

Appendix C: Scoping Opinion & Consultee Responses

Scottish Government Scoping Opinion

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**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2000**

**SCOPING OPINION FOR THE INSTALLATION OF A 132kV OVERHEAD LINE
BETWEEN THE PROPOSED ANDERSHAW WIND FARM AND COALBURN
SUBSTATION, SOUTH LANARKSHIRE.**

1. Introduction

Proposals to install or keep installed an overhead electricity line and associated infrastructure require Scottish Ministers' consent under section 37 of the Electricity Act 1989.

Schedule 9 of the Act places on the developer a duty to "have regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest". In addition, the developer is required to give consideration to relevant Policy and National Policy Planning Guidance, Planning Advice Notes, the relevant planning authority's Development Plans and any relevant supplementary guidance.

Under the Electricity Works (Environmental Impact Assessment) (Scotland) (EIA) Regulations 2000, the Scottish Ministers are required to consider whether any proposal for an overhead power line is likely to have a significant effect on the environment. In terms of these Regulations, we must consult the planning authority, Scottish Natural Heritage and the Scottish Environment Protection Agency and other relevant consultees.

2. Aim of this Scoping Opinion

Scottish Ministers are obliged under the EIA regulations to respond to requests from developers for a scoping opinion on outline design proposals.

The purpose of this document is to provide advice and guidance to developers which has been collated from expert consultees whom the Scottish Government has consulted. It should provide clear advice from consultees and enable developers to address the identified issues in the EIA process and the Environmental Statement associated with the application for section 37 consent.

**** Consultees are invited to insert definitive comments on the outline proposals complete with any cross references to the relevant information contained in the scoping report submitted by the developer.**

3. Description of your Development

From your submitted information it is understood that the proposed development is for a new 132kV overhead line and supporting infrastructure between the proposed

Andershaw wind farm and Coalburn substation in the South Lanarkshire Council planning area. The overall length of the line is approximately 15km and will be supported by double wood pole structures.

Scottish Ministers are of the view that the EIA process should inform the detailed route selection process. This Scoping Opinion should be used in conjunction with design considerations to provide a fully detailed and qualitative application, complete with a description of an acceptable route, construction and operational processes. This should be borne in mind for all the sections and sub-sections of the proposed route, and not just those for which options have been presented by the applicants.

4. Land Use Planning

The series of Scottish Planning Policies (SPPs) and those National Planning Policy Guidelines (NPPGs) which have yet to be replaced should be taken as an integral policy suite and considered along with the supporting advice and information in Planning Advice Notes (PANs) and Circulars. Planning documents that a developer should particularly consider include:

- Planning Authority Development Plans, including the Glasgow and Clyde Valley Structure Plan (approved May 2002) and the South Lanarkshire Local Plan (to be adopted in 2009);
- Planning Authority Supplementary Planning Guidance;
- National Planning Framework for Scotland;
- SPP1: The Planning System;
- NPPG5: Archaeology and Planning;
- NPPG14: Natural Heritage;
- NPPG 15: Rural Development;
- NPPG18: Planning and Historic Environment;
- PAN42: Archaeology - Planning Process and Scheduled Monument Procedures;
- PAN51: Planning, Environmental Protection and Regulation;
- PAN56: Planning and Noise;
- PAN58: Environmental Impact Assessment;
- PAN60: Planning for Natural Heritage;
- PAN68: Design Statements;
- PAN69: Planning and Building Standards Advice on Flooding;
- PAN75: Planning for Transport;
- PAN79: Water and Drainage.

5. Local Planning Agreements

There are two main tests in determining whether a consideration is material and relevant. These are:

- it should serve or be related to the purpose of planning – it should therefore relate to the development and use of land; and

- it should fairly and reasonably relate to the particular application.

Only those issues that meet the above tests can be taken into account when considering applications. Where relevant, developers should identify such issues in their application, including evidence to support compliance with these tests.

6. Contents of the Environmental Statement (ES)

We recommend the contents of the ES should be structured as follows below:

6.1 Format

Developers should be aware that the ES should also be submitted in a user-friendly PDF format which can be placed on the Scottish Government website. High resolution and low resolution PDF versions should be provided. A description of the methodology used in assessing all impacts should be included.

It is considered good practice to set out within the ES the qualifications and experience of all those involved in collating, assessing or presenting technical information.

6.2 Non Technical Summary.

This should be written in simple non-technical terms to describe the various options for the proposed development and the mitigation measures against the potential adverse impacts which could result.

6.3 Site selection and alternatives

First, there is the general choice of site in the broader context, and the applicant should demonstrate that a fairly wide set of environmental and economic parameters have been used to narrow down choice of sites. Secondly, there should be a detailed examination on these parameters to minimise the impact of the proposal by sensitive design and layout.

Environmental constraints other than landscape character should also be included in this initial site selection process. For example, areas of deep peat, watercourse crossings, wetlands and locations of protected species would be other examples of additional environmental constraints to be considered both from the outset and in the detailed design and layout.

6.4 Description of the Development

Your description of the proposed development in the Environmental Statement should comprise information on the site boundary, design layout, and scale of the development.

Where it is required to assess environmental effects of the development (see EIA regulation 4 (1)(b), the Environmental Statement should include;

(a) a description of the physical characteristics of the whole development and the land use requirements during the construction, operation, decommissioning and restoration phases;

(b) a description of the main characteristics of the production processes and nature and quality of the materials used.

6.5 Decommissioning

The subsequent application and supporting environmental statement should include a programme of work complete with outline plans and specifications for the decommissioning and reinstatement of the site. Information should be provided on the anticipated working life of the development and after use site reinstatement.

7. Baseline Assessment and Mitigation

This section should clearly set out a description of the environmental features of the proposed development site, the likely impacts of the overhead line on these features, and the measures envisaged to prevent, mitigate and where possible remedy or offset any significant effects on the environment. It should incorporate details of the arrangements and the methodologies to be used in monitoring such potential impacts, including arrangements for parallel monitoring of control sites, timing and arrangements for reporting the monitoring results.

It should be noted that there is a danger that these measures could themselves have secondary or indirect impacts on the environment.

7.1 Design/Landscape and Visual Amenity

The Environmental Statement (ES) should critically consider a design and routing of the proposed development against the "Holford Rules", a series of planning guidelines for overhead lines, first developed in 1959 by Lord Holford, adviser to the then Central Electricity Generating Board (CEGB) on amenity issues and reviewed in the 1990s by the National Grid Company (NGC).

Architecture+Design Scotland (A+DS) advice on overhead line design complies with the Scottish Government's policies on design, which seek to promote good quality. Developers are advised to refer to advice contained in PAN 68: Design Statements.

The routing of tracks and the location and design of substations should be discussed in the Design Statement. A+DS' advice in terms of control structures is for contemporary designs using good quality materials.

Consultee comments:

SNH recommended that the overhead line is divided into logical sections and each section is given its own Zone of Theoretical Visibility (ZTV) and a distinction should be made between where the line is seen backclothed and where it is visible on the skyline. The route options and their appraisals should also be presented in a clear fashion in the ES.

SNH had major concerns about the section of the Preferred Route between Millers Wood SSSI (in the Glespin area) and Windrow Wood, in particular the impacts on the views from the area of Jeanfield Bridge where the A70 Ayr Road crosses over the Douglas Water. SNH considers that these concerns are sufficient enough to advise that consideration be given to undergrounding this section.

SNH was concerned about the impact on landscape character and visual amenity of this part of the Douglas Valley, and on the integrity of the AGLV (Area of Great Landscape Value) designation.

7.2 Construction and Operation

The ES should contain site-specific information on all aspects of site work that might have an impact upon the environment, containing further preventative action and mitigation to limit impacts. Elements should include: fuel transport and storage management; stockpile storage; storage of weather sensitive materials at lay-down areas; haul routes and access roads (and if temporary or permanent); earthworks to provide landscaping; mechanical digging of new or existing drainage channels; vehicle access over watercourses; construction of watercourse crossings and digging of excavations (particularly regarding management of water ingress); temporary and long-term welfare arrangements for workers during construction; maintenance of vehicles and plant. The ES should identify if there are particularly sensitive receptors of pollution (e.g. salmonid rivers, rivers with freshwater pearl mussels ect).

Such information is necessary in order to assess the environmental impact of the proposals prior to determination and provide the basis for more detailed construction method statements which may be requested as planning conditions (it is recommended that the relevant Planning Authorities, SNH and SEPA are provided with the opportunity to view these method statements in draft form, prior to them being finalised should development take place).

Consultee comments:

SEPA's principal concern about this proposal was centred on construction activities and the creation of access roads. Previous experience has shown that such activities can pose a threat of water pollution due to release of sediment from exposed surfaces and accidental spillages. Environmental problems associated with these issues may not be temporary.

SEPA noted that the proposed overhead line will cross various watercourses of different sizes. The exact location of the proposed poles, access routes, storage areas, loading/unloading areas etc are currently unknown and therefore, these should be clearly identified in the ES. SEPA recommended that the ES should include dedicated River Corridor Surveys covering both habitats and wild species.

The applicant should be aware of information provided by SEPA that may be of use such as rainfall and hydrological data. The need to plan the works in order to avoid construction of roads, dewatering of pits and other potentially polluting activities during periods of high rainfall is important. The ES needs to demonstrate which periods of the year would be best practice for construction for the site, taking into account the need to avoid pollution risks and other environmental sensitivities affecting operational timing, such as fish spawning and bird nesting.

The impact of the proposed development on public footpaths and rights of way should be clearly indicated. If any re-routing of paths under a Right of Way is required alternative routes should be highlighted for consideration.

The ES should set out mechanisms to ensure that workers on site, including sub-contractors, are aware of environmental risks, and are well controlled in this context. The ES should state whether or not appropriately qualified environmental scientists or ecologists are to be used as Clerk of Works or in other roles during construction to provide specialist advice. Details of emergency procedures to be provided should be identified in the ES.

The process whereby a method statement is consulted upon before commencement of work is satisfactory at many sites where sensitivities are non-critical. However for environmentally sensitive sites it is recommended that, following consultation, method statements be approved by the planning authority in consultation with SNH, prior to the commencement of construction work.

SNH would normally only wish to comment on Construction Method Statements where there are relevant and significant natural heritage interests involved. Developers should avoid submitting multiple versions of the Construction Method Statement to SNH.

7.3 Archaeology and Cultural Heritage**General Principles:**

The ES should address the predicted impacts on the historic environment and describe the mitigation proposed to avoid or reduce impacts to a level where they are not significant. Historic environment issues should be taken into consideration from the start of the site selection process and as part of the alternatives considered.

The "historic environment" is defined in section 2 of Scottish Historic Environment Policy (SHEP) 1 *Scotland's Historic Environment* (www.historic-scotland.gov.uk/index/policyandguidance/sheps/shep1.htm).

National policy for the historic environment is set out in the following key documents:

- National Planning Policy Guideline (NPPG) 5, *Planning and Archaeology*: www.scotland.gov.uk/Publications/1998/10/nppg5
- National Planning Policy Guideline (NPPG)18, *Planning and the Historic Environment*: www.scotland.gov.uk/Publications/1999/04/nppg18.
- Scottish Historic Environment Policies (SHEPs) - a new series of Scottish Government policy documents which set out Scottish Ministers strategic policies for the historic environment. The series can be viewed at www.historic-scotland.gov.uk/index/policyandguidance/sheps.htm.
- The *Memorandum of Guidance on Listed Buildings and Conservation Areas, 1998*: www.historic-scotland.gov.uk/index/policyandguidance/memorandumofguidance.htm.

Amongst other things, NPPG 5 stresses that scheduled monuments should be preserved *in situ* and within an appropriate setting, whilst NPPG 18 confirms that legislation requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Consequently both direct impacts on the resource itself and indirect impact on its setting must be addressed in Environmental Impact Assessment.

Historic Scotland recommend that you engage a suitably qualified archaeological/historic environment consultants to advise on, and undertake the detailed assessment of impacts on the historic environment and advise on appropriate mitigation strategies.

Baseline Information

Information on the location of all archaeological/historic sites held in the National Monuments Record of Scotland, including the locations and, where appropriate, the extent of scheduled monuments, listed buildings and gardens and designed landscapes can be obtained from www.PASTMAP.org.uk.

Data on scheduled monuments, listed buildings and properties in the care of Scottish Ministers can also be downloaded from Historic Scotland's Spatial Data Warehouse at <http://hsewsf.sedsh.gov.uk/pls/htmldb/f?p=500:1:8448412299472048421::NO>. For any further information on those data sets and for spatial information on gardens and designed landscapes and World Heritage Sites which are not currently included in our Spatial Data Warehouse please contact hsgimanager@scotland.gsi.gov.uk. Historic Scotland would also be happy to provide any further information on all such sites.

Consultee comments:

Historic Scotland advised that the developer must seek detailed information and advice from the relevant Council Archaeological Service which in this case is the West of Scotland Archaeology Service, Charing Cross Complex, 20 India Street,

Glasgow G2 4PF. The Archaeology Service will also be able to clarify their scale of charges for work of this nature.

8. Ecology, Biodiversity and Nature Conservation

Scottish Government suggests that all ecological survey methods conform to the best available standard methods for each habitat and species, and follow guidance published by SNH where this is available. Where standard methodologies do not exist, developers should propose and agree an appropriate methodology with SNH specialist advisers. SG also requires that all ecological survey data collected during ES survey work should be made available by the applicant to SG and SNH, in a form which would enable them to make future analysis of the effects of overhead power lines if appropriate.

8.1 Designated sites

The ES should address the likely impacts on the nature conservation interests of all the designated sites in the vicinity of the proposed development. It should provide proposals for any mitigation that is required to avoid these impacts or to reduce them to a level where they are not significant. Information on designated sites and the law protecting them can be found on the SNH website. Maps of the boundaries of all natural heritage designated sites and information on what they are designated for are also publicly available via SiteLink in the SNHi section of the SNH website <http://www.snh.org.uk/snhi/>. The developer is referred to this resource to ensure that they have the correct information on designated sites within the locality that may be affected by the proposed development. The potential impact of the development proposals on other designated areas such as NSA, LSA, SSI or Regional/National Parks etc should be carefully and thoroughly considered and appropriate mitigation measures outlined in the ES. Early consultation and agreement with SNH, the relevant planning authority and other stakeholders is imperative in these circumstances.

For developments with a potential to affect Natura sites, applicants must provide in the ES sufficient information to make clear how the tests in the Habitats Regulations will be met, as described in the June 2000 Scottish Government guidance. The information in the ES should enable the assessments required by the legislation to be completed by the Scottish Government. Specific guidance on the Habitats and Birds Directive regarding the appropriate impact assessments and associated alternative solution and IROPI tests is available on the following website link <http://www.scotland.gov.uk/library3/nature/habd-00.asp>

Within the Regulations, the first test is whether the proposal is necessary for the management of the site: this will not be the case for overhead power line applications. The next step is to ask whether the proposal (alone or in combination with other proposals) is likely to have a significant effect on the site. If so, the Scottish Government as the Competent Authority under the Habitats Directive will

draw up an 'appropriate assessment' as to the implications of the development for the site, in view of that site's conservation objectives.

The scoping report should aim to present sufficient information to enable a conclusion to be drawn on this test, ie as to whether there is likely to be a significant effect on the site. If that information is provided, SNH will be able to advise, when consulted upon the scoping request, whether an appropriate assessment will be necessary. In the event that detailed survey or analysis is required in order to reach a view, the survey and analysis should be regarded as information contributing to that assessment. Note that such information should be provided for the overhead line itself together with any ancillary works, and cumulatively in combination with any other overhead line consented or formally proposed in the vicinity.

Consultee comments:

SNH was concerned that the boundary of the Douglas Valley AGLV (Area of Great Landscape Value) was missing from the Environmental Constraints and the Combined Constraints Figures (figures 5 and 7) sections in the scoping report, and therefore has not been considered as part of the route appraisal process. The Douglas Valley AGLV carries the same policy weight as the RSA (Regional Scenic Area) which has been mapped and both are Local Landscape Designations.

SNH also highlighted that woodland planting on lower ground on the opposite side of the road from Millers Wood Site of Special Scientific Interest (SSSI) is not shown.

Scottish Wildlife Trust (SWT) were concerned about mention being made of undergrounding the cable where the route runs near Coalburn Moss. The value of raised peat bogs like Coalburn Moss depends on maintaining its water table and any excavation activities adjacent to the bog could affect drainage rates and have a long-term deleterious effect. SWT would want to be satisfied that any excavations are well clear of the edge of the moss and/or suitable precautions are taken to ensure that they do not cause increased water flow from the moss.

SWT recommended as a matter of course in scoping documents and Environmental Impact Assessments that a search is made for locally-designated sites in the vicinity of the project.

8.2 Habitats

SNH suggests that the ecological survey methods are agreed with their specialist advisers and all ecological survey data collected during ES survey work should be made available by the applicant to SNH, in a form which would enable them to make future analyses of the effects of overhead power lines if appropriate. Surveys should be carried out at appropriate times or periods of the year by appropriately qualified and experienced personnel, and suitability of the timing needs to be considered within the ES.

The ES should provide a comprehensive account of the habitats present on the proposed development site. It should identify rare and threatened habitats, and those protected by European or UK legislation, or identified in national or local Biodiversity Action Plans. Habitat enhancement and mitigation measures should be

detailed, particularly in respect to blanket bog, in the contexts of both biodiversity conservation and the inherent risk of peat slide. Details of any habitat enhancement programme (such as native- tree planting, stock exclusion, etc) for the proposed development site should be provided. It is expected that the ES will address whether or not the development could assist or impede delivery of elements of relevant Biodiversity Action Plans.

8.3 Habitat Management

SNH and RSPB may wish to see a Habitat Management Plan for the area of the overhead line and any area managed in mitigation or compensation for the potential impacts of the development. A commitment to maintain and/or enhance the biodiversity of the overall area is expected. Monitoring of any specific potential impacts of the development, and of the outcome of any habitat management measures, should form part of the ES proposals. Developers may also want to consult other interested parties in preparation of the HMP information or relevant studies/surveys.

The ES should also outline provisions made regarding public access, having regard for the requirements of the Land Reform (Scotland) Act 2003, clarifying the extent of any access restrictions proposed, if any, during construction or operation, and indicating any new facilities for access to be provided on or off site.

Consultee comments:

RSPB were concerned that there was no mention of the potential impact on bird species from collision with the proposed overhead line and consider that this can be a risk in areas where there are high densities of birds or birds of conservation importance. RSPB advised that the Environmental Impact Assessment should examine the collision risk along the proposed route and where necessary include provisions for wire marking, e.g. with aerial marker spheres or bird flight diverters. Survey results from the Andershaw wind farm Environmental Statements may help to inform this.

8.4 Species : Plants and Animals

The ES needs to show that the applicants have taken account of the relevant wildlife legislation and guidance namely, Council Directives on The Conservation of Natural Habitats and of Wild Flora and Fauna, and on Conservation of Wild Birds (commonly known as the Habitats and Birds Directives), the Wildlife & Countryside Act 1981, the Nature Conservation (Scotland) Act 2004, the Protection of Badgers Act 1992, the 1994 Conservation Regulations, Scottish Government Interim Guidance on European Protected Species, Development Sites and the Planning System and the Scottish Biodiversity Strategy and associated Implementation Plans. In terms of the SG Interim Guidance, applicants must give serious consideration to/recognition of meeting the three fundamental tests set out in this Guidance. It may be worthwhile

for applicants to give consideration to this immediately after the completion of the scoping exercise.

It needs to be categorically established which species are present on the site, and where, before the application is considered for consent. The presence of protected species such as Schedule 1 Birds or European Protected Species must be included and considered as part of the application process, not as an issue which can be considered at a later stage. Any consent given without due consideration to these species may breach European Directives with the possibility of consequential delays or the project being halted by the EC. Likewise the presence of species on Schedules 5 (animals) and 8 (plants) of the Wildlife & Countryside Act 1981 should be considered where there is a potential need for a licence under Section 16 of that Act.

Plants

A baseline survey of the plants present on the site should be undertaken, and field and existing data on the location of plants should be used to determine the presence of any rare or threatened species of vascular and no-vascular plants and fungi.

Birds

The ES should provide an assessment of the impact of the overhead power line on birds. A baseline survey of the species and number of birds present on the site throughout the year should be undertaken. Particular attention should be paid to specially protected and/or vulnerable species.

Survey work should include assessments of the flight lines of breeding birds and birds whose migrations or other seasonal distributions traverse or are in close proximity to the site. Collision risk analyses will be necessary for species which regularly pass through the site at any time of year.

In the interests of all stakeholders involved in the consultation exercise, the presence of protected species must be included and considered as part of the section 37 application process. Submitting this information as an addendum at a later date will require further publicity and consultation which will delay the overall determination.

An Annex of environmentally sensitive information may be required to provide information on nest locations or other environmentally sensitive information related to specially protected species. However, the annex should not include any information that is not confidential, or if it does this information should be contained elsewhere within the text of the Environmental Statement.

Mammals

A baseline survey of the species and number of mammals present on the site should be undertaken. Particular attention should be paid to specially protected and/or vulnerable species, especially European Protected Mammals, and those potentially affected by the development.

Reptiles and amphibians

A baseline survey of the species and number of reptiles and amphibians present on the site should be undertaken. Particular attention should be paid to specially protected and/or vulnerable species, especially European Protected species, and those potentially affected by the development.

Fish

Fish populations can be impacted by subtle changes in water quality and quantity and changes in channel morphology that influence suitability of habitat and consequently performance and production. Further impacts can occur if issues of habitat continuity are not adequately considered when planning site drainage and river crossings. A baseline survey should be undertaken to demonstrate the species and abundance of fish present in the still and running waterbodies on and around the site throughout the year. This should extend to watercourses which may be affected by run-off from the site during construction, operation or decommissioning.

Particular attention should be paid to specially protected and/or vulnerable species, especially European Protected species, and those potentially affected by the development. However, fish and fisheries should be given due consideration regardless of conservation designation.

The developer should ensure that the implications of changing water quality, quantity, channel morphology and habitat continuity are addressed specifically with reference to potential impacts on fish and that mitigation addresses these issues. Where this information is provided elsewhere in the document, it should be specifically highlighted.

Where a development has the potential to impact on local fish populations the developer will be asked to develop an integrated fish and water quality monitoring programme with baseline, development and post-development sampling. Details of any proposed monitoring should be detailed.

Developers are encouraged to submit fish information in a collective document or with the relevant cross references to other areas of the ES. (i.e. hydrology, hydrogeology, water quality and hydro-morphology)

Invertebrates

A baseline survey of invertebrates present on the site and in the waterbodies and watercourses on and around the site throughout the year should be undertaken. This should be guided by existing information on the presence, distribution and abundance of notable invertebrates. Sampling of aquatic invertebrates should extend to watercourses which may be affected by run-off from the site during

construction, operation or decommissioning. Particular attention should be paid to specially protected and/or vulnerable species, especially European Protected species, and those potentially affected by the development.

Consultee comments:

Fisheries Research Services (FRS) consider that works relating to this development have the potential to impact a number of tributaries of the Douglas Water, a waterbody containing populations of brown trout and grayling. As such the proposal should provide information on local fish and fisheries, identify where any potential impacts could occur and offer suitable mitigation.

FRS recommended that the developer should contact the Clyde Foundation for information on local fish populations that may be affected by construction. The developer should also consider the potential impacts of any river crossings that may be required alongside as well as potential impacts including sediment mobilisation or changes in water quality.

9. Water Environment

The Water Environment and Water Services (Scotland) (WEWS) Act 2003, implements the EC Water Framework Directive (2000/60/EC), which is aimed at maintaining and improving the quality of aquatic ecosystems and requires that any ecological risks to the water environment associated with the development (including engineering operations) be identified and controlled.

Developers are strongly advised at an early stage to consult Scottish Environment Protection Agency (SEPA) as the regulatory body responsible for the implementation of the Controlled Activities (Scotland) Regulations 2005 (CAR), to identify 1) if a CAR license is necessary and 2) clarify the extent of the information required by SEPA to fully assess any license application. Energy Consents will identify a requirement for flood prevention comments from SEPA.

All applications (including those made prior to 1 April 2006) made to Scottish Ministers for consent under section 37 of the Electricity Act 1989 to construct and operate a electricity generating scheme will require to comply with CAR. In this regard, we will be advised by SEPA concerning the requirements of these Regulations on the proposed development and will have regard to this advice in considering any consent under section 37 of the Electricity Act 1989.

SEPA produces a series of Pollution Prevention Guidelines, several of which should be usefully utilised in preparation of an ES and during development. These include SEPA's guidance note PPG6: Working at Construction and Demolition Sites, PPG5: Works in, near or liable to affect Watercourses, PPG2 Above ground storage tanks, and others, all of which are available on SEPA's website at <http://www.sepa.org.uk/guidance/ppg/index.htm>. SEPA would look to see specific principles contained within PPG notes to be incorporated within mitigation measures identified within the ES rather than general reference to adherence to the notes.

Prevention and clean-up measures should also be considered for each of the following stages of the development;

- **Construction.**
- **Operational.**
- **Decommissioning.**

Construction contractors are often unaware of the potential for impacts such as these but, when proper consultation with the local District Salmon Fishery Board (who have a Statutory responsibility to protect salmon stocks) and Fishery Trust is encouraged at an early stage, many of these problems can be averted or overcome.

- Increases in silt and sediment loads resulting from construction works.
- Point source pollution incidents during construction.
- Obstruction to upstream and downstream migration both during and after construction.
- Disturbance of spawning beds during construction - timing of works is critical.
- Drainage issues.
- Alteration to hydrological regime and water quality
- Impacts on stream morphology

The ES should identify location of and protective/mitigation measures in relation to all private water supplies within the catchments impacted by the scheme, including modifications to site design and layout.

Developers should also be aware of available CIRIA guidance on the control of water pollution from construction sites and environmental good practice (www.ciria.org). Design guidance is also available on river crossings and migratory fish (SE consultation paper, 2000) at <http://www.scotland.gov.uk/consultations/transport/rcmf-00.asp>.

Consultee comments:

SEPA welcomed the fact that baseline studies will be undertaken in relation the water environment as part of the process for the preparation of the ES, and noted that the ES will be assessing all surface water bodies within 500m of the route corridor. SEPA also welcomed the developer's intention to discuss issues related to the water environment with themselves. In terms of information on flood risk, SEPA would highlight that the ES should have regard to SEPA's 1 in 200 Indicative River & Coastal Flood Map (Scotland) which was published in 2006.

SEPA recommended that the ES should also have regard to the terms of the recently introduced legislation: The Water Environment (Diffuse Pollution) (Scotland) Regulations 2008.

SEPA will require the developer to supply details in the ES, in the form of a site drainage strategy, on how they propose to deal with site drainage arising from the proposal. SEPA will require details on how the developer intends to collect, contain, treat and dispose of contaminated site drainage arising at the site to ensure that

groundwater and surface waters, including protected areas, are not polluted or adversely affected. The drainage strategy should also identify suitable methods for collection and treatment of all surface water runoff from this site, including hardstanding areas and road drainage. SEPA would expect no direct surface water runoff or direct discharge from the site to watercourses.

SEPA advised that method statements should be produced for all aspects of site work, including storage of material on-site, that might impact upon the water environment, e.g. watercourses, containing further preventative action and mitigation to limit impacts. It is essential that SEPA is provided with the opportunity to view these method statements in draft form prior to any works commencing at the site. In particular, SEPA would expect all necessary mitigation measures to be identified and assessed to ensure that the pollutants typically associated with this type of activity do not enter the water environment. In this regard, SEPA would encourage the use of a closed cycle system for site water needs.

In relation to fuel transport and storage management, SEPA advised that the developer should have regard to and comply with the terms of The Water Environment (Oil Storage) (Scotland) Regulations 2006. SEPA's PPG2 provides additional guidance in this regard.

SEPA recommended that the ES should address any potential significant impacts on the physical and ecological status of the water environment (e.g. watercourses and groundwater) and should also identify suitable mitigation measures in order to address such impacts. The potential ecological impacts associated with the proposed development, which may include engineering works to watercourses and/or their banks (e.g. riparian zones); discharges to the water environment, including groundwater; abstractions and impoundment (if any); changes to the geomorphology and hydrology of watercourses and the site (or parts thereof); sedimentation; etc need to be addressed in the ES.

SEPA considers that proposals for surface water management at this site should also take consideration of any potential impacts (direct or indirect) on the ecological status of the water environment, including groundwater-dependent SACs/SPAs. Issues related to attenuation and the rate of discharge of treated surface water from the site to the water environment should also be discussed with South Lanarkshire Council. The ES should also have regard to the Local Biodiversity Action Plan for the area and the Local Biodiversity Officer should be contacted for advice.

SEPA requires to be involved in the design of any rehabilitation/restoration proposals that could affect the water environment.

9.1 Hydrology and Hydrogeology

The ES should contain detailed statements of the nature of the hydrology and hydrogeology of the site, and of the potential effects the development on these. The assessment should include statements on the effects of the proposed development at all stages on;

- Hydrology.
- Water Quality and quantity.

- Flood Risk.

High rainfall often experienced at proposed development sites means that run-off, high flow in watercourses, and other hydrological and hydrogeological matters require proper consideration within the ES.

Hydrological and hydrogeological issues should be addressed within the ES, and the following hydrological baseline information should be included.

- Long term average monthly rainfall figures.

Where the project includes significant watercourse engineering works, then SEPA would expect the following information to be included within the ES for at least a typical watercourse within the development area:

- Flood flow statistics - the flows for the Mean Annual Flood, 1:100 and 1:200 year return period.
- From a flow duration curve, the mean daily flow and Q95 flow.
- Methods used to calculate these must be identified; if non-standard methods are used, these should be described in detail with rationale for use.

Impacts on watercourses, lochs, groundwater, other water features and sensitive receptors, such as water supplies, need to be assessed. Measures to prevent erosion, sedimentation or discolouration will be required, along with monitoring proposals and contingency plans.

The applicant should refer to SEPA policy on groundwater which can be found at www.sepa.org.uk/pfd/policies/19/pfd which will assist in identifying potential risks. It should also be noted that 1:625000 groundwater vulnerability map of Scotland often referred to in Environmental Statements has been superseded by the digital groundwater vulnerability map of Scotland (2003) and the digital aquifer map of Scotland (2004) and it is the information used on these newer maps, available on request from SEPA, that should be used in any assessment.

If culverting should be proposed, either in relation to new or upgraded tracks, then it should be noted that SEPA has a policy against unnecessary culverting of watercourses. Schemes should be designed to avoid by preference crossing watercourses, and to bridge watercourses which cannot be avoided. Culverting is the least desirable option.

The ES must identify all water crossings and include a systematic table of watercourse crossings or channelising, with detailed justification for any such elements and design to minimise impact. The table should be accompanied by photography of each watercourse affected and include dimensions of the watercourse. It may be useful for the applicant to demonstrate choice of watercourse crossing by means of a decision tree, taking into account factors

including catchment size (resultant flows), natural habitat and environmental concerns.

Culverts are a frequent cause of local flooding, particularly if the design or maintenance is inadequate. The size of culverts needs to be large enough to cope with sustained heavy precipitation, and allow for the impact of climate change. This must be taken into account by developers and planning authorities. SPP7 and PAN69 provide more information on this aspect.

Measures to avoid erosion of the hillside associated with discharge from road culverting need to be set out in the ES.

All culverts must be designed with full regard to natural habitat and environmental concerns. Where migratory fish may be present (such as trout, salmon or eels) the river crossing should be designed in accordance with the Scottish Government guidance on River Crossings and Migratory Fish. This guidance can be found on the Scottish Government website at: www.scotland.gov.uk/consultations/transport/rcmf-06.asp

Where the watercourse is used as a pathway by otters and other small mammals, the design of culverts will need to be modified to accommodate this.

SEPA requests that evidence should also be provided to demonstrate that the proposals have been designed to minimise engineering works within the water environment, including crossing watercourses. Further to this, SEPA wishes to highlight the following national planning policy guidance and legislative aims.

National Planning Policy Guidance 14 'Natural Heritage' Paragraph 55 states "Lochs, ponds, watercourses and wetlands are often both valuable landscape features and important wildlife habitats, and planning authorities should seek to safeguard their natural heritage value within the context of a wider framework of water catchment management."

In addition, where water abstraction is proposed, SEPA requests that the ES assesses whether a public or private source is to be utilised. If a private source is to be utilised, the following information should be included within the ES to determine the environmental acceptability of the proposals.

- Source i.e. ground water or surface water;
- Location i.e. grid ref and description of site;
- Volume i.e. quantity of water to be extracted;
- Timing of abstraction i.e. will there be a continuous abstraction?;
- Nature of abstraction i.e. sump or impoundment?;
- Proposed operating regime i.e. details of abstraction limits and hands off flow;
- Survey of existing water environment including any existing water features; and
- Impacts of proposed abstraction upon the surrounding water environment.

Consultee comments:

SEPA noted that Coalburn Moss, Red Moss and Muirkirk and North Lowther Uplands are groundwater-dependent Special Areas of Conservation (SAC) or Special Protection Areas (SPA). SEPA advised that the ES should clearly identify the links between such designated areas and hydrology/hydrogeology.

SEPA noted that the ES will be considering the potential impacts of the proposal on hydrogeology and the risks of contamination to groundwater and welcomes the intention to carry out such investigation. SEPA recommended that the ES should also have regard to SEPA's Policy No 19 – Groundwater Protection Policy for Scotland, which is available from www.sepa.org.uk

9.2 Geology and soils

The Environmental Statement should fully describe the likely significant effects of the development on the environment including direct effects and any indirect, secondary, cumulative, short, medium and long term, permanent and temporary e.g. construction related impacts, positive and negative effects of the development which result from:

- The existence of the development.
- The use of natural resources (including borrow pits, the need for which and impact of which, including dust, blasting and pollution of the water environment, should be appraised as part of the overall impact of the scheme)
- The emission of pollutants, the creation of nuisances and the elimination of waste.

The ES should identify the intended source of any rock or fill material to be used for tracks etc and should describe the environmental impacts associated with any new quarries or road or track cuttings.

SEPA seeks in relation to substantial new development, that developers demonstrate that the development includes construction practices to minimise the use of raw materials and maximise the use of secondary aggregates and recycled or renewable materials. Further information is available from AggRegain (www.aggregain.org.uk);

The impact of such facilities (including dust, blasting and impact on water) should be appraised as part of the overall impact of the scheme. Information should cover, in relation to water, at least the information set out within Planning Advice Note 50: Controlling the Environmental Effects of Surface Mineral Workings in relation to surface water (pages 24-25) and, where relevant, in relation to groundwater (pages 22-23). Information on the proposed depth of the excavation compared to the actual topography, the proposed restoration profile, proposed drainage and settlement traps, turf and overburden removal and storage for reinstatement should be submitted.

9.3 Assessment of Peat Slide Risk

If the proposed development is to take place on peatland habitats, the Environmental Statement should incorporate a comprehensive peat slide risk assessment in accordance with the Scottish Government Best Practice Guide for Developers.

<http://www.scotland.gov.uk/Topics/Business-Industry/infrastructure/19185/20804>

Particular attention should be paid to the risks of engineering instability relating to presence of peat on the site. Pole locations should be identified in the light of survey work on peat depth and nature, and roads will need to be carefully aligned and designed with regard to peat habitats and depth. It is recommended that both engineers and ecologists are involved in the assessment and management of the risk of peat slide.

The peat slide risk assessment should also address pollution risks to and environmental sensitivities of the water environment. It should include a detailed map of peat depth and evidence that the scheme minimises impact on areas of deep peat. The ES should include outline construction method statements or the site-specific principles on which such construction method statements would be based for engineering works in peat land areas, including access roads and these should include particular reference to drainage impacts, dewatering and disposal of excavated peat.

9.4 Forestry/Woodlands

The EIA should indicate areas of forestry plantation which may be felled to accommodate the overhead power line and associated infrastructure. If timber is to be disposed of on site, details of the methodology for this should be submitted. Areas of retained forestry or tree groups should be clearly indicated and methods for their protection during construction clearly described.

The ES should fully detail any non-plantation trees or woodland areas likely to be affected by the proposed development, either directly (eg removal of trees) or indirectly (eg through changes in hydrology, loss of neighbouring plantation causing instability, etc), and provide full details of alternatives and/or protection and mitigation measures in the ES. The developer should also consider the wildlife implications of any tree felling in the relevant sections of the ES. The developer should refer to guidance documents issued by the Forestry Commission (Scotland) in relation to felling licences, good forestry practice and associated wildlife issues.

The ES should consider any impacts of forestry activities on the water environment, with particular attention paid to acidification and nutrient leaching. The applicant should make full use of the Forest and Water Guidelines in proposing forestry activity and mitigation procedures.

Consultee comments:

Forestry Commission Scotland (FCS) advised that the landscape impact of routing the overhead line through coniferous woodland such as Andershaw Forest should be investigated and detailed within the ES. Particular reference should be made to the visual impact of felling a corridor of trees through woodland and the potential subsequent stand instability resulting in windthrow. FCS also suggested that alternative routes avoiding the forest should be investigated.

Internationally there is now a strong presumption against deforestation (which accounts for 18% of the world's greenhouse gas emissions). Reflecting this, Scottish Ministers have now approved a policy on Control of Woodland Removal which seeks to protect the existing forest resource in Scotland, and supports woodland removal only where it would achieve significant and clearly defined additional public benefits. In some cases, including those associated with development, a proposal for compensatory planting may form part of this balance. Detailed guidance on the implementation of the woodland removal policy is being drafted and will be published in 2009.

The ES should indicate proposed areas of woodland to fell, in order to accommodate new overhead power lines and other infrastructure. Details of the area to be cleared around those structures should also be provided, along with evidence to support the proposed scale and sequence of felling. Where there is a change in land use (e.g. to non-woodland habitats) the woodland should be described in sufficient detail (e.g. including details of the age of the trees; the species type and mix; the soil types; any particular natural heritage designations or protected species present in the woodland; and the landscape and historical environment context) to enable its intrinsic public benefit value to be assessed. This will facilitate decisions on whether woodland removal is acceptable and if so, whether compensatory planting will be required.

If areas of woodland are to be temporarily removed but then replanted shortly afterwards (typically within 1-5 years) this should be indicated in the ES, and details of the replanting plan provided. If timber is to be disposed of on site, details of the methodology of this should be submitted. Areas of retained forestry or tree groups should be clearly indicated and methods for their protection during construction clearly described.

FCS strongly recommends that all proposals involving woodlands meet the sustainable woodland management standards stated in the UK Forestry Standard (2004). In addition all woodland operations should be carried out using best practice techniques illustrated in Forestry Commission Guidelines, Guidance Notes and Forestry Practice Guides and Notes (available at www.forestry.gov.uk/publications)

FCS can advise on all aspects of woodlands and forestry associated with developments and early consultation with them to clarify proposals and any particular restrictions or conditions on woodland removal that may apply to the area is recommended. Contact details of the nearest Forestry Commission Conservancy office can be accessed at: www.forestry.gov.uk or from fcscotland@forestry.gsi.gov.uk.

10. Other Material Issues

10.1 Population

The impacts on the population, represented by local communities and by those who use the land along the proposed route for work or recreation, require to be studied. The potential impacts that should be addressed include those arising from Electric and Magnetic Fields (EMF) and on the amenity of the areas along the route.

10.2 Recreation Access and Tourism

The impact on recreation, access and tourism should be specifically examined and reported upon. Certain impacts of this nature will be contained within the assessment of visual and landscape impacts but in addition there will be more direct effects to be assessed. These will include direct physical impacts where the line may cross or run close to paths, route corridors or activity zones (such as rivers with fishing usage, or areas with use by air sports). It should also include indirect impacts such as if recreational use is displaced from one area to another by the development. Impacts may of course be positive as well as negative, such as where a current high impact transmission line might be removed from a recreational corridor. Impacts should also be sub divided into those which may be in the constructional phase, those which may be permanent and those which may be sporadic (such as future maintenance works which may disrupt recreational usage).

10.3 Waste

The ES should address the issues of construction practises designed to minimise the use of raw materials and to maximise the use of secondary aggregates and recycled or renewable materials and the on site and off site recycling of waste materials.

Consultee comments:

SEPA advised that the developer should also assess accurately the quantities of waste peat (if any) likely to arise from activities associated with the development, and should identify a disposal route for the material. The proposal should attempt to minimise the removal of peat. Any waste peat arising should be used wherever practicable for beneficial use.

SEPA also recommended the production of method statements, as part of the ES, identifying the potential waste implications of this project (such as residual wastes) and the measures that will be taken to minimise and manage the waste generated. SEPA advises that the recovery and reuse of controlled waste should be in accordance with the Waste Management Licensing Regulations 1994 as amended (or exemption). Further information on the provisions of the Waste Management Licensing Regulations 1994 is available from SEPA's South Lanarkshire Regulatory Unit. All wastes produced during the development of the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with the Waste Management Licensing Regulations 1994 (as amended).

10.4 Noise

There is the potential for noise to be an issue during the construction of the new overhead line. Noise predictions should be carried out to evaluate the likely impact of noise from construction activities.

10.5 Traffic Management

The Environmental Statement should provide information relating to the preferred route options for delivering the wood poles etc. via the trunk road network. The Environmental Impact Assessment should also address access issues, particularly those impacting upon the trunk road network, in particular, potential stress points at junctions, approach roads and bridges etc.

Where potential environmental impacts have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by stating in the report:

- the work has been undertaken, e.g. transport assessment;
- what this has shown i.e. what impact if any has been identified, and
- why it is not significant.

10.6 Cumulative Impacts

The Scottish Ministers are of the view that in assessing cumulative effects, it is unreasonable to expect this to extend beyond developments in the vicinity that have been built, those which have permission and those that are currently the subject of undetermined applications. Applicants should therefore have regard to developments within these parameters before finalising their proposals.

Consultee comments:

South Lanarkshire Council recommended that the cumulative visual impact of the proposal with consented and proposed wind farms in the vicinity, such as the 152 turbine Clyde wind farm which was consented in July 2008, should be considered. The cumulative visual impact of the overhead line with the proposed 14 turbine wind farm at Andershaw should also be taken into consideration.

10.7 Other planning or environmental impact issues unique to the application.

The ES should include information on any other potential impacts connected with the project.

11. **General ES Issues**

In the application for consent the applicant should confirm whether any proposals made within the Environmental Statement, eg for construction methods, mitigation, or decommissioning, form part of the application for consent.

11.1 Consultation

Developers should be aware that the ES should also be submitted in a user-friendly PDF format which can be placed on the Scottish Government website. Developers are asked to issue ESs directly to consultees. Consultee address lists can be obtained from the Energy Consents Unit. The Energy Consents Unit also requires **8 hard copies** to be issued internally to Scottish Government consultees.

Where the developer has provided Scottish Ministers with an environmental statement, the developer must publish their proposals in accordance with part 4 of the Environmental Impact Assessment (Scotland) Regulations 2000. Energy consents information and guidance, including the specific details of the adverts to be placed in the press can be obtained from the Energy Consents website; <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Energy-Consents>

11.2 Gaelic Language

Where section 37 applications are located in areas where Gaelic is spoken, developers are encouraged to adopt best practice by publicising the project details in both English and Gaelic (see also Energy consents website above).

11.3 Difficulties in Compiling Additional Information.

Developers are encouraged to outline their experiences or practical difficulties encountered when collating/recording additional information supporting the application. An explanation of any necessary information not included in the Environmental Statement should be provided, complete with an indication of when an addendum will be submitted.

11.4 Application and Environmental Statement

A developer checklist is enclosed with this report to help developers fully consider and collate the relevant ES information to support their application. In advance of publicising the application, developers should be aware this checklist will be used by government officials when considering acceptance of formal applications.

11.5 Application Quality

This scoping opinion is specifically designed to improve the quality of advice provided to developers and thus reduce the risk of additional information being requested and subject to further publicity and consultation cycles.

Developers are advised to consider all aspects of this scoping opinion when preparing a formal application, to reduce the need to submit information in support of

your application. The consultee comments presented in this opinion are designed to offer an opportunity to considered all material issues relating to the development proposals.

In assessing the quality and suitability of applications, Government officials will use the enclosed checklist and scoping opinion to scrutinise the application. Developers are encouraged to seek advice on the contents of the ES prior to applications being submitted, although this process does not involve a full analysis of the proposals. In the event of an application being void of essential information, officials reserve the right not to accept the application. Developers are advised not to publicise applications in the local or national press, until their application has been checked and accepted by SG officials.

Developers are advised to refer to the Energy Consents website at <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Energy-Consents>

11.6 Judicial review

All cases may be subject to judicial review. A judicial review statement should be made available to the public.

Signed *L. Rush. 13/01/09.*
Authorised by the Scottish Ministers to sign in that behalf.

Enclosed - Developer Application Checklist