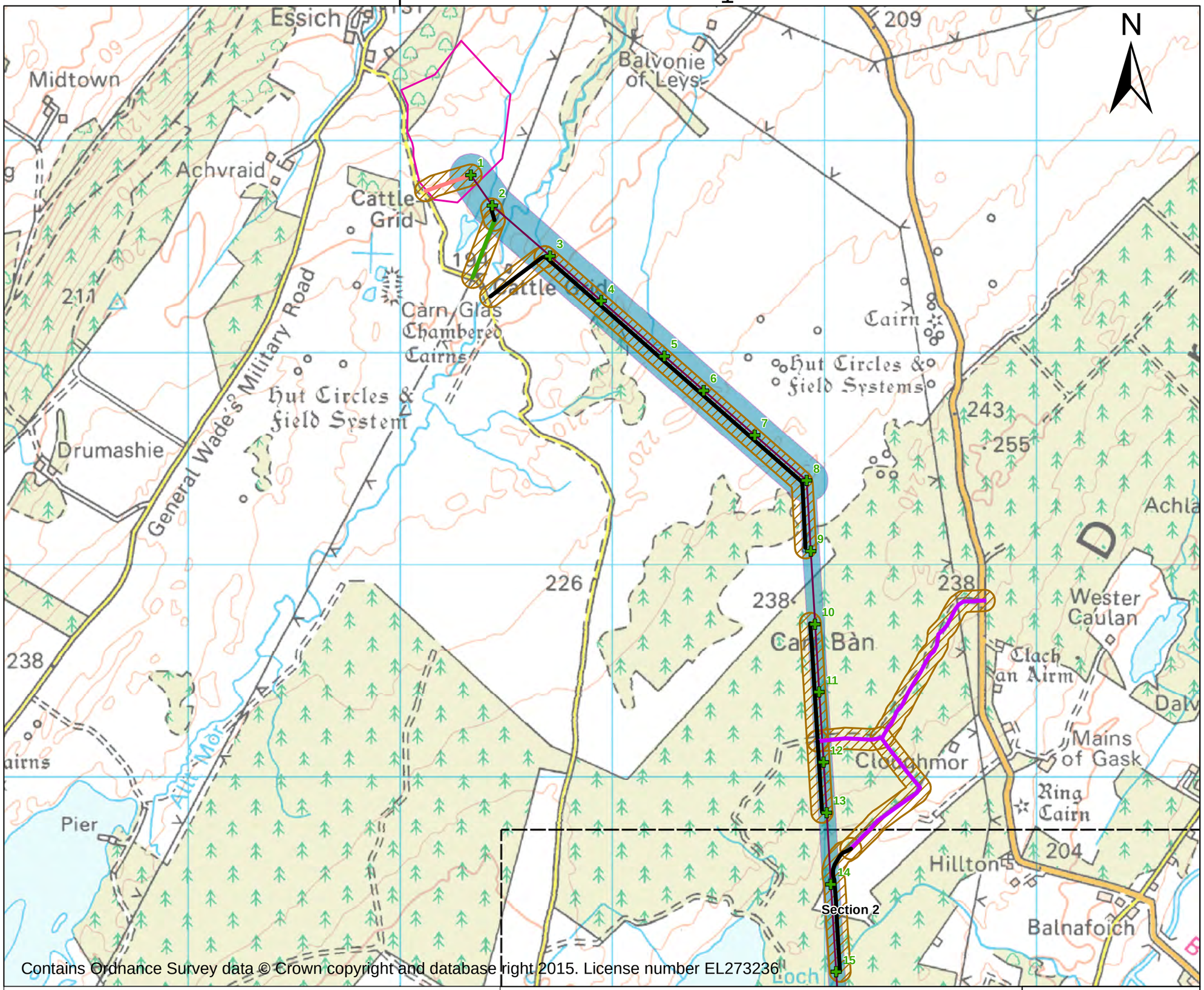
Timeous Representation

None

Late Representation

1. Tordarroch Farm / Business Enterprise

265000.000000



0 0.275 0.55 1.1 1.65 2.2 km

Scale @ A3 1:17,500

Legend

- Knocknagael Substation
- Proposed Tomatin Substation
- Proposed 275 kV Overhead Transmission Line
- Proposed Limits of Deviation (LOD)
- L8 275 kV Towers
- L4 132 kV Towers
- Proposed 132 kV Overhead Transmission Line
- Existing Access Track (No Upgrade Required)
- Existing Access Track Upgrade
- Proposed Permanent New Stone Access Track
- Proposed Temporary New Stone Access Track
- Proposed Access Tracks - LOD

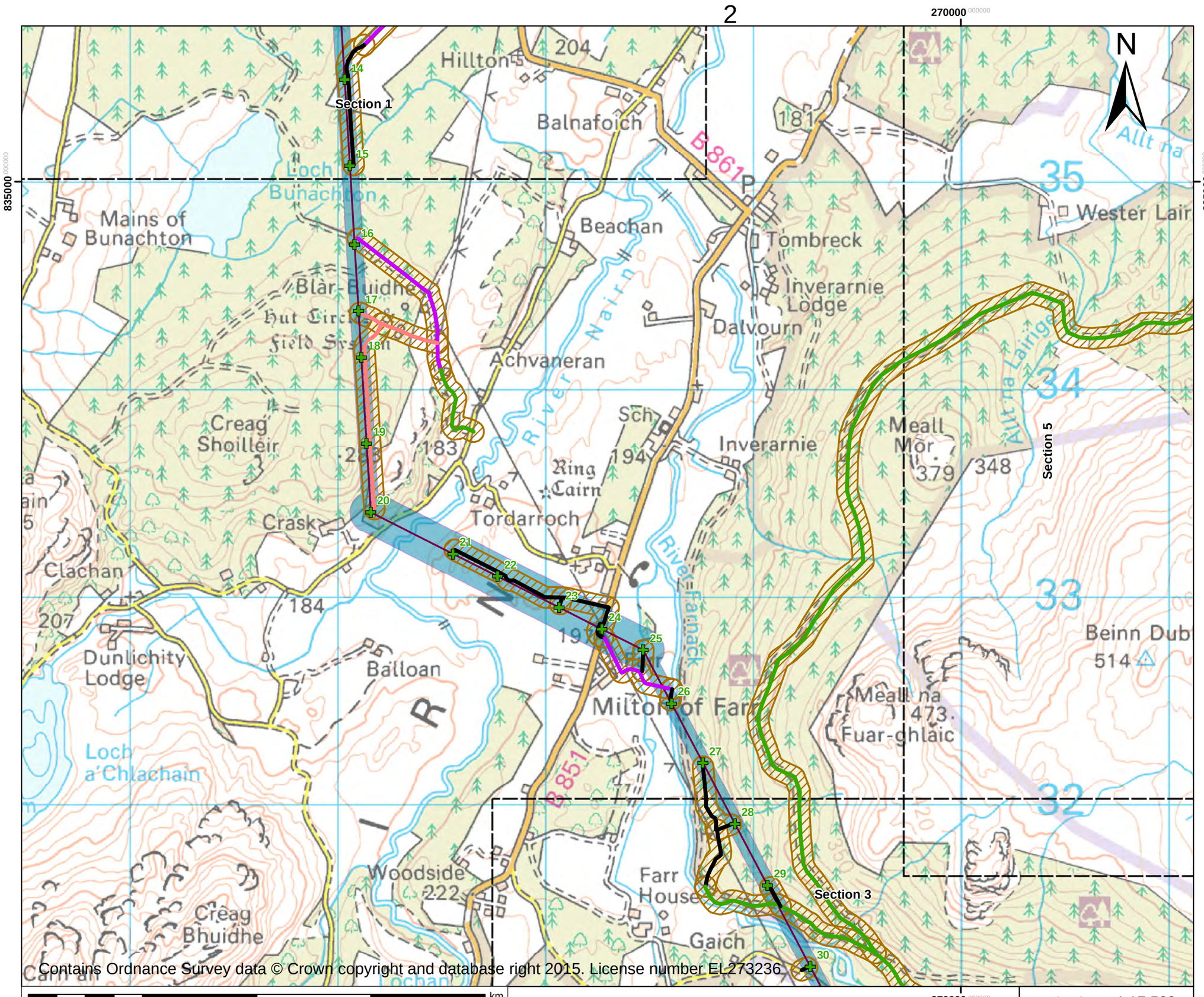
Figure 2.1a - Proposed Development and Limits of Deviation (LOD), Access Options and Provisional Towers

Knocknagael to Tomatin 275 kV OHL Environmental Statement

Client: SHE Transmission Plc

Date	Drawn by
October 2015	DD
Project No. UK12-18358	Issue 1

Scottish and Southern Energy Power Distribution



Legend

- Knocknagael Substation
- Proposed Tomatin Substation
- Proposed 275 kV Overhead Transmission Line
- Proposed Limits of Deviation (LOD)
- L8 275 kV Towers
- L4 132 kV Towers
- Proposed 132 kV Overhead Transmission Line
- Existing Access Track (No Upgrade Required)
- Existing Access Track Upgrade
- Proposed Permanent New Stone Access Track
- Proposed Temporary New Stone Access Track
- Proposed Access Tracks - LOD

Figure 2.1b - Proposed Development and Limits of Deviation (LOD), Access Options and Provisional Towers

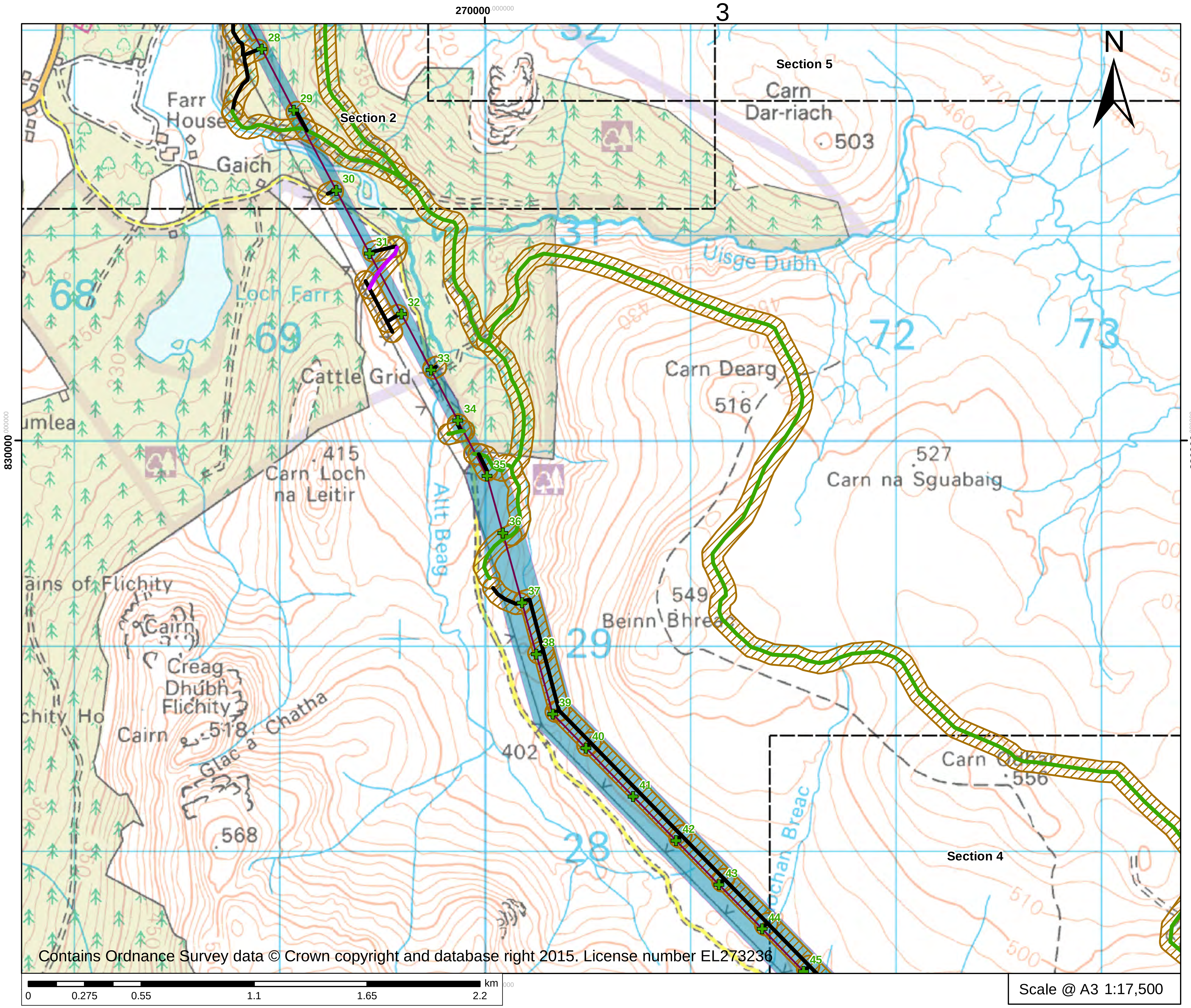
Knocknagael to Tomatin 275 kV OHL Environmental Statement

Client: SHE Transmission Plc

Date	Drawn by
October 2015	DD
Project No. UK12-18358	Issue 1

Scottish and Southern Energy Power Distribution

Scale @ A3 1:17,500



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Scale @ A3 1:17,500

Legend

- Knocknagael Substation
- Proposed Tomatin Substation
- Proposed 275 kV Overhead Transmission Line
- Proposed Limits of Deviation (LOD)
- L8 275 kV Towers
- L4 132 kV Towers
- Proposed 132 kV Overhead Transmission Line
- Existing Access Track (No Upgrade Required)
- Existing Access Track Upgrade
- Proposed Permanent New Stone Access Track
- Proposed Temporary New Stone Access Track
- Proposed Access Tracks - LOD

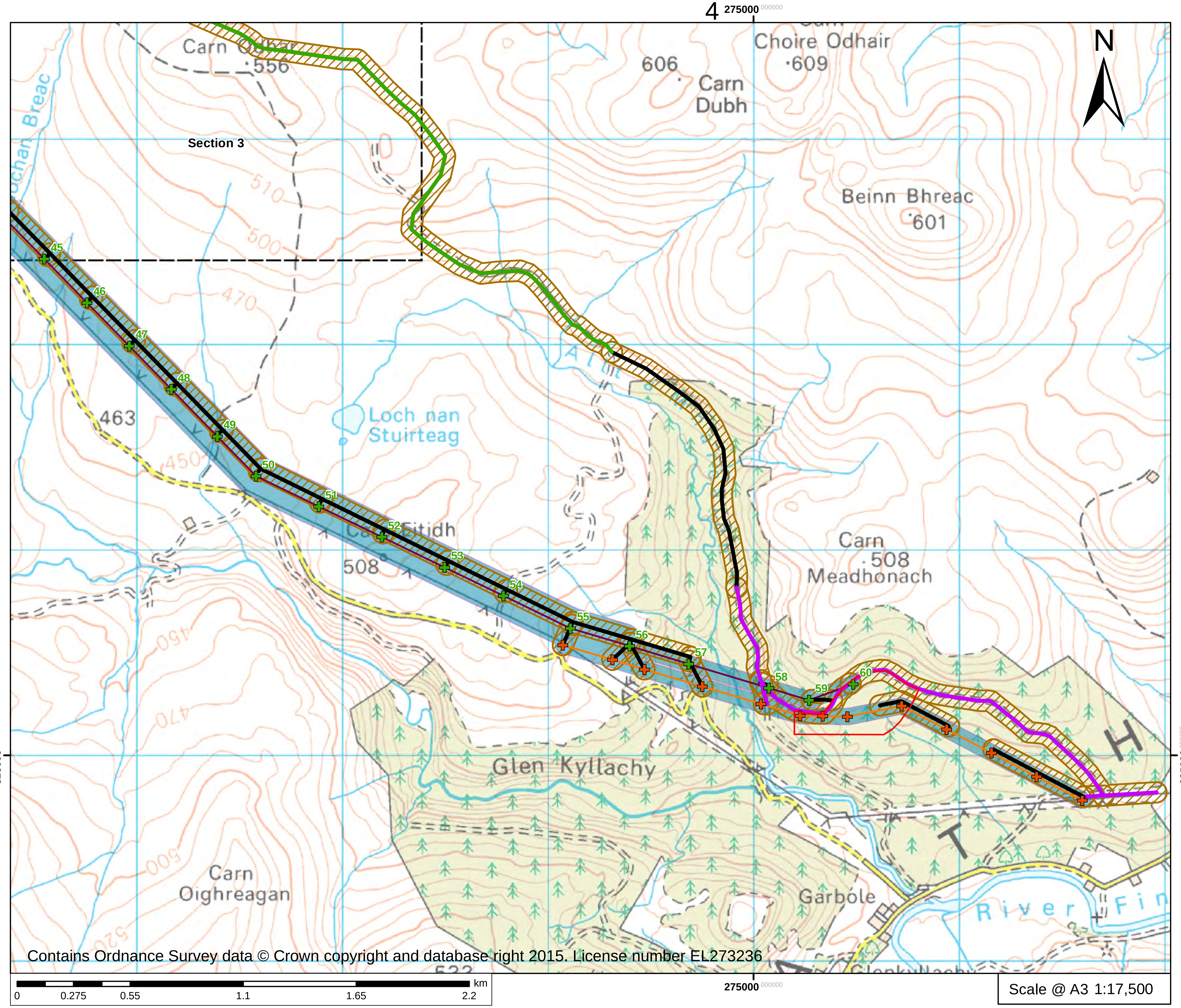
Figure 2.1c - Proposed Development and Limits of Deviation (LOD), Access Options and Provisional Towers

Knocknagael to Tomatin 275 kV OHL Environmental Statement

Client: SHE Transmission Plc

Date	Drawn by
October 2015	DD
Project No.	Issue
UK12-18358	1

Scottish and Southern Energy Power Distribution



Scale @ A3 1:17,500

Legend

- Knocknagael Substation
- Proposed Tomatin Substation
- Proposed 275 kV Overhead Transmission Line
- Proposed Limits of Deviation (LOD)
- L8 275 kV Towers
- L4 132 kV Towers
- Proposed 132 kV Overhead Transmission Line
- Existing Access Track (No Upgrade Required)
- Existing Access Track Upgrade
- Proposed Permanent New Stone Access Track
- Proposed Temporary New Stone Access Track
- Proposed Access Tracks - LOD

Figure 2.1d - Proposed Development and Limits of Deviation (LOD), Access Options and Provisional Towers

Knocknagael to Tomatin 275 kV OHL Environmental Statement

Client: SHE Transmission Plc

Date	Drawn by
October 2015	DD
Project No.	Issue
UK12-18358	1

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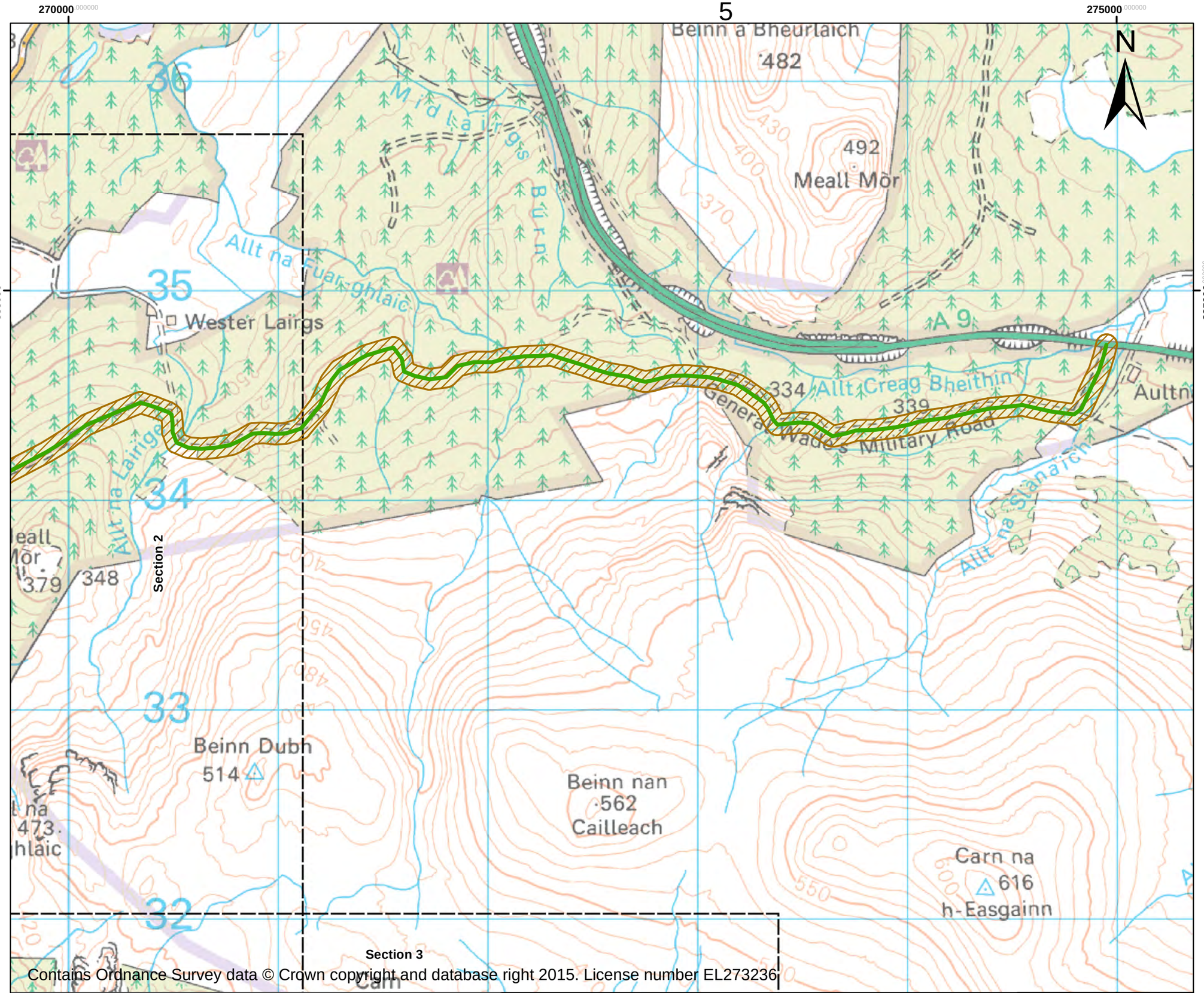
Power Distribution



Scale @ A3 1:17,500

Legend

- Knocknagael Substation
- Proposed Tomatin Substation
- Proposed 275 kV Overhead Transmission Line
- Proposed Limits of Deviation (LOD)
- L8 275 kV Towers
- L4 132 kV Towers
- Proposed 132 kV Overhead Transmission Line
- Existing Access Track (No Upgrade Required)
- Existing Access Track Upgrade
- Proposed Permanent New Stone Access Track
- Proposed Temporary New Stone Access Track
- Proposed Access Tracks - LOD

Figure 2.1e - Proposed Development and Limits of Deviation (LOD), Access Options and Provisional Towers

Knocknagael to Tomatin 275 kV OHL Environmental Statement

Client: SHE Transmission Plc

Date	Drawn by
October 2015	DD
Project No. UK12-18358	Issue 1

Scottish and Southern Energy Power Distribution

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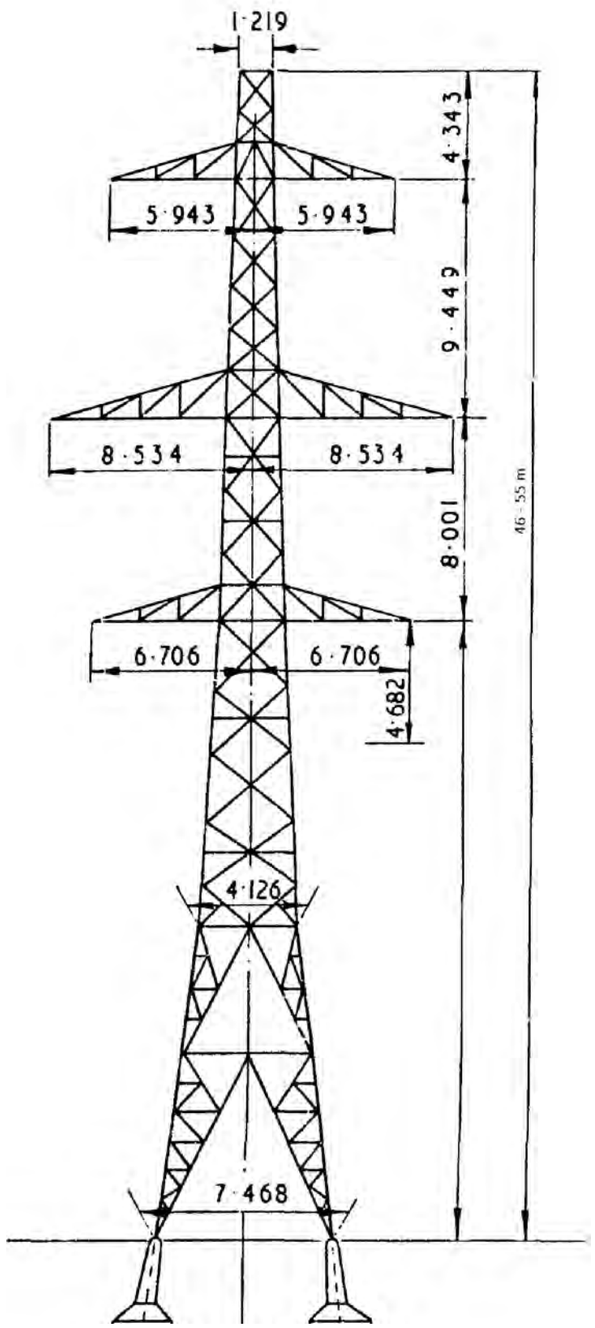
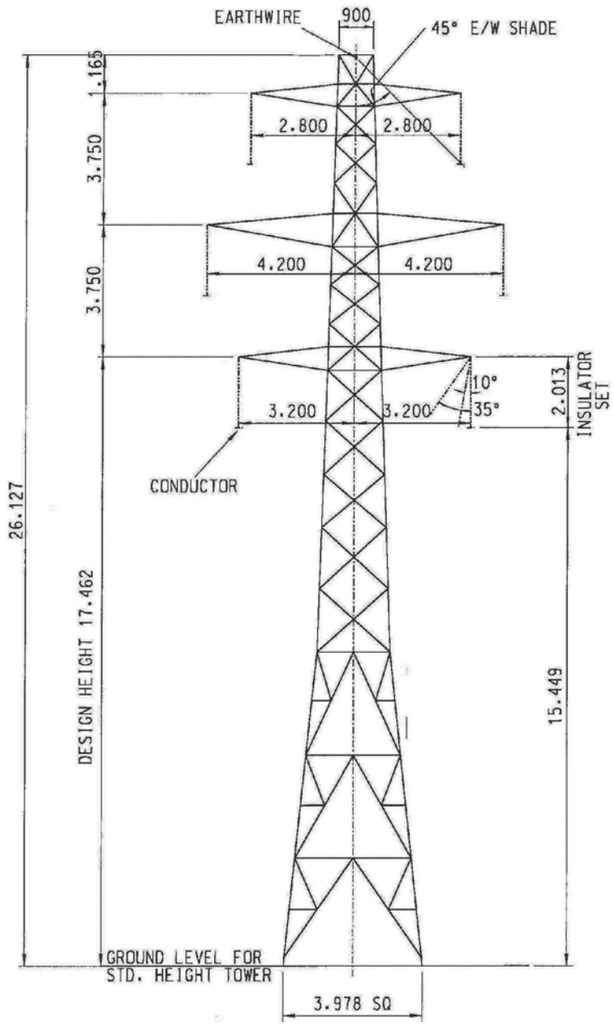
STD



Typical L8
Tower Elevation



Typical L4
Tower Elevation

Sketch Not To Scale

Legend

Figure 2.2 - Typical Tower Elevations

Knocknagael to Tomatin 275 kV OHL
Environmental Statement

Client: SHE Transmission Plc

Date	Drawn by
October 2015	DD
Project No. UK12-18358	Issue 2

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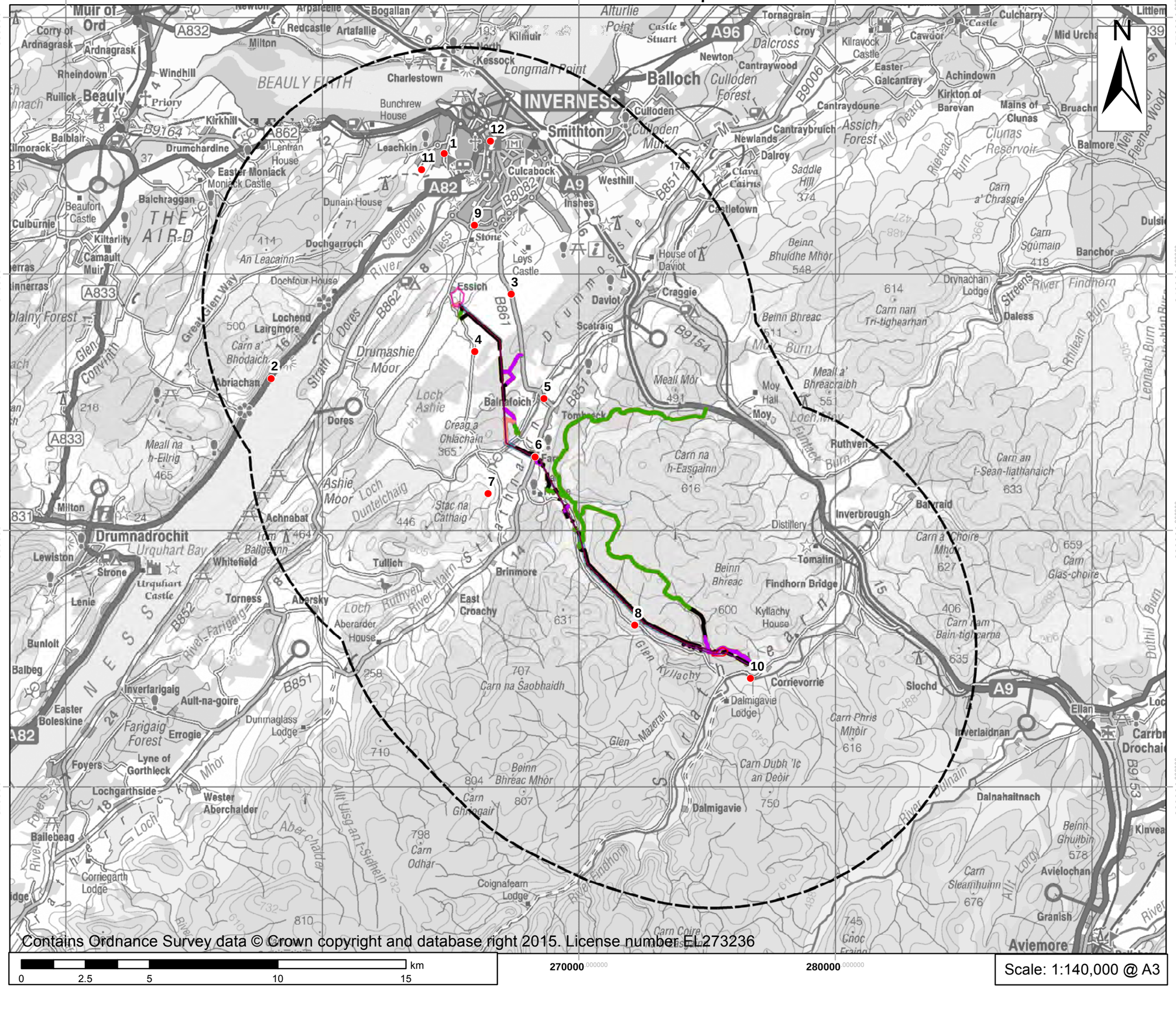
250000 260000 270000 280000 290000

850000 840000 830000 820000



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0 2.5 5 10 15 km

Scale: 1:140,000 @ A3

Legend

- Knocknagael Substation
- Proposed Tomatin Substation
- Proposed LoD
- Proposed Access Tracks - LOD
- Proposed LoD Study Area
- Proposed 275kV OHL Route
- Proposed 132kV OHL Route
- Existing Access Track (No Upgrade Required)
- Existing Access Track Upgrade
- Proposed Permanent New Stone Access Track
- Proposed Temporary New Stone Access Track

Viewpoints

- 1: King Brude Road, Inverness
- 2: A82 Viewpoint, Loch Ness
- 3: B861 Newton of Leys
- 4: Minor Road between Essich and Dunlichty
- 5: B861 Tombreck
- 6: B851 Milton of Farr
- 7: Creag Bhuidhe
- 8: Minor Road between Farr and Garbole
- 9: Distributor Road, Inverness
- 10: Dalarossie Church
- 11: Great Glen House, Inverness
- 12: Bridge, Young Street, Inverness

ii.
Study Area and Viewpoint Location Map

Knocknagael to Tomatin 275 kV OHL

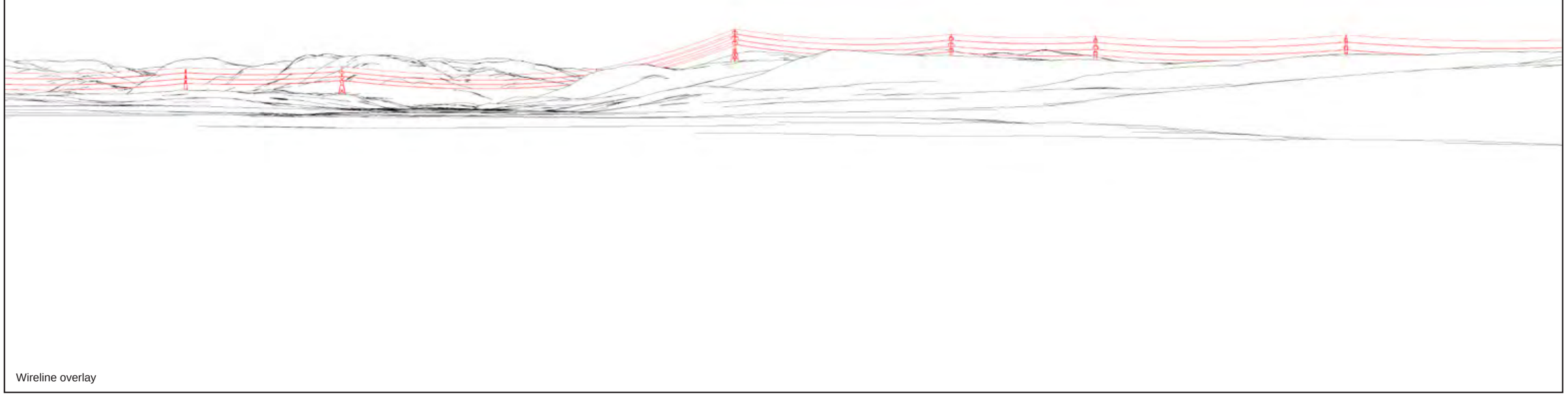
Client: SHE Transmission Plc

Date	Drawn by
Oct 2015	SR
Project No.	Issue
UK12-18358	4

Scottish and Southern Energy
Power Distribution

Viewpoint 5 - B861, Tombreck Distance to nearest section of line: 1.61km Camera: Canon EOS 5D Focal length: 50mm vertical (27°) x 28mm horizontal (65.5°) Camera height:1.5m Date: 02/05/14 Time: 11:41

Figure 5.3



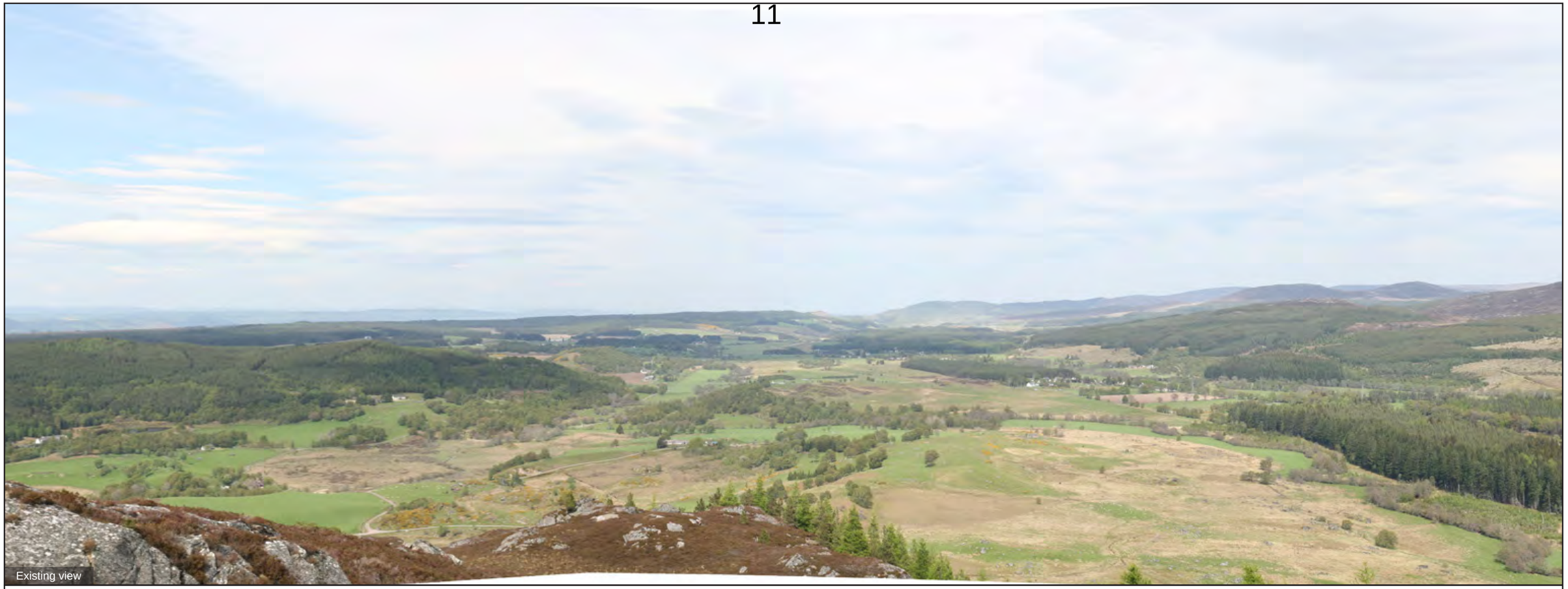
Viewpoint 5 - B861, Tombreck
Figure 5.5

Distance to nearest section of line:1.61km Camera: Canon EOS 5D Focal length: 75mm Camera height:1.5m Date: 02/05/14 Time: 11:41

This image should be viewed at a comfortable arms length (approx 500mm).

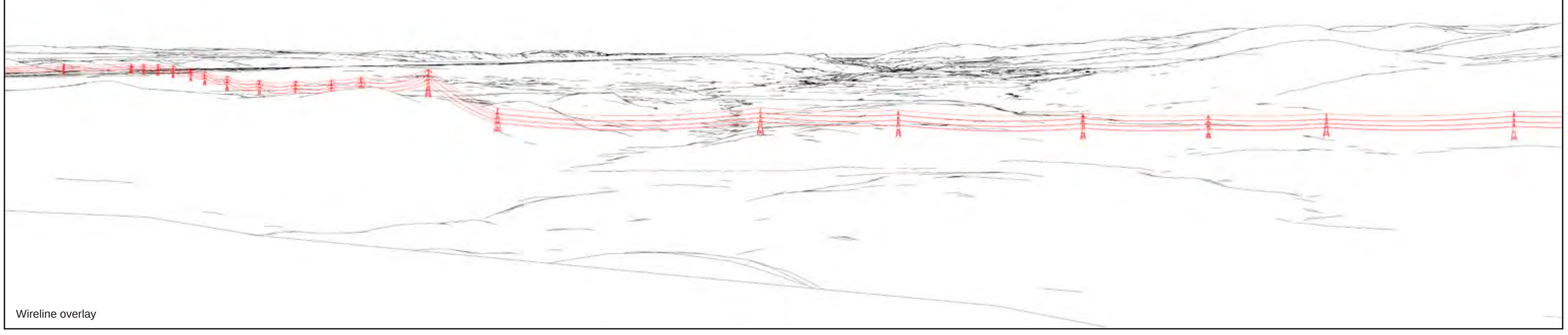
Viewpoint 6 - B851, Milton of Farr
Distance to nearest section of line: <0.1km Camera: Canon EOS 5D Focal length: 75mm Camera height:1.5m Date: 16/05/14 Time: 12:13
Figure 6.5

This image should be viewed at a comfortable arms length (approx 500mm).



Viewpoint 7 - Creag Bhuidhe Distance to nearest section of line: 2km Camera: Canon EOS 5D Focal length: 50mm vertical (27°) x 28mm horizontal (65.5°) Camera height:1.5m Date: 16/05/14 Time: 15:04

Figure 7.3



Viewpoint 7 - Creag Bhuidhe
Figure 7.5

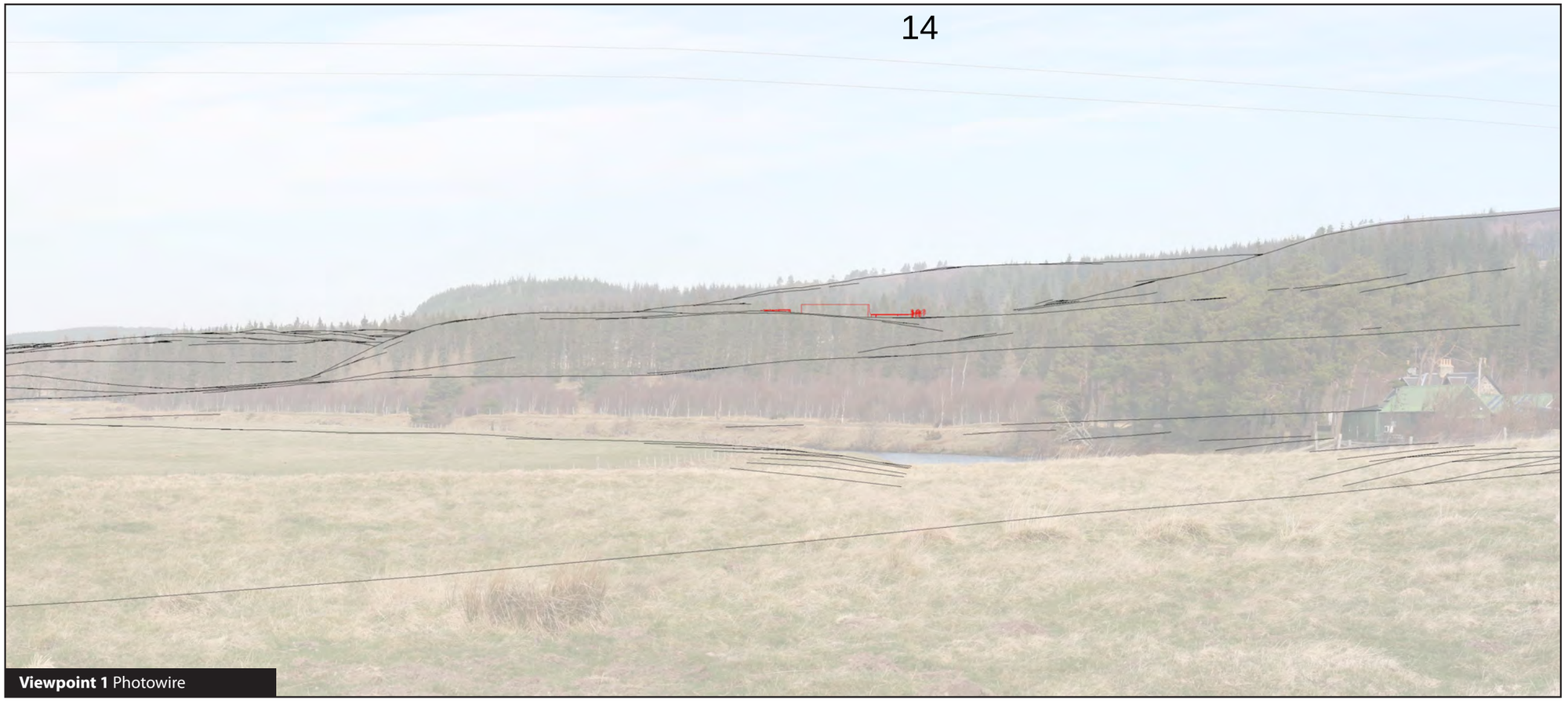
Distance to nearest section of line: 2km Camera: Canon EOS 5D Focal length: 75mm Camera height:1.5m Date: 16/05/14 Time: 15:04

This image should be viewed at a comfortable arms length (approx 500mm).

Viewpoint 10 - Dalarossie Church
Figure 10.5

Distance to nearest section of line: 1.6km Camera: Canon EOS 5D Focal length: 75mm Camera height:1.5m Date: 10/04/15 Time: 09:55

This image should be viewed at a comfortable arms length (approx 500mm).

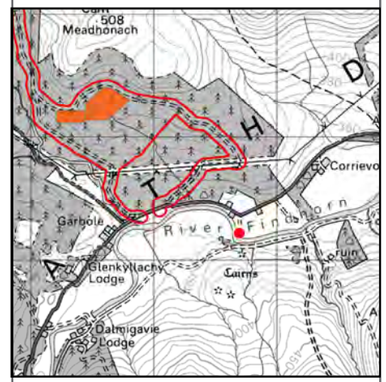


Viewpoint 1 Photowire

Viewpoint Information

Grid Reference:	276696, 824219
AOD:	328m
Viewer Height:	1.5m
Included Angle:	46 degrees
Viewing Distance:	400mm

Approx Distance to nearest section of OHL: 1.6km



This viewpoint is positioned on the access track to the church, just before the church, near the poles. which is accessed from the road along the glen. Use a GPS to locate the camera position.

Figure 5.5b: Viewpoint 1 - Photowire

Knocknagael to Tomatin 275 kV OHL Substation

Client: SHE Transmission Plc

Project No: UK12-18358

Date: FEB 2016

Drawn By: SR

Scottish and Southern Energy
Power Distribution