Agenda Item	8.2
Report No	PLS-97-22

#### **HIGHLAND COUNCIL**

**Committee:** South Planning Applications Committee

Date: 13 December 2022

**Report Title:** 22/04496/S37: Scottish & Southern Electricity Networks Transmission

Land At Carn Na Saobhaidhe, Gorthleck, Inverness

**Report By:** Area Planning Manager – South

## **Purpose/Executive Summary**

**Description:** Corriegarth 2 Wind Farm Grid Connection - Erection and operation of

overhead 132kv transmission line and associated access track

Ward: 12 – Aird and Loch Ness

**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.

#### Recommendation

Members are asked to agree the recommendation to **RAISE NO OBJECTION** to the application 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 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 proposed Corriegarth 2 Wind Farm, if consented by Scottish Ministers, to the national grid.
- High voltage electricity transmission network of or in excess of 132 kilovolts comes under the category of "National Development" as set out in the Scottish Government's third National Planning Framework Plan (NPF3). Such developments are also promoted as national developments under the revised draft National Planning Framework 4.
- 1.3 At its meeting in August 2022, Members of the South Planning Applications resolved to raise an objection to the Corriegarth 2 Wind Farm (21/00101/S36). Consequentially, the application has been referred to the Directorate for Planning and Environmental Appeals to arrange a public local inquiry. It is anticipated that this will take place in spring 2023. This current application is for the transmission infrastructure which would be required if the wind farm was to be consented in due course. The Council is required to determine a response to this current application, as it is a separate application process to that of the wind farm. However, if Corriegarth 2 Wind Farm was to be refused by Scottish Ministers, then the transmission infrastructure would not be required, and as a result would not be installed.
- 1.4 The development will comprise a new, 70m, length of 132 kV overhead line (OHL), to connect the proposed underground cable (UGC) to the existing 132kV transmission line from the operational Corriegarth Windfarm Substation. The proposed overhead line and associated access track will run in a north-easterly direction for approximately 70m to connect with the existing 132kV overhead transmission line from operational Corriegarth Windfarm substation. The existing overhead line is mounted on wooden poles. It must be noted that the proposed Corriegarth Wind Farm 2 substation is not part of this current application. It is to be considered as part of the wind farm scheme (21/00101/S36).
- 1.5 In addition, the proposals comprise the installation of 900m of underground cabling, tracking in a generally westerly direction from the proposed Corriegarth 2 Windfarm Substation. A temporary access track will generally follow this route. The cable will then track in a north-easterly direction. A more permanent access track of 100m length forms part of the proposal.
- 1.6 Further details on the main elements:
  - 1. 70m of 132kV overhead line This will include three low profile wooden trident H poles, with a height of approximately 11-17m and a span length of approximately 30m, depending on ground and topographical conditions. The OHL will comprise one cable sealing end structure, one intermediate suspension structure, and a tie in pole terminal structure.

The cable sealing end structure is used to connect the OHL to the UGC

sections of the Proposed Development. The cable sealing end structure will comprise of a five pole trident terminal structure accommodating the sealing end equipment and downleads. Cables would emerge from below ground in a cable ladder and would be affixed to the structures to reach the sealing ends at the platform.

This aspect requires consent from Scottish Ministers and forms the basis of this s37 consultation request. However, the following works have also been included in the application.

2. **A permanent access track** is also proposed and will be approximately 100m in length and 5m in width.

Deemed planning permission under Section 57 (2) of the Town and Country Planning (Scotland) Act 1997, as amended, is being sought for these ancillary works as part of the Section 37 application.

3. **900m of 132kV underground cable**. This will be contained within a single trench; this will be approx. 2m wide and 2m deep. The applicant proposes a micro-siting distance of 30m, i.e., 15 m either side of the Proposed UGC alignment to maintain flexibility within the design.

The applicants contend that this aspect of the proposals benefits from permitted development rights under Class 40 1(a) of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (TCP GDPO). While this is the view of the Planning Authority, Scottish Ministers may take a different interpretation of the Exemption Regulations. In addition, the underground cable will require a temporary access track, this aspect requires temporary planning permission and the applicants have confirmed that an application will be submitted to the Council in due course.

As a result of the above, this this report therefore only addresses matters related to 1) the overhead line and 2) the permanent access track.

- 1.7 Temporary compound(s) and laydown area(s) will be required to facilitate the construction phase of the development. These are yet to be finalised with a contractor, but if required, permission will be sought in due course.
- 1.8 It is proposed that the site would be accessed from the B851 and B862 public roads to the north, connecting from the A9 to the east. Vehicle access will then follow the existing operational Corriegarth Windfarm access track. The applicants Environmental Appraisal details that traffic management measures will be employed, and these will be secured through the submission of a detailed Construction Traffic Management Plan (CTMP).
- 1.9 The construction period is anticipated to last 12 months, with an indicative timetable for commencement in June 2024 and completion by June 2025. Construction working is anticipated to be during daytime periods only. Working hours would be between 07:00 to 19:00 Monday to Saturday and 08:00 to 18:00 on Sunday. Any requirement to work outside of the agreed working hours will only occur with prior agreement with The Highland Council. Throughout the construction period the Applicant shall maintain contact with the local community to ensure the Proposed Development will not unduly affect residents, their

livelihoods, places of worship or local events.

- 1.10 The application is for the overhead 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. A 50m horizontal LOD has been identified which would equate to 25m on either side of the proposed OHL alignment.
- 1.11 Pre Application Consultation: No formal pre-application consultation has been undertaken with the Planning Authority.
- 1.12 An Environmental Impact Assessment (EIA) Screening Opinion was sought for the Proposed OHL from the ECU in February 2022. The Screening Opinion confirmed that an EIA is not required to support the s37 application, so no Environmental Impact Assessment Report (EIAR) has been submitted with the application. However, the applicants have chosen to submit an Environmental Appraisal which includes the following chapters Landscape and Visual, Ecology, Conservation and Ornithology, Cultural Heritage, Hydrogeology and Geology and a Summary of the Mitigation Measures. In addition, a General Environmental Management Plan, Species Protection Plan, Biodiversity Net Gain Assessment Report and a Soil and Peat Management Plan have been submitted with the application.
- 1.13 Variations: No variations to the application have been made since submission.

#### 2. SITE DESCRIPTION

- 2.1 The application site is located approximately 5 km to the south-east of Loch Mhòr and on the western side of the Monadhliath Mountains. It is approximately 15 km north-east of Fort Augustus and 10 km south-east of Foyers. The nearest residential properties are approximately 3.5 km north-west of the site. The site is located to the south and west of the operational Corriegarth Windfarm substation, with the existing Wind Farm further to the east. The River E runs to the south of the site, and the hills of Carn na Saobhaidhe are located to the north, Carn Suidhe Ghoiri to the west and Carn Fliuch-bhaid to the south. Forestry tracks are present in the surrounding hills. Access to the site is via the existing operational Corriegarth Windfarm access and track.
- 2.2 In terms of nature conservation, the site is not located within any statutory or non-statutory designated sites. There is an area of woodland on the Ancient Woodland Inventory which is located approximately 500 m northwest of the site. There are statutory designated sites within 10km of the site. Ness Woods Special Area of Conservation (SAC) and Monadhliath SAC are located over 8.4km from the site and are designated for their mixed woodland and blanket bog habitat. Loch Knockie Site of Special Scientific Interest (SSSI), Loch Knockie and nearby Lochs Special Protected Area (SPA), designated for Slavonian grebes are located approximately 8.4 km from the site.
- 2.3 The nearest Listed Building, the Category B Garthbeg (LB1883) is located approx. 4 km to the north-west. The closest Scheduled Monument, Dell Farm, burial mounds (SM4536) are located approx. 6 km to the north-west. Within the 500m

study area there were seven undesignated assets.

- 2.4 The site sits within the Rolling Uplands Landscape Character Type (LCT) (NatureScot, 2019) which includes the Monadhliath Mountains. The LCT is characterised by large scale, moorland covered, rounded hills. Windfarms are a frequent feature, with the operational Corriegarth Windfarm in close proximity to the Site. To the west of the site, the character of the landscape changes to the Farmed Strath LCT. This includes Stratherrick which is a linear channel, including Loch Mhor, through the upland landscape between the Rolling Uplands to the east and the foothills to the west. Small scale woodland and conifer forest are a characteristic, and overall, there is a sense of enclosure with distant views along the strath available.
- In relation to designations the site is not located within any landscape designation, the closest is the Loch Ness and Duntelchaig Special Landscape Area (SLA) which is over 7km to the west of the site. Wild Land Area 20 (Monadhliath) is located 4km to the south-east of the site. The Cairngorm National Park is approx. 11km to the south-east.

#### 3. PLANNING HISTORY

3.1	30.03.2022	22/01148/SCRE: Corriegarth 2 Wind Farm Grid Connection - Construction and operation of a new 70 m 132 kilovolts (kV) overhead transmission line	EIA not required
3.2		21/00101/S36: Corriegarth 2 Wind Farm - Erection and Operation of a Wind Farm for a period of 30 years, comprising of 16 Wind Turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, substation, control building, and ancillary infrastructure	Council raised an objection in August 2022. Case currently at appeal with the DPEA.
3.3	02.04.2015	13/02456/S36: To construct and operate an extension to the Corriegarth Wind Farm	Approved by Scottish Ministers
3.4	22.02.2013	13/00440/SCRE: An increase in capacity and additional turbines at Corriegarth Wind Farm.	EIA not required
3.5	17.08.2012	12/02414/FUL: The installation of two 80m wind test masts for the Corriegarth Windfarm.	Planning Permission Granted

#### 4. PUBLIC PARTICIPATION

4.1 Advertised by the Energy Consents Unit

Date Advertised: Press and Journal on 07 and 14 November 2022 and Edinburgh Gazette on 08 and 18 November 2022.

Representation deadline: 28 November 2022.

- 4.2 Representations received 0 by The Highland Council
- 4.3 Representations received 0 by Energy Consents Unit
- 4.4 Material considerations raised are summarised as follows:None
- 4.5 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="https://www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

#### 5. CONSULTATIONS

## **Consultations undertaken by The Highland Council**

- 5.1 **Stratherrick and Foyers Community Council:** no response received to date; a verbal update will be provided at the Planning Committee.
- 5.2 **Access Officer:** does not object to the application and has no comments to make.
- 5.3 **Environmental Health** do not object to the application and have no comments to make.
- 5.4 **Flood Risk Management Team**: do not object to the application and have no comments to make.
- 5.5 **Forestry Team**: do not object to the application and confirm that no significant trees would be affected by the proposal.
- 5.6 **Historic Environment Team**: do not object to the application and confirm that there will be no direct or indirect impacts from the development.
- 5.7 **Transport Planning:** do not object to the application. Consider that the operational traffic associated with the development will be limited. It is recommended that a Construction Management Plan (CTMP) is secured by a planning condition, this will ensure that any construction traffic is managed appropriately. In addition, a Section 96 Wear and Tear Agreement maybe required.

# Consultations Undertaken by The Scottish Government's Energy Consents Unit (ECU)

- 5.8 **British Telecoms (BT):** do not object to the application and confirm that the development should not cause interference to BTs current and presently planned radio network.
- 5.9 **Health and Safety Executive (HSE):** do not object to the application and have no comments to make.

- 5.10 **Historic Environment Scotland (HES):** do not object to the application and confirm that no designation within its remit will be affected by the development.
- 5.11 **Joint Radio Company:** do not object to the application and have no comments to make.
- 5.12 **National Grid Assets Protection Team**: do not object to the application and confirm that no National Grid gas assets will be affected.
- 5.13 **NatureScot** do not object to the application. It is satisfied that the development will not have a significant ornithological impact. A final BPP should be produced to reflect the latest guidance on species specific disturbance distances.

NatureScot also confirm that it is satisfied that the proposal will not significantly impact upon protected species providing the measures set out within the Species Protection Plans (SPPs) are implemented and final versions are produced.

In terms of peatland, it notes that there is blanket bog habitat within the application site however the overhead line route and associated tracks will avoid this sensitive nationally important habitat.

Finally, NatureScot agree that the proposal is unlikely to have any significant effects on the Wild Land Area 20 (Monadhliath).

- 5.14 **Fisheries Management Scotland (FMS):** do not object to the application and have no comments to make.
- 5.15 **Scottish Water**: do not object to the application. It advises that the proposed development falls within a drinking water catchment area, however, it is a relatively large catchment, and the activity is considered to a sufficient distance from the intake that any risk is likely to be low.
- 5.16 **Scottish Environment Protection Agency (SEPA):** do not object to the application. Its notes that peat depths are less than 1m across most of the site. The small amount of peat that is excavated will be re-used immediately on site within the pole and cable route excavations. However, SEPA recommend the use of bog matting or low pressure vehicles to avoid rutting and erosion for the 900m of laying the cable trench
- 5.17 **Transport Scotland:** do not object to the application and have no comments to make.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

- 6.1 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 & Cultural Heritage
- 58 Protected Species
- 59 Other important Species
- 60 Other Importance Habitats
- 61 Landscape
- 62 Geodiversity
- 63 Water Environment
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 67 Renewable Energy Developments
- 69 Electricity Transmission Infrastructure
- 72 Pollution
- 77 Public Access

## Inner Moray Firth Local Development Plan (IMFLDP) (2015)

No specific policies or allocations relevant to the proposal are included in the adopted Local Development Plan. It does however confirm the boundaries of Special Landscape Areas within the plan's boundary.

# The Highland Council Supplementary Planning 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)

#### 7. OTHER MATERIAL POLICY CONSIDERATIONS

#### Inner Moray Firth Proposed Local Development Plan (March 2022)

7.1 No specific policies or allocations relevant to the proposal are included in the proposed plan.

# **Scottish Government Planning Policy and Guidance**

7.2 Scottish Planning Policy (SPP) sets out principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place. It also

highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, but not more than the Development Plan, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

- 7.3 Paragraph 155 states that "Development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations".
- 7.4 Under paragraph 156, the policy states that strategic development plans should support national priorities of the construction or improvement of strategic energy infrastructure, including "generation, storage, transmission and distribution networks. They should address cross-boundary issues, promoting an approach to electricity and heat that supports the transition to a low carbon economy"
- 7.5 National Planning Framework 4 will, in due course, supersede Scottish Planning Policy, National Planning Framework 3. It will form part of the Development Plan. The revised draft National Planning Framework 4 was published in November 2022. It comprises four parts, summarised below:
  - Part 1 sets out an overarching spatial strategy for Scotland in the future.
    This includes a vision and spatial principles.
  - Part 2 sets out policies for the development and use of land that are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. It is clear that this part of the document should be taken as a whole, and all relevant policies should be applied to each application.
  - Part 3 contains a series of annexes which sets out how the document should be used, statements of need for national development, spatial planning priorities, qualities of successful places and other matters.
- 7.6 The Spatial Strategy sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that that Scotland's environment is a national asset which supports out economy, identity, health and wellbeing. It sets out that choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The spatial strategy reflects legislation in setting out that decision require to reflect the long term public interest. However, in doing so it is clear that we will need to make the right choices about where development should be located ensuring clarity is provided over the types of infrastructure that needs to be provided and the assets that should be protected to ensure they continue to benefit future generations. The Spatial Priorities support the planning and delivery of sustainable places, where we reduce emissions, restore and better connect biodiversity; liveable places, where we can all live better, healthier lives; and productive places, where we have a greener, fairer and more inclusive wellbeing economy.

- 7.7 It is anticipated that national developments, of which Strategic Renewable Electricity Generation and Transmission Infrastructure will assist in the delivery of the Spatial Strategy and Spatial Priorities for Scotland. The Spatial Strategy considers that Highland can continue to make a strong contribution toward meeting our ambition for net zero. It considers that the strategy for Highland aims to protect environmental assets and stimulate investment in natural and engineered solutions to climate change. In this regard "The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions".
- 7.8 The policies in the revised draft NPF4 most relevant to this proposal include:
  - Policy 1 Tackling the climate and nature crisis
  - Policy 2 Climate mitigation and adaptation
  - Policy 3 Biodiversity
  - Policy 4 Natural places
  - Policy 5 Soils
  - Policy 6 Forestry, woodland and trees
  - Policy 7 Historic assets and places
  - Policy 11 Energy
  - Policy 13 Sustainable transport
  - Policy 22 Flood risk and water management
  - Policy 23 Health and safety
  - Policy 33 Minerals

#### Other Relevant National Guidance and Policy

- 7.9 Historic Environment Policy for Scotland (HEPS, 2019)
  - PAN 60 Planning for Natural Heritage (Jan 2008)
  - Assessing Impacts on Wild Land Areas, Technical Guidance, NatureScot (Sep2020).

#### 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 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**

8.2 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**

- 8.3 The key considerations in this case are:
  - a) Compliance with the development plan and other planning policy
  - b) Design, Landscape and Visual Impact (including Wild Land)
  - c) Natural Heritage
  - d) Built and Cultural Heritage
  - e) Hydrology, Hydrogeology and Geology
  - f) Roads, Transport and Wider Access
  - g) Construction Impacts
  - h) any other material considerations.

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

- 8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Inner Moray Firth Local Development Plan (IMFLDP) and all statutorily adopted supplementary guidance.
- 8.5 The principal HwLDP policy on which the application requires to be assessed is Policy 69 (Electricity Transmission Infrastructure). The Development Plan supports the broad principle of energy development and associated infrastructure. 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.
- 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 for a new 132 kilovolt (kV) onshore electricity transmission line. Whist 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 The 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 Scotlish Energy Strategy (2107) is to champion Scotland's renewable energy potential, creating new jobs and supply chain opportunities.
- 8.8 As detailed above NPF3 is due to be superseded. Revised Draft NPF4 was laid in Scottish Parliament on 08 November 2022 for its consideration; at the time of writing, this is ongoing and Scottish Parliament's decision is awaited. Revised Draft NPF4 may for now carry some weight in the consideration of applications.
- 8.9 The proposed NPF4 also considers that the development subject to this application is identified as a national development as "Strategic Transmission Infrastructure" There is in principle support for national scale developments as they have been identified of national importance in the delivery of Scotland's Spatial Strategy. However, any project identified as a national development requires to be considered at a project level to ensure all statutory tests are met. This includes consideration against the provisions of the Development Plan, of which National Planning Framework 4 is a part. NPF4 requires significant weight to be given to the global climate and nature crises. However, a balance still requires to be struck in terms of the impact of development.
- 8.10 Policy 11 (Energy) sets out that development proposals for all forms of renewable energy (including enabling works, such as grid transmission and distribution infrastructure) will be supported. This policy continues to set out that proposals will only be supported where they maximise net economic impact. Applications are required to demonstrate how, through project design and mitigation, the impact on a range of considerations has been addressed. This allows for consideration of matters related to: impacts on communities and individual dwellings in relation to amenity; landscape and visual impact; public access; aviation and defence interests; telecommunications; traffic; historic environment; biodiversity (including birds); impacts on trees; decommissioning; site restoration; and cumulative effects.

#### **Design, Landscape and Visual Impact (including Wild Land)**

- 8.11 The results of the applicant's assessment are outlined in Chapter 5 of the Environmental Appraisal. Due to the scale of the development a limited study area of 1.5km has been used for the assessment. There are no National or Regional landscape designations within the Study Area. The Proposed Development lies over 7 km to the east of the Loch Ness and Duntelchaig Special Landscape Area and over 4 km from the Wild Land Area 20 (Monadhliath Mountains).
- 8.12 The site is set within the Rolling Uplands Landscape Character type which is noted for its perception of exposure and remoteness. However, as detailed previously the site is close to the operational Corriegarth Windfarm, associated substation, existing access tracks and the existing 132kV overhead line which utilises wooden supports.
- 8.13 The proposed overhead line will also use three low profile trident H poles, with a height of 11-17m depending on ground conditions and will be spread over a distance of 70m. The proposed overhead line will connect into the existing transmission line. The access track will be a stone construction which will be commensurate with the others near the site. Consequentially, the design has sought to minimise the scale of the development area and although it would marginally increase the presence of this type of infrastructure it will not introduce a new element into the landscape at this location. Consequentially, it is not considered to have a significant effect upon the host LCT.
- 8.14 The closest landscape designation is Wild Land Area 20 (Monadhliath) which is located 4km to the south-east of the site. The general test considering the effects on wild land as set out in Paragraph 169 of SPP. NatureScot agree with the applicant's assessment in that the proposal is unlikely to have any significant effects on the WLA 20 and have no objection to the application.
- 8.15 In terms of visual impact, the nearest residential properties are approximately 3.5 km north-west. The Environmental Appraisal contends that due to the distance, intervening topography and woodland patches along the River E that would screen views of the proposal, visual effects are not considered to be significant. In terms of public road users, the nearest is the B862 which is approx. 6km to the west, the distance, topography and existing intervening vegetation, would potentially screen views of the proposed development for users of this road, so visual effects are not considered to be significant. Recreational users such as walkers within the area will view the development, but this will be a very minor addition when viewed in the context of the existing windfarm and transmission infrastructure, so significant effects are not considered likely. Officers are content with the above assessment. Overall, the design of the infrastructure has had regard to the natural beauty of the area and the visual impact will be limited.

#### **Natural Heritage**

8.16 The results of the applicant's assessment are outlined in Chapter 6 of the Environmental Appraisal. This concludes that subject to the mitigation measures outlined below and the implementation of a Construction and Environmental

Management Plan (CEMP), that there will be no significant effects. Further mitigation is proposed in the form of an Ecological Clerk of Works to ensure any required mitigation is implemented.

- 8.17 The are no nature designations within the site boundary. There are two Special Areas of Conservation (SACs) designated for their mixed woodland and blanket bog habitat (Ness Woods and Monadhliath), which are located more than 8.4 km from the site and have no hydrological connectivity or continuous connecting or overlapping forestry cover between the designated sites and the site. Therefore, given the nature of the development, the distance from the nearest designation and the lack of associated connectively, the applicant considered that there will be no impact upon these designations. NatureScot do not object to the application.
- 8.18 The Environmental Appraisal reports evidence of otters, reptiles and mountain hare within the study area. As a result, pre-commencement protected species surveys and species protection plans (SPPs) will be required to be secured by condition. NatureScot do not object to the application and are satisfied that the proposal will not significantly impact upon protected species subject to the aforementioned mitigation being implemented.
- 8.19 In terms of ornithological interests, there is one designated site with ornithological qualifying interests within the 10 km; Loch Knockie and nearby Lochs Special Protection Area (SPA) which is 8.4 km west of the site and is designated for Slavonian grebe. The applicant's assessment concludes that there will be no impact upon this designation. Collision risk associated with golden eagles, peregrine and red kite has also been undertaken this identified flight activity within the wider area, but this were over ground which is to be above that of the proposed up to 17m high overhead line. This assessment concludes that given this data together with the relatively small length (70m) of additional overheard line and the relatively low height of up to 17m there is unlikely to be a negative impact upon ornithological interests. However, the applicant is committed to carrying out a pre-construction breeding bird survey. NatureScot are satisfied that the proposal will not significantly impact upon birds providing that the mitigation set out in the Bird Protection Plan (BPP) is implemented. It is recommended that a finalised plan is secured by a planning condition.
- 8.20 NatureScot notes that there is blanket bog habitat within the area however the overhead line route and associated track will avoid this sensitive nationally important habitat and have no objection to the application. The applicants Soil and Peat Management Plan (SPMP) also includes a number of opportunities to reduce the extent of excavations and/or increase the extent of re-use opportunities. SEPA also do not object to the application.
- 8.21 There is an area of woodland on the Ancient Woodland Inventory located approximately 500m to the northwest of the Site. However, no trees will be affected by the proposal, as such the Councils Forestry Team do not object to the application.
- 8.22 Due to the climate and biodiversity emergency and the provisions of the Planning (Scotland) Act 2019, THC are seeking to ensure that developments will deliver a positive effect for biodiversity. As a result, this project is expected to make a

contribution toward the delivery of biodiversity enhancements in vicinity of the site. The applicant has submitted a Biodiversity Net Gain Assessment Report which details that of an area of 2.19 ha of enhancements is required. A final enhancement scheme can be secured by condition.

8.23 Subject to the provisions of the CEMD, bio-diversity enhancements and recognising the mitigation by design, it is considered that the applicant has had regard to conserving flora, fauna and put forward reasonable mitigation to minimise the effects of the proposed development in relation to flora and forna.

## **Built and Cultural Heritage**

- 8.24 The results of the applicant's assessment are outlined in Chapter 7 of the Environmental Appraisal. This has been informed by a review of archaeological records; historical documentary evidence; cartographic evidence, photographic material and a walk over survey. The assessment details potential effects both in terms of direct and indirect impacts upon heritage assets. The nearest Scheduled Monument, Dell Farm, burial mounds 350 m NE of (SM4536), lies 6 km northwest of the Site. The nearest Listed building is Garthbeg (LB1883), a Category B house, 4 km to the northwest. Within the 500m study area there were seven undesignated assets and are post-Medieval.
- 8.25 During the construction and operational phases of the development, the applicant's assessment considered that there will be no direct impacts upon the heritage assets within the study area and that the potential for encountering unknown archaeology is low and no mitigation measures are advanced. The Councils Historic Environment Team are content with this assessment and do not recommend any planning conditions.
- 8.26 In terms of indirect impacts, due to the scale and in particular the height of the proposed line, its proximity to existing similar infrastructure and the distances to designated heritage assets the applicants consider that there will be no significant effect. Historic Environment Scotland do not object to the application and are content with the applicant's assessment. The Councils Historic Environment Team have no objection to the application. Consequentially, it is not considered that there will be any significantly adverse impacts related to the built or cultural heritage.

#### Hydrology, Hydrogeology and Geology

- 8.27 The results of the applicant's assessment are outlined in Chapter 8 of the Environmental Appraisal. As part of this the applicant is committed to a Construction Environment Management Document (CEMD) which will include measures to protect the water environment.
- 8.28 The River E, classified by the Scottish Environment Protection Agency (SEPA) under the Water Framework Directive (WFD) as having a 'Moderate' overall status in 2020 is located approximately 200 m south of the site. The development is not located within an area of high or medium risk of river flooding. There are no areas of surface water flood risk within or adjacent to the proposed development and it does not cross any watercourses. The Councils Flood Risk Management

Team do not object to the application and there are no concerns related to flood risk and drainage.

8.29 One private water supply has been identified within 500m of the proposed development. This is the Corriegarth Windfarm Substation private water supply. Environmental Health and Scottish Water do not object to the application. A final water protection management plan will be secured via the CEMP. Subject to this recommended planning condition it is not considered that there will be any significantly adverse impacts upon private water supplies.

## Roads, Transport and Wider Access

- 8.30 Access to the site will be via the existing Corriegarth Windfarm road access and tracks. However, to facilitate the new stretch of overhead line a new stone access track will be required, this will be 100m in length and 5m in width. During the construction phase the contractor will identify a single safe area within the contractors' compound for parking away from the public highway. The applicant is also committed to developing a Construction Traffic Management Plan (CTMP) through the contractor and this will be agreed with the Council and Transport Scotland in advance of construction. This will need to take into account the traffic implications and timing for the construction of Corriegarth 2 Wind Farm if consented.
- 8.31 The Council's Transport Planning Team do not object to the application and recommend that the CTMP is controlled by a planning condition and that a Section 96 Wear and Tear Agreement maybe required. Transport Planning also consider that the operational traffic associated with the development will be limited. Transport Scotland also have no objection to the application. In terms of wider recreational access, the Council's Access Officer does not object to the application. It is not considered that there will be any significantly adverse impacts related to traffic, transport and wider access.

## **Construction Impacts**

8.32 The construction period is anticipated to last 12 months. Construction working is anticipated to be during daytime periods only. Working hours would be between 07:00 to 19:00 Monday to Saturday and 08:00 to 18:00 on Sunday. These hours are longer hours than would normally be applied under the Control of Pollution Act, however, the Councils Environmental Health Team have not raised any concerns. The nearest residential properties are approximately 3.5 km north-west of the site. Given the distance between the proposed development and noise sensitive receptors extended working hours, as proposed by the applicant is considered acceptable. Throughout the construction period the applicant has stated that they shall maintain contact with the local community. The applicant is also committed to ensuring that best practice mitigation measures are adopted to manage noise emissions during construction. These will be form part of the CEMP which will also secure other best practice measures regarding matters such as pollution control. As detailed above a CTMP will also be developed by the Contractor and agreed with Council's roads team and Transport Scotland in advance of construction. Subject to the recommended planning conditions, it is considered that the impacts can be mitigated and that no significant impacts are

anticipated from the construction phase.

#### Other material considerations

8.34 There are no other material considerations raised.

## Matters to be secured by Section 75 Agreement

8.35 None

#### 9. CONCLUSION

- 9.1 The proposed overhead transmission line will connect Corriegarth 2 Wind Farm (if consented) to the national grid and forms part of the delivery of a fit for purpose transmission network, facilitating the move to net zero. The Scottish Government gives considerable commitment to "Strategic Transmission Infrastructure" and as outlined in proposed National Planning Framework 4 (NPF4) there is an in principle support for national scale developments as they have been identified of national importance in the delivery of Scotland's Spatial Strategy. NPF4 requires significant weight to be given to the global climate and nature crises. However, a balance still requires to be struck in terms of the impact of development and applications are required to demonstrate how, through project design and mitigation, the impact on a range of considerations has been addressed.
- 9.2 The proposed design has sought to minimise the scale of the development area and layout has taken into account environmental factors and constraints. It has sought to limit its impact upon landscape and visual receptors, the road network, heritage and ecological assets. No third party objections have been made to the application and there are no outstanding consultee objections. Subject to the application of appropriate conditions it is considered the impact of the proposed development can be managed. 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.
- 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 and through the design process has mitigated the effects of the development in relation to the effects on the natural beauty of the countryside.

#### 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: The connection will facilitate the transmission of renewable energy if the associated wind farm is approved by Scottish Ministers.

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

#### 11. RECOMMENDATION

## Action required before decision issued - N

Subject to the above actions, it is recommended that the Council should **RAISE NO OBJECTION** to the application subject to the following conditions and reasons

#### **Conditions and Reasons:**

1. The proposed development shall be built and operated in accordance with the proposals within the application and the mitigation set out in the 'Environmental Appraisal' Report dated July 2022.

**Reason:** To ensure the proposal is built and operated in a manner which has regard to and mitigates the effects that the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

- 2. All poles shall be constructed in the locations, and to the height, detailed in the 'Environmental Appraisal' Document dated July 2022. The location of the poles may be adjusted within the following Limits of Deviation:
  - a) No pole shall be positioned more than 50m (25m on either side of the alignment) on the horizontal axis of the proposed low profile trident H poles overhead line alignment.
  - b) No pole shall be more than a height of 17m above ordinance datum inclusive of all steel work and insulators.
  - c) Micro-siting shall be carried out in accordance with specific procedures and details approved as part of the Construction Environmental Management Plan (CEMP) required in accordance with condition 3 of this consent or as otherwise approved under the condition.
  - d) All micro-siting permissible under the condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW) appointed under the terms required by condition 6.

No later than one month after the Date of Final Energistation, 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 ensure that the development is built in accordance with the description in the submitted Environmental Appraisal, to allow tolerance for resiting infrastructure within the limits of deviation so as to take account of local ground conditions.

## 3. Construction Environmental Management Document ("CEMP")

No development shall commence until a Construction Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority. The CEMP shall include:

- a) Adherence to the mitigation outlined in the 'Environmental Appraisal' and summarised in Table 9.1 of that report.
- b) Adherence to the GEMP.
- c) Adherence to the finalised Species Protection Plans and Bird Protection Plan (as required by conditions 7 and 8).
- d) Pollution Prevention Plan.
- e) Site Waste Management Plan.
- f) Lighting Strategy.
- g) Peat Management Strategy.
- h) Private Water Supply Protection Plan.

The Development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority.

**Reason:** To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the 'Environmental Appraisal' Report which accompanied the application, or as otherwise agreed, are fully implemented.

## 4. Construction Traffic Management Plan ("CTMP")

No development shall commence until a Construction Traffic Management Plan ("CTMP") has been submitted to and approved in writing by the Planning Authority in consultation with the Local Roads Authority and appropriate community representatives. The approved CTMP shall be carried out as approved and in accordance with the timetable specified within the approved CTMP. The CTMP shall include:

- a) Full details of all site compounds, including the access arrangements from the public road.
- b) Proposed measures to mitigate the impact of construction traffic on the local road network following assessment of the routes to site for construction traffic.
- c) Proposed traffic management measures on the access routes to the site. Measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs should be considered.
- d) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period.

- e) Details of new or upgraded access points off the public road network. Such works will include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays.
- f) Details of appropriate traffic management, which shall be established and maintained at each access point for the duration of the relevant construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.
- g) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.

**Reason:** To ensure that the construction of the development is carried out appropriately and does not have an adverse effect on the environment, and to protect road safety and the amenity of other users of the public road and rights of way.

#### 5. Removal of redundant infrastructure

In the event that the line, after the Date of Final Energisation, fails to transmit electricity for a continuous period of 1 year a Decommissioning 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, 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
- f) decommissioning period; and
- g) 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.

### 6. Ecological Clerk of Works (ECoW)

No development shall commence until 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 NatureScot. 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 noncompliance 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 during the decommissioning, restoration and aftercare phases.

## 7. Finalised Species Protection Plans (SPPs)

No development shall commence until a finalised Species Protection Plan has been submitted and approved in writing by the Planning Authority in consultation with NatureScot. This shall include the following amendments:

- a) Reference to SNH should be changed to NatureScot;
- b) The old SNH web links should be updated; and
- c) The review dates within the SPPs should be amended.

The survey results and any mitigation measures required for these species on site shall be set out in a species mitigation and management plan, which shall inform construction activities. No development shall commence unless and until the plan is submitted to and approved in writing by the Planning Authority and the approved plan shall then be implemented in full.

**Reason**: In the interests of nature conservation

#### 8. Finalised Bird Protection Plan (BPP)

No development shall commence until a finalised Bird Protection Plan has been submitted and approved in writing by the Planning Authority in consultation with NatureScot. This shall include the following amendments:

d) The species-specific disturbance distances set out within Appendix A of the draft BPP should be updated to reflect the updated disturbance distances in

NatureScots revised guidance, "Disturbance distances in selected Scottish Bird Species".

- e) Reference to SNH should be changed to NatureScot;
- f) The old SNH web links should be updated; and
- g) The review dates within the SPPs should be amended.

The survey results and any mitigation measures required for these species on site shall be set out in a species mitigation and management plan, which shall inform construction activities. No development shall commence unless and until the plan is submitted to and approved in writing by the Planning Authority and the approved plan shall then be implemented in full.

Reason: In the interests of nature conservation

# 9. **Biodiversity Enhancement**

No development shall commence until a scheme for the delivery of biodiversity enhancement has been submitted to and approved in writing by the Planning Authority. This shall include a suitable financial mechanism for the delivery of the scheme. Thereafter the scheme shall be implemented prior to first export of electricity from the site and maintained throughout the operation and decommissioning of the development.

**Reason:** To ensure that the development secures positive effects for biodiversity.

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Alison Harvey

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

Relevant Plans:

Document Type	Document No.	Version No.	Date Received
PLAN 1: LOCATION PLAN	000001		30.09.2022
PLAN 2: LOCATION PLAN	EA FIGURE 1-1		30.09.2022
PLAN 3: SITE LAYOUT PLAN	000002		30.09.2022
PLAN 4: SITE LAYOUT PLAN	EA FIGURE 1-2		30.09.2022
PLAN 5: OHL LIMIT OF DEVIATION	EA FIGURE 2-1		30.09.2022

Appendix – Letters of Representation

None









