

Agenda Item	<b>6.2</b>
Report No	<b>PLN/033/20</b>

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 15 September 2020

**Report Title:** 20/01014/S37: Scottish Hydro Electric Transmission Plc  
Land 1250M North Of Crask Inn, Lairg

**Report By:** Acting Head of Development Management – Highland

### 1. Purpose/Executive Summary

1.1 **Description:** Installation and operation of 132 kV overhead electric line to connect Creag Riabhach Wind Farm to the grid

**Ward:** 01 – North, West and Central Sutherland

1.2 **Development category:** National

**Reason referred to Committee:** Consultation on 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.

### 2. Recommendations

2.1 Members are asked to agree the recommendation to Raise no Objection to the application as set out in section 5 of the report.

### **3. Background**

- 3.1 The application was originally reported to the North Planning Applications Committee in June 2020 where Members agreed to raise no objection to the application subject to conditions. The original report to committee and the letter submitted to the Energy Consents Unit are attached as an appendix to this report.
- 3.2 In the process of assessing the application, further information was submitted to the Energy Consents Unit on the Peat Landslide and Hazard Risk Assessment in response to the "Checking Report" prepared by Ironside Farrar on behalf of the Scottish Ministers. This includes a response to the recommendations in the checking report. As required by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, the Energy Consents Unit were required to consult relevant bodies on the submitted information. This report presents the Council's position on the further information.

### **4. Proposed Response**

- 4.1 The Checking Report prepared on behalf of the Scottish Ministers identified 7 recommendations. These are summarised as follows:
- further discussion was required on the impact of the artificial forestry drainage on the site and how this might affect potential instability on the site;
  - clarification was sought on why probing was not possible along two sections of the route;
  - method in interpolation of peat probing results required confirmation along with a discussion on any limitations;
  - Further discussion/ justification is required as to why one of the medium risk areas that appears to be adjacent and upslope from the limit of deviation is actually an influence of the proposed development / construction activity and why this medium risk area is not considered further in the assessment;
  - An update was sought to the geomorphological map to include all relevant receptors such as water courses, surface water, settlements and roads;
  - Justification that the medium risk area highlighted above is outwith influence of the proposed development or construction activity (including tracks) meaning that a consequence/ impact rating assessment is not required; and
  - Peat storage has not been discussed in the mitigation and should be included.
- 4.2 The applicant has provided a response to each of the above matters and has provided the justification or clarification required to address the matters in the Checking Report. Scottish Government advisors on peat landslide, have indicated that the additional information on peat landslide addresses the gaps and that no further information is required on that topic.
- 4.3 Matters related to peat were considered in the original report to Committee. Whilst the Scottish Environment Protection Agency recommended that The Highland Council response included a need for the provision of a Stage 2 Peat Management Plan, no further conditions were recommended on peat landslide risk. If the Peat Management Plan condition continues to be applied (as required as part of

Condition 4 – Construction Environment Management Document) and peat landslide risk is appropriately managed through the Peat Management Plan, the proposal would continue to accord with national and local policy.

## 5. CONCLUSION

5.1 While the impact on peat and management of peat during construction are related and important, the matter of peat landslide risk was not a significant determining factor in the response of the Council to the application in June 2020. It is not considered that the clarification provided by the applicant in response to the matters raised by Ironside Farrar on behalf of Scottish Ministers would lead to a change that would affect the compatibility of the proposal with the development plan or the previously stated position.

## 6. IMPLICATIONS

6.1 Resource: Not applicable.

6.2 Legal: Not applicable.

6.3 Community (Equality, Poverty and Rural): Not applicable.

6.4 Climate Change/Carbon Clever: The application allows for the connection of renewable energy to the grid therefore helping to deliver a contribution toward climate change targets.

6.5 Risk: Not applicable.

6.6 Gaelic: Not applicable.

## 7. RECOMMENDATION

### **Action required before decision N issued**

It is recommended that the Council raise **no objection** to the application, subject to conditions previously submitted to Scottish Ministers as contained within Appendix 2 of this report.

Designation: Acting Head of Development Management – Highland

Author: Simon Hindson

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Figure 1.1 Overview of the Proposed Development  
Plan 2 - Figure 3.1a Proposed Development Section 37 Project Elements Sheet 1 of 5  
Plan 3 - Figure 3.1a Proposed Development Section 37 Project Elements Sheet 2 of 5  
Plan 4 - Figure 3.1a Proposed Development Section 37 Project Elements Sheet 3 of 5

Plan 5 - Figure 3.1a Proposed Development Section 37 Project Elements Sheet 4 of 5

Plan 6 - Figure 3.1a Proposed Development Section 37 Project Elements Sheet 5 of 5

Plan 7 - Figure 3.1b Proposed Development – Deemed Planning Permission Project Elements Sheet 1 of 5

Plan 8 - Figure 3.1b Proposed Development – Deemed Planning Permission Sheet 2 of 5

Plan 9 - Figure 3.1b Proposed Development – Deemed Planning Permission Sheet 3 of 5

Plan 10 - Figure 3.1b Proposed Development – Deemed Planning Permission Sheet 4 of 5

Plan 11 - Figure 3.1b Proposed Development – Deemed Planning Permission Sheet 5 of 5

## Appendix 1 - Report to North Planning Applications Committee 26 June 2020

Agenda Item	4.4
Report No	PLN/023/20

### HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 09 June 2020

**Report Title:** 20/01014/S37 : Scottish Hydro Electric Transmission PLC  
Land 1250m North of Crask Inn, Lairg

**Report By:** Acting Head of Development Management – Highland

#### 1. Purpose/Executive Summary

- 1.1 **Description:** Installation and operation of 132 kV overhead electric line to connect Creag Riabhach Wind Farm to the grid
- 1.2 **Ward:** 01 – North, West and Central Sutherland

**Development category:** National Development

**Reason referred to Committee:** Consultation on 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.

#### 2. Recommendations

- 2.1 Members are asked to agree the recommendation to Raise no Objection to the application as set out in section 11 of the report.

### **3. PROPOSED DEVELOPMENT**

- 3.1 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 Creag Riabhach 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).
- 3.2 The development will comprise of 22km of overhead line and 1.4km of underground line. The line will start at the Creag Riabhach Wind Farm substation and end at the recently consented Dalchork Substation. The development will also involve undergrounding of approximately 400m of existing 11kv overhead single pole line.
- 3.3 The line will be supported by "H" formation wooden poles. The overhead line will comprise a combination of "H" pole structures:
- 240 pairs of Suspension Poles used for the straight sections of the line (2 x wooden poles placed 2.5m apart with supporting steel cross-arm);
  - 66 pairs of Angle Poles used where the route of the OHL changes (same design as the suspension poles but these also may require stays depending on ground conditions)
  - 2 terminal poles to be used where the OHL is undergrounded (typically these comprise of a small platform, downloads mounted on wooden poles and boxing for where the cables emerged from the ground.
- 3.4 The OHL is predominantly located within an existing forestry plantation and therefore only temporary access roads are required. These will be built to a standard for all terrain vehicles. However, it seeks to utilise a number of existing accesses to the A836. Two construction compounds will be required, the detail of which will be subject to a further planning application(s).
- 3.5 The construction period is anticipated to last 11 months, between May 2021 and April 2022. Development will be delivered in 4 distinct phases:
- Phase 1 – Access Marking; Road Improvements and Access, Forestry Removal; Site Compounds;
  - Phase 2 – Foundation and H-Pole Construction; Conductor Stringing; Underground Cable Installation;
  - Phase 3 – Commissioning of the line;
  - Phase 4 - Reinstatement of all areas disturbed during construction.
- 3.6 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 towers to reflect topographical, engineering and environmental constraints. The following parameters have been identified for the LOD:-
- 100m horizontal LOD either side of the proposed OHL alignment; and
  - Maximum vertical LOD of 18m (maximum pole height 18m, minimum pole height 10m).

- 3.7 The applicant undertook public consultation between March 2018 and June 2019. This included a public event at Lairg Community Hall on 24 July 2018 and a further event at Strathnaver Community Hall on 25 June 2019. The applicant has advised that while a total of 10 people attended the two events no formal response were received via the feedback form handed out to attendees. Further to the events, consultation documents were also produced and made available online and in Lairg Library.
- 3.8 In bringing forward the proposal the applicant has considered a total of four alternative alignment options. The preferred route (Route Option 3) is presented in the application.
- 3.9 The application is supported by an Environmental Impact Assessment Report (EIAR) which considers the proposals implications for: Landscape and Visual Impact; Ecology; Ornithology; Cultural Heritage; Hydrology, Hydrogeology, Geology and Soils; and Forestry. The EIAR ecology; ornithology; water environment; soils; landscape and visual; forestry; and cultural heritage. The EIAR also contains a schedule of environmental mitigation.

#### **4. SITE DESCRIPTION**

- 4.1 The site is located to 2km east of Achnairn, and 3km to the north of Lairg and is accessed via the existing forestry accesses which joins the public road network on the A836. The area to the east of the proposed line is sparsely populated, however a number of houses are located to the east around Achnairn, Achfrish, Tirryside, Colaboll and Dalchork. The Crask Inn is located at the northern edge of the site.
- 4.2 The majority of the site comprises an area of forestry at varying stages of maturity. In some areas where the forestry has been clear felled areas of open peatland restoration are being progressed.
- 4.3 The application site crosses the River Tirry, Abhainn Sgeamhaidh. Feith sdail, Allt Chaiseagail watercourses.
- 4.4 Caithness and Sutherland Peatlands Special Area of Conservation, Special Protection Area and Ramsar site, Lairg and Strath Brora Lochs Special Protection Area Strath Carnaig and Strath Fleet Moors Special Protection Area and the River Naver Special Area of Conservation European designated sites are within the 10km study area of the application. The application is also in proximity of the following Sites of Special Scientific Interest: Cnoc an Alaskie; Grudie Peatlands; Lairg and Strath Brora Lochs; and Strath Carnaig and Strath Fleet Moors. The application site (between poles 4 and 10) crosses the Ben Klibreck site of Special Scientific Interest.
- 4.5 The application sits in the Strath – Caithness and Sutherland and Sweeping Moorland and Flows Landscape Character Types as identified on the Scottish Landscape Character Type Map. The applicant has identified that the site sits within the Commercial Forestry; Settled Strath and Slopes; and Sweeping Moorland Local Landscape Character Types. These are sub-sets of the landscape character types identified at a national level for the purposes of the assessment of the application.
- 4.6 A limited part of the applicants' 2km study area for landscape and visual impact assessment crosses the Ben Klibreck and Loch Choire Special Landscape Area.

- 4.7 While sitting outwith any Wild Land Area, the study area for the application includes Wild Land Area (WLA) 35 – Ben Klibreck, WLA 37 – Foinaven-Ben Hee. WLA 34 – Reay-Cassley sits to the west of the application site but outwith the applicant’s study area.
- 4.8 When assessing proposals such as these, consideration of similar developments in proximity of the proposal for cumulative effects is required. The list below sets out the projects in the wider area that are operational or approved.
- Creag Riabhach Wind Farm
  - Lairg to Loch Buidhe Overhead Line
  - Dalchork Substation

## 5. PLANNING HISTORY

5.1	14/00004/S36 - Erection of 22 x Wind Turbines (max tip height 125m) (Creag Riabhach Wind Farm - 72.6MW)	Approved by Scottish Ministers	17 October 2016
5.2	15/03819/FUL - Erection of a 60m anemometer mast (36 month time extension)	Permission Granted	27 November 2015
5.3	18/04520/FUL - Retention of 60m anemometer mast (36 month time extension)	Permission Granted	3 December 2018
5.4	18/05384/SCRE - Proposed 132kV Overhead Line supported by double trident 'H' pole structures to provide a grid connection	Screening Application – EIA Required	5 December 2018
5.5	19/00374/FUL - The erection and operation of a 132kV substation comprising platform area, control building, associated plant and infrastructure, ancillary facilities, public road improvements to the A836 between the site entrance and the junction with the A838, upgrade of an existing forest track, site compound (half of which will remain permanent for operational purposes) and landscape works.	Permission Granted	29 November 2019
5.6	19/01713/SCOP - Creag Riabhach OHL grid connection	Scoping Decision Issued	6 June 2019
5.7	20/00774/FUL - Formation of borrow pit for use in the construction of Creag Riabhach Wind Farm	Permission Granted	19 May 2020
5.8	20/00775/FUL - Formation of borrow pit for use in the construction of Creag Riabhach Wind Farm	Permission Granted	19 May 2020



## 6. PUBLIC PARTICIPATION

6.1 Advertised: Environmental Impact Assessment (advertised by the Energy Consents Unit)

Date Advertised: 20 March 2020 (Press and Journal, Northern Times and Edinburgh Gazette), 27 March 2020 (Northern Times)

Representation deadline: 24 April 2020

Timeous representations 2  
received by Highland  
Council:

Timeous representations 0  
received by Energy  
Consents Unit:

6.2 Material considerations raised are summarised as follows:

- a) Adverse impact of construction;
- b) Adverse impact on natural heritage (including ornithology, bats, amphibians and insects);
- c) Adverse cumulative impact when considered in combination with Creag Riabhach Wind Farm;
- d) Concern over approach to assessment of cumulative impact undertaken by the applicant;
- e) Concern that the undergrounding of cables have not been adequately explored;
- f) Concern over the requested Limits of Deviation;
- g) Lack of compliance with development plan policy;
- h) Impact on Wild Land Areas;
- i) Lack of compliance with Scottish Planning Policy and National Planning Framework 3;

6.3 All 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](http://www.wam.highland.gov.uk/wam).

## 7. CONSULTATIONS

Consultations undertaken by The Highland Council

7.1 **Bettyhill, Strathnaver and Altnaharra Community Council** did not respond to the consultation.

7.2 **Lairg Community Council** did not respond to the consultation.

7.3 **Access Officer** does not object to the application. It is noted that the line crosses a public right of way and existing forestry tracks used by the public. He considers it appropriate to secure details of access mitigation during construction period by condition.

7.4 **Environmental Health Officer** do not object to the application. It is noted that the majority of construction will be in remote locations. It is requested that as the construction is proposed over 7 days a week that a construction noise management

plans should be complied as part of the Construction Environment Management Document. A further request is made for a scheme to safeguard to a private water supply abstraction point to be secured by condition.

- 7.5 **Forestry Officer** does not object to the application. Content with the applicants' approach to defining the level of compensatory planting required (35.92ha) but requires further details of the applicants approach to this to be secured by condition.
- 7.6 **Historic Environment Team** do not object to the application. It considers that the EIAR is comprehensive and agrees with the proposed mitigation to mitigate impacts on the cluster of prehistoric sites at the southern end of the route corridor.
- 7.7 **Transport Planning Team** do not object to the application. It considers that the Transport Assessment is appropriate. It notes that the Transport Assessment identifies a low level of heavy goods vehicle movement (1 per day). It considers that there would be the need for construction compounds and parking for the workforce. It requests a condition to secure a Section 96 Agreement prior to agreement of the construction traffic management plan. It highlights that if the construction access track proposals are modified beyond those used by all terrain vehicles then it would consider this to be a significant variation to any permission which may be granted.

Based on the typical junction arrangements presented in the Transport Assessment, it considers that further information will require to be secured via condition to ensure appropriate mitigation is delivered in relation to the proposed accesses to the site. This will be required to cover matters related to surfacing, visibility and road safety.

A condition to secure a Construction Traffic Management Plan is requested. Informatives are also requested to ensure the applicant is aware that appropriate permits are in place for all works on and immediately adjacent to the public road as well as a requirement for no surface water discharging onto the public road.

#### Consultations Undertaken by the Energy Consents Unit

- 7.8 **Defence Infrastructure Organisation Safeguarding** do not object to the application.
- 7.9 **Highlands and Islands Airports Limited** do not object to the application. It advises that the application does not infringe the safeguarding surfaces for Inverness Airport.
- 7.10 **Historic Environment Scotland** do not object to the application. It agrees with findings of not significant in relation to the assessment on the impact of the Altbreck, Broch 1650m ESE of Dalchork Bridge. It disagree with methodology for determining "sensitivity of setting" and do not think that determining the extent to which the setting can be seen on the ground necessary step.
- 7.11 **Kyle of Sutherland District Salmon Fisheries Board** do not object to the application. While it is concerned by the proposes Horizontal Directional Drilling under the River Tirry, it recognises that the detailed methodology can not be provided at this stage and is content to consider this at a future date in consultation with SEPA.

- 7.12 **Marine Scotland Science** do not object to the application. It requests that the developer is mindful of the potential impacts of the construction period on salmon and trout populations. It welcomes the proposed liaison with SEPA on the proposed Horizontal Directional Drilling under the River Tirry and the appointment of an Ecological Clerk of Works. It advises that the distance between watercourses and construction activities should be 30m.
- 7.13 **Nation Air Traffic Control Services (Safeguarding)** do not object to the application. It advises it does not have a safeguarding objection to the proposal.
- 7.14 **Royal Society for the Protection of Birds** do not object to the application. It raises concerns over the potential impacts on priority species and habitats. It requests conditions to secure: potential use of horizontal directional drilling in sensitive areas or no construction within the bird breeding season; preconstruction surveys; line marking at 5m intervals at Loch Dubh Cul na Capulich and Loch Beannach; restrictions on works within 1km of black grouse leks; and bog restoration within Ben Klibreck SSSI.
- 7.15 **Scottish Environment Protection Agency** do not object to the application subject to conditions being applied to secure: details of the final route, a stage 2 peat management plan; details of the methodology for the proposed directional drilling under the River Tirry; details of any and all watercourse crossings; and details of decommissioning. In addition to this it requests that it is made clear that the location of laydown areas and worker facilities do not form part of any deemed planning permission.
- 7.16 **Scottish Forestry** do not object to the application. It welcomes the applicants approach to defining the width of the operational corridor for the proposed development. It notes that the operational corridor requires 42.84ha to be kept free from forestry and considers that 6.92ha of woodland does not need to be considered as part of this proposed area due to current management stage of the Dalchork Forest. Overall it welcomes the commitment to 35.92ha of compensatory planting but requires further details of the applicants approach to this to be secured by condition.
- 7.17 **Scottish Natural Heritage** do not object to the application. It notes that the Scottish Government is required to consider the effect of the proposals on European designated sites before the application can be consented.

It advises that the proposal is likely to have a significant effect on red throated diver, hen harrier and greenshank, all of which are qualifying features of the Caithness and Sutherland Special Protection Area. However, with the application of a range of mitigation it considers it will not adversely affect the integrity of the designated site.

It advises that it is unlikely that there would be likely significant effects on the Caithness and Sutherland Peatlands Special Area of Conservation; River Naver Special Area of Conservation; Lairg and Strath Brora Lochs Special Protection Area; or Strath Carnaig and Strath Fleet Moors Special Protection Area.

It notes that the potential effects on the Ben Klibreck Site of Special Scientific Interest are temporary in nature. It considers that the construction methodology for the line will minimise impact on the blanket bog/wet heath mosaic habitat of the site.

The site is highlighted by Scottish Natural Heritage as lying between the Ben Klibrek- Armine Forest and Foinanven -Ben Hee Wild Land Areas. It advises that the proposal will not result in a significant impact on either Wild Land Area. It welcomes that the line is undergrounded around the Crask and it considers that this will reduce the impact on the Wild Land Areas.

7.18 **Scotways** do not object to the application. It has raised concern that the application does not consider impacts on right of ways. It highlights that the proposal directly effects routes: HS28 and HS29 from the National Catalogue of Rights of Way; Heritage Path HP308 (Strath Tirry to Badenloch Tracks; 342 (Crask Inn to Badanloch Lodge) and 341 (Lairg to Crask Inn by Loch Choire) from Scotways Scottish Hill Tracks publication. It requests a condition to secure an Outdoor Access Plan.

7.19 **Transport Scotland** do not object to the application. It considers that the proposed route of the overhead line is sufficiently remote from the trunk road network and that construction activity would be unlikely to cause impacts on the trunk road network.

## 8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

### 8.1 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 30 - Physical Constraints
- 36 - Development in the Wider Countryside
- 42 - Previously Used Land
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 53 - Minerals
- 54 - Mineral Wastes
- 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
- 62 - Geodiversity
- 63 - Water Environment
- 66 - Surface Water Drainage
- 68 - Community Renewable Energy Developments
- 69 - Electricity Transmission Infrastructure
- 72 - Pollution
- 74 - Green Networks
- 77 - Public Access

### 8.2 Caithness and Sutherland Local Development Plan 2015

No Specific Policies Apply

## 8.5 Highland Council Supplementary Planning Policy Guidance

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

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Physical Constraints (March 2013)

Special Landscape Area Citations (June 2011)

Standards for Archaeological Work (March 2012)

Trees, Woodlands and Development (Jan 2013)

## 9. OTHER MATERIAL POLICY CONSIDERATIONS

### 9.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (2014)

National Planning Framework 3 (2014)

Control of Woodland Removal Policy (2009)

## 10. PLANNING APPRAISAL

- 10.1 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 a consent under the Electricity Act will carry with it deemed planning permission.

Schedule 9 of The Electricity Act 1989 contains tests in relation to the impact of proposals on amenity and fisheries. These tests should:

- Have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and
- Reasonably mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

### Determining Issues

- 10.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### Planning Considerations

- 10.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy;
  - b) Roads, transport and wider access;

- c) Landscape and visual impact;
- d) Water environment;
- e) Natural heritage (including Forestry);
- f) Peat
- g) Built and cultural heritage;
- h) Construction impacts;
- i) any other material considerations.

### **Development plan/other planning policy**

- 10.4 The Development Plan comprises both the adopted Highland-wide Local Development Plan (HwLDP) and Inner Moray Firth Local Development Plan.
- 10.5 The principal HwLDP policy on which the application requires to be assessed is Policy 69 (Electricity Transmission Infrastructure).
- 10.6 The Development Plan supports the broad principle of energy development. 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 impact on the environment, then the proposal would accord with the Development Plan.
- 10.7 Scotland’s Third National Planning Framework (NPF- 3) 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 132 kilovolt (kv) 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.
- 10.8 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 (2107) is to champion Scotland’s renewable energy potential, creating new jobs and supply chain opportunities.

### **Roads, transport and wider access.**

- 10.9 Vehicular access to the location of each H-pole will be required during the construction period. The applicant has stated that they will be using existing forestry

haulage roads, and access tracks for the purposes of construction. Some elements of the local road network will also be used but no new permanent accesses to the public road network will require to be formed. The applicant has agreed to improving existing bellmouths to the public road and Transport Planning have requested that the details of improvements are secured by condition. The wood poles would be installed using low pressure tracked vehicles and temporary access panels to protect sensitive areas of the site, such as where peat is greater than 1m in depth or where sensitive Ground Water Dependant Terrestrial Ecosystems are present. Some short sections of new stone access track within the forestry will be required to ensure that forest management can continue. This is accepted as the tracks are for short sections and are in less sensitive areas.

- 10.10 Considered alone, the impact on the local road network is significant over a limited period due to the nature of the development. However, it is likely that construction of the OHL will be progressing at the same time as the permitted Dalchork Substation and the consented Creag Riabhach Wind Farm. The cumulative impact of construction of these schemes will likely be significant in the short term. Transport Planning have requested that a Section 96 Agreement under the Roads (Scotland) Act 1984 is entered prior to an agreement on the Construction Traffic Management Plan for the proposed development. This is accepted. The Construction Traffic Management Plan will be required to give due consideration to the other large scale construction projects that are being brought forward in the area and the construction traffic management provisions agreed for those proposals.
- 10.11 Transport Scotland do not consider there will be implications for the trunk road network unless abnormal loads are required.
- 10.12 In terms of recreational access, the Council's Access Officer has highlighted that some of the routes to be used for construction are utilised regularly by members of the public. He has recommended that a specific provisions are put in place either through the Construction Environmental Management Plan or a standalone Recreational Access Management Plan to manage the impacts. It is considered that the most appropriate mechanism to achieve this would be through a Recreational Access Management Plan solely for the construction period. This approach should be taken due to the likely level of activity during the construction period and can be secured by condition.

#### Landscape and visual impact

- 10.13 Given the location and scale of the proposal it sits across a number of Landscape Character Types (LCTs). Each of these LCTs cover much wider areas than would be subject to the effects of this application. The assessment undertaken by the applicant has identified a number of sub-sets to the LCTs reflecting the characteristics of the local landscape. The applicant has called these Local Landscape Character Types (LLCTs). The assessment methodology is considered appropriate. Having considered the effect during the construction and operational period, the applicant has not identified significant effects on any of the LLCTs in the study area of the application. This is not disputed.
- 10.14 The application site does not sit within any landscape designations but the study area for the Landscape and Visual Impact Assessment contains a small part of the Ben Klibreck and Loch Choire Special Landscape Area (SLA). The SLA is centred

on Loch Choire rather than Ben Klibreck. On review of the citations for the SLA, it is clear that a proposal of this scale, while potentially noticeable from the edges of the SLA, will not have an adverse impact on the special qualities of the SLA. When considered cumulatively with the other proposed development in the area, it is not considered that the proposed development would add to the effects on the integrity of the SLA.

10.15 The application site is between two wild land areas. A representation has raised concerns about the about the impact of the proposed OHL on the qualities of the Wild Land Area. During the scoping stage the applicant was advised by SNH that the effects on the wild land areas could be screened out as a result of a limited visibility of the proposed development from the wild land areas. National planning policy affords protection to wild land areas. As the proposed development is outwith a Wild Land Area, further consideration is not required to demonstrate that any significant effects on the qualities of these areas can be suitably overcome by siting, design or other mitigation as per the test in paragraph 215 of Scottish Planning Policy. Scottish Planning Policy paragraph 169 sets out, amongst other things, that considerations for energy infrastructure developments are likely to include effects on wild land. Therefore given the proximity of the proposal to the wild land areas it considered appropriate to consider the effects on the wild land areas in reaching a recommendation on this application.

10.16 At the north eastern end of the study area but beyond the application site, lies Wild Land Area 35 – Ben Klibreck – Armine Forest (WLA35). The special qualities of the wild land area are:

- An awe-inspiring simplicity of landform and landcover and a perception of ‘emptiness’, so that the extent of the peatland often seems greater than it is;
- Arresting, isolated mountains rise up in stark contrast to surrounding peatland and glens, amplifying the awe-inspiring qualities of each;
- A remote interior where access involves long distances and lengthy time via penetrating glens or crossing over and around rugged landforms and waterbodies;
- An extensive area of peatland with a prevailing strong sense of naturalness; and
- A secluded, elevated and remote interior plateau shielded by an outer rim of hills, in which there is a strong sense of solitude, sanctuary and risk.

Given the position of the overhead line, associated with the human interventions in the landscape, including the A836 and the commercial forestry, it is not considered that the proposed development would have a significant impact on the special qualities of WLA35. Further due to the mitigation by design, it is not considered that the planned development would increase the significant effects on WLA35 when considered cumulatively with the Creag Riabhach Wind Farm and the Dalchork substation.

10.17 At the north western end of the study area but beyond the application site, lies Wild Land Area 37 – Foiven – Benn Hee (WLA35). The special qualities of the wild land area are:

- Towering, rugged mountains highlighted by their prominent rock covering, that appear awe-inspiring and contribute to a strong sense of naturalness;
- A remote, secluded interior with very few human elements and a strong perception of sanctuary and solitude;



- A variety of shelves, corries and basins carved into the mountain landforms that harbour a strong sense of sanctuary and solitude- some with lochs, rivers and waterfalls;
- A complex mix of towering and arresting crags, cliffs and knolls with a predominance of bare rock, conveying a strong sense of naturalness;
- Long straths and glens that penetrate far into the interior – some with tracks or paths, that provide access through the landscape; and
- Extensive peatland slopes that appear awe-inspiring in their simplicity and contrast to neighbouring mountains, and allow wide open views of the surrounding area.

The Wild Land Area descriptor makes reference to the intervisibility between the wild land areas, however, it notes that this is strongest in the northern part of WLA37 which is somewhat remote from the proposed development. Similarly to WLA 35, the position of the overhead line, association with the human interventions in the landscape, including the A836 and the commercial forestry, which are elements of the mitigation by design of the project, it is not considered that the proposed development would have a significant impact on the special qualities of WLA37. Further due to the mitigation by design, it is not considered that the planned development would increase the significant effects on WLA37 when considered cumulatively with the Creag Riabhach Wind Farm and the Dalchork substation. Scottish Natural Heritage do not object to the application.

- 10.18 The applicant has undertaken a proportionate Visual Impact Assessment within the EIAR. In doing so it has considered the impacts of the proposed development on receptors at 2 representative viewpoints within a study area of 2km from the proposed alignment of the OHL. The study area having been informed by the production of a Zone of Theoretical Visibility (ZTV) model. Further to the assessment at viewpoints, the applicant has also considered the views from residential properties and from vehicular and recreational routes. The applicant considers that the overall visual impact can be considered as not significant but notes that there are localised significant effects during the construction period.
- 10.19 In assessing visual impacts in particular, it is important to consider that the viewpoint is representative of particular receptors i.e. people who would be at that point and experiencing that view of the landscape not just in that single view but in taking in their entire surroundings. For residential receptors this includes their journey to and from their house and the use of the land surrounding their property not just the view from the windows of the house. In taking this approach, it appears that the visual impact assessment may have underestimated the impacts of the proposed development. However, in each of the residential receptors considered it is not considered that this underestimation of effect would lead to an increase in significant effects beyond what has been identified by the application.
- 10.20 Considering the matter of visual impact in the round, the siting and design of the OHL significantly limits the effects of the proposed development. A significant length of the line is located within commercial forestry, some of which has recently been replanted. Other areas of the forestry will be removed during the lifetime of the development based upon the Dalchork Forest Plan. In the areas where the OHL is not located within forestry, it is considered to be well sited and while the wooden poles which will support the line are not diminutive structures, being up to 18m in height, it is likely they would fit relatively well within the landscape. Further there

would be limited areas where receptors would be subject to significant effects of the proposed development cumulatively with other large scale projects in the area.

- 10.21 In the areas of high sensitivity, around the Crask, the applicant has agreed to underground the cable as to reduce its prominence. While this will have a significant visual impact during the construction period, it is a temporary effect which reduces the impact on travellers, including tourists and local residents, on the A836. This particular aspect of mitigation is strongly welcomed.
- 10.22 The overall conclusion reached by the applicant in relation to visual impact being not significant, is agreed.

#### Water Environment

- 10.23 No issues related to flood risk or drainage have been identified. While watercourse crossings are required, details of these can be secured by condition and will be required to ensure that they do not contribute to flooding by virtue of their design.
- 10.24 Marine Scotland Science has identified that the watercourses surrounding the site feed into Loch Shin and the rivers are important for salmon and trout. As a result, Marine Scotland Science would like to ensure that the applicant considers the cumulative impact of the construction of the proposed development with construction of others in the area. This can be secured as part of the Construction Environment Management Document.
- 10.25 Water quality can be impacted by construction in proximity of a watercourse. Although the applicant is not working within or adjacent to the watercourse during the construction of the proposed OHL, Marine Scotland Science recommend that the appointed Ecological Clerk of Works regularly inspects the watercourses in proximity of the site for evidence of sediment release, particularly in periods of heavy rain.
- 10.26 In addition, the Horizontal Directional Drilling (HDD) has the potential to have an effect on the water environment. The detail of this matter will be considered as part of a Controlled Activities Regulation licence which will be managed by SEPA. However some details, including the location of the compounds for HDD operation will require further consideration by the planning system. The applicant has stated that the principle contractor will be responsible for such matters and recognises that a further planning application will be required to consider this matter in detail.
- 10.27 A private water supply abstraction point may be affected by the proposed development. A scheme to secure the protection of this during the construction period can be sought via condition. Further a Scottish Water raw water pipe is located within the application site. Prior to commencement of the development, the applicant will be required to liaise with Scottish Water to agree a working method to protect the pipe.

#### Natural Heritage (including Forestry)

- 10.28 The application will have an impact on a number of management coupes in Dalchork Forest. Within the applicant's proposed limits of deviation and the required operation corridor a total of 42.84ha of land requires to be kept free from forestry. Some elements of the forest are already fallow and awaiting replanting, others are scheduled for felling, while some areas are not to be replanted and instead actively

managed for peatland restoration. If the woodland management were continue as per the currently agreed Dalchork Forest Management Plan, then a total are of 42.84ha of productive conifer woodland would be lost as a result of this proposal. However, 6.92ha of this does not need to be considered due to the woodland changes on its northern edges from productive conifer woodland to open ground for peatland restoration. Therefore 6.92ha of woodland would be removed from total loss of woodland calculation for the purposes of the Control of Woodland Removal Policy. The applicant has committed to 35.92ha of compensatory planting but the form that this planting comes in still requires to be agreed by Forestry Scotland and the Council's Forestry Officer.

- 10.29 The EIAR has identified that water vole, otter and pine marten are present in the area at low densities. As a result, pre-commencement protected species surveys and species protection plans will be required to be secured by condition. Mitigation is also proposed in the form of an Ecological Clerk of Works to ensure any required mitigation is implemented.
- 10.30 Potential effects on ornithology (goshawk, black grouse and breeding birds) during the construction period have been identified by the applicant. The impacts are largely limited to disturbance from construction related activities, however there is the potential for bird nests to be destroyed during ground clearance works. 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 Ecological Clerk of Works the construction impacts can be avoided. The applicant has not identified any significant risks during the construction period. If the mitigation is secured by condition, the applicant's assessment can be accepted.
- 10.31 Potential significant effects on ornithology (red throated diver, hen harrier and greenshank) have been identified by the applicant. The impacts are largely limited to disturbance from construction related activities, however there is the potential for bird nests to be destroyed during ground clearance works. 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 Ecological Clerk of Works the construction impacts can be avoided. If the mitigation is secured by condition, the applicant's assessment can be accepted.
- 10.32 SNH has agreed that the proposal is likely to have a significant effect on red throated diver, hen harrier and greenshank, all of which are qualifying features of the Caithness and Sutherland Special Protection Area. However, with the application of a range of mitigation, as outlined in Chapter 12 of the EIAR, it considers it will not adversely affect the integrity of the designated site.
- 10.33 In relation to other European designated sites, SNH advises that the proposal is unlikely that there would be likely significant effects on the Caithness and Sutherland Peatlands Special Area of Conservation; River Naver Special Area of Conservation; Lairg and Strath Brora Lochs Special Protection Area; or Strath Carnaig and Strath Fleet Moors Special Protection Area.
- 10.34 As there is potential for the proposal to impact on connected sites designated at a European level, the proposal needs to be assessed against the 'Habitats Directive' which is translated into Scots law through the Conservation (Natural Habitats, &c.)

Regulations 1994 (as amended). Ministers will require to be satisfied that this is completed prior to making a decision on the application.

- 10.35 It noted that there is also potential effects on the Ben Klibreck Site of Special Scientific Interest. However, SNH consider that these are temporary in nature and that the construction methodology for the line will minimise impact on the blanket bog/wet heath mosaic habitat of the site. The view of SNH is accepted.
- 10.36 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 would also be set out within the CEMPs. A stage 2 Peat Management Plan will be required prior to commencement of development. SEPA have requested that this is secured by condition. The layout has also avoided impacts of Ground Water Dependant Terrestrial Ecosystems (GWDTEs). These habitats are to be safeguarded from disturbance via micro-siting of pole locations.

#### Built and Cultural Heritage

- 10.37 The applicant has undertaken an assessment of built and cultural heritage within a 2km study area of the OHL. This concluded that there are a number of listed buildings and scheduled monuments within proximity of the site. In undertaking the assessment, the applicant has produced visualisations showing the view from the Altbreck Broch.
- 10.38 Historic Environment Scotland agrees with the applicants' assessment findings of no significant effect on the Altbreck, Broch 1650m ESE of Dalchork Bridge. It disagrees with methodology for determining "sensitivity of setting" undertaken by the applicant as it does not think that determining the extent to which the setting can be seen on the ground necessary step.
- 10.39 In views from the Broch the OHL will be partially visible in the wider landscape, however the SM itself would not be directly affected. It is not considered that the presence of the line would not affect the interpretation or the ability to understand the relationship of the SM with its surroundings. The position of Historic Environment Scotland is accepted.
- 10.40 In relation to other heritage features it is considered that, with the application of mitigation, the impacts on recorded heritage assets will not be significant. The applicant will be required to: ensure an archaeological watching brief is in place during works at the identified Enclosure; micro-siting of the line around the prehistoric Cnc Chatha, Hut circles, Field system; and a buffer be placed around the Alt a'Chraigs Bridge and at Crask bridge where it crosses the Chraigs Burn.

#### Construction Impacts

- 10.41 The applicant has sought working hours of 0700 to 1900, 7 days a week in the summer and 0730 to 1700 (or as daylight allows) in the winter throughout the anticipated 11 month construction period. 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.

- 10.42 By using best practice construction management, the anticipated impacts on local communities and residential properties in proximity to the development. A Construction Environmental Management Document, inclusive of a recreational access management plan and construction traffic management plan, can be secured by condition.

### **Other material considerations**

- 10.43 A representation considers that the effects of grid connection need to be fully considered in addition to the effects of Dalchork Substation and the Creag Riabhach Wind Farm. In doing so the representation considers the matter of planning balance, which Ministers found in favour of in relation to the wind farm, needs to be reconsidered. This is not a matter for the Planning Authority but is one which the Scottish Government may consider prior to reaching a view on the application.

There are no concerns related to aviation safety.

- 10.44 There are no other material considerations.

### **Matters to be secured by Section 75 Agreement**

- 10.45 None.

## **11. CONCLUSION**

- 11.1 The proposed overhead transmission line will connect the permitted Creag Riabhach Wind Farm to the national grid and forms part of the delivery of a fit for purpose transmission network, facilitating the move to net zero. Subject to the application of appropriate conditions, in particular in relation to compensatory planting, it is considered the impact of the proposed development can be managed.
- 11.2 The Highland Council has determined its response to this application against the policies set out in the Development Plan, principally Policy 69. Given the above analysis the application would be seen to accord with the Development Plan.
- 11.3 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 but through the design process has mitigated the effects of the development in relation to the effects on the natural beauty of the countryside.
- 11.4 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.

## **12. IMPLICATIONS**

- 12.1 Resource: Not applicable.
- 12.2 Legal: Not applicable.

- 12.3 Community (Equality, Poverty and Rural): Not applicable.
- 12.4 Climate Change/Carbon Clever: The application allows for the connection of renewable energy to the grid therefore helping to deliver a contribution toward climate change targets.
- 12.5 Risk: Not applicable.
- 12.6 Gaelic: Not applicable.

### 13. **RECOMMENDATION**

#### **Action required before decision N issued**

**Subject to the above**, it is recommended that the Council should **RAISE NO OBJECTION**, subject to the following:

#### **Conditions and Reasons**

1. All poles shall be constructed in the locations, and to the height, shown in table 1 of Appendix 3.1 of the 2020 Environmental Impact Assessment Report. The location of the poles may be adjusted within the following Limits of Deviation:  
  
no pole shall be positioned more than 100m on the horizontal axis of the proposed overhead line alignment;  
no track shall be positioned more than 20m either side of their proposed locations;  
no pole shall be more than a height of 18m above ordinance datum inclusive of all steel work and insulators.  
  
No later than one month after the date of Final Commissioning, an updated Site Layout Plan must be submitted to the planning authority showing the final position of the overhead line, all poles and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or planning authority's approval, as applicable.  
  
**Reason:** To control environmental impacts while taking account of local ground conditions.
2. No work or development associated with the proposed development shall take places outwith the hours of 0700 - 1900 Monday to Sunday between 01 March and 31 October and 0730 - 1700 Monday to Sunday between 01 November and 28 February, unless otherwise approved in advance in writing by the planning authority.  
**Reason:** To ensure that construction activity is carried out within defined timescales to control impact on amenity.
3. No development shall commence until a detailed Compensatory Planting Plan (including future maintenance) has been submitted and approved in writing by the planning authority, following consultation with Scottish Forestry and any other relevant stakeholders.

The area of planting shall be no less than 35.92 hectares in size, consisting primarily of productive species and located within the Highlands.

The Compensatory Planting Plan shall be prepared by and then implemented under the supervision of a suitably qualified forestry consultant and in accordance with Annex 6 of the Scottish Government's policy on Control of Woodland Removal: Implementation Guidance (February 2019).

All planting shall be implemented in full within 12 months following commencement of development, or as otherwise agreed with the planning authority. The planting shall be maintained thereafter in accordance with the approved scheme, until established to the full satisfaction of the planning authority.

**Reason:** To protect Scotland's woodland resource, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

4. There shall be no Commencement of Development until a finalised Construction Environmental Management Document is submitted to and agreed in writing by the planning authority in consultation with SEPA, Kyle Fisheries Board and other appropriate consultees as appropriate. The document shall include provision for:
- a. An updated Schedule of Mitigation (SM).
  - b. Processes to control / action changes from the agreed Schedule of Mitigation.
  - c. The following specific Construction and Environmental Management Plans (CEMPs):
    - i. Method of construction of the pole foundations;
    - ii. details showing the methodology for horizontal directional drilling under the River Tirry;
    - iii. Residual Forest Waste Management Plan;
    - iv. Water Quality Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, water crossings, surface water drainage management (SUDs) and development and storage of material buffers (30m minimum) from water features;
    - v. Public Water Supply Protection Measures Plan;
    - vi. Pollution Prevention Plan
    - vii. Site Waste Management Plan
    - viii. Construction Noise Mitigation Plan
    - ix. Stage 2 - Peat Management Plan
    - x. Protection of Blanket Bog and Wet Heath Mosaic;
    - xi. Historic Environment Protection Plan including but not limited to:
      - A watching brief around Site 12, where works must also be designed to minimise the impacts of development on the archaeological site;
      - Protection measures, inclusive of micro-siting, rapid re-survey work or evaluation and excavation for Sites 12-24;
      - A marked buffer for Sites 8 and 9;
    - xii. An ornithological protection plan including:
      - Works will take place outside the breeding season for upland breeding birds 1<sup>st</sup> April – 30<sup>th</sup> August inclusive, if this

cannot be achieved a survey within 1.5km of the proposal will take place and a 1km precautionary buffer applied to all nest sites;

- The applicant will produce a species protection plans for red throated divers, greenshank and hen harrier as a part of the approval of this proposal;
- Line marking of the line around Loch Dubh Cul an Capulich to reduce the collision risk for red-throated divers and hen harriers, and;
- Restricting the Limit of Deviation corridor around Loch Dubh Cul an Capulich will prevent it moving closer to this loch during construction.

xiii. Species Protection Plan(s).

- d. 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;
- e. 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;

Unless otherwise agreed in writing by the planning authority the development shall then proceed in accordance with the approved CEMD.

**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.

5. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s) and Transport Scotland. The CTMP, which shall be implemented as approved during all period of construction and decommissioning, must include:
- i. Confirmation of the traffic volumes and type of vehicles to be used for construction giving maximum and average daily flows per month. This shall be linked to an indicative construction programme;
  - ii. A description of all measures to be implemented by the developer to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;
  - iii. The identification and delivery of all upgrades to the public road network, including but not limited to upgrades to the local and trunk road network to make it suitable for construction traffic, to ensure that it is to a standard capable of accommodating construction related traffic to the satisfaction of the Roads Authorities;



- iv. Access for construction HGVs shall be via the A836 from the South only;
- v. Identification of each of the access points onto the public road proposed to be used by Construction vehicles for the development. Details of appropriate traffic management which shall be established and maintained at these site access points for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority. The details shall include dimensioned drawings including photographs and shall show the measured visibility splay achievable at each access together with the proposals for the geometry and extent of surfacing of the access. These details shall be in accordance with the Councils 'Roads and Transport Guidelines for New Development'. Thereafter the visibility splays shall be maintained during the period that the accesses are in use by construction traffic for the development;
- vi. Identification of suitable proposals for delivery, collection and storage of materials and plant during construction and for parking of the workforce.
- vii. Provision of a suitable proposals detailing the method of erection of the poles and over-head line including the plant to be used.
- viii. Wheel washing measures and/or provision of a vacuum road sweeper as required to ensure water and debris are prevented from discharging from the site onto the public road;
- ix. Measures to ensure that construction traffic adheres to agreed routes and access points onto the public road.
- x. A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. This shall include monitoring and reporting of the construction vehicle movements to enable the cumulative impact of this development alongside the other large construction projects to be managed by the Council. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the developer, to the satisfaction of the Roads Authority(s).

**Reason :** To maintain safety for road traffic and the traffic moving to and from the development, and to ensure that the transportation of abnormal loads will not have any detrimental effect on the road network.

6. 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.

7. In the event that the line is no longer required for the transmission of electricity a scheme shall be submitted to the planning authority for its written approval detailing how the development will be decommissioned. The scheme shall include, unless otherwise agreed in writing with the Planning Authority and in accordance with legislative requirements and published best practice at time of decommissioning, details about the removal of all elements of the Development, relevant access tracks and all cabling, including where necessary details of:
- a) justification for retention of any relevant elements of the Development;
  - b) the treatment of disturbed ground surfaces
  - c) management and timing of the works
  - d) environmental management provisions;
  - e) a traffic management plan to address any traffic impact issues during the decommissioning period; and
  - f) details of financial provisions to ensure the scheme to be approved can be implemented in full.

Thereafter the scheme shall be implemented in accordance with the approved details and timetable.

**Reason:** To ensure that should the line no longer be required that an appropriate mechanism is in place for decommissioning of the development.

8. No development shall commence until an Access Management Plan for recreational users of the outdoors has been submitted to and approved in writing by the Planning Authority. The plans shall include details of all areas where access rights apply at present, how access will be managed during the construction process and all areas where access rights will apply following final commissioning of the development.

Thereafter the approved Access Management Plan shall be implemented throughout the construction period.

**Reason:** In the interests of securing and enhancing public access rights.

9. There shall be no Commencement of Development unless the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with SNH, Marine Scotland, and SEPA. The terms of appointment shall;
- a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement and other information lodged in support of the application, the Construction and Environmental Management Plan and other plans approved (“the ECoW works”);
  - b. Require the ECoW to report to the Company’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 a monthly report to the Planning Authority summarising works undertaken on site;

- d. Have power to stop to the job / activities being undertaken within the development site when ecological interests dictate and/or when a breach or potential breach of environmental legislation occurs to allow for a briefing of the concern to the Company'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.

No later than 18 months prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier), the Company shall submit details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development to the Planning Authority for approval in consultation with SNH and SEPA. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

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

Designation:	Acting Head of Development Management – Highland
Author:	Simon Hindson
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Figure 1.1 Overview of the Proposed Development
	Plan 2 - Figure 3.1a Proposed Development Section 37 Project Elements Sheet 1 of 5
	Plan 3 - Figure 3.1a Proposed Development Section 37 Project Elements Sheet 2 of 5
	Plan 4 - Figure 3.1a Proposed Development Section 37 Project Elements Sheet 3 of 5
	Plan 5 - Figure 3.1a Proposed Development Section 37 Project Elements Sheet 4 of 5
	Plan 6 - Figure 3.1a Proposed Development Section 37 Project Elements Sheet 5 of 5
	Plan 7 - Figure 3.1b Proposed Development – Deemed Planning Permission Project Elements Sheet 1 of 5
	Plan 8 - Figure 3.1b Proposed Development – Deemed Planning Permission Sheet 2 of 5
	Plan 9 - Figure 3.1b Proposed Development – Deemed Planning Permission Sheet 3 of 5
	Plan 10 - Figure 3.1b Proposed Development – Deemed Planning Permission Sheet 4 of 5
	Plan 11 - Figure 3.1b Proposed Development – Deemed Planning Permission Sheet 5 of 5



## Appendix – Letters of Representation

Name	Address	Date Received	For/Against/Neutral
Wildland Limited		07.05.2020	Against
Martin Ashdown	124 Newland East Road Bettyhill Thurso KW14 7SR	20.03.2020	Against



## **Appendix 2 – Letter to Energy Consents Unit 06 July 2020**

Energy Consents Unit  
Per James McKenzie  
The Scottish Government  
Energy Consents Unit  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

Please ask for: Simon Hindson  
Direct Dial: 01463 785047  
E-mail: [simon.hindson@highland.gov.uk](mailto:simon.hindson@highland.gov.uk)  
Our Ref: 20/01014/S37  
Your Ref:  
Date: 6 July 2020

By email only to:  
[Econsents\\_Admin@gov.scot](mailto:Econsents_Admin@gov.scot)  
Cc Kenneth Reid, Lauren Riach

Dear Mr McKenzie,

**HIGHLAND COUNCIL REFERENCE: 20/01014/S37  
DEVELOPMENT: INSTALLATION AND OPERATION OF 132 KV OVERHEAD  
ELECTRIC LINE TO CONNECT CREAG RIABHACH WIND FARM TO THE GRID  
LOCATION: AT LAND 1250M NORTH OF CRASK INN, LAIRG,**

The Highland Council was consulted by your office on the above Section 37 Application on 16 March 2020. This letter seeks to convey the response of the Council.

Following consideration of the item by The Highland Council's North Planning Applications Committee, the Council **RAISE NO OBJECTION** to the application subject to the application of the conditions contained within the Report on Handling. I attach a copy of the Report on Handling which was presented to Members on 26 June 2020.

The minutes of the meeting are not yet available, however they will be available on the Council's website following the next meeting of the North Planning Applications Committee.

Please do not hesitate to contact me if you would like to discuss the contents of this letter or the Report on Handling.

Yours Sincerely,

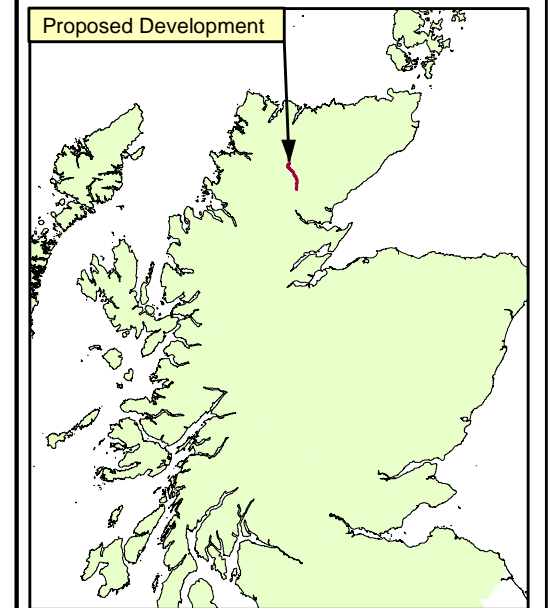
Simon Hindson

**Team Leader – Strategic Projects**



**Key**

- Proposed Overhead Line
- - - Proposed Underground Cable
- Consented Dalchork Substation
- Consented Creag Riabhach Wind Farm Substation

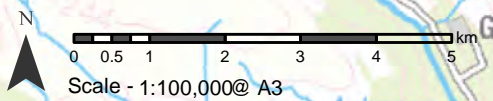


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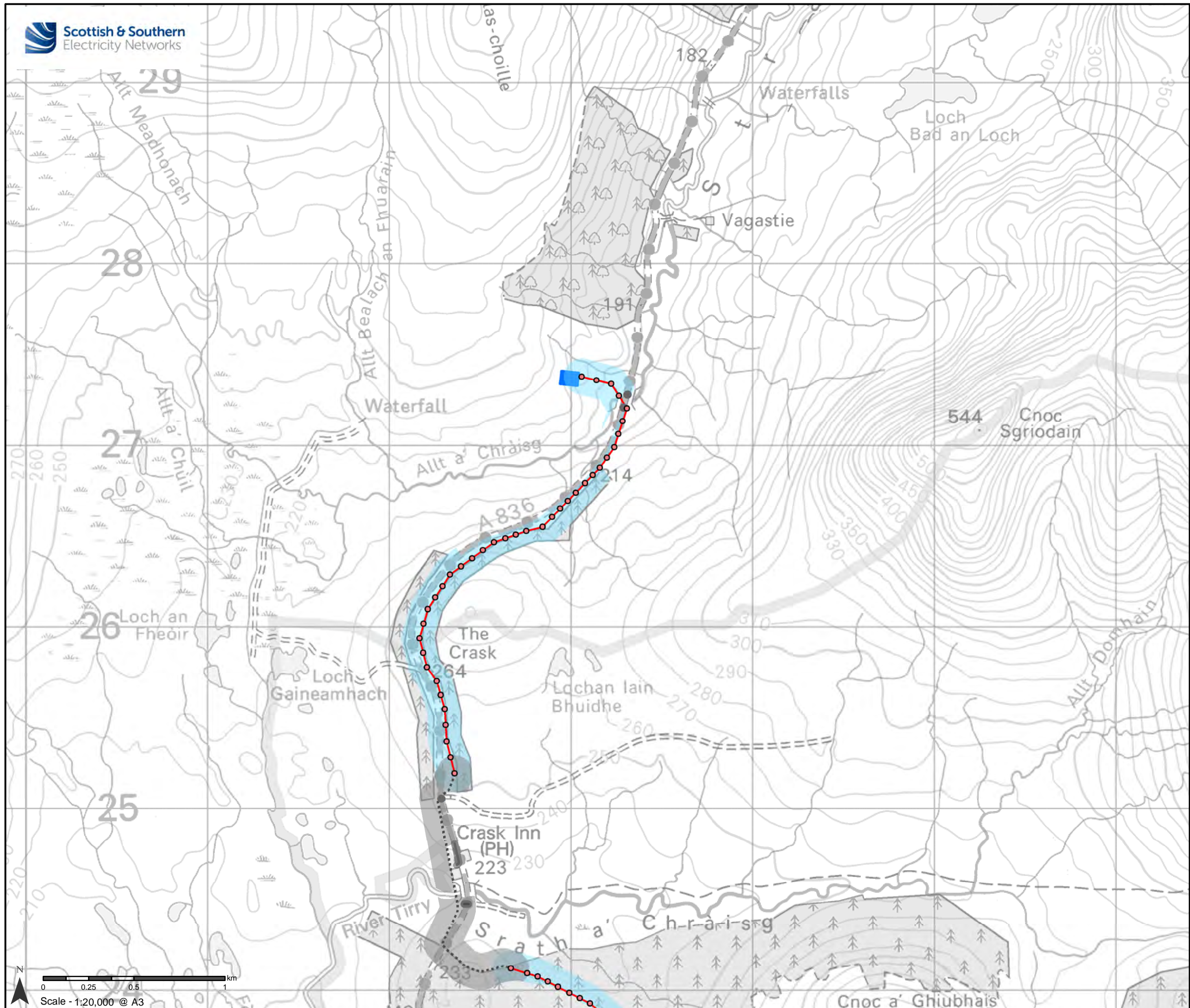
Project No: LT130  
Project: Creag Riabhach Wind Farm Grid Connection

Title: Figure1 - Location Plan and Overview

Drawn by: TD,LT Date: 13/02/2020  
Drawing: 118013-D-NTS1-1.0.0







**Key**

- Consented Creag Riabhach Wind Farm Substation
- Consented Dalchork Substation

**Section 37 Project Elements**

- Proposed Pole Locations
- Proposed Alignment
- 100m Limit of Deviation (LOD) for Proposed Alignment

**Deemed Planning Permission Project Elements**

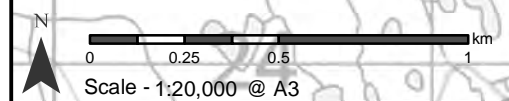
- Underground Cable Alignment
- 100m Limit of Deviation (LOD) for Underground Cable
- Indicative Temporary Access
- Tracks for Horizontal Directional Drilling (HDD)
- 20m LOD for HDD Tracks
- Felling and Vegetation Clearance
- FLS Spur Roads
- 20m LOD for Spur Roads
- Bellmouths

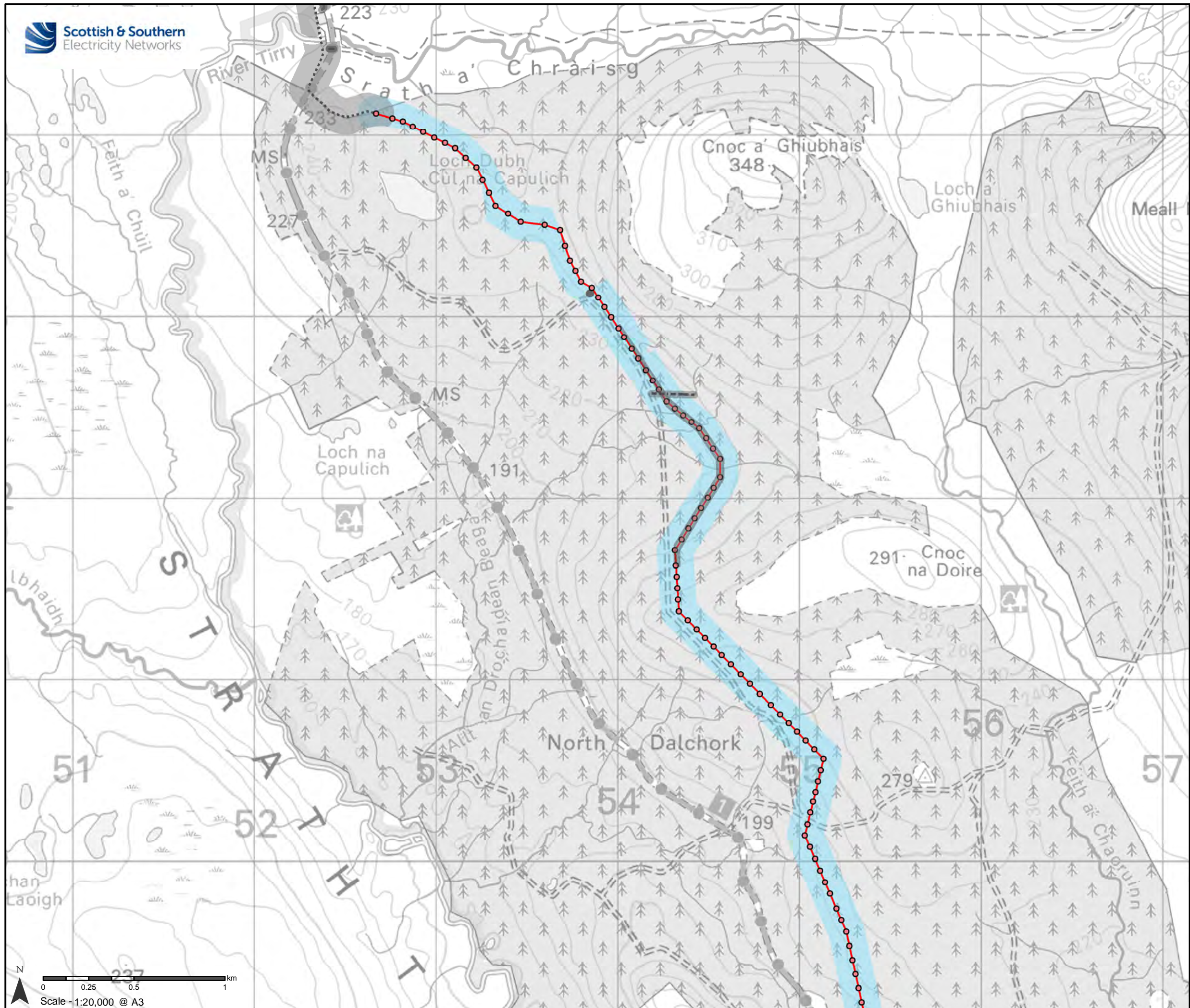
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Project No: LT130  
Project: Creag Riabhach Wind Farm Grid Connection

Title: Figure 3.1a - Proposed Development - Section 37 Project Elements (Page 1 of 5)

Drawn by: TD,LT Date: 06/02/2020  
Drawing: 118013-D-EIA3.1a-1.0.0





**Key**

- Consented Creag Riabhach Wind Farm Substation
- Consented Dalchork Substation

**Section 37 Project Elements**

- Proposed Pole Locations
- Proposed Alignment
- 100m Limit of Deviation (LOD) for Proposed Alignment

**Deemed Planning Permission Project Elements**

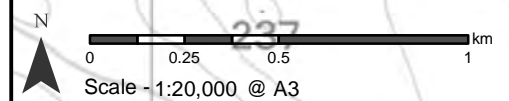
- Underground Cable Alignment
- 100m Limit of Deviation (LOD) for Underground Cable
- Indicative Temporary Access
- Tracks for Horizontal Directional Drilling (HDD)
- 20m LOD for HDD Tracks
- Felling and Vegetation Clearance
- FLS Spur Roads
- 20m LOD for Spur Roads
- Bellmouths

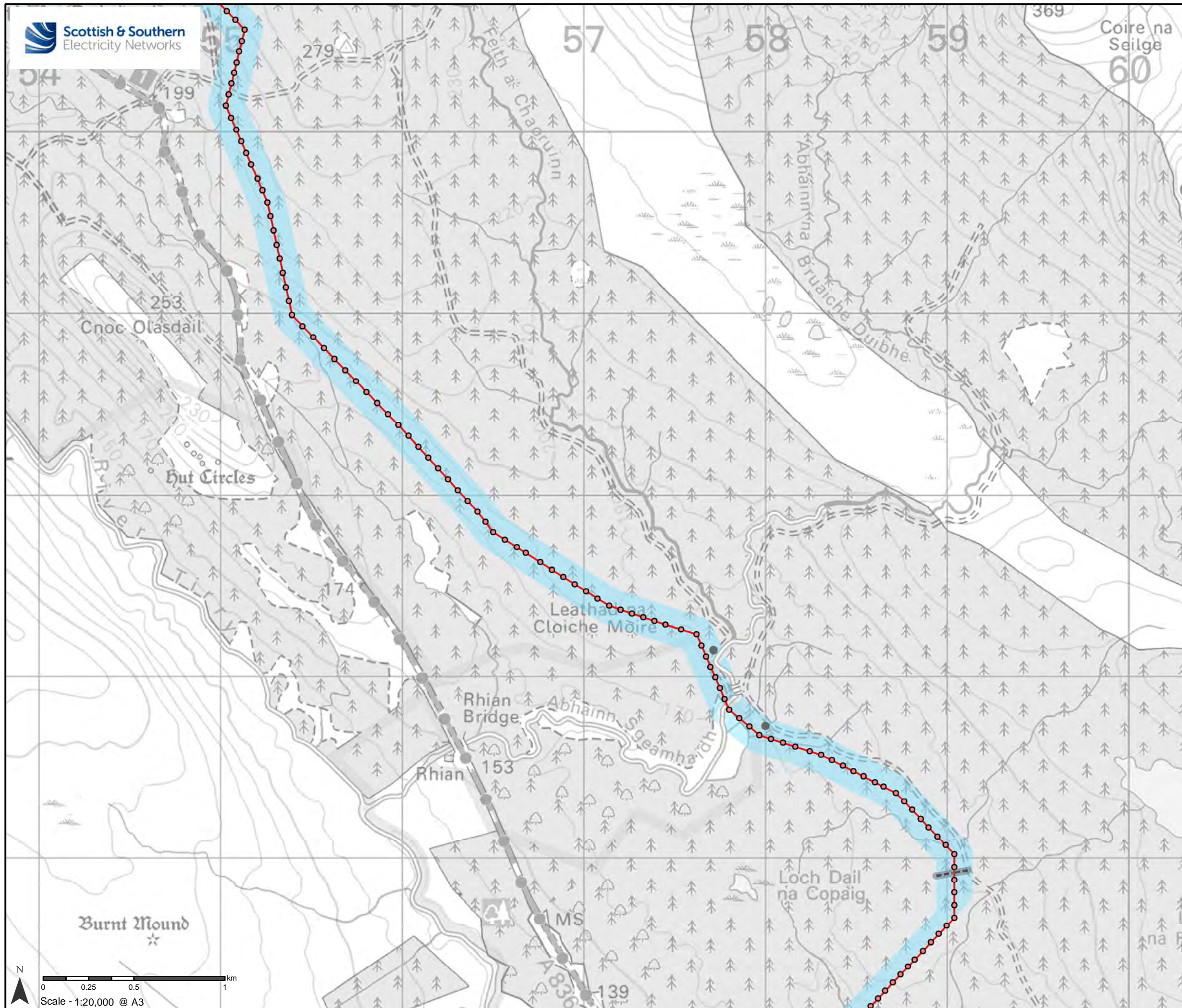
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Project No: LT130  
Project: Creag Riabhach Wind Farm Grid Connection

Title: Figure 3.1a - Proposed Development - Section 37 Project Elements (Page 2 of 5)

Drawn by: TD,LT Date: 06/02/2020  
Drawing: 118013-D-EIA3.1a-1.0.0





**Key**

- Consented Creag Riabhach Wind Farm Substation
- Consented Dalchork Substation

**Section 37 Project Elements**

- Proposed Pole Locations
- Proposed Alignment
- 100m Limit of Deviation (LOD) for Proposed Alignment

**Deemed Planning Permission Project Elements**

- Underground Cable Alignment
- 100m Limit of Deviation (LOD) for Underground Cable
- Indicative Temporary Access
- Tracks for Horizontal Directional Drilling (HDD)
- 20m LOD for HDD Tracks
- Felling and Vegetation Clearance
- FLS Spur Roads
- 20m LOD for Spur Roads
- Bellmouths

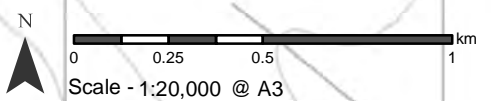
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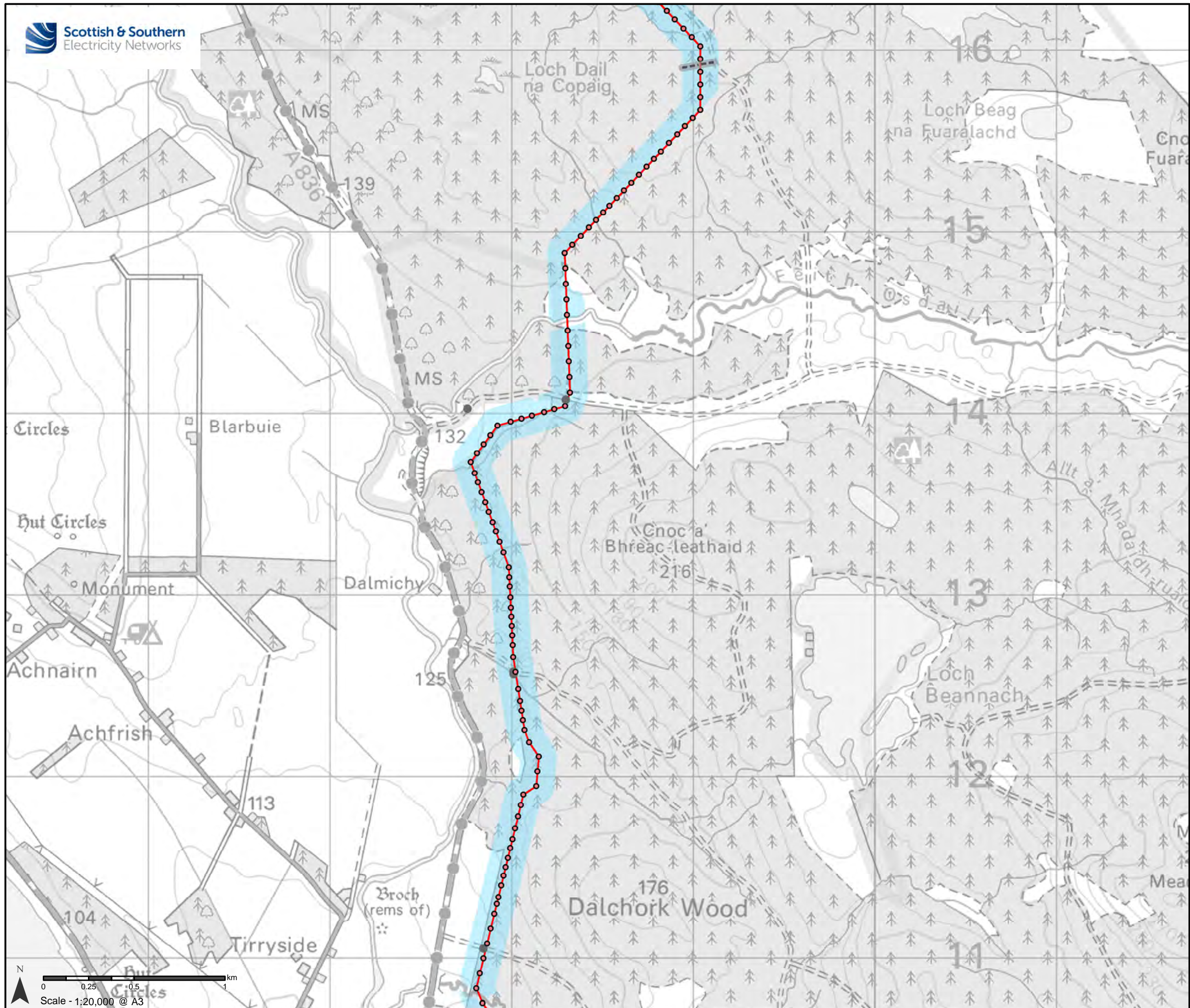
Project No: LT130  
Project: Creag Riabhach Wind Farm Grid Connection

Title: Figure 3.1a - Proposed Development - Section 37 Project Elements (Page 3 of 5)

Drawn by: TD,LT Date: 06/02/2020

Drawing: 118013-D-EIA3.1a-1.0.0





**Key**

- Consented Creag Riabhach Wind Farm Substation
- Consented Dalchork Substation

**Section 37 Project Elements**

- Proposed Pole Locations
- Proposed Alignment
- 100m Limit of Deviation (LOD) for Proposed Alignment

**Deemed Planning Permission Project Elements**

- Underground Cable Alignment
- 100m Limit of Deviation (LOD) for Underground Cable
- Indicative Temporary Access
- Tracks for Horizontal Directional Drilling (HDD)
- 20m LOD for HDD Tracks
- Felling and Vegetation Clearance
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Project No: LT130  
Project: Creag Riabhach Wind Farm Grid Connection

Title: Figure 3.1a - Proposed Development - Section 37 Project Elements (Page 4 of 5)

Drawn by: TD,LT Date: 07/02/2020

Drawing: 118013-D-EIA3.1a-1.0.0



- Key**
- Consented Creag Riabhach Wind Farm Substation
  - Consented Dalchork Substation
- Section 37 Project Elements**
- Proposed Pole Locations
  - Proposed Alignment
  - 100m Limit of Deviation (LOD) for Proposed Alignment
- Deemed Planning Permission Project Elements**
- Underground Cable Alignment
  - 100m Limit of Deviation (LOD) for Underground Cable
  - Indicative Temporary Access
  - Tracks for Horizontal Directional Drilling (HDD)
  - 20m LOD for HDD Tracks
  - Felling and Vegetation Clearance
  - FLS Spur Roads
  - 20m LOD for Spur Roads
  - Bellmouths

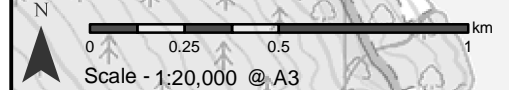
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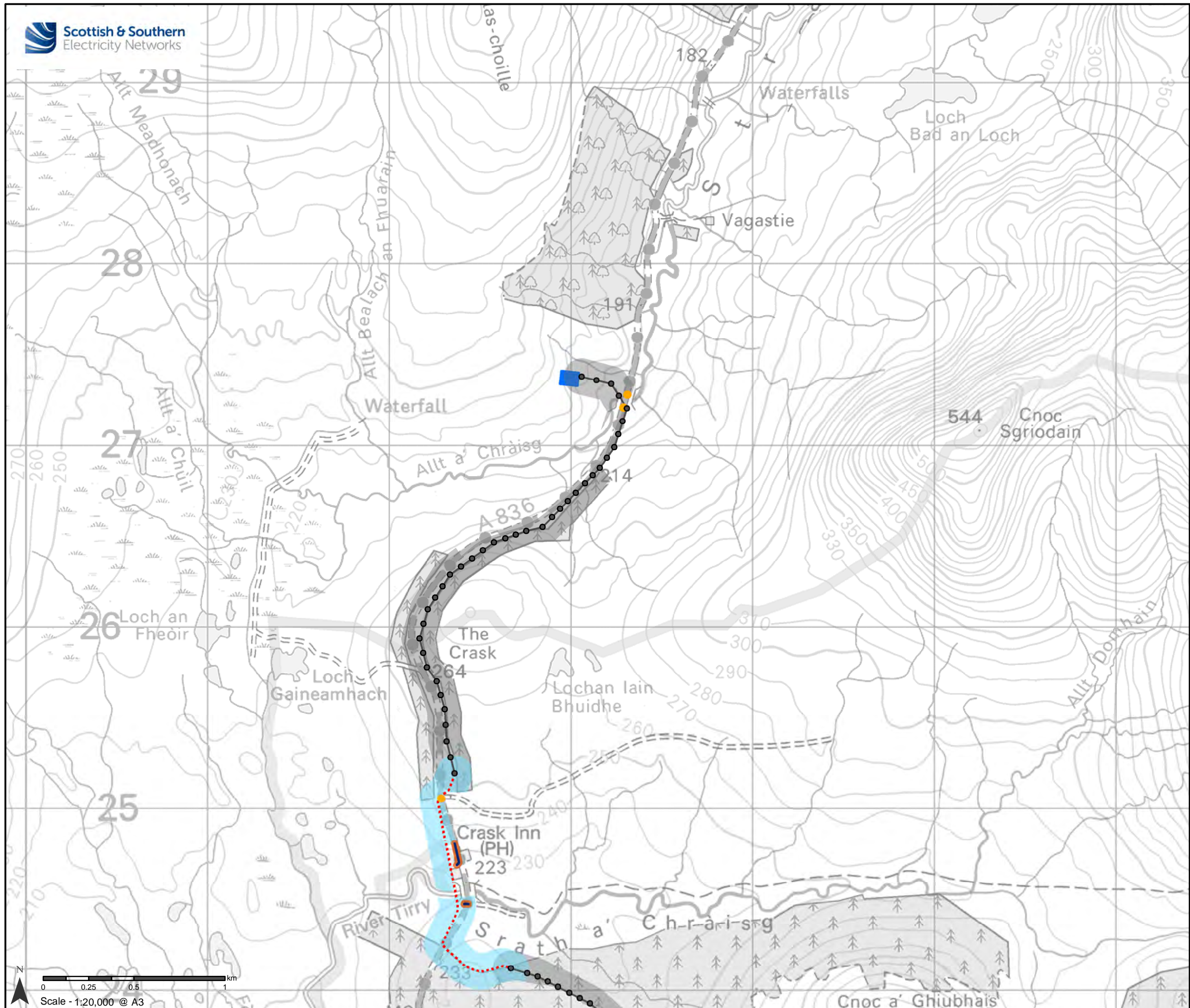
Project No: LT130  
Project: Creag Riabhach Wind Farm Grid Connection

Title: Figure 3.1a - Proposed Development - Section 37 Project Elements (Page 5 of 5)

Drawn by: TD,LT Date: 06/02/2020

Drawing: 118013-D-EIA3.1a-1.0.0





**Key**

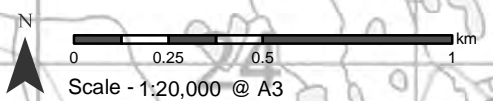
- Consented Creag Riabhach Wind Farm Substation
- Consented Dalchork Substation

**Deemed Planning Permission Project Elements**

- Underground Cable Alignment
- 100m Limit of Deviation (LOD) for Underground Cable
- Indicative Temporary Access
- Tracks for Horizontal Directional Drilling (HDD)
- 20m LOD for HDD Tracks
- Felling and Vegetation Clearance
- FLS Spur Roads
- 20m LOD for Spur Roads
- Bellmouths

**Section 37 Project Elements**

- Proposed Pole Locations
- Proposed Alignment
- 100m Limit of Deviation (LOD) for Proposed Alignment

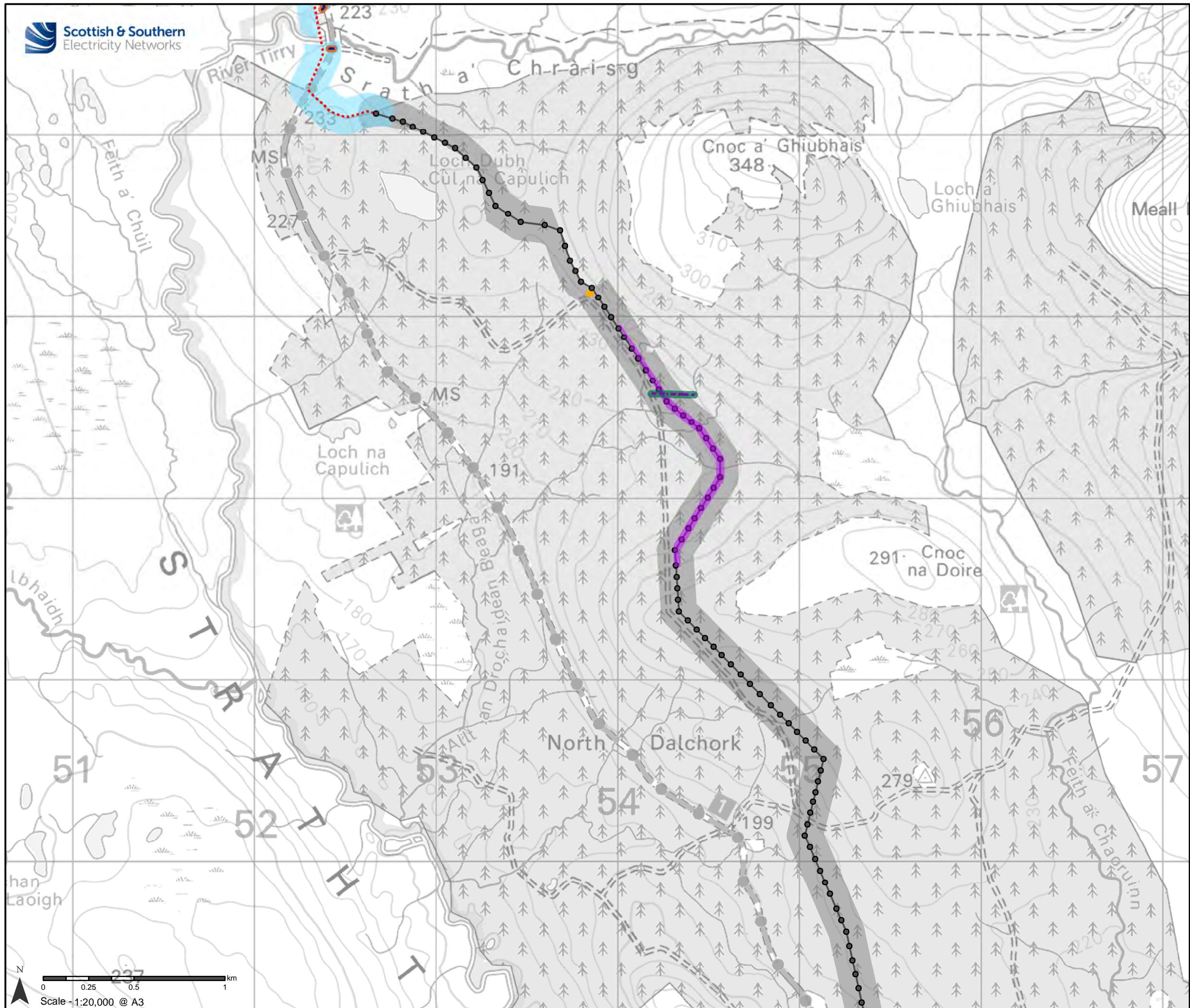


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Project No: LT130  
Project: Creag Riabhach Wind Farm Grid Connection

Title: Figure 3.1b - Proposed Development - Deemed Planning Permission Project Elements (Page 1 of 5)

Drawn by: TD,LT Date: 06/02/2020  
Drawing: 118013-D-EIA3.1b-1.0.0



**Key**

- Consented Creag Riabhach Wind Farm Substation
- Consented Dalchork Substation

**Deemed Planning Permission Project Elements**

- Underground Cable Alignment
- 100m Limit of Deviation (LOD) for Underground Cable
- Indicative Temporary Access Tracks for Horizontal Directional Drilling (HDD)
- 20m LOD for HDD Tracks
- Felling and Vegetation Clearance
- FLS Spur Roads
- 20m LOD for Spur Roads
- Bellmouths

**Section 37 Project Elements**

- Proposed Pole Locations
- Proposed Alignment
- 100m Limit of Deviation (LOD) for Proposed Alignment

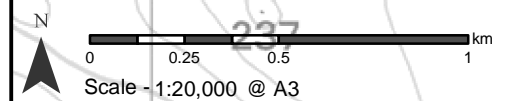
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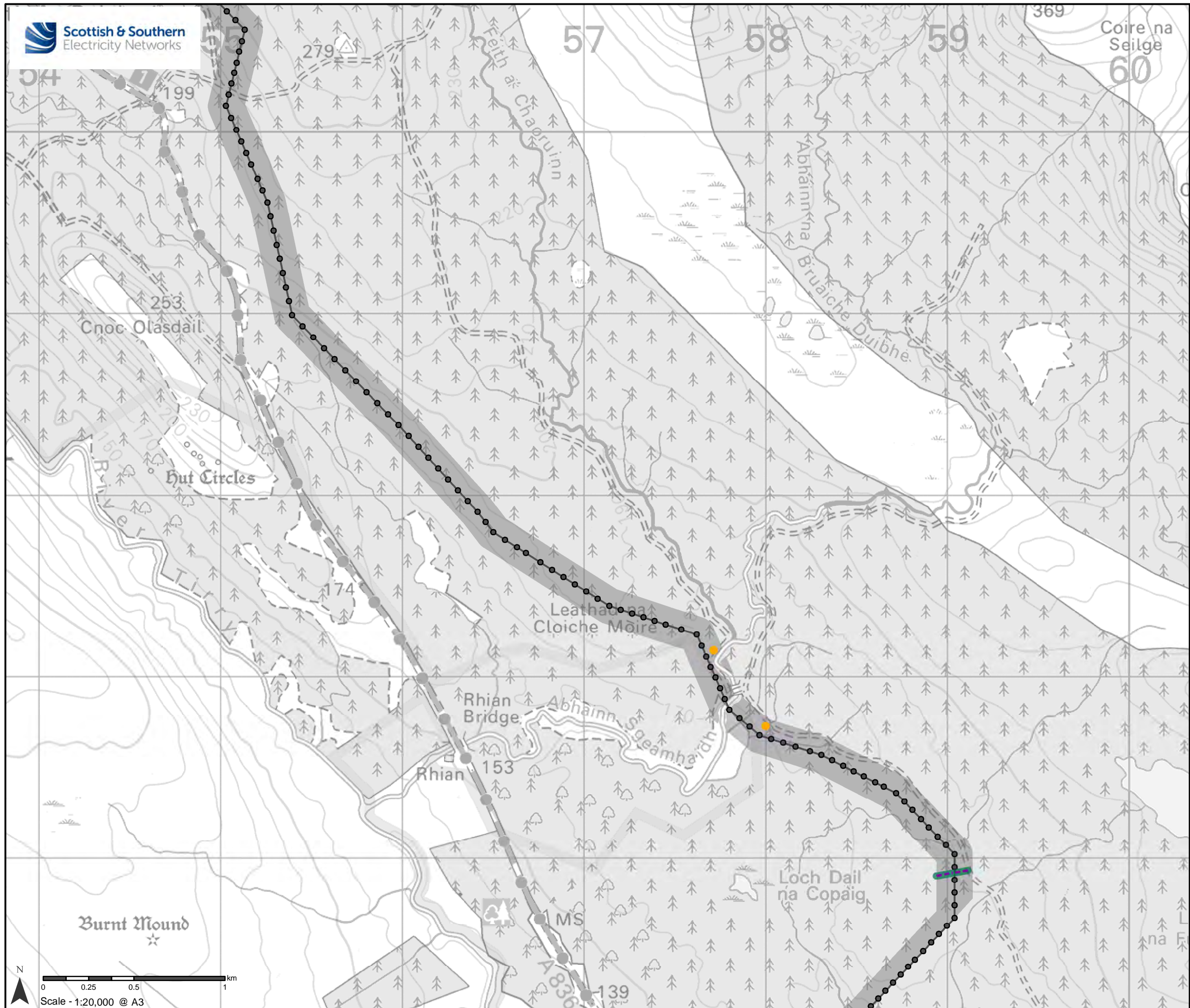
Project No: LT130  
Project: Creag Riabhach Wind Farm Grid Connection

Title: Figure 3.1b - Proposed Development - Deemed Planning Permission Project Elements (Page 2 of 5)

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Drawing: 118013-D-EIA3.1b-1.0.0





**Key**

- Consented Creag Riabhach Wind Farm Substation
- Consented Dalchork Substation

**Deemed Planning Permission Project Elements**

- Underground Cable Alignment
- 100m Limit of Deviation (LOD) for Underground Cable
- Indicative Temporary Access Tracks for Horizontal Directional Drilling (HDD)
- 20m LOD for HDD Tracks
- Felling and Vegetation Clearance
- FLS Spur Roads
- 20m LOD for Spur Roads
- Bellmouths

**Section 37 Project Elements**

- Proposed Pole Locations
- Proposed Alignment
- 100m Limit of Deviation (LOD) for Proposed Alignment

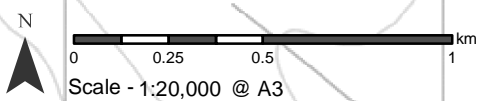
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Project: Creag Riabhach Wind Farm Grid Connection

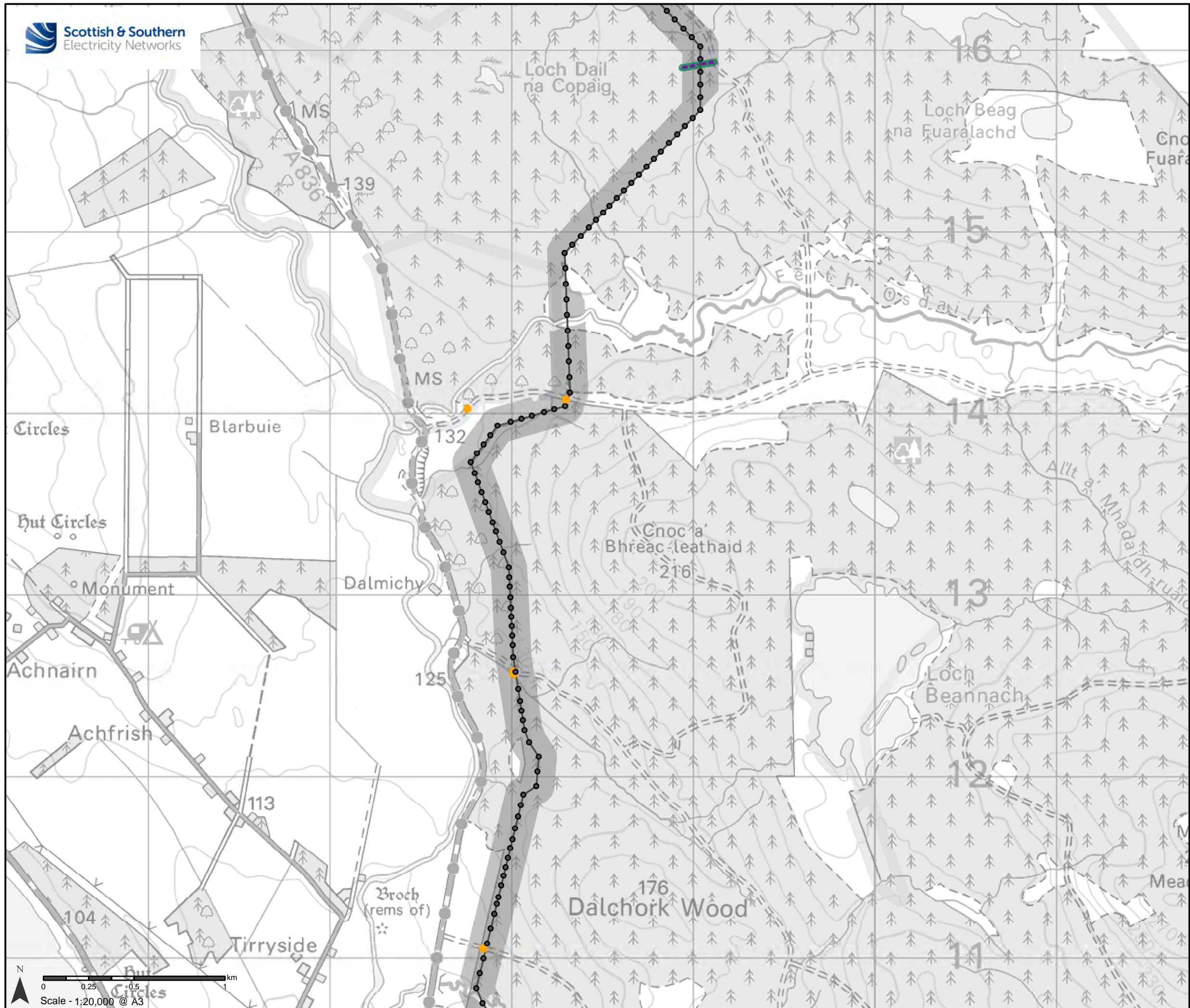
Title: Figure 3.1b - Proposed Development - Deemed Planning Permission Project Elements (Page 3 of 5)

Drawn by: TD,LT Date: 06/02/2020

Drawing: 118013-D-EIA3.1b-1.0.0







**Key**

- Consented Creag Riabhach Wind Farm Substation
- Consented Dalchork Substation

**Deemed Planning Permission Project Elements**

- Underground Cable Alignment
- 100m Limit of Deviation (LOD) for Underground Cable
- Indicative Temporary Access Tracks for Horizontal Directional Drilling (HDD)
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- FLS Spur Roads
- 20m LOD for Spur Roads
- Bellmouths

**Section 37 Project Elements**

- Proposed Pole Locations
- Proposed Alignment
- 100m Limit of Deviation (LOD) for Proposed Alignment

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Project: Creag Riabhach Wind Farm Grid Connection

Title: Figure 3.1b - Proposed Development - Deemed Planning Permission Project Elements (Page 4 of 5)

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Drawing: 118013-D-EIA3.1b-1.0.0





**Key**

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- Consented Dalchork Substation

**Deemed Planning Permission Project Elements**

- Underground Cable Alignment
- 100m Limit of Deviation (LOD) for Underground Cable
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- 20m LOD for Spur Roads
- Bellmouths

**Section 37 Project Elements**

- Proposed Pole Locations
- Proposed Alignment
- 100m Limit of Deviation (LOD) for Proposed Alignment

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Project No: LT130  
Project: Creag Riabhach Wind Farm Grid Connection

Title: Figure 3.1b - Proposed Development - Deemed Planning Permission Project Elements (Page 5 of 5)

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