

Agenda Item	6.3
Report No	PLS-022-20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 10 March 2020

Report Title: 19/03244/S37: Scottish Hydro Electric Transmission Plc
Land 835M SE of Dunmaglass Mains, Dunmaglass, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Installation of 132kV overhead transmission line between Aberarder Estate and Dunmaglass Estate to connect to electricity grid network for Aberarder Wind Farm

Ward: 12 - Aird and Loch Ness

Development category: National Development

Reason referred to Committee: Consultation on an application under the Electricity Act for a national development.

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.

Recommendation

Members are asked to agree the recommendation to **Raise No Objection** as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The Highland Council has been consulted by the Scottish Government's Energy Consents and Deployment Unit on an application made under Section 37 of the Electricity Act 1989 (as amended) for the construction and operation of a new 132kV overhead transmission line (OHL) to connect the consented Aberarder Wind Farm to the national grid. This application comes under the category of "national development" as set out in the Scottish Government's third National Planning Framework Plan (NPF3).
- 1.2 The development comprises of a new single circuit OHL measuring approximately 5.5km in length. The line would start at Aberarder Wind Farm substation and end to tie-in at the Dunmaglass to Farigaig 132kV OHL. The first 5km of the line from the substation would be supported by the applicant's newly designed three pronged single pole galvanised steel structures – these are known as New Suite of Transmission Structures (NeSTS). The final lower altitude 0.5km section of the line toward the tie-in would be supported by double wood poles. Up to 26 NeSTS and 5 double wood poles are proposed which would be spaced at 200 to 300m intervals.
- 1.3 The application is for the line to be sited and contained within Limits of Deviation (LOD). The LOD are designed to allow flexibility in the final siting of individual poles to reflect topographical, engineering and environmental constraints. The following parameters have been identified for the LOD:
 - 50m horizontal LOD either side of the proposed OHL alignment with this being reduced in certain areas to respect land ownership boundaries.
- 1.4 The LOD effectively forms the red line boundary for the application and all construction laydown areas and temporary construction compound would be contained within the LOD. Construction access would be required to the proposed pole positions to enable plant equipment and materials to reach development areas. The vast majority of the required construction access tracks would be contained within the LOD. Sections of existing track are also to be used and upgraded where possible, with temporary new sections of stone track to be formed and removed on completion of works. No new stone tracks would be required to construct the 0.5km section of wood poles with these proposed to be served by temporary trackway panels and all terrain vehicles.
- 1.5 In addition to this S37 application, a separate undetermined planning application (19/05436/FUL) is also proposed to improve and extend an existing forestry track to the north of the proposed OHL. This related track development would be initially used for OHL construction access and thereafter be permanently retained for line maintenance and forestry management. Following Members decision on the proposed OHL, the Planning Authority intends to determine this separate application under delegated powers in line with the Council's Scheme of Delegation.
- 1.6 Subject to favourable weather conditions a construction period of 6 to 10 months is envisaged. Thereafter the line is anticipated to be in place for at least 35 years, reflecting the life of the wind farm. At the end of this period final decommissioning

of the line is not required given that this area is expected to be suitable for wind farm energy generation in perpetuity, as advocated by SPP Para 170.

- 1.7 In bringing forward the proposal the applicant has considered alternative design and alignment options to the proposed route as presented in Environmental Appraisal (EA) report Figure 2.3. Undergrounding the cable was discounted on the basis of significantly increased costs due to its length, the need to pass through sensitive Ground Water Dependent Terrestrial Ecosystems (GWDTEs), and the need for several watercourse crossings along the route where there is a preference for horizontal directional drilling beneath watercourses. Alternative OHL routing alignments also considered included:
- Routes A & B – from the wind farm substation circulating around the east of local hill Coille Mhor before traversing the northern slopes of local hill Beinn Bhuide with route B being at a slightly higher elevation; and
 - Route C – from the wind farm substation following a more direct alignment over the southern slopes of Coille Mhor and following the gully to the north of Dunmaglass Wind Farm.
- 1.8 Route C would have been the most direct route to connect with the existing Dunmaglass to Farigaig 132kV OHL. It was however discounted due significant engineering challenges of developing this gully, as well as due to associated potential habitat, water environment and ornithological impacts. Route A would also have been preferable as this generally follows a lower elevation than Route B. However this option once again contained engineering challenges due to the requirement for the OHL to span a significant drop in topography in the valley immediately east of Garbhal Mor.
- 1.9 In assessing these options, the applicant identified that neither of the initially identified routes were optimal. Instead, in mid 2019, the consented location for the Aberarder Wind Farm's sub-station was moved to south western outer edge of the site. This enable the preferred proposed OHL route to come forward. The finalised proposed routing would travel northwards from the onsite substation around the western side of Coille Mhor, before heading north east and intersecting Route B and then finally part of Route A. The relocation of the sub-station has also reduced the overall length of the OHL and has also been positioned to limit landscape and visual impacts, as well as onsite peat disturbance.
- 1.10 The smaller double wood poles structures proposed for the lower altitude section of the line were also considered for the whole route. This was however discounted due to the altitude of the upper sections of the OHL with prevailing climatic conditions (snow and ice) adding an increased load on the line. Steel support structures were therefore required, with the newly developed NeSTS being the preferred solution with these helping to limit ground disturbance and the extent of potential landscape and visual impacts when compared to traditional steel lattice towers.
- 1.11 No formal pre-application consultation has been undertaken. The Planning Authority was however consulted on an Environmental Impact Assessment (EIA) Screening Request with the Scottish Minister's 18 April 2019 Screening Opinion concluding that the proposal is not EIA development. This process helped to

inform the scope and content of the application's supporting information which comprised of an EA report which assesses the development's potential impacts in terms of: ecology, ornithology, the water environment, landscape and visual effects, and cultural heritage. Post submission, the applicant has also provided a Transport Assessment to determine the likely impacts on the local road network.

- 1.12 Post submission amendments to the application included the removal of a switching station from the OHL. This equipment is no longer required with a manual switching solution being the operators preferred solution for isolating the line for undertaking maintenance work. Other post submission alterations relate to the construction access track methodology and alignment to serve Pole 2 to Pole 7 to minimise peatland habitat disturbance.

2. SITE DESCRIPTION

- 2.1 The proposed development would be located south of the B851 on the Aberarder and Dunmaglass Estates, situated around 5km south west of the village of East Croachy and 20km south of Inverness. The proposal would cross an area of undulating upland moorland used predominantly for commercially managed red grouse shooting, deer stalking and sheep grazing. The OHL is not located within any natural heritage designations and would descend across open peatland and heath habitats with no woodland being intersected.
- 2.2 The landform at the Aberarder substation is located at approximately 660m Above Ordnance Datum (AOD). From this point the OHL would descend northwards around the western slopes of local hill Coille Mhor before heading west and crossing a burn between Pole 16 and Pole 17. From here the route continues west along the northern slopes of Beinn Bhuidhe. Here the line crosses three smaller tributary watercourses between Pole 20 and Pole 22 before descending down to around 360m AOD at which point the lower altitude section of the OHL is suspended on double wooden poles ahead of connecting into the Farigaig 123kV OHL at around 260m AOD.
- 2.3 The OHL is remote from any nearby residential receptors, with the nearest properties being located at the lower altitude section of line. These include properties at Dunmaglass Estate Cottages located 800m to the west and Dunmaglass Mains located 800m to the north. There is a further scattering of residential properties within 4km to the north west. These are mainly located along the B851, some of which have theoretical visibility of the NeSTS, as is illustrated on the EA report Figures 6.1 and 6.3.

3. PLANNING HISTORY

- | | | | |
|-----|------------|-------------------------------------------------------------------------------------------------------|-----------------------|
| 3.1 | | 19/05436/FUL - Construction of access track | Pending Consideration |
| 3.2 | 13.11.2019 | 19/02177/FUL - Erection of switchgear and plant building and platform, formation / upgrading of track | Withdrawn |

3.3	11.11.2019	19/02949/S42 - Amendment of operational life from 25 to 35 years (condition 1 of 15/00737/FUL); alter the planning implementation period from three to five years	Permission Granted
3.4	12.04.2016	15/00737/FUL - Aberarder Wind Farm - Erection of 12 wind turbines (130m in height) including and associated works	Permission Granted on Appeal
3.5	29.12.2010	05/00217/S36IN - Construct and operate Dunmaglass Wind Farm	Consented Granted

4. PUBLIC PARTICIPATION

4.1 As a Section 37 application the public participation process is managed by the Energy Consents Unit. No public comments were received by Energy Consents Unit or The Highland Council.

5. CONSULTATIONS

5.1 The following consultations were undertaken by THC and the Energy Consents Unit:

5.2 **Strathnairn Community Council** did not respond to the application. It is understood that this Community Council may presently be in abeyance.

5.3 **Environmental Health Officer** does not object to the application. He considers that the development site is generally remote from noise receptors and therefore do not anticipate noise being a significant issue. He notes that if necessary the Council has powers to control construction noise under the Control of Pollution Act 1974. He highlights that the applicant has proposed control measures to ensure the private water supply (PWS01) is not likely to be affected and that a further private water supply (PWS02) is not hydraulically connected to the development site. He requests that the Construction Environmental Management Plans (CEMPs) includes provision for private water supply sampling and monitoring arrangements.

5.4 **Transport Planning Team** do not object to the application. It considers that the condition and capacity of the B851 is inadequate to handle the transport impacts of the proposed development. It requests mitigation works, to offset adverse impacts, in line with the Council's established South Loch Ness – Road Improvement Strategy. This will include an upfront financial contribution to be secured to the value of £579,700. Expenditure of this contribution would be directed towards the Inverarnie and Farr Village Improvement Scheme along the B851 located between the site and the A9.

A Construction Traffic Management Plan is also required as well as pre-start conditions requiring details of the forestry site construction access geometry, visibility splays and surfacing arrangements.

A wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984 was initially requested, however, Transport Planning have since accepted that this is not required given that a wear and tear agreement is already in place for

Aberarder Wind Farm which is expected to be developed concurrently with the OHL.

- 5.5 **Access Officer** does not object to the application. He does not consider that the proposal will have a negative direct impact on public access. He advises that the extent of recreational routes are incompletely mapped as visual receptors in the EA report. The track up to Carn na Saobhaidhe 811m AOD is used as a recreational route. Beinn Mheadhoin 556m AOD and Beinn Bhuidhe 711m AOD are also rare targets for hill walkers that might be considered suitable additional recreational receptors for the development.
- 5.6 **Scottish Natural Heritage** do not intend to offer formal comment on this proposal as it does not meet their criteria for consultation.
- 5.7 **Scottish Environment Protection Agency** do not object further to amendments being made to the proposals and the application of appropriate planning conditions. It requests conditions applied to mitigate the impacts on peat, and to improve peatland. It notes that there will be temporary local effects from the formation and removal of stone tracks on Ground Water Dependant Terrestrial Ecosystems (GWDTEs) and a condition is needed to ensure aggregate used does not impact on the ground water chemistry.

6. DEVELOPMENT PLAN POLICY

6.1 The following policies are relevant to the assessment of the application:

6.2 Highland Wide Local Development Plan 2012 (HwLDP)

- 28 - Sustainable Design
- 30 - Physical Constraints
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 55 - Peat and Soils
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other Important Species
- 60 - Other Importance Habitats
- 61 - Landscape
- 63 - Water Environment
- 66 - Surface Water Drainage
- 69 - Electricity Transmission Infrastructure
- 72 - Pollution
- 73 - Air Quality

6.3 Inner Moray Firth Local Development Plan 2015 (IMFLDP)

No specific policies or land use allocations apply.

6.4 Highland Council Supplementary Guidance

Construction Environmental Management Process for Large Scale Projects (August 2010)

Developer Contributions (November 2018)
Highland's Statutorily Protected Species (March 2013)
Physical Constraints (March 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Other Guidance

Scottish Planning Policy (2014)
National Planning Framework 3 (2014)
Scottish Energy Strategy (2017)
Historic Environment Policy for Scotland (2019)
Scheduled Monuments Consents Policy (2019)
South Loch Ness Road Improvement Strategy (THC 2014)

8. PLANNING APPRAISAL

8.1 The application has been submitted to the Scottish Government for approval under Section 37 of the Electricity Act 1989 (as amended). Should Ministers approve the development, it will receive deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). While not a planning application, the Council processes S37 applications in the same way as a planning application as consent under the Electricity Act will carry with it deemed planning permission.

Determining Issues

8.2 The determining issues for the Council as Planning Authority responding to this consultation are:

- Do the proposals accord with the Development Plan?
- If they do accord, are there any compelling reasons for not approving them?
- If they do not accord, are there any compelling reasons for approving them?

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the Development Plan and other planning policy;
- b) roads and transport;
- c) landscape and visual impact;
- d) water environment;
- e) natural heritage;
- f) built and cultural heritage;
- g) construction impacts; and
- h) any other material considerations.

Development Plan / Other Planning Policy

8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), associated statutory supplementary guidance and the Inner Moray Firth Local Development Plan.

- 8.5 The principal policy on which the application requires to be assessed is HwLDP Policy 69 Electricity Transmission Infrastructure. The Development Plan supports the broad principle of energy development. HwLDP 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 development is assessed as not having unacceptable significant impacts on the environment, then the proposal would accord with the Development Plan.
- 8.6 Scotland’s Third National Planning Framework (NPF3) is the spatial expression of the Government’s Economic Strategy and plans for investment in infrastructure. In doing so it identifies a series of national developments, which includes a High Voltage Electricity Transmission Network. The current application falls into the category of national development as it is a new 132kV onshore electricity transmission cable and supporting pylons. Whilst identification of a project as “national development” establishes a need for the project, all necessary assessments and consents are still required for such development. Appropriate levels of mitigation would still be expected to help avoid or reduce environmental effects and demonstrate “no adverse effect” on the integrity of European protected sites.
- 8.7 An aim of the planning system is to achieve the right development in the right place; 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 enabled by this project, advances its sustainable development credentials. The expansion of the grid transmission network in the north of Scotland not only is a short-term economic construction boost, but also a long-term infrastructural benefit to the area. A priority of the Scottish Energy Strategy (2017) is to champion Scotland’s renewable energy potential, creating new jobs and supply chain opportunities.
- 8.8 The Development Plan contains a number of further policy tests that must be taken into account in determining a response to this application; in particular matters related to layout, design, place-making and infrastructure provision. If there are no significant impacts arising from these matters, then the application should be supported.

Roads and Transport

- 8.9 The site is to be accessed via the B851 public road to the north, connecting from the A9 to the east. Due to the challenging topography of the site, construction would be taken from two points off the B851, via track accesses at either end of the OHL with no complete through route being possible.
- 8.10 Construction access to the majority of the site and the eastern end of the OHL would be gained through use of the existing Dunmaglass Wind Farm access track, which stems off the B851 north of Dunmaglass Mains, passes through the estate which turns off eastwards and eventually serves the various turbines at the existing wind farm and would in time also serve the turbines on Aberarder Wind Farm.

- 8.11 Construction access to the lower western end of the OHL would be via the extension to an existing forestry track located to the north linking with the B851. This aspect of the scheme is the subject of a separate planning application as explained in Para 1.5 of this report.
- 8.12 The proposals also highlight the possibility of utilising an existing alternative access track, situated within the Aberarder Estate and located further east linking with the B851. Due to the layout and profile of this existing track it is not currently considered feasible for use by the majority of construction traffic. This alternative route would only therefore be potentially used by all terrain vehicles and 4x4s during the early stages of the construction project.
- 8.13 The construction of all NeSTS require access via stone tracks. With the exception of an existing stone track, located between Pole 7 to Pole 12 which would be widened / upgraded and retained in-situ, all other proposed stone tracks within the site would be temporary and would be removed on completion of construction. The double wood poles at the lower altitude would only require temporary access panels placed over the existing ground. This would allow for construction access via a trackway or all terrain vehicles.
- 8.14 A Construction Traffic Management Plan (CTMP) to be prepared by the contractor is expected to clarify where parking for workers will be accommodated, and where any compound/laydown and welfare area will be accommodated. The CTMP would also set out further mitigation to restrict construction related HGVs from travelling through the villages and settlements during peak Farr Primary School drop off and pick up times, and would also include construction warning signage at public road accesses.
- 8.15 The applicant's Transport Assessment (TA) dated December 2019, considers the construction impacts of the OHL proposal.
- 8.16 The TA quantifies the total number of construction related return trips to be in the order of 6,300 vehicles. The TA acknowledges that the condition of the B851 is not suitable for the volume of construction traffic the works will generate and as such, the applicant is agreeable to delivering road mitigation measures ahead of or during construction to improve the condition of this road. Should any onsite borrow pits be proposed in future by the appointed contractor, this may reduce the impact on the local road network and a separate planning application would be required.
- 8.17 Transport Planning has confirmed that there are significant lengths of this road network which do not meet minimum standards for either a single-track road or a twin-track road. In many sections it is not able to safely or suitably cater for such construction traffic and if not mitigated are expected to deteriorate beyond economical repair and/or result in reduced safety standards. Adverse impacts are encountered particularly within the villages and settlements along the B851 due to the concentration of residents and the proximity of amenity facilities such as schools. This is echoed by communities through the ongoing community engagement carried out by the Council. It is for this reason that it has been agreed with the applicant to target road mitigation towards the villages, and specifically for road safety improvements on the B851 in the vicinity of Farr Primary School.

- 8.18 The scale of road mitigation is key, ensuring this is commensurate with other representative developments. The most recent and representative example is the Knocknagael to Tomatin overhead line works which would result in comparable traffic generation and the nature of works is very similar to the proposed development.
- 8.19 Knocknagael road mitigation amounted to a value of around £750,000, comprising a circa £550,000 financial contribution for village works plus directly delivered works to the public road to the value of circa £200,000. This value formed the basis for the Council and the applicant to reach agreement on the proposed road mitigation measures for the Aberarder scheme.
- 8.20 After further consultation with Transport Planning, the value of the contribution sought reduced following undertaking a direct comparison of HGV trips movements from the proposed development (5,287) being slightly less than the Knocknagael scheme (6,314). When analysing the TA trip rates in further detail it also became apparent that this assumed the requirement of all 26 NeSTS to be developed with associated temporary stone tracks up to 750mm in depth. The applicant has since explained that through refinement of the OHL's design the likely number of NeSTS would be reduced to 24 and the depth of the temporary stone tracks are also likely to be less given the requirement for these to be floating in the interest of minimising peat disturbance. As such, the TA's assessed HGV trip rates are likely to be an overestimation and Transport Planning are in agreement that the reported HGV trip rates should be reduced by around 8%, equating to total of 4,880 HGV trips as a result of this development. On that basis, the applicant has agreed to make a contribution to delivery of required mitigation totalling £579,700.
- 8.21 The applicant is agreeable to making an up-front financial contribution to the above value to be secured via exchange of legal letters forming a binding written agreement. Subject to the satisfactory conclusion of this agreement, the transport related impacts of the proposal are deemed to have been suitably mitigated. As such, the proposal has been found to be in accordance with the transportation and developer contributions policies contained within the Development Plan.

Landscape and Visual Impact

- 8.22 There are no national, regional or local landscape designations covering the site with the proposal being located predominantly within the Rolling Uplands (Inverness) Landscape Character Type as identified in the SNH National Landscape Character Assessment (LCA) (2019). The LCA considers that power lines that cross this landscape character type introduce strong lines, divide spaces and indicate scale.
- 8.23 The applicant has undertaken a Landscape and Visual Impact Assessment (LVIA) as reported within the EA. In doing so it has considered the impacts of the proposed development on landscape character and receptors within a 4km study area. Beyond this distance there are not anticipated to be any significant landscape and visual effects as a result of the proposed development.
- 8.24 The LVIA has been based upon an assessment of individual NeSTS heights which would vary from 18 to 36m to overcome terrain and achieve suitable ground

clearance. The assessment also covers the smaller double wood poles proposed at the lower altitude with these being at around 16m in height. The LVIA also considers all related construction infrastructure and track access requirements. Several mitigation measures have been incorporated within the design of the proposed development to mitigate the landscape and visual impacts of the scheme. The mitigation by design includes:

- use of the newly designed NeSTS, which are less visually intrusive than traditional tower structures by virtue of their monopole design;
- use of OHL wooden poles at the lower altitude;
- limiting the height and number of poles as far as possible, with the removal of the initially proposed switching station;
- relocation of the Aberarder Wind Farm substation to the western edge of the site to reduce the OHL's length;
- routing the OHL to avoid summits and ridges, utilising existing sections of hill tracks and removing all new stone track with areas of disturbed ground to be restored; and
- exploration of the potential to improve areas of hagged and damaged peat which, if practicable, could bring improvements to the upland landscape.

Landscape Character Effects

8.25 Having taken into account the proposed mitigation by design, the applicant has identified that the proposal would still have moderate and major adverse significant effects on landscape character during construction of the OHL. These effects would be most apparent up to 2.5km. The duration of construction is however anticipated to be relatively short at around 6 to 10 months. Thereafter, during the operation of the line, moderate adverse (significant) effects would endure with these longer term landscape character impacts being contained within one Local Landscape Zone (LLZ) - the Glen-side Crags and Foothills. As identified on EA report Figure 6.2, this LLZ extends across the lower slopes of the strath, located above the B851 and would be intersected by the lower section of the OHL. The adverse effect relates to the visibility of the NeSTS which would be seen leading towards the wind farms further south. The predicted visibility would however only be experienced within a relatively small part of the LLZ.

8.26 Within the northern part of the study area also lies the Loch Ness and Duntelchaig Special Landscape Area (SLA), located 3km from the line. Given this separation distance and the intervening topography, there would be a relatively small degree of inter-visibility within the SLA with around five NeSTS being theoretically visible. Given the separation distance and the limited degree of visibility, the proposal has been found not to have any significant adverse landscape character effects on the SLA. This is accepted.

Visual Amenity Effects

8.27 As per the Figure 6.3 of the EA, identified visual receptors in the vicinity are located to the north and east of the site. These include a scattering of 10 buildings / building groups, two local public roads (the B851 and a minor road to Ruthven), and the Strathnairn to Stratherrick walking route. The Access Officer has also highlighted other potential recreational visual receptors within the study area with

hill walkers targeting the surrounding local hill summits.

- 8.28 The Zone of Theoretical Visibility (ZTV) of the OHL illustrates that the line would theoretically be widely visible across the study area, however, in reality woodland and scattered roadside trees located along the strath would reduce the extent of views available. It is accepted that the mitigation by design limits the potential for significant adverse visual amenity effects with only one building group likely to experience moderate to major adverse significant effects during construction, reducing to moderate adverse (significant) effects thereafter. This receptor, Location 7 - Dunmaglass Estate Cottages, is located 800m to the west and would have direct views of the OHL. This receptor comprises four single storey cottage properties set in gardens on the Dunmaglass Estate.
- 8.29 Visual effects at all other buildings / building groups during construction and thereafter have been assessed as minor or minor - moderate (not significant) in scale.
- 8.30 In addition, potential significant visual effects have also been identified for users of two routes in the study area. These include:
- Route Location R1 – B851 located 1.4km to the north with the OHL being seen in southerly views from sections of the road to the east and west of local hill Garbhal Mor. Visual impacts for users of this route haven been assessed as moderate adverse (significant) during construction, reducing to minor adverse (not significant) thereafter. From reviewing the ZTV the theoretical visibility of part of the line would be possible from a 3.5km length of this route. This visibility would however be split across three defined separate sections due to the intervening screening provided by local hills of Garbhal Mor and Cairn Poullachie. Views would therefore be passing and filtered to some extent by occasional roadside trees, albeit that the obtainable views of part of the OHL would occupy the more valued parts of the view up the valleys framed by the hillsides.
 - Route Location R3 – Strathnairn to Stratherrick Walking Route located 800m to the west where the western end of the OHL would be most apparent. Visual impacts for users of this route haven been assessed as moderate adverse (significant) during construction, reducing to minor - moderate adverse (not significant) thereafter. 27km of this route, starting from the B851 and travelling south to the summit of the Carin na Saobhaidhe at 810m AOD, is a promoted walking route by walkhighlands with the description of this route making reference to previous disruption and visual effects arising from the Dunmaglass Wind Farm's construction. The ZTV indicates that much of the initial 3.5km lower altitude section of this route would have clear visibility of the proposed lower altitude wooden poles, as well as up to 5 NeSTS. As the altitude of this route increases to the south of the site, visibility of the OHL decreases with the route's alignment within the hillside valleys helping to block visibility of the line.
- 8.31 The applicant has not identified any other visual impacts above minor in scale. Following examination, the findings of the assessment are accepted.

- 8.32 Based on the methodology set out in the EA report, the appraisal of the landscape and visual impacts of the line is considered reasonable. In considering: the route alignment options; examination of the mitigation measures built into the design of the scheme; and avoidance of the use of traditional lattice steel towers; it is considered that the landscape and visual impacts are acceptable given that the effects will be confined to 2.5km from the line and would reduce in significance following the short period of construction.

Water Environment

- 8.33 Section 5 of the EA report includes an assessment of the proposal's likely effects on the water environment. A number of watercourse crossings are required and SEPA's mapping highlights that the site may be susceptible to river flooding, however, all reported flooding events have occurred out with the site. Best practice mitigation measures to safeguard the water environment have been agreed in consultation with SEPA and SNH with these proposed to inform the content of the CEMP for the site. These measures significantly reduce the likelihood for any pollution of watercourses or groundwater to occur.
- 8.34 There are also two properties served by Private Water Supplies (PWS) within 1km of the site; one of which is potentially affected by the development as it is located immediately downgradient to the west of the proposed forestry access track to be extended for construction access and future site maintenance. Whilst this track extension proposal forms part of a separate planning application, sampling and monitoring arrangements for this PWS are also covered by the CEMPs condition for this Section 37 application for completeness and ease of compliance monitoring.

Natural Heritage

- 8.35 No sites of designated nature conservation for terrestrial ecology would be affected by the development. Habitats potentially affected are also not of high ecological conservation value. The EA report identifies that there is however potential of disruption to protected species including otter, water vole and bat species. Mitigation in the form of avoidance of working near places of shelter, raising awareness for onsite staff and adoption of other best practice measures means that there are no anticipated significant impacts on protected species. Mitigation is proposed in the form of pre-commencement protected species surveys and employment of an Ecological Clerk of Works (ECoW) to ensure any required mitigation is implemented. These matters can be secured via condition.
- 8.36 Potential effects on ornithology (Buzzard, Canada Goose, Curlew, Greylag Goose, Kestral, Pink-footed Goose, Raven and Snipe) have been identified by the applicant. Potential impacts are largely limited to disturbance from construction related activities. The applicant considers that through employment of good practice on the site, including avoidance of ground clearance works within the bird breeding season, and implementation of any mitigation identified by the ECoWs the construction impacts can be avoided with no significant effects arising. If the mitigation is secured by condition, the applicant's assessment can be accepted.

- 8.37 An extensive programme of peat depth probing has been undertaken to ensure that the deepest areas of peat are avoided. The LOD help to limit areas of disturbance and an updated peat slide risks would also be set out within the CEMPs. Excess peat from pole foundation construction reinstatement would be used locally for peat habitat enhancement wherever practicable as directed by the onsite ECoW. The layout has also avoided impacts of Ground Water Dependant Terrestrial Ecosystems (GWDTEs). These habitats are to be safeguarded from disturbance via micrositing of pole locations. Areas of moderate groundwater dependant habitats are also prevalent across the lower section of the site where a degree of disruption to these habitats is unavoidable. Additional probing would therefore be undertaken in this area to ensure the deepest areas of peat area avoided.
- 8.38 Subject to the application of the proposed mitigation measures set out within the EA report and these measures being secured via condition, the Planning Authority concur with the applicant's assessment findings and agree that there would not be any likely significant adverse effects on the natural environment.

Built and Cultural Heritage

- 8.39 The applicant has undertaken an assessment of built and cultural heritage within a 3km study area of the OHL. This concluded that the site is in an area of low heritage interest. Indirect visual impacts of the line would be confined to a limited number of properties and features of historical significance.
- 8.40 The only notable moderate adverse significant effect would be confined to the Mains of Aberarder, hut circle which is a Scheduled Monument (SM). This roundhouse is of national importance because of its good preservation and the survival of the survival of marked field characteristics, which result in this feature having potential to make a significant addition to the understanding of the past, in particular Bronze or Iron Age society and domestic practice. This SM is however located over 1.5km to the north of the OHL and when viewed from the SM, 10 to 15 monopoles would be visible. These poles would appear distant and have been reported as not being visually intrusive features with the applicant's assessment concluding that the OHL would not impact on the setting of the SM.
- 8.41 Despite the OHL being partially visible in the wider landscape when viewed from the SM, the SM itself would not be directly affected. The presence of the line would not affect the interpretation or the ability to understand the relationship of the SM with the surrounding field markings and context. The Council are therefore in agreement that the OHL would not adversely impact its setting. It is also agreed that there would not be any other significant impacts on any other features of historical or cultural importance. Historic Environment Scotland's (HES) do not object to the application.

Construction Impacts

- 8.42 The applicant has sought working hours of 0700 to 1900 Monday to Friday in the summer and 0730 to 1700 (or as daylight allows) in the winter. Weekend hours in the summer would be 0700 to 1700 and would be the same as weekday hours during the winter. These hours are longer hours than would normally be applied under the Control of Pollution Act, however, Environmental Health has not raised

any concerns. Given the distance between the proposed development and noise sensitive receptors extended working hours, as proposed by the applicant is considered acceptable. Construction vehicle delivery / return activities would however be restricted within these hours as directed by the CTMP to avoid school drop off and pick up times along the B851.

- 8.43 By using best practice construction management, the anticipated impacts on local communities and residential properties in proximity to the development would be kept to a minimum. CEMPs are also proposed to be secured by condition.

Other Material Considerations

- 8.44 There are no other material considerations.

Matters to be Secured by Legal Agreement

- 8.45 The applicant is agreeable to making an up front financial contribution to the value of £579,700 towards delivering local road network mitigation on the B851 in the vicinity of Farr Primary School, located between the site and the A9 with the contribution being used to help deliver the South Loch Ness Road Improvement Strategy. The contribution shall be secured via exchange of legal letters forming a binding agreement with the Planning Authority withholding its consultation response to the Energy Consents Unit until this agreement has been concluded.

9. CONCLUSION

- 9.1 The OHL will connect the Aberarder Wind Farm to the national grid and forms part of the delivery of a fit for purpose transmission network, facilitating the move towards net zero carbon emission. Subject to the application of appropriate conditions and conclusion of an agreement to secure a financial contribution towards local road network improvements, it is considered the impact of the proposed development can be managed.
- 9.2 The Highland Council has determined its response to this application against the policies set out in the Development Plan, principally HwLDP Policy 69. Given the above analysis, the limited number and extent of likely significant adverse environmental effects arising from this development are considered to be acceptable. Notably, the proposal's traffic impacts on the local road network and its visibility and presence in the landscape, do not outweigh the environmental benefits associated with unlocking the renewable energy potential of the consented wind farm. As such, the proposal has been found to be in accordance with the Development Plan.
- 9.3 Schedule 9 of the Electricity Act requires sets out what an applicant shall do in relation of the preservation of amenity. It is considered that the proposal has had regard to the desirability of preserving natural beauty of the local area and through the design process, has sought to mitigate effects of the development wherever possible.
- 9.4 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.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

- 11.1 It is recommended that the Council should **RAISE NO OBJECTION**, subject to:

A. The conclusion of an agreement with the applicant to secure an upfront financial contribution towards delivering local road network mitigation on the B851 in the vicinity of Farr Primary School, located between the site and the A9 with the contribution being used to help deliver the South Loch Ness Road Improvement Strategy;

AND

B. The following conditions and reasons:

- 1. All poles shall be constructed in the locations shown in Figure 2.1 – Proposed Development Dwg No. 118013-D-EA2.1-7.0.1 of the 2019 Environmental Appraisal received by the Planning Authority on 21.02.2020. The number of poles may however be adjusted downwards and their locations may be adjusted within the following Limit of Deviation:
 - a. No pole shall be positioned more than 50m on the horizontal axis of the proposed overhead line alignment; and
 - b. No pole shall be more than a height of 36m above existing ground levels inclusive of all steel work and insulators, with the average height of all proposed poles not exceeding 25.12m, plus a margin of +10%.

No later than one month after the date of final commissioning of the development, an updated drawing must be submitted showing the final position of the overhead line, including the positioning and height of all poles and associated infrastructure forming part of the development must be submitted for the written approval of the Planning Authority. The updated drawing requires to specify areas where micro-siting has taken

place and, for each instance, be accompanied by copies of the ECoW approval or other technical justification.

Reason: To control environmental impacts while taking account of local ground conditions.

2. There shall be no commencement of development until finalised Construction Environmental Management Plans (CEMPs) are submitted to and agreed in writing by the Planning Authority, in consultation with SEPA and other appropriate consultees as appropriate. These plans shall include:
 - a. An updated Schedule of Mitigation;
 - b. Processes to control / action changes from the agreed Schedule of Mitigation;
 - c. Method of construction of the pole foundations and tracks with a method statement for earthworks to minimise ground and peat disturbance;
 - d. Peat Management Plan detailing:
 - i) The number, average width, of peat hag crossings, and subsequent area of ditch blocking;
 - ii) Site photographs showing the area comprising peat hags, including individual peat hags, with demonstration of the direction of any slope / indicating direction of flow; and
 - iii) The destination of the surface water, and indicate whether there are any other locations apart from the access track, that would benefit from drain blocking to ensure successful restoration;
 - e. Updated Peat Slide Risk Assessment Plan;
 - f. Pollution Prevention Plan - highlighting drainage provisions including monitoring / maintenance regimes, schedule of water crossings, surface drainage management and development and storage of material buffers from water features;
 - g. Public Water Supply Protection Measures Plan;
 - h. Details of measures to ensure that the aggregate used does not adversely impact on the surrounding groundwater chemistry;
 - i. Site Waste Management Plan;
 - j. A pre-construction survey for legally protected species is carried out at an appropriate time of year for the species, at a maximum of 12 months preceding commencement of construction, and that a watching brief is then implemented by the Environmental Clerk of Works (ECoW) during construction. The area that is surveyed should include all areas directly affected by construction plus an appropriate buffer to identify any species within disturbance distance of construction activity and to allow for any micro-siting needs;

- k. Species Protection Plan(s) as directed by the ECoW;
- l. Provision of a communication plan to ensure all contractors are aware of the possible presence of protected species frequenting the site and the laws relating to their protection; and
- m. A Construction Traffic Management Plan (CTMP) setting out all of the mitigation measures to be implemented and traffic management to be deployed for the development. This shall detail, but not be limited to:
 - i. Road mitigation measures in the form of village road improvement works along the B851 in the vicinity of Farr Primary School, located between the site and the A9 in line with the Council's South Loch Ness Road Improvement Strategy;
 - ii. The construction traffic route(s) on the local road network via the A9 Trunk Road with measures to ensure that all HGVs avoid the B851 Farr Primary School peak drop off and pick up times;
 - iii. The construction access points for the site as per 2019 Environmental Appraisal Figure 2.2 – Development Access, Dwg No. 118013-D-EA2.3.0.0, received by the Planning Authority on 21.02.2020, with the preliminary route connecting to the B851 being restricted to all terrain vehicles / 4x4s unless otherwise agreed in writing with the Planning Authority;
 - iv. Provision of construction warning signage in advance of all public road accesses, with signage locations being positioned to correspond with and maintain suitable junction visibility splays, the dimensions / length of which require to be specified and agreed with the Planning Authority;
 - v. Prior to any other works or development taking place on the forestry access track which adjoins the B851, the geometry and condition of its junction shall be upgraded in accordance with the Council's Technical Advice Note for Forestry Extraction as per as per Diagram 3 – Access onto Single Carriageway;
 - vi. Prior to its use as a construction vehicular access to serve the OHL, the extension and upgrading works to the forestry access track which adjoins the B851 shall be completed;
 - vii. Use of wheel washing facilities and a road sweeper at the site access junctions as required; and
 - viii. At the southern end of the extended forestry access track which adjoins the B851, a new hatch gate or similar shall be installed alongside and concurrently with the formation of any new gated access / cattle grid crossing where the existing deer fencing would be intersected.

The development shall then proceed in accordance with the approved CEMPs, unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To secure the final detailed information on the delivery of all on-site mitigation projects and to protect the environment from the construction and operation of the development.

3. There shall be no works or commencement of development until a construction phase Restoration Method Statement has been submitted to and approved in writing by the Planning Authority. The Statement shall set out contingency restoration / reinstatement provisions for any temporary disturbed ground not required for the ongoing operation of the development, including: access tracks, storage areas, laydown areas, and all other temporary construction areas. The Statement shall include provision for review during the construction period with any amendments requiring the prior written approval of the Planning Authority. The approved Statement shall be implemented in full within 12 months of the final commissioning of the development.

Reason: To ensure the restoration of the site following construction to limit the environmental impacts of the development.

4. There shall be no commencement of development unless the Planning Authority has approved in writing the terms of appointment of an Environmental Clerk of Works (ECoW) who shall be independent of the applicant. The terms of appointment shall:
 - a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Environmental Appraisal lodged in support of the application, the CEMPs approved in accordance with Condition 2, and other plans approved (“the ECoW works”);
 - b. Require the ECoW to report to the applicant’s nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
 - c. Require the ECoW to submit six monthly reports to the Planning Authority following the commencement of development until the completion of site construction and restoration. Reporting shall summarise all works undertaken on site and effectiveness or otherwise of mitigation set out in the Environmental Appraisal. In doing so the ECoW will be required to monitor watercourses within and in vicinity of the site for signs of sediment from the construction works following final commissioning of the line and completion of post site construction restoration works;
 - d. Have power to stop the job / activities being undertaken within the site when a breach or potential breach of environmental legislation occurs to allow for a briefing of the concern to the applicant’s nominated construction project manager; and
 - e. Require the ECoW to report to the Planning Authority any incidences of non-compliance with “the ECoW Works” at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from commencement of development, throughout any period of construction activity and during any period of post construction restoration works approved.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development.

5. Work or development associated with the proposed development shall only take place between the following hours, all unless otherwise approved in advance in writing by the Planning Authority:

Summer (April to September):

0700 to 1900 Monday to Friday

0700 to 1700 Saturday and Sunday

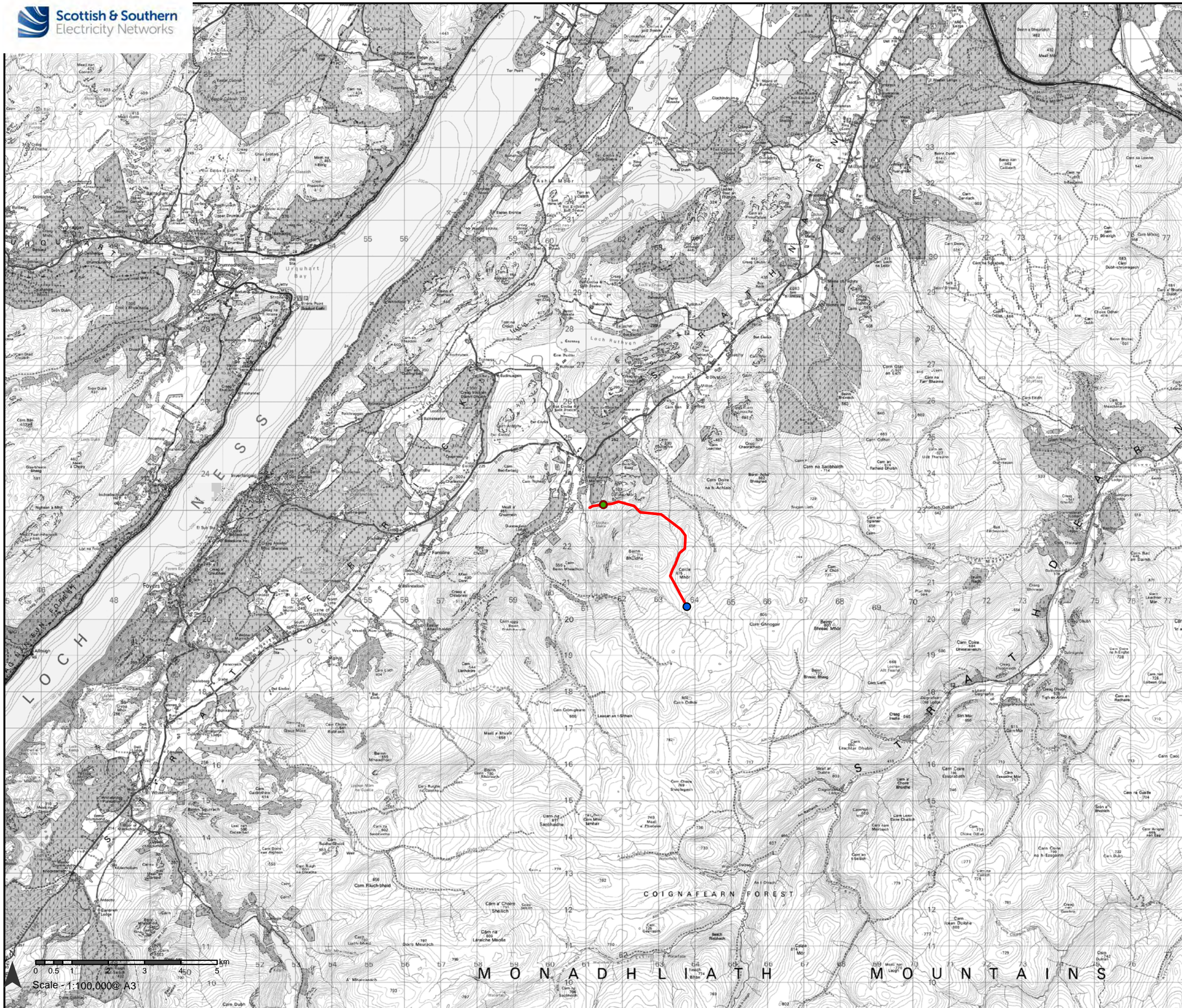
Winter (October to March):

0730 to 1700 Monday to Sunday

Construction vehicle delivery / return activities are also restricted within these hours as directed by the CTMP required by Condition 2 to avoid school drop off and pick up times along the B851.

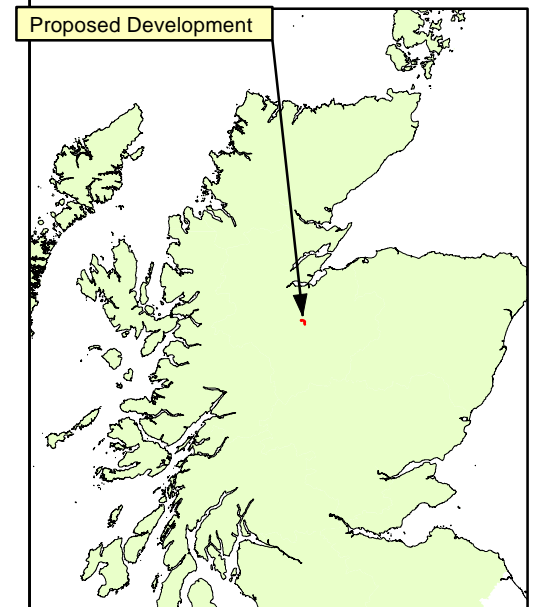
Reason: To ensure that construction activity is carried out within defined timescales to control impact on amenity and maintain road safety.

Designation: Area Planning Manager – South
Author: Peter Wheelan
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 Figure 1.1 – Location Plan
Plan 2 Figure 2.1 – Proposed Development
Plan 3 Figure 2.2 – Development Access
Plan 4 Figure 6.1 – Operational Zone of Theoretical Visibility
Plan 5 Figure 6.3 – Visual Receptors



Legend

- Proposed Alignment
- Aberarder Substation
- Proposed Dunmaglass Switching Station (Proposed under separate Application)

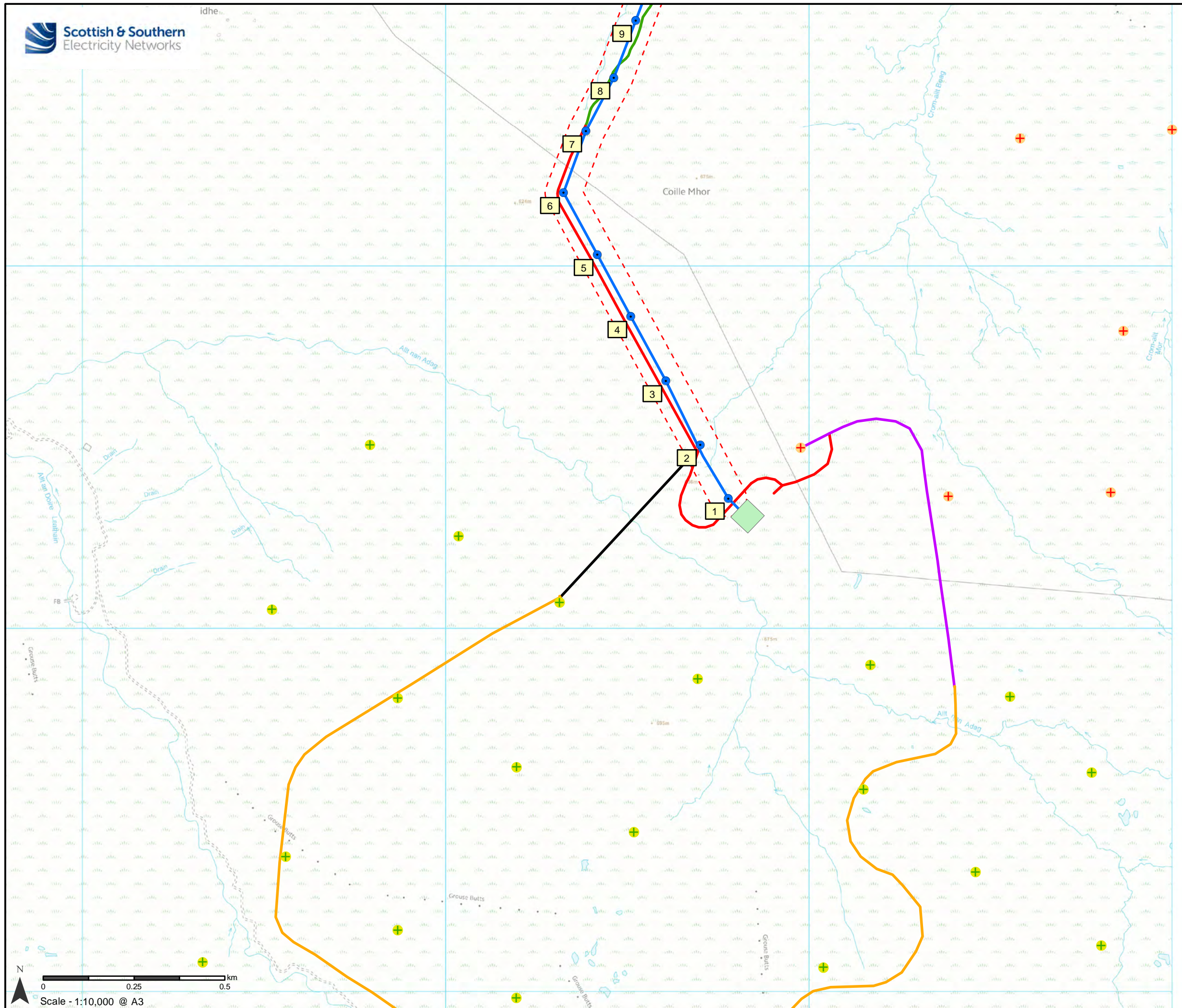


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Project No: PT000461/462
Project: Aberarder Wind Farm Grid Connection

Title: Figure 1.1 - Location Plan

Drawn by: TD Date: 30/05/2019
Drawing: 118032-D-EA1.1-1.0.0



Legend

- Proposed Alignment - Monopole Structures
- Proposed Alignment - Monopole OHL
- Proposed Alignment - Wood Pole Structure
- - - Proposed Alignment - Wood Pole OHL
- - - Proposed Monopole to Woodpole Span
- - - Limit of Deviation(LOD) 50m Buffer around Proposed Alignment
- Aberarder Substation

Turbines

- ⊕ Dunmaglass Wind Farm Turbines
- ⊕ Proposed Aberarder Wind Farm Turbines

Road Network

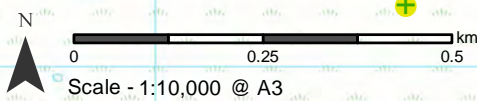
- Optional Alternative Access (Existing Track)
- Existing Dunmaglass Wind Farm Access Tracks
- Consented Aberarder Wind Farm Access Track
- Proposed Tracks to be Upgraded
- New Access Track through Forestry and Land Scotland Area (Proposed under separate application)
- Existing Forestry Access
- Proposed Temporary Stone Road (Indicative)
- Alternative Access Option

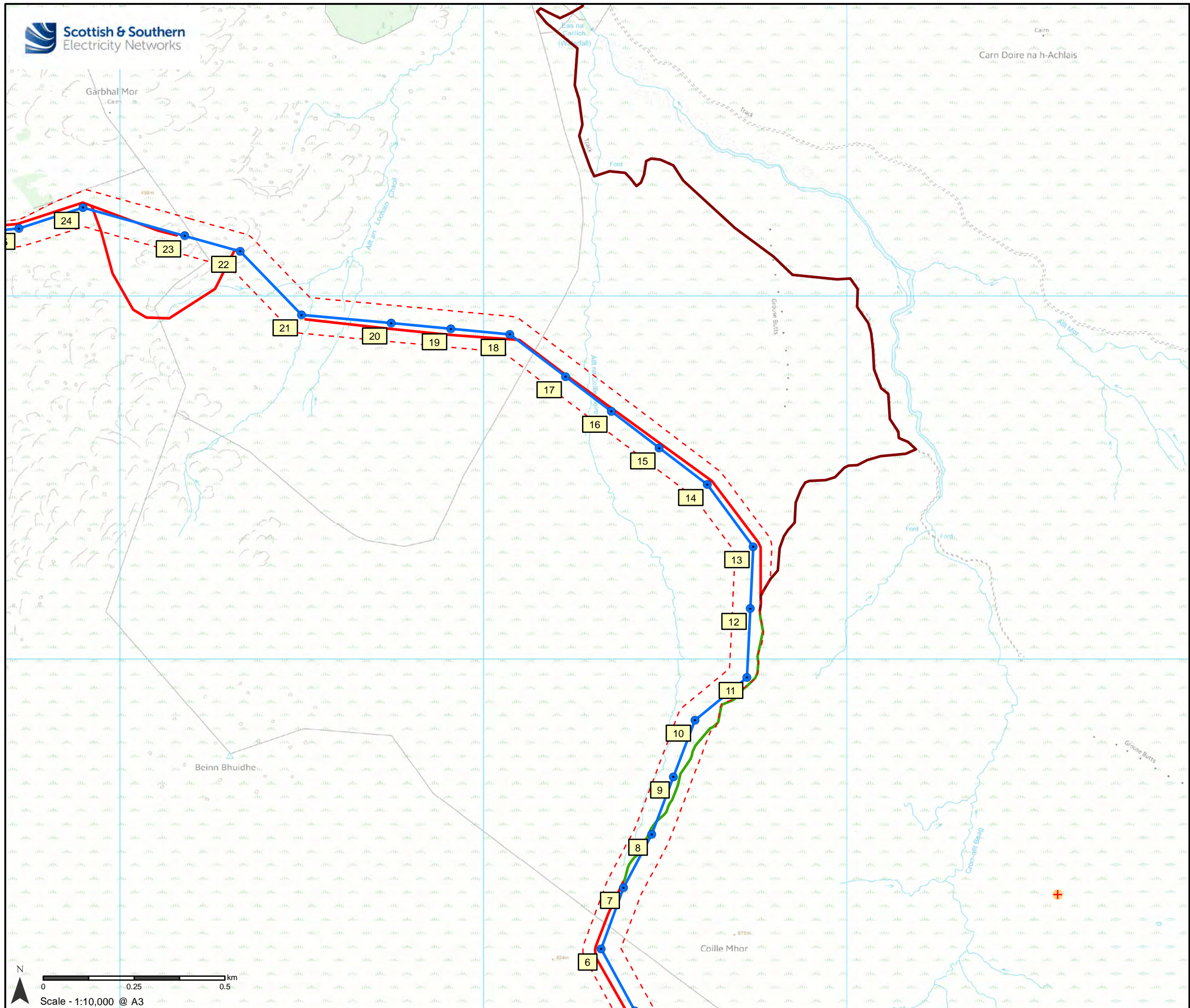
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Project No: PT000461/462
Project: Aberarder Wind Farm Grid Connection

Title: Figure 2.1 - Proposed Development
(Page 1 of 3)

Drawn by: TD, LT Date: 05/11/2019
Drawing: 118013-D-EA2.1-7.0.1





Legend

- Proposed Alignment - Monopole Structures
- Proposed Alignment - Monopole OHL
- Proposed Alignment - Wood Pole Structure
- Proposed Alignment - Wood Pole OHL
- Proposed Monopole to Woodpole Span
- - - Limit of Deviation(LOD) 50m Buffer around Proposed Alignment
- Aberarder Substation

Turbines

- ⊕ Dunmaglass Wind Farm Turbines
- ⊕ Proposed Aberarder Wind Farm Turbines

Road Network

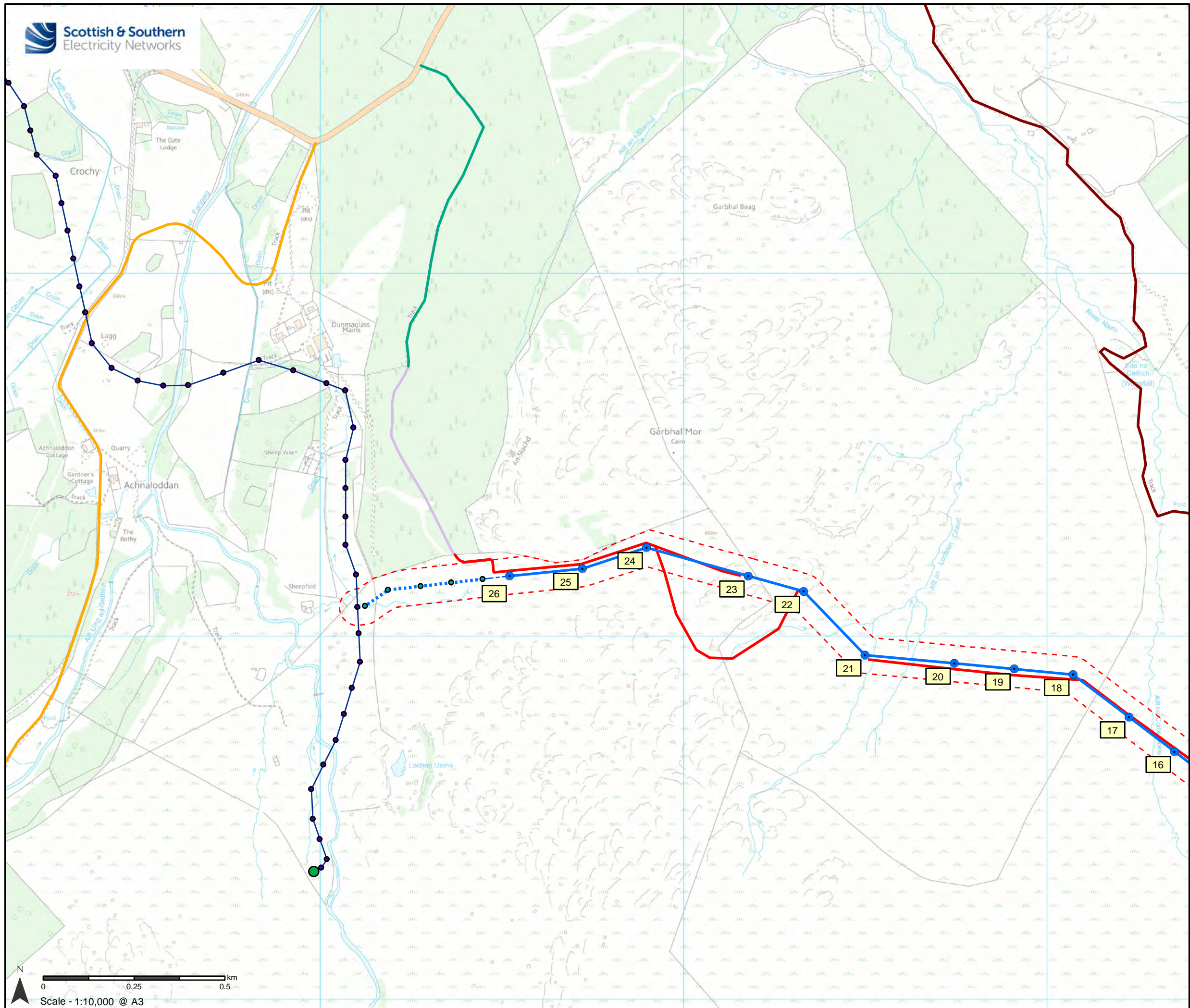
- Optional Alternative Access (Existing Track)
- Existing Dunmaglass Wind Farm Access Tracks
- Consented Aberarder Wind Farm Access Track
- Proposed Tracks to be Upgraded
- New Access Track through Forestry and Land Scotland Area (Proposed under separate application)
- Existing Forestry Access
- Proposed Temporary Stone Road (Indicative)
- Alternative Access Option

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Project No: PT000461/462
Project: Aberarder Wind Farm Grid Connection

Title: Figure 2.1 - Proposed Development
(Page 2 of 3)

Drawn by: TD, LT Date: 05/11/2019
Drawing: 118013-D-EA2.1-7.0.1



Legend

- Proposed Alignment - Monopole Structures
- Proposed Alignment - Monopole OHL
- Proposed Alignment - Wood Pole Structure
- Proposed Alignment - Wood Pole OHL
- Proposed Monopole to Woodpole Span
- - - Limit of Deviation (LOD) 50m Buffer around Proposed Alignment
- Aberarder Substation

Turbines

- ⊕ Dunmaglass Wind Farm Turbines
- ⊕ Proposed Aberarder Wind Farm Turbines

Road Network

- Optional Alternative Access (Existing Track)
- Existing Dunmaglass Wind Farm Access Tracks
- Consented Aberarder Wind Farm Access Track
- Proposed Tracks to be Upgraded
- New Access Track through Forestry and Land Scotland Area (Proposed under separate application)
- Existing Forestry Access
- Proposed Temporary Stone Road (Indicative)
- Alternative Access Option

Dunmaglass

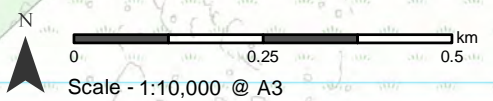
- Dunmaglass Substation
- Existing Dunmaglass - Farigaig Wood Pole Structures
- Existing Dunmaglass - Farigaig OHL

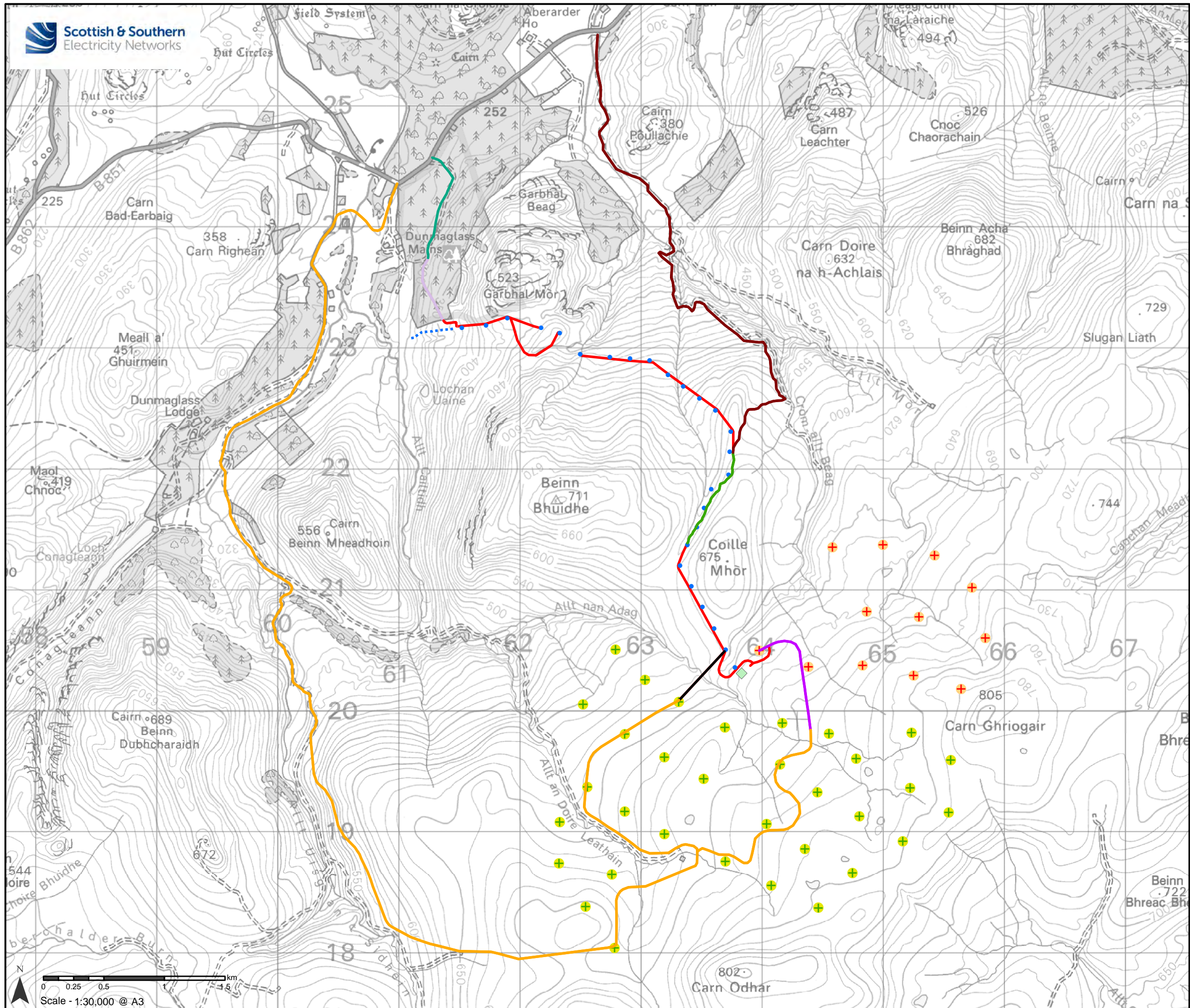
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Project No: PT000461/462
Project: Aberarder Wind Farm Grid Connection

Title: Figure 2.1 - Proposed Development
(Page 3 of 3)

Drawn by: TD, LT Date: 05/11/2019
Drawing: 118013-D-EA2.1-7.0.1





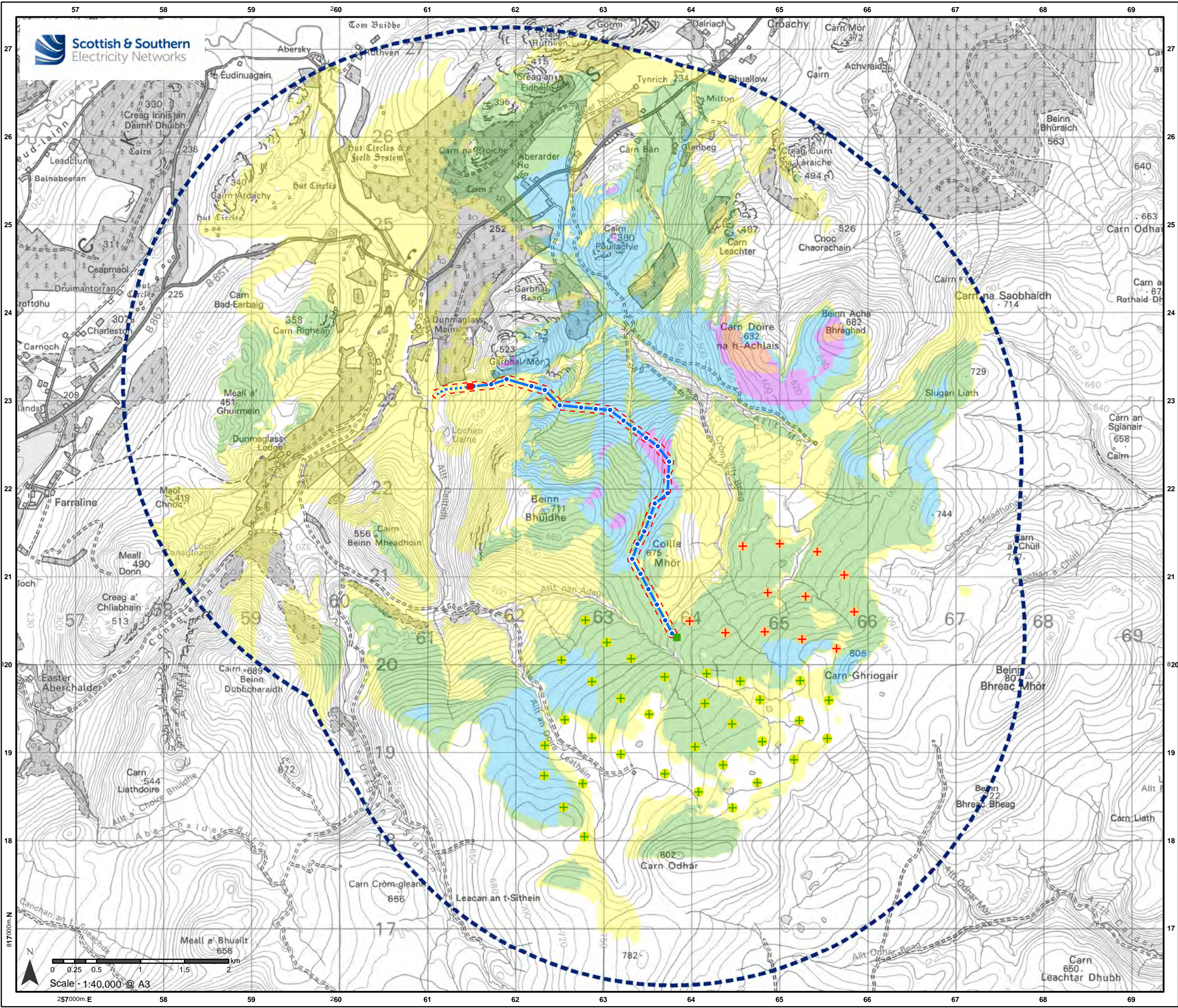
- Legend**
- Proposed Monopole Locations
 - Proposed Alignment - Wood Pole OHL
 - Aberarder Substation
- Turbines**
- ⊕ Dunmaglass Wind Farm Turbines
 - ⊕ Proposed Aberarder Wind Farm Turbines
- Road Network**
- Optional Alternative Access (Existing Track)
 - Existing Dunmaglass Wind Farm Access Tracks
 - Consented Aberarder Wind Farm Access Track
 - Proposed Tracks to be Upgraded
 - New Access Track through Forestry and Land Scotland Area (Proposed under separate application)
 - Existing Forestry Access
 - Proposed Stone Road (Indicative)
 - Alternative Access Option

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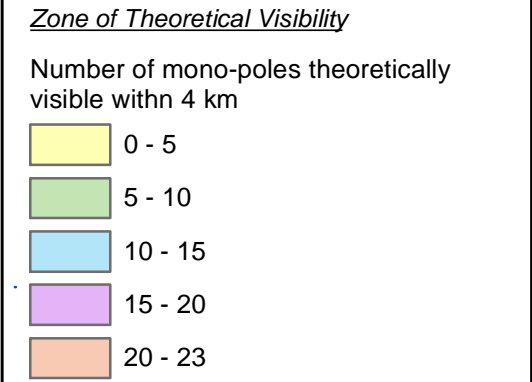
Project No: PT000461/462
Project: Aberarder Wind Farm Grid Connection

Title: Figure 2.2 - Development Access

Drawn by: TD Date: 21/02/2020
Drawing: 118032-D-EA2.2-3.0.0



- Legend**
- Proposed Mono-pole Locations
 - Proposed Alignment
 - ⋯ Proposed Woodpole Alignment
 - - - Limit of Deviation (LOD) 50m
 - - - Buffer around Proposed Alignment
 - Proposed Dunmaglass Switching Station Location (Proposed under separate Application)
 - Aberarder Substation Location
 - + Dunmaglass Wind Farm Turbines
 - + Aberarder Wind Farm Turbines
 - ⊞ 4 km Landscape and Visual Study Area



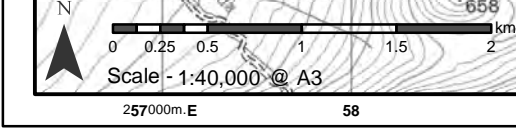
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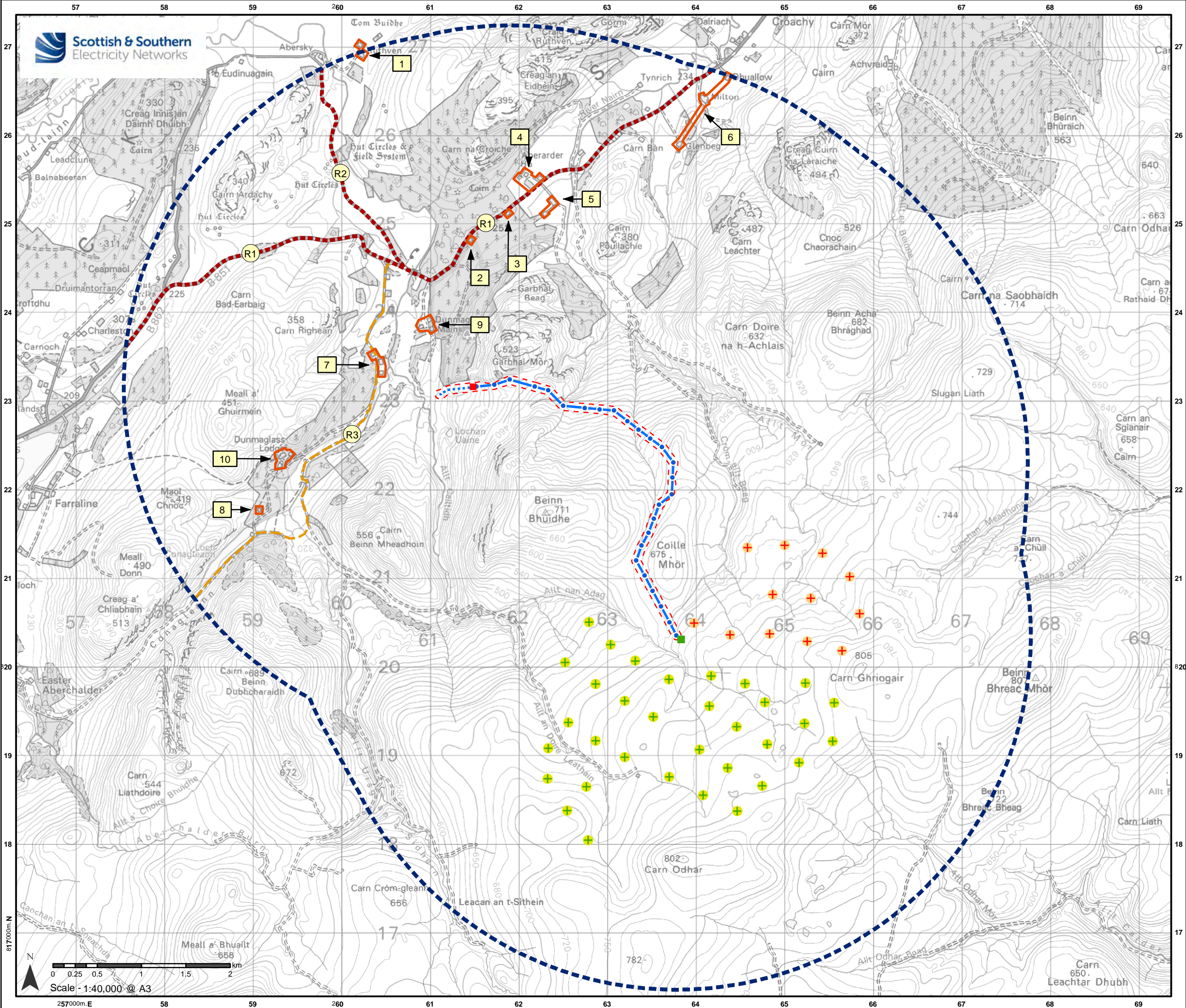
Project No: PT000461/462
Project: Aberarder Wind Farm 132 kV Grid Connection

Title: Figure 6.1
Operational Zone of Theoretical Visibility (ZTV)

Drawn by: TD Date: 29/05/2019

Drawing: 118032-D-ER6.1-1.0.0





- Legend**
- Proposed Mono-pole Locations
 - Proposed Alignment
 - Proposed Woodpole Alignment
 - - - - Limit of Deviation (LOD) 50m Buffer around Proposed Alignment
 - Proposed Dunmaglass Switching Station Location (Proposed under separate Application)
 - Aberarder Substation Location
 - ⊕ Dunmaglass Wind Farm Turbines
 - ⊕ Aberarder Wind Farm Turbines
 - ▭ 4 km Landscape and Visual Study Area
- Visual Receptor Locations**
- ▭ Building / Building Group
 - - - - Public Road
 - - - - Recreational Route

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Project: Aberarder Wind Farm Grid Connection

Title: Figure 6.3 - Visual Receptors

Drawn by: TD Date: 29/05/2019
Drawing: 118032-EA6.3-1.0.0