



# Creag Dhubh to Dalmally **275kV Connection**

## Planning Statement

April 2022

# Contents

<b>1.</b>	<b>Introduction &amp; Overview</b>	<b>3</b>
1.1	Background	3
1.2	Approach	3
1.3	Key Facts	5
1.4	Structure of this Planning Statement	5
<b>2.</b>	<b>The Development and Routeing</b>	<b>7</b>
2.1	Summary Route Description	7
2.2	Route Selection	7
2.3	The Proposed Development	8
<b>3.</b>	<b>National Planning and Energy Policy</b>	<b>11</b>
3.1	Introduction	11
3.2	National Planning Policy	11
3.3	Energy Policy & Targets	14
<b>4.</b>	<b>Development Plan Appraisal &amp; Local Policy</b>	<b>19</b>
4.1	Introduction	19
4.2	The Development Plan	19
4.3	Key LDP Policy Provisions	19
4.4	Other Policies	23
4.5	LDP2 – Proposed Plan	24
4.6	Policy Appraisal	25
4.7	Argyll & Bute Renewable Energy Action Plan	38
4.8	Development Plan Conclusion	38
<b>5.</b>	<b>Conclusions</b>	<b>40</b>
5.1	Conclusions	40

# 1. Introduction & Overview

## 1.1 Background

- 1.1.1 Scottish Hydro Electric Transmission plc ('the Applicant') who, operating and known as Scottish and Southern Electricity Networks Transmission (SSEN Transmission), has submitted an application under section 37 of the Electricity Act 1989, along with a request that Ministers issue a direction that planning permission be deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997, for consent to construct and operate a 13.3 kilometre (km) double circuit 275 kV overhead line (OHL) supported by steel lattice towers between a proposed substation at Creag Dhubh to the existing Scottish Power Energy Networks (SPEN) 275 kV OHL that runs from Dalmally to Inverarnan, near Succoth Glen, via a tie-in connection.
- 1.1.2 The scope of the application is limited to construction and operation of the OHL and ancillary works for the construction and maintenance of the OHL including, vegetation management including tree felling, temporary OHL diversions, undergrounding of existing infrastructure, formation of bellmouths at public roads access point, construction of new permanent and temporary access tracks and upgrading of existing, tower working areas and other ancillary works related to these core requirements.
- 1.1.3 As the Transmission License holder in the North of Scotland the Applicant has a duty under section 9 of the Electricity Act 1989 to facilitate competition in the generation and supply of electricity. The Applicant is obliged to offer non-discriminatory terms for connection to the Transmission system both for new generation and for new sources of electricity demand.
- 1.1.4 The Proposed OHL is a critical part of a project to connect the existing 132kV OHL from Taynuilt to Inverary, to the existing SPEN OHL from Dalmally to Inverarnan (herein referred to as 'Creag Dhubh to Dalmally 275kV Connection Project'). The project forms part of an overall strategy to reinforce the existing transmission network connections in the Argyll region, to enable renewable energy projects to connect to the GB transmission network and to ensure security of supply.
- 1.1.5 This Planning Statement outlines the case for approval in land use planning policy terms at the local (Argyll & Bute) level, and at the national policy level with particular emphasis on the national policy in support of the delivery of electricity infrastructure that will assist in the delivery of the Government's legally binding 'net zero' commitments.

## 1.2 Approach

### The Electricity Act 1989

- 1.2.1 The application is made to the Scottish Ministers under section 37 of the Electricity Act 1989 (the Electricity Act) together with a request that Ministers issue a direction confirming that the development benefits from deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) (the Planning Act). The Planning Authority is a statutory consultee on applications of this nature.
- 1.2.2 Applications made under Section 37 of The Electricity Act need to have regard to the provisions of Schedule 9 which relates to the preservation of amenity and fisheries. The Development Plan is not the main basis for decision making in applications made under the Electricity Act, but it is likely to be material in informing how the planning authority consider the land use implications of the proposal.
- 1.2.3 Schedule 9, Sub-paragraph 3(2) of the Electricity Act, requires a licence holder and the Scottish Ministers to have regard to:

*“(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of the sub-paragraph.”*

1.2.4 The matters referred to in Schedule 9 sub-paragraph 3 (1) (a) and (b) of the Electricity Act apply to the Applicant as a license holder: the matters set out in Sub paragraph 3(1)(a) to which regard must be had are:

*“... 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; “*

Sub Paragraph 3 (1) (b) requires relevant parties to:

*“.....do what he reasonably can to 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”*

1.2.5 At sub-paragraph 3(3), the Applicant is [required to...] *“avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.”*

1.2.6 The provisions of Schedule 9 of the Electricity Act set out a number of matters to which regard must be had by the Applicant and Scottish Ministers. The application is accompanied by an Environmental Impact Assessment Report that sets out what regard has been had to the matters outlined in Schedule 9 amongst other things.

### **The Town & Country Planning (Scotland) Act 1997**

1.2.7 The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (as amended) (the Planning Act), amended by The Planning etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019.

1.2.8 Section 57(2) of the Planning Act provides:

*“On granting a consent under section 36 or 37 of the Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Scottish Ministers may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to any conditions (if any) as may be specified in the direction”.*

1.2.9 Section 25 of the Planning Act states that:

*“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*

1.2.10 Section 57(2) of the Planning Act makes no reference to the provisions of section 25 which requires regard to be had to the provisions of the Development Plan. The Courts have confirmed that section 57(3) does not apply section 25 to a decision to make a direction to grant deemed planning permission pursuant to section 57(2)<sup>1</sup>.

1.2.11 The Scottish Ministers will determine the application having regard to the statutory duties in Schedules 8 and 9 of the Electricity Act, and to material considerations. As outlined above, the statutory Development Plan is a material consideration in the determination of applications under Section 37 of the Electricity Act.

1.2.12 Accordingly, the purpose of this Planning Statement is to provide an assessment of the Proposed Development in the context of relevant national and local planning and energy policies and other material considerations.

<sup>1</sup> William Grant & Sons Distillers Limited, Court of Session [2012] CSIH 28.

- 1.2.13 As such it is important to establish:
- > What are the relevant National Planning and Energy Policy Considerations relevant to the Proposed Development?
  - > What Development Plan policies are relevant to the proposal that give a local policy context for the consideration of environmental effects arising from the development?

### **Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (EIA Regs)**

- 1.2.14 The Proposed Development constitutes 'Schedule 2' development under the EIA Regulations and the application for section 37 consent is accompanied by an EIA Report.
- 1.2.15 A request for Scoping Opinion was made to Scottish Ministers under Regulation 12 of the EIA Regulations in December 2020, supported by a Scoping Report seeking the views from the Energy Consents Unit (ECU), statutory and non-statutory consultees regarding the scope of information to be provided within the EIA Report.
- 1.2.16 A Scoping Opinion was received from Scottish Ministers on 16<sup>th</sup> March 2022. The content of this has, insofar as possible, given the time delay, informed the EIA Report submitted in support of the application for the Proposed Development.

## **1.3 Key Facts**

- 1.3.1 Key facts relevant to this application are:
- > The Proposed Development is identified within Annex A of National Planning Framework 3 (NPF3) as a **National Development** under the class of development noted as "*new and / or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts and supporting pylons*".
  - > The Proposed Development is for **an extension to the OHL infrastructure in the region enabling increased capacity from 132kV to 275kV and connection to the wider SPEN network to enable renewable connections and transmission of energy to the wider GB network.**
  - > The Proposed Development will contribute to **security of supply and provide increased and more resilient infrastructure capacity to facilitate renewable energy connections** in the wider area – all of which forms **vital elements to deliver network and grid infrastructure required to deliver the Government's legally binding targets for net zero emissions and renewable energy electricity generation objectives.**
  - > The Proposed Development will be delivered in such a way that it is environmentally acceptable and will include a **co-ordinated and scheme of landscaping and screening** to the site.

## **1.4 Structure of this Planning Statement**

- 1.4.1 This report seeks to address the pertinent issues relevant to the determination of the application to aide decision makers in their assessment and conclusions on the proposal.
- 1.4.2 The report is structured as follows:
- > Chapter 2 sets out a summary description of Development and Routeing.
  - > Chapter 3 Provides an assessment of the Proposed Development in relation to national planning and energy policy considerations.
  - > Chapter 4 Sets out relevant Development Plan policies and statements and provides an assessment of the Proposed Development against the key, most relevant policies.

- > Chapter 5 presents overall conclusions.

## 2. The Development and Routeing

### 2.1 Summary Route Description

- 2.1.1 The Proposed Development is located within the Argyll & Bute administrative area between the proposed Creag Dhubh substation, (located on the lower eastern slopes of Cruach na Gearrchoise within the River Aray catchment approximately 2.3km south west of Cladich), and a new proposed 'tie-in' to the existing SPEN 275 kV OHL from Dalmally to Inverarnan, near Glen Lochy (Succoth Glen).
- 2.1.2 A detailed description of the proposed OHL route alignment is provided at Chapter 2 of the EIA Report. The route is summarised as follows:
- 2.1.3 Starting at the proposed Creag Dhubh substation moving south to north, the proposed alignment runs north through commercial forestry traversing northeast immediately north of the forestry edge, crossing the A819 and Cladich River.
- 2.1.4 Tower 10 is positioned to the north east of the Cladich River where the alignment, as proposed, will run on a sharp north east route through further commercial forestry between Millside and Creag Bracha. From Tower 18, the proposed OHL bisects small areas of ancient woodland and runs parallel with the northern border of the Glen Etive and Glen Fyne Special Protection Area (SPA), before traversing easterly through another small section of ancient woodland up to Tower 28, which is located approximately 200m south west of Tom a'Chaisteal, Dun and 200m north of Dychlie Deserted Crofts (Scheduled Monument).
- 2.1.5 Thereafter, the proposed alignment runs on a sharp north line until Tower 33 which intersects a small area of ancient woodland and approximately 1.2km of commercial plantation. From Tower 33 the route angles to the north east for approximately 2.5km through some wet bog land and circa 300m north west of a Deserted Township known as Auchtermally or Uachdar Mhaluidh (Scheduled Monument). From Tower 41 the OHL follows a straight easterly alignment through a varied habitat consisting mostly of unimproved acid grassland and wet modified bog. From here, it runs parallel to a broadleaf plantation woodland until Tower 47A which is encompassed by a small area of ancient woodland.
- 2.1.6 The proposed alignment passes through two river catchments. Dalmally is the main settlement in the wider study area. Cladich is a smaller scattered settlement which lies to the north west of the proposed alignment at Tower 12, alongside the B840. No properties are located within 200m of the proposed OHL. Brackley Farm is situated closest to the route at approximately 450m north of Tower 44.

### 2.2 Route Selection

- 2.2.1 The Applicant is committed to a detailed route selection and alignment process which fully assesses and balances environmental, engineering and cost aspects of route options developed in response to the identified need for a new OHL. These exercises are subject to consultation with stakeholders, statutory and non-statutory consultees and the public at each stage. Full details of the consultation exercises and outcomes are available within Reports of Consultation appended to the EIA Report. The following paragraphs provide a high-level summary of the process undertaken in relation to the Proposed Development.
- 2.2.2 Furthermore, the Proposed Development results from a detailed combined corridor and route selection exercise which identified a Preferred Route. This route was subject to public consultation in October 2016. Further public consultation on the Preferred Alignment was initially undertaken in March 2018. Following strong feedback from the community on the potential effects on Dalmally and its immediate environs, the Applicant reviewed potential connection options and identified opportunities to connect to a new switching station at Glen

Lochy on the existing SPEN 275kV OHL, which avoided the need to route the proposed OHL into Dalmally.

- 2.2.3 As a result, an additional Stage 1 Route Selection exercise was undertaken, and a new Preferred Route Option was selected which was subject to public consultation (virtually due to COVID 19) in September 2020. An alignment exercise on this route was completed in April 2021, identifying a preferred alignment between T28 and Glen Lochy switching station. Another virtual consultation on this alignment was conducted in July and August 2021 (co-joined with a statutory pre-application planning consultation event for the proposed Creag Dhubh substation, which is subject to a separate Planning Application, see Section 2.3.3).
- 2.2.4 During the consultation period, further detailed discussions were progressed with SPEN regarding the proposed switching station solution to enable tie-in to their OHL which in turn enables transmission of electricity across the wider GB network. The preferred outcome was to remove the switching station and progress an OHL tie-in connection using towers and wires.
- 2.2.5 In response to the altered SPEN connection solution, three tie-in options were identified between Tower 41 and Tower 47 of the preferred alignment and a further comparative appraisal of environmental, engineering and cost sensitivities and risks was undertaken for each. The preferred option is progressed within the current Proposed Development and was subject to an information event held with the community in January 2022.

## **2.3 The Proposed Development**

- 2.3.1 Chapter 2 of the EIA Report sets out a detailed description of the Proposed Development and a summary description of development is provided at Section 1.1.1 and summary alignment description at Section 2.1 of this Planning Statement.
- 2.3.2 The Applicant is seeking consent to construct and operate:
- > a 13.3 kilometre (km) double circuit 275 kV OHL, supported by lattice steel towers between a proposed substation at Creag Dhubh to the existing SPEN 275 kV OHL that runs from Dalmally to Inverarnan, near Glen Lochy (Succoth Glen);
  - > a Tie-in to connect the proposed OHL to the existing SPEN 275kV OHL, known as the YW route, via a new terminal tower (T48/YW17R) located between existing SPEN Towers YW17 and YW18, from the proposed T47;
  - > ancillary development including (but not limited to) vegetation clearance, temporary and permanent access upgrades from the public road and tracks to each tower position, temporary construction hardstanding areas around each tower and winching position.
- 2.3.3 The proposed Creag Dhubh substation is subject to a separate application for planning permission supported by standalone environmental information but is assessed as part of the cumulative assessment within the EIA Report supporting the Proposed Development for the OHL subject to this Section 37 application.

### **Indicative Design Summary**

- 2.3.4 The indicative OHL design for the Proposed Development comprises the following key components:
- > 48 self-supporting fabricated galvanised steel lattice towers, L8(C) series that are on average 50 m high and separated by an average distance of 280 m. The spacing (span length) between towers and the tower height would vary depending on environment and engineering constraints with maximum height of 60 m and maximum span length of 350 m.

- > A 13.3km double circuit 275 kV OHL supported by the towers. Each tower would carry two circuits, with three horizontal cross arms on each side of the tower, each carrying an insulator string and two conductors. An earth wire, containing an optical fibre ground wire (OPGW), would be strung between the tower peaks;
- > Ancillary works for the construction and maintenance of the OHL, including:
  - Vegetation Management including tree felling to create a safe operational corridor for construction and operation;
  - Temporary OHL diversions to reduce circuit outages during the works;
  - Underground of existing LV line crossings within the proposed OHL;
  - The formation of bellmouths at public road access points;
  - Construction of new temporary and permanent construction (stone) access tracks and the upgrade of existing tracks;
  - Tower working areas, crane pads and winching positions;
  - A satellite dish to protect communications mounted on one of the OHL terminal towers;
  - Road and other infrastructure (bridges, culverts etc) alterations.

#### Limit of Deviation

2.3.5 In order to allow flexibility in the final siting of towers and access tracks to reflect localised land, engineering and environmental constraints, the Section 37 application seeks consent for construction and operation of the proposed OHL based on a detailed tower schedule with a prescribed horizontal and vertical Limit of Deviation (LOD). The LOD are as follows:

- > OHL:
  - A horizontal LOD of up to 100m either side of the proposed alignment for towers;
  - A vertical LOD of up to 20% variation.
- > Access Tracks:
  - A horizontal LOD of 50m either side of the proposed access tracks from its centre line.

2.3.6 The LODs enable flexibility following consent, for final micro-siting to respond to localised ground conditions, topography, engineering and environmental constraints should they arise. The EIA is undertaken based upon worst-case assessment in this regard, taking account of these LODs.

#### Construction Programme

2.3.7 It is anticipated that construction will commence in 2023 with a provisional construction period of 30 months, with energisation scheduled for 2025.

2.3.8 The construction programme would comprise four key phases as follows:

- > Phase 1 - enabling works;
- > Phase 2 – construction works;
- > Phase 3 – commissioning; and
- > Phase 4 – re-instatement.

2.3.9 A detailed description of works associated within each phase is provided in Chapter 2, Section 2.3 of the EIA Report.

## 3. National Planning and Energy Policy

### 3.1 Introduction

3.1.1 This Chapter provides an assessment of the Proposed Development against a series of material national planning and energy policy documents which are material to the determination of the Section 37 application.

### 3.2 National Planning Policy

#### National Planning Framework 3

3.2.1 National Planning Framework 3 (2014) (NPF3) is a long-term strategy for Scotland. It is the spatial expression of the Scottish Government's Economic Strategy, and of plans for development and investment in infrastructure.

3.2.2 Part of the vision is of Scotland as a low carbon place, where the opportunities arising from the ambition to be a world leader in low carbon energy generation have been seized. NPF3 is informed by, and aims to help achieve, the Scottish Government's climate change and renewable energy targets.

3.2.3 NPF3 acknowledges that the energy sector accounts for a significant share of the country's greenhouse gas emissions, and that addressing this requires capitalising on Scotland's outstanding natural advantages, including its significant wind resource.

3.2.4 **To secure and capitalise on the gains to be found in the renewable sector and to enable a diversifying energy supply NPF3 supports the maintenance and enhancement of the electricity grid network.** Paragraph 3.28 states that:

***“Electricity grid enhancements will facilitate increased renewable electricity generation across Scotland. An updated national development focusing on enhancing the high voltage transmission network supports this and will help to facilitate offshore renewable energy developments”.***

3.2.5 NPF3 therefore identifies 14 national developments that are needed to help to deliver the Scottish Government's spatial strategy. High Voltage Electricity Transmission Network is a core category.

3.2.6 The Proposed Development is deemed to fall under the description of **'national development'** as defined in NPF3, Part 4, Section 2a of Annex A ***“Development consisting of: a, new and/or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts, and supporting pylons”.*** An extract from NPF3 (Part 4) is provided below and clearly establishes the need for the enhanced transmission infrastructure and establishes the Proposed Development as 'national development'.

Figure 3.1 – Extract from NPF3 Statement of Need

**4. STATEMENT OF NEED AND DESCRIPTION –  
High Voltage Electricity Transmission Network**

**1 – Location:** Throughout Scotland.

**2 – Description of Classes of Development:** Development consisting of:

- a. new and/or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts, and supporting pylons.
- b. new and/or upgraded onshore sub stations directly linked to electricity transmission cabling of or in excess of 132 kilovolts.
- c. new and/or upgraded onshore converter stations directly linked to onshore and/or offshore electricity transmission cable(s) of or in excess of 132 kilovolts.
- d. new and/or upgraded offshore electricity transmission cabling of or exceeding 132 kilovolts.

**3 – Designation:** A development within one or more of the Classes of Development described in paragraph (2) (a) to (d) is designated a national development.

**4 – Need:** These classes of development are needed to support the delivery of an enhanced high voltage electricity transmission grid which is vital in meeting national targets for electricity generation, statutory climate change targets, and security of energy supplies.

3.2.7 Paragraph 3.28 highlights further that *“The environmental impacts of this type of infrastructure require careful management”*.

3.2.8 The Applicant recognises that in order to deliver this essential infrastructure, they must fully assess and mitigate the impact of development on the environment. A comprehensive EIA has been undertaken and it is considered that the EIA Report demonstrates that with the necessary mitigation in place the Proposed Development is acceptable.

**The Fourth National Planning Framework ‘Scotland 2045’ Consultative Draft (2021)**

3.2.9 Scotland’s Fourth National Planning Framework Consultative Draft (draft NPF4) was published in November 2021. **It continues the status of electricity transmission infrastructure as having national development status in the Hierarchy of Developments in the planning system.** 18 National Developments are proposed to support the delivery of the Government’s new Spatial Strategy including ‘National Development’ No.12 entitled ‘Strategic Renewable Electricity Generation and Transmission Infrastructure’.

3.2.10 Although the NPF4 document is in consultative draft form it is informative with regard to the intention to maintain the National status of certain aspects of development on the transmission network, including high voltage OHL works. It is considered that it should attract some weight as a material consideration in support of the Proposed Development currently, and as it is likely to be adopted during the determination period, NPF4 will move to form an important part of the Development Plan upon which the proposal should be assessed.

3.2.11 Page 44 of the draft addresses national developments and sets out that this designation means *“that the principle of the development has no need to be agreed in later consenting processes, providing more certainty for communities, business and investors”*.

3.2.12 This specific National Development is addressed in some detail at page 59 of the draft NPF4 where it states this National Development supports expansion of the electricity grid. It sets out that:

***“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.”***

- 3.2.13 In terms of ‘need’, the draft sets out the following: ***“Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas.”***
- 3.2.14 In terms of designation of development designated as National Development this includes ***“b. New and/or replacement high voltage electricity lines and interconnectors of 132kV or more”***.
- 3.2.15 Furthermore, in terms of draft national planning policy, set out at page 69 in the draft NPF is draft Policy 2 entitled ‘Climate Emergency’: it states that when considering all development proposals *“significant weight should be given to the global climate emergency”*.

### **Scottish Planning Policy**

- 3.2.16 Scottish Planning Policy (2014) (SPP) is Scottish Government policy on how nationally important land use planning matters should be addressed.
- 3.2.17 SPP contains a number of principal policies, one of which expresses *“a presumption in favour of development that contributes to sustainable development”*. Paragraph 28 states that:  
*“the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”*.
- 3.2.18 Paragraph 29 highlights a series of criteria which should guide decision-making in this regard and the following provisions are considered relevant to the Proposed Development:
- > Net economic benefit;
  - > Economic issues, challenges and opportunities;
  - > Good design and qualities of successful places;
  - > Delivery of infrastructure;
  - > Climate change mitigation and adaptation;
  - > Principles of sustainable land use as set out in the land use strategy;
  - > Protecting, enhancing and promoting cultural heritage;
  - > Protecting, enhancing and promoting natural heritage and landscape;
  - > Reducing waste; and
  - > Over-development, amenity and effects on water, soil and air.
- 3.2.19 SPP sets out at paragraph 154 that to support in achieving the outcome of making Scotland a low carbon place, the planning system should support the change to a low carbon economy, including deriving the equivalent of 100% of electricity demand from renewable sources by 2020. It should support the development of electricity generation from a diverse range of renewable sources. It should guide development to appropriate locations and advise on the issues that should be taken into account when specific proposals are being assessed.
- 3.2.20 More generally, SPP advises that the siting and design of development should take account of local landscape character. Decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Applicants should seek to minimise adverse impacts through careful planning and design. Planning

permission should be refused where the nature or scale of a development would have an unacceptable impact on the natural environment.

- 3.2.21 As noted, SPP is under review and the new NPF4 will become the single national planning policy document, replacing both NPF3 and SPP and it will have Development Plan status when it comes into force.
- 3.2.22 SPP remains the main statement of national policy at this time. The Proposed Development would be consistent with the principles set out at paragraph 29 of SPP and it would also assist in delivering SPP Outcomes in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) – indicating that overall the proposal is sustainable development. The strategic location providing a critical new link to enable the transmission of substantial new renewable connections on existing OHLs within Argyll & Bute to the wider GB network, via the optimal routing of proposed OHLs, taking into account environmental effects and conditions provides that it is “*the right development in the right place*”.

### 3.3 Energy Policy & Targets

- 3.3.1 Government renewable energy policy and associated renewable energy and electricity targets and the need for a ‘green recovery’ from the Covid-19 pandemic are considerations of the highest importance. It is important to be clear on the current position as it is a fast-moving topic of public policy.
- 3.3.2 The urgent need for electricity transmission to enable an increase of renewable energy technology and generation is supported through a number national planning and energy policy documents. This is particularly important in Argyll & Bute administrative area, where the LDP pre-dates the fast-moving policy changes emerging in relation to the climate emergency, which is a primary national consideration. As statements of national policy and priority these are important material considerations to the determination of the current application.

#### The UK Energy White Paper

- 3.3.3 The UK Government Energy White Paper ‘Powering our Net Zero Future’ (December 2020) sets out that: “*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050*”.
- 3.3.4 It adds a key objective is to “*accelerate the deployment of clean electricity generation through the 2020s*” (page 38). Electricity demand is forecast to double out to 2050, which will “*require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target*” (page 42).
- 3.3.5 In terms of electricity policy in the White Paper, the UK Government clearly recognise that the scale of change that is required to respond to climate change is at a pivotal point. The anticipation is that there is going to need to be a global green industrial revolution and it is only through this that an appropriate response would be made to tackling climate change issues. Chapter 1 of the White Paper sets out this context and makes clear the likely change in the nature and volume of electricity generation. It recognises the very significant role that renewable electricity generation will play in relation to delivering total energy usage. This means it will have to play a much greater role in decarbonising both transport and heat.

#### The Climate Emergency

- 3.3.6 The UK Government is legally committed to the delivery of a reduction in emissions to ‘net zero’ by 2050. The Scottish Government has committed to achieve net zero by 2045, some five years earlier.
- 3.3.7 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared in Scotland in April 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the Committee on Climate

Change (CCC) and in response to UK commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

- 3.3.8 The key issue in relation to these statements is that they acknowledge the very pressing need to achieve radical change and that by 2030 it will be too late to limit global warming to 1.5 degrees. The Scottish Government therefore acted on the Climate Emergency in 2019 by bringing in legislation and increasing the Interim emission reduction target to 75% - a higher figure than recommended by the CCC. The new targets were brought into force by way of Commencement Regulations on 23 March 2020<sup>2</sup>.
- 3.3.9 Furthermore, the declaration of the emergency is not simply a political declaration, it is now the key priority of Government at all levels. Indeed, defining the issue as an emergency is a reflection of both the seriousness of climate change and its potential effects and the need for urgent action to cut carbon dioxide and other greenhouse gas emissions.
- 3.3.10 It means action now, not in years to come. The new emissions reduction legislation was brought in (enacted) in 2019 and brought into force by Regulations in March 2020 – it did not wait for planning policy to be updated.
- 3.3.11 The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable electricity generation by 2030.

#### **The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019**

- 3.3.12 When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050 – which is reflected in the current SPP. However, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which amends the 2009 Act sets even more ambitious targets – which reflect the recommendations of the CCC for a net zero greenhouse gas emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.
- 3.3.13 There are two key observations which arise from the changes in targets. The first is that the 2019 Act has significantly increased the target required to be met *by 2030*. Indeed, when the matter was proceeding through Parliament, it was the Scottish Parliament that increased the requirement from a 70 to 75% reduction by 2030. This acts upon the declarations of the climate change emergency and recognises the urgent response that is required.
- 3.3.14 In addition to that particular matter, the legislation also introduced annual targets. These annual targets clearly illustrate the speed of change that is required essentially prior to 2030. The targets show (see Table 4.1 below) that up to 2020 the annual percentage reduction that was required was 1% but this then increases each year from 2020 to 2030. It increases to 1.9% for each year between 2020 and 2030. This is the level of change that is required to achieve the 2030 target and represents a near doubling of the response.
- 3.3.15 The Scottish Government publishes an annual report<sup>3</sup> that sets out whether each annual emissions reduction target has been met. The latest report is for the 2019 target year which was published in June 2021. The Report states that the Greenhouse Gas Account reduced by only 51.5% between the baseline period and 2019. As noted, the 2019 Act specifies a 55% reduction over the same period – therefore the targets for 2018 and 2019 have not been met.

<sup>2</sup> The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Commencement) Regulations 2020.

<sup>3</sup> Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2019, (June 2021).

3.3.16 This demonstrates the scale of change required over the next decade to achieve the 2030 target. This also means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and the 2020s is a critical decade.

3.3.17 **Delivering the necessary transmission infrastructure in Scotland will be critical to enabling the necessary increases in renewable capacity to enable the considerable increase in renewable electricity use which is forecast.**

**Table 3.1: Scotland's Annual Emission Reduction Targets to Net Zero**

Year	% Reduction target	Actual Emissions Reduction %	Year	% Reduction Target
2018	54	50	2032	78
2019	55	51.5	2033	79.5
<b>2020</b>	<b>56</b>	<b>Interim Target</b>	2034	81
2021	57.9	-	2035	82.5
2022	59.8	-	2036	84
2023	61.7	-	2037	85.5
2024	63.6	-	2038	87
2025	65.5	-	2039	88.5
2026	67.4	-	<b>2040</b>	<b>90 (Interim)</b>
2027	69.3	-	2041	92
2028	71.2	-	2042	94
2029	73.1	-	2043	96
<b>2030</b>	<b>75</b>	<b>Interim Target</b>	2044	98
2031	76.5	-	<b>2045</b>	<b>100% Net Zero</b>

**The Update to the Climate Change Plan (2018-2032) (December 2020)**

3.3.18 The Scottish Government published the update to the Climate Change Plan (CCP) 'Securing a Green Recovery on a Path to Net Zero' on 16 December 2020. The plan covers the period 2018-2032 and responds to the new net zero targets aimed at ending Scotland's contribution to climate change by 2045. The period it covers refers to the timescale in which the Government has committed to reduce greenhouse gas emissions by 75% by 2030 (compared with 1990 levels).

3.3.19 A key part of the plan is the green recovery, and it states (page 1) that:

*"It is essential that a recovery from the pandemic responds to the climate emergency and puts us on a pathway to deliver our statutory climate change targets and a just transition to net zero, by ensuring our actions in the immediate term are in line with our long-term goals".*

*"The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being, and responds to the twin challenges of the climate emergency and biodiversity loss".*

- 3.3.20 In terms of electricity, the CCP update announces, “*further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero-carbon electricity system*”.
- 3.3.21 Page 18 refers to the “*pathway to 2032*” and sets out what the policies mean in practice. It states:  
  
“*our electricity system will have deepened its transformation for the better, with over 100% of Scotland’s electricity demand being met by renewable sources. More and more households, vehicles, businesses and industrial processes will be powered by renewable electricity, combined with green hydrogen production. There will also be a substantial increase in renewable generation, particularly through new offshore and on shore wind capacity*” (page 18).
- 3.3.22 Chapter 1 addresses electricity. Paragraph 3.1.4 recognises that as Scotland transitions to net zero, a growing and increasingly decarbonised electricity sector “*is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry*”.
- 3.3.23 Annex A of the CCP contains policies and proposals. For the electricity sector, ‘outcome 1’ is that “*the electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies*”.
- 3.3.24 In terms of the coordinated approach needed, Section 2.5 refers to the planning system and the forthcoming NPF4. Planning is seen as a “*key delivery mechanism for many of the policies within this climate change plan update, across all sectors*”.
- 3.3.25 Key points from the Climate Change Plan Update include:
- > Government views it as essential that a recovery from the pandemic responds to the climate emergency and puts Scotland on a pathway to deliver statutory climate change targets and a transition to net zero (page 1).
  - > A growing and increasingly decarbonised electricity sector is seen as critical to enabling other parts of the economy to decarbonise, particularly transport, buildings and industry (page 32).
  - > The need to invest in renewable generation and related infrastructure to reduce greenhouse gas emissions is critical to creating good, green jobs as part of the green recovery and longer-term energy transition (page 78).
  - > Renewable generation is expected to increase substantially between now and 2032 with an expectation of development of between 11 and 16 Giga Watts (GW) of new capacity during this period, “*helping to decarbonise our transport and heating energy demand*” (page 40).
  - > Electricity demand is expected to have grown considerably over this period (page 82).

#### **Scottish Government & Scottish Green Party: Shared Policy Programme**

- 3.3.26 The Scottish Government and the Scottish Green Party agreed a formal Cooperation Agreement for the next five years of Government on 20 August 2021. A shared policy programme entitled ‘The Bute House Agreement’ was published on 20 August 2021 which sets out areas of mutual policy interest including energy and planning. This publication has been issued in advance of a formal ‘Programme for Government’. Key points of relevance from the document including the following.
- > In terms of energy, on page 12 of the document it is set out the parties:  
  
“*believe that the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system. While electricity has already been largely decarbonised, our plans will see a significant increase in electricity demand for*

*heating and transport. To accommodate this, we will support the continued and accelerated deployment of renewable energy”.*

- 3.3.27 In order to do this the parties state that they will “*set an ambition to deliver, subject to consultation, between 8 and 12GW of additional installed onshore wind by 2030... - this will be supported by the changes in the planning system needed to permit the growth of this essential zero carbon sector”.*
- 3.3.28 Electricity transmission infrastructure is a critical element to enable delivery of this additional renewable energy capacity.
- 3.3.29 At the present time Scotland has approximately 8.4GW of installed onshore wind capacity. Therefore, the Government is looking to at the minimum, to double this capacity, by adding a minimum additional further 8-12GW in just less than ten years.
- 3.3.30 In terms of planning, the Agreement (page 17) states that the parties will *inter alia*:  
  
*“agree to ensure approval and adoption of Scotland’s Fourth National Planning Framework (NPF4) which will be vital in supporting the delivery of net zero by 2045 with significant progress by 2030;*  
  
*actively enable renewable energy.... supporting repowering of existing windfarms and planning for the expansion of the grid”.* (underlining added)
- 3.3.31 This further insight into the Government’s position further supports the strategic and nationally important need case for the proposed development. NPF3 and SPP provide strong support for renewables and energy infrastructure and it is clear that the support has intensified as time has passed and policy evolved.

#### **The Programme for Government (2021)**

- 3.3.32 The ‘Programme for Government’ ‘a fairer, greener Scotland’ was published in September 2021. The Programme maintains the national focus on the transition to net zero and the opportunity it creates. Even in the unusual circumstances of the COVID-19 pandemic, the 2021-22 Programme contains robust recommendations relating to achieving net zero and reducing CO2 emissions.

#### **Energy Policy Conclusions**

- 3.3.33 Overall, the energy policy framework is a very important consideration and one that should attract great weight in the balance of factors in the determination of the application. It also needs to be acknowledged that the need case with regard to renewable generation and electricity infrastructure as set out in NPF3 and SPP was predicated on emissions reduction targets that are now superseded by more challenging targets, to be achieved sooner. The documents are under review and the targets referred to in them have to a large extent been overtaken by new statutory greenhouse gas emission reduction targets.
- 3.3.34 The function and benefits of the Proposed Development should be seen in the context of the current Climate Emergency– the infrastructure would help address the issue of global heating and very challenging ‘net zero’ targets and moreover, would deliver economic benefits at a time of economic recovery.
- 3.3.35 It is considered that the energy benefits from this proposed infrastructure development, outweigh the local impacts of the development which have been satisfactorily mitigated by way of a carefully considered siting and design approach.

## 4. Development Plan Appraisal & Local Policy

### 4.1 Introduction

4.1.1 This Chapter assesses the Proposed Development against the Development Plan and other relevant local policy and guidance in order to assist the decision makers, and the Local Authority as statutory consultee, in their assessment of the appropriateness of the proposal in the context of local planning policy with particular regard to the environment in which it is located.

### 4.2 The Development Plan

4.2.1 The statutory Development Plan for the administrative area through which the OHL would pass comprises:

- > The Argyll & Bute Local Development Plan (adopted March 2015) (ABLDP);
- > Supplementary Guidance (March 2016);
- > Supplementary Guidance 2 (December 2016).

4.2.2 The ABLDP sets out the general planning policies for the Council area. A review is underway and consultation on the Proposed Plan (November 2019) was completed in January 2020. A delay in progressing the Plan has arisen due to COVID-19 however it is understood that the adoption of LDP2 is expected around October 2022 with the Examination process due to take place in advance of that date.

4.2.3 Argyll & Bute Council (ABC) have advised that all planning assessments will now include a dual assessment against the adopted LDP, and any issues raised by relevant, unopposed elements of LDP2.

4.2.4 It is noted however that the general LDP policy support for necessary infrastructure to facilitate sustainable development benefits in the area has not materially altered in LDP2.

4.2.5 In addition, Scotland's Fourth National Planning Framework (NPF4) is currently issued for public consultation and is a clear indication of the retention of the priority to be given to the climate emergency. Upon finalisation (expected in Summer 2022) the NPF4 will become part of the statutory Development Plan. This change is therefore scheduled to occur during the determination period of this application. It is important to note that the Planning Act states that where NPF4 and the LDP differ, the later of the two documents will have greater weight – e.g., NPF4 will hold greater weight as it will represent the latest policy position.

4.2.6 **Support for the principle of development in terms of the 'need' for the proposal is set via the status of the proposal as 'National Development' as set within NPF3. As established previously, whilst an important baseline and presumption in favour of development, this does not provide automatic consent, and as such it is appropriate to assess the acceptability of proposals against relevant Local Policy having particular regard to environmental effects.**

4.2.7 A summary of key LDP policies is provided with commentary on an assessment of the application for a new 275kV OHL and ancillary development follows.

### 4.3 Key LDP Policy Provisions

4.3.1 The key ABLDP policies relevant to the Proposed Development are:

- > LDP STRAT 1 – ‘Sustainable Development’;
- > LDP DM1 – ‘Development within the Development Management Zones’;
- > LDP3 – ‘Supporting the Protection, Conservation and Enhancement of our Environment’;
- > LDP6 – ‘Supporting the Sustainable Growth of Renewables’;
- > LDP10 – ‘Maximising our Resources and Reducing our Consumption’;

4.3.2 In addition, the following policies are also relevant:

- > LDP5 – ‘Supporting the Sustainable Growth of our Economy’;
- > LDP9 – ‘Setting, Layout and Design’;
- > LDP11 – ‘Improving our Connectivity and Infrastructure’.

4.3.3 LDP primary policy is supported by ABC Supplementary Guidance 1 (SG1) and 2 (SG2) which provides a series of more detailed policy provisions to support primary policy (particularly in respect of LDP3) and as such provides *supporting* policy detail behind protection of environmental resources, heritage assets, road improvements and other renewable energy forms.

#### Key Policy Summaries

4.3.4 **Policy STRAT 1** is an over-riding policy which sets the sustainable development principles which should influence decision making on land use, regeneration, transport and strategic transportation proposals. Policy provides that developers should seek to demonstrate that the sustainable development principles as set are demonstrated within their proposed development, including:

- A) Maximise the opportunity for local community benefit;
- B) Make efficient use of vacant and /or derelict land including appropriate buildings;
- C) Support existing communities and maximise the use of existing infrastructure and services;
- D) Maximise the opportunities for sustainable forms of design including minimising waste, reducing our carbon footprint and increasing energy efficiency;
- E) Avoid the use of locally important good quality agricultural land;
- F) Utilise public transport corridors and active travel networks;
- G) Avoid the loss of important recreational and amenity open space;
- H) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources;
- I) Respect the landscape character of an area and the setting and character of settlements;
- J) Avoid places with significant risk of flooding, tidal inundation, coastal erosion or ground instability; and
- K) Avoid having significant adverse impact on land, air and water environment.

4.3.5 **Policy LDP DM1** establishes the acceptable scales of development in each of the development management zones as set by the LDP Proposals Map. The policy is silent on electricity infrastructure. It is noted that within ‘Very Sensitive Countryside’ (F) that encouragement will only be given to specific categories of sustainable forms of development

on appropriate sites and that such categories *include “(i) renewable energy related development”*.

- 4.3.6 The Proposed Development route alignment falls within two zones – Countryside and Very Sensitive Countryside. **Support for the principle of the establishment of electricity infrastructure in environmentally appropriate locations is established in these locations subject to the ability to mitigate potential impacts.**
- 4.3.7 The Council recognise the value of their natural environment, biodiversity, geodiversity, soils and landscape as outstanding assets in terms of diversity and quality. **Policy LDP3** seeks to **maintain and enhance the quality of that environment** through the policy detail in LDP3 and associated policies within Supplementary Guidance. LDP3 provides that applications for planning permission will be assessed with **“the aim of protecting conserving and where possible enhancing the built, human and natural environment”**.
- 4.3.8 Proposals will not be supported where they don't meet these aims and where it *“has not been ascertained that it will avoid adverse effects, including cumulative effects, on the integrity or special qualities of international or nationally designated natural and built environment sites”*. Likewise, proposals that have significant adverse effects, including cumulative, on the special qualities or integrity of locally designated natural and built environment sites will not be supported.
- 4.3.9 LDP3 provides that *“Where there is significant uncertainty concerning the potential impact of a proposed development on the built, human or natural environment, consideration will be given to the appropriate application of the precautionary principle, consistent with Scottish Planning Policy”*.
- 4.3.10 The application is supported by an EIA Report and appropriate mitigation has been designed into the proposals such that the essential development can be delivered to address the climate emergency and support the drive to net zero, without unacceptable significant environmental effects. Furthermore, there is no uncertainty with regard to potential impacts.
- 4.3.11 **LDP6 supports renewable energy developments where they are consistent with the principles of sustainable development** and it can be demonstrated that there would be no unacceptable significant adverse effects, individually or cumulatively on communities, the environment, landscape character or visual amenity, and where proposals would be compatible with adjoining land uses.
- 4.3.12 The **LDP does not however provide specific policy or a statement within its renewable energy policy (LDP6) to provide for transmission or grid connection for such renewables**. However, through the provision of support for the growth of renewables consideration of reinforcing and enhancing transmission and grid connection requirements directly follows as necessary and critical to achieve the aims of policy.
- 4.3.13 Further information and detail on matters relating to the growth of renewables is provided within **Supplementary Guidance 2**. In this regards SG2 provides further detail on the delivery of renewables with again limited reference to transmission infrastructure or grid requirements or support. SG2 does however cite the **Argyll & Bute Renewable Energy Action Plan (2010)** setting out key delivery priorities required to deliver sustainable renewable energy development in the area which states the Council will:
- > **“Work with partners to secure capacity within the transmission network in order to unlock the future potential of our considerable renewable energy assets and provide confidence to investors”**.
- 4.3.14 **Policy LDP 10 provides support for all development proposals which seek to maximise the areas resources and reduce consumption where they accord with the following:**
- > The settlement strategy;
  - > Sustainable Design principles;

- > Minimising waste and / or contributing to recycling;
- > Minimising the impact on the water environment both in terms of pollution and abstraction;
- > Avoiding areas subject to flood risk or erosion;
- > Minimising the impact on biodiversity and the natural environment;
- > Safeguarding our mineral resources and minimising the need for extraction;
- > Avoiding the loss of trees and woodland;
- > **Contributing to renewable energy generation;**
- > Avoiding the disturbance of carbon rich soils;
- > Safeguarding our best agricultural land.

4.3.15 Supplementary Guidance provides further information and detail in relation to climate change, renewable energy and sustainable design.

4.3.16 Overall, the presumption within Policy LDP10 and the supporting written statement seeks to address climate change by reducing emissions and refers to the Climate Change targets relevant at the time of publication in 2015. Paragraph 6.3.4 states that “**Achieving these targets will require coordinated action and a significant commitment to adapting the built environment to reduce energy and other resource consumption as well as providing a framework for the development and deployment of renewable electricity generation technologies**”. It can be reasonably presumed that support for works to the transmission network and grid is implicit within this statement.

#### **Additional Key Policies**

4.3.17 Supporting the Sustainable Growth of the Economy is addressed within **Policy LDP5 with a view to supporting sustainable economic growth throughout the Council area** and seeks to ensure that different spatial requirements of various sectors and scales of business are able to be met. Further detail is provided within Supplementary Guidance **with the main potential growth sectors including renewables. Clearly setting the need to support renewable energy as a key business and industry** for the area.

4.3.18 **Development Setting, Layout and Design is addressed in Policy LDP9** and requires developers to produce and execute a high standard of appropriate design with particular **focus on siting and position to pay regard to context and location, ensuring integration with setting and sensitivity of the area**. In terms of design of development and structures must be compatible with the surroundings with attention to massing, form, sensitive / designation locations, with the need for higher quality design in higher sensitivity areas.

4.3.19 **LDP11** provides supports the Councils **desire to maintain and improve internal and external connectivity and make best use of existing infrastructure by ensuring maintenance of public access, rights of way, provision of public transport links, integration of transport modes etc, but also ‘ensure the location and design of new infrastructure is appropriate’**, Again no specific reference to electricity infrastructure is provided and the driver is transportation as such the policy is most relevant in considering access to the Proposed Development . Paragraph 7.3.1 states “*The distinctive geography, environmental sensitivities and landscape character of Argyll and Bute present a range of issues related to this. Delivery of connectivity and infrastructure that integrate with the settlement and spatial strategy will help us deliver successful sustainable development of the area for all*”.

## 4.4 Other Policies

4.4.1 The core Supplementary Guidance policies of relevance are set out in Table 4.1 below.

**Table 4.1: Other Supplementary Guidance Policies (SG1 & SG2)**

ABLDP SG Policy	Policy Summary
SG LDP ENV1	Additional detail to LDP3 guiding assessment of development impact on habitats, species and biodiversity. Requires habitat surveys and mitigation for national and local interest.
SG LDP ENV 2	Supports LDP3 in regard to protection of European designations with support not being given to development giving rise to adverse impact unless there is no alternative and there are imperative reasons of over-riding public interest.
SG LDP ENV 4	Policy with presumption against development which affects SSSIs and NNR unless the objectives of designation and overall integrity will not be compromised and/or any significant adverse effects on the qualities of designation are outweighed by social, environmental or economic benefits of national importance and no other less ecologically damaging locations can be reasonably utilised.
SG LDP ENV 6	Supports LDP 3 via presumption to protect trees, groups of trees and areas of woodland. Resisting development likely to have an adverse impact on trees and ensuring adequate provision is made for preservation and where appropriate planting of new including compensatory planning and management agreements.
SG LDP ENV 7	Supporting policy regarding water quality providing protection for water quality and quantity alongside ecological status with a presumption against development that have a significant detrimental impact which cannot be satisfactorily mitigated to requirements of EU Water Framework Directive
SG LDP ENV11	<p>Policy presumption regarding protection of soil and peat resources with development only supported where appropriate measures are taken to maintain soil resources and functions relevant and proportionate to scale of development.</p> <p>Development with potential significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it is demonstrated:</p> <ul style="list-style-type: none"> <li>• Adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from proposals, AND</li> <li>• A soil or peatland management plan is submitted which clearly demonstrates how unnecessary disturbance, degradation or erosion will be avoided and how any impacts will be mitigated as much as possible. Evidence of best practise in movement, storage, management and reinstatement of soils must be submitted with planning application.</li> </ul>
SG LDP ENV12	Provides that ABC will resist any development in or affecting an NSA which would have adverse effect on integrity or would undermine its Special Qualities unless it can be demonstrated there is no significant adverse effects on the landscape quality for which it is designated, or that this is outweighed by social, environmental or economic benefits of national importance.

ABLDP SG Policy	Policy Summary
SG LDP ENV13	Resists development in or affected and Area of Panoramic Quality (APQ) where there will be significant adverse impact on character of the landscape unless it can be demonstrated that this is outweighed by social, economic or environmental benefits of community wide importance. Requires highest standards of design, siting, landscape and boundary treatment in all proposals with potential effect.
SG LDP ENV14	Core Landscape policy supporting LDP3 relating to areas outwith NSAs or APQs and provides that ABC will consider landscape impact and will resist development when its scale, location or design will have significant adverse impact on character unless it is demonstrated that effects are outweighed by social, economic or environmental benefits of community wide importance, and that the Council is satisfied that all possible mitigation has been incorporated into proposals.
SG LDP ENV15	Provides that where development would affect a heritage asset or its setting it will be expected that the impact is assessed and appropriate measures to protect and preserve the special asset proposed.
SG LDP ENV16a	Provides guidance on the assessment of proposals with an impact on listed buildings and their setting requiring detailed assessment and suitable mitigation / design to protect the integrity of the asset.
SG LDP ENV19	Presumption in favour of retaining, protecting and preserving Schedule Monuments and the integrity of their settings. Proposals with and adverse impact will not be permitted unless there are exceptional circumstances.
SG LDP ENV20	Provides guidance on the assessment of proposals with an impact on Sites of Archaeological Importance, requiring appropriate assessment, mitigation and recording. Preservation in situ is preferred where possible. Requirement for detailed mitigation and consultation with West of Scotland Archaeology Service (WoSAS).
SG LDP TRAN4	Provides additional detail to Policy LDP11 on utilising new and existing public roads, private roads and private access solutions to development subject to road safety and design issues being satisfied and in appropriate circumstances.
SG LDP TRAN5	Provision that where development proposals will significantly increase vehicular or pedestrian traffic on substandard private or public approach roads, then developments will be required to contribute proportionately to improvements to an agreed section of the network.
SG LDP Sustainable Siting and Design	Requires careful consideration of siting and design of particular relevance to proposals is guidance on isolated commercial/industrial development. Use of existing and created landform, screening and material to minimise impact and visibility from public roads, viewpoints and local communities. All development should be designed, sited and built to be sustainable reducing environmental impact, energy efficient, protecting agricultural and environmental assets and using appropriate materials.

## 4.5 LDP2 – Proposed Plan

4.5.1 As noted, LDP2 is submitted to Ministers for Examination with targeted adoption in Autumn 2022. ABC has indicated that proposals will be dual assessed against the LDP2 Proposed Plan and the adopted LDP.

- 4.5.2 Critically, it has been noted to the Applicant within wider consultation on projects within the Argyll and Bute area, that the general LDP policy support for necessary infrastructure to facilitate sustainable development benefits in the area has not materially altered in LDP2.
- 4.5.3 In terms of supporting renewable energy, LDP2 recognises the diverse mix of potential renewable energy generation opportunities within their area and acknowledges the significant contribution ABC can make towards meeting the Scottish Government's targets for renewable generation. The written statement notes *"These targets are important given the compelling need to secure more sustainable forms of energy production in order to reduce our carbon footprint"*. The main aim of planning policy in this regard is therefore to *"ensure that renewable energy projects are delivered in an all-round sustainable manner"*.
- 4.5.4 LDP2 does not introduce specific consideration of electricity transmission within the written statement, nor is specific policy on the matter introduced, and as such maintains the status quo within the LDP in that transmission infrastructure is presumed to be integral to the wider aims of the policy approach regarding renewable energy generation.

## 4.6 Policy Appraisal

- 4.6.1 The key planning matters to be considered for the determination of the application are set out below:

### Strategic Importance of the Proposal

- 4.6.2 The national importance of the proposed delivery of new and upgraded transmission infrastructure to support renewable energy generation, and the drive to net zero is established and clearly set out in the foregoing sections and should be afforded significant weight in the balanced assessment of the proposals having regard for environmental and other material impacts.
- 4.6.3 The proposed route alignment has been chosen following detailed option assessments within the wider search area based upon the Applicants Guidance document: Procedures for Routing Overhead Lines and Underground Cables of 132kV and above, PR-NET-ENV-501, taking account of environmental constraints and assessing these against the implications of alternative routing options for the proposed new OHL. Key drivers include the wider network needs in terms of siting of new and existing associated infrastructure, including the proposed new substation at Creag Dhubh and the existing SPEN OHL.
- 4.6.4 Policy LDP DM1 encourages sustainable forms of development and classifies the region into broad development management zones. **The Policy LDP DM1 recognises that proposals which "directly support the provision of essential infrastructure" will accord with policy.** The **strategic importance of the proposed development is essential to delivering the transmission of electricity from renewable generation and is therefore considered to be wholly consistent with this policy position.** Furthermore, policy recognises that **'Renewable Energy Related Development' can also be considered an appropriate use in sensitive countryside locations.** The Proposed Development would facilitate the transmission of energy from a renewable source and is therefore directly related to renewable energy development.

### Impact on the Environment

- 4.6.5 Policy LDP3 supported by SG provides the lead policy on the assessment of **environmental impacts** and recognises that where locations are sensitive, mitigation may help to address concerns and should be considered as part of the proposals. Applications will be assessed with the aim of protecting, conserving and where possible enhancing the built, human and natural environment and proposals will not be supported when they do not do that in respect of:

A –biodiversity, geodiversity, soils and peat, woodland, green networks, wild land, water environment and the marine environment.

B –the established character and local distinctiveness of the landscape and seascape in terms of its location, scale, form and design.

C – the established character of the built environment in terms of its location, scale, form and design;

Further, proposals will not be supported where:

D - it has not been ascertained that it will avoid adverse effects, including cumulative effects, on the integrity or special qualities of international or nationally designated natural and built environment sites (further detail provided in SG).

E – it has significant adverse effects, including cumulative, on the special qualities or integrity of locally designated natural and built environment sites.

- 4.6.6 In addition to LDP3, Policy **LDP10** supports all development proposals which seek to maximise the areas resources and reduce consumption where they accord with a series of criteria including the settlement strategy, sustainable design principles and minimising the impact on the environment. Policy **STRAT 1 sets clear guidance on the sustainable development principles** the Council expects all development to follow and includes clarification on environmental considerations and the need to demonstrate effects and impacts thereof.
- 4.6.7 The Proposed Development has been subject to a full EIA and has been designed in consultation with key stakeholders and taking account of community and stakeholder feedback from consultation exercises and discussions with Council Officers. Indeed, such exercises have resulted in a number of significant design and routing changes not least the re-routing away from Dalmally to a new tie-in on the SPEN OHL in order to minimise perceived adverse environmental, landscape and amenity effects of routing to the Dalmally substation, across the Strath of Orchy.
- 4.6.8 The key areas of environmental impact have been fully assessed and appropriate mitigation designed into the Proposed Development. No significant environmental effects, post mitigation, are identified other than the permanent loss of a small proportion (regionally) of Ancient Woodland. This loss has been minimised through routeing and design and mitigation through micro-siting may enable further reduction in due course. In the overall balance, this effect is considered sustainable when considered against the wider benefits of the Proposed Development.
- 4.6.9 The EIA Report submitted as part of the application submission provides a full assessment of the likely significant environmental impacts that could arise. That content is not repeated; however, it is important to consider the key planning considerations arising from the EIA Report such that an assessment of the proposals against LDP3 and associated SG policies can be presented.
- 4.6.10 A summary of the key environmental considerations by topic assessed against LDP3 and associated SG policy is provided below:

#### ***Siting and Design***

- 4.6.11 The proposals have sought to present an optimal routeing the design solution which balances the need for the required infrastructure against potential environmental and social harm. Chapter 3 of the EIAR provides a detailed account of the routeing process and the rationale for the indicate proposed alignment that forms the Proposed Development. In doing so the route design has sought to avoid national designated sites, to utilise existing topography, landform and existing vegetation to maximise screening and minimise visual impact. The tower design has enabled lengthened span widths in order to minimise potential for birds to

perch or strike infrastructure. The lengthened spans also minimise visual impact and reduce tower numbers required minimising ground disturbance for foundations and associated access track works.

4.6.12 The Proposed Development routeing reacted to early consultation and sought a design solution to minimise potential effects on communities by routing away from Dalmally to protect amenity and minimise associated adverse environmental effects.

4.6.13 Further optimisation of effects will be achieved through detailed design development and micro-siting in the construction phase.

### ***Biodiversity***

4.6.14 Chapter 6 considers the potential impacts and effects on ecological features, such as designated nature conservation sites, habitats and protected species.

4.6.15 LDP3 and associated SG policies are key to the assessment outcomes in terms of planning policy. Policy recognises the importance of establishing effects and impacts and designing appropriate mitigation such that the integrity of designations and habitats is protected and notes that proposals will not be supported where significant adverse effects are identified.

4.6.16 SG LDP ENV1 provides guidance on habitats, species and biodiversity and requires habitat surveys and appropriate mitigation to be provided. ENV2, 3 and 4 provide more detailed guidance on specific designations including European and National designations seeking to protect integrity and providing presumption against development unless it can be demonstrated there are no adverse significant impacts unless there is no alternative, or that the impacts are outweighed by social, environmental or economic benefits of national importance, and that no other less ecologically damaging locations can be reasonably utilised.

4.6.17 No statutory designated nature conservation sites for ecological features occur within the field survey area. Six areas of Ancient Woodland that are included on the semi-natural woodland inventory, are present in the Biodiversity Study Area and are crossed by the Proposed Development.

4.6.18 The assessment method established a field survey area with surveys conducted between 2016 and 2021 to provide baseline information on habitats and faunal species. Surveys included an extended Phase 1 habitat survey and National Vegetations Classification (NVC) Surveys. The dominant habitats were coniferous woodland plantation, wet modified bog and semi-improved acid grassland. Potential Groundwater Dependent Terrestrial Ecosystems (GWDTEs) were recorded throughout the field survey area. Protected species surveys were also completed and identified the presence of Bat Roost Potential (BRP) trees, badger, water vole, otter, pine marten, red squirrel, common lizard, common frog and common toad.

4.6.19 The layout of the Proposed Development has, as far as possible, been designed to avoid the habitats of highest ecological importance and with the highest sensitivity to impacts. This included active peatland habitats, potential GWDTE and ancient and semi-natural woodland. Where it has not been possible to avoid peatland habitats, infrastructure has been positioned as close to the edge of areas of those habitat types and on the shallowest peat in order to reduce impacts on the natural function of these habitats. A similar approach is taken to areas of blanket bog and areas of deep peat.

4.6.20 Furthermore, measures have been taken into account in design of features that would be incorporated into access tracks in order to minimise potential impacts on the hydrological characteristic of peatland and wetland habitats to maintain hydrological connectivity between sensitive habitats.

4.6.21 Where possible the design and routeing has avoided areas of woodland, in particular retaining areas of native woodland and avoiding Ancient Woodland. Where this has not been possible, tower locations have been micro-sited to minimise the amount of felling required. A

further reduction in felling would be sought, post consent, through the implementation of the Native Broadleaved Woodland Strategy included in the EIA Report. Post-construction, compensatory tree planting would occur.

- 4.6.22 The assessments determine that without mitigation, significant effects are predicted on Ancient Woodland, peatland (wet heath and flushes), BRP trees, water vole, and otter. Following the application of mitigation, such as native woodland retention measures, compensatory planting, peatland restoration, habitat reinstatement and a Construction Environmental Management Plan (CEMP), pollution prevention measures and inspection of BRP trees to be felled, no significant residual effects are predicted.
- 4.6.23 An assessment of cumulative effects has also been undertaken which demonstrates no significant effects other than on Ancient Woodland, which, as an irreplaceable resource would result in a significant cumulative effect between the surrounding cumulative developments and the Proposed Development.
- 4.6.24 The approach to identifying potential effects and classifying residual impacts follows the requirement of LDP policy and guidance. The embedded mitigation and mitigation by design has sought to minimise the ecological impact of the Proposed Development and ensure that important resources are adequately protected and enhanced. Where a significant effect is identified, through the permanent loss of Ancient Woodland, this is quantified and acknowledged, and it has been demonstrated that alternative routeing and design has been utilised such that this loss is minimised so far as possible.
- 4.6.25 The delivery of the Proposed Development is of national importance and is identified as such within NPF3. Delivering the transmission network to support the growth in renewables and ensure security of supply is critical to address the climate emergency. Significant efforts have been made through design and mitigation to promote an OHL route that has the least environmental impact and which on balance represents the optimal solution for all environmental, social and economic interests associated with the proposals. No statutory designations are impacted by the Proposed Development and good design practise and routeing has ensured where possible, the direct and indirect effects on non-statutory designations is minimised. In this regard, it is considered that the proposals are consistent with Policy LDP3 and related SG policy.

### ***Ornithology***

- 4.6.26 Chapter 7 of the EIA Report examines the potential effects on ornithology associated with the Proposed Development. The scope of the assessment was informed by EIA Scoping and subsequent consultation.
- 4.6.27 A series of field surveys have informed the assessment, undertaken in two phases in 2016-17 and 2019-20 covering the changing route alignment and design as the Proposed Development evolved. The surveys are considered sufficient to adequately identify all potential ornithological features which could be impacted by the Proposed Development.
- 4.6.28 Table 7.2 (Chapter 7, Section 7.3) of the EIA Report summaries the important ornithological features scoped into the assessment. These are: the Glen Etive and Glen Fyne Special Protection Area (SPA) (international), Honey Buzzard (national) and a series of regional and local nature conservation value species.
- 4.6.29 A series of issues have been scoped out of assessment due to the design and nature of the proposals in line with best practice and guidance. This includes electrocution of birds which are considered impossible due to the OHL design removing the potential scenarios whereby this can occur. Likewise potential disturbance from maintenance or site personnel has been scoped out as the level of activity associated with the operation of the Proposed Development is too low to be significant in terms of potential disturbance to birds.
- 4.6.30 Critically it is noted that the Proposed Development has been designed to mitigate and minimise potential impact on environmental features. In addition, a series of Species

Protection Plans (SPPs) and General Environmental Management plans (GEMPs) provide embedded mitigations which when implemented successfully provide appropriate protection to species. Further additional mitigation will be captured within the project CEMP as appropriate.

- 4.6.31 One of the key ecological constraints to the Proposed Development is the Glen Etive and Glen Fyne SPA which borders the Proposed Development for 1km and is classified for breeding golden eagle. Surveys recorded low levels of golden eagle flight activity and no significant impacts on the species or the SPA are predicted.
- 4.6.32 Surveys recorded black grouse leks at five locations within the Survey Area and territories were identified of white tailed eagle and hen harrier alongside likely territories of goshawk and honey buzzard. Impacts on these features would be mitigated by adhering to Species Protection Plan and monitoring to be undertaken by the Environmental Clerk of Works (ECoW). A section of line marking is required to avoid collision risk for white-tailed eagle.
- 4.6.33 No significant residual impacts or cumulative impacts on ornithological features are predicted.
- 4.6.34 The assessments and surveys have been undertaken in line with best practice guidelines and have considered fully mitigation for national and local interests, as required by LDP 3 and SG LDP ENV1. Full consideration has been given to the potential impacts on the qualifying features of the SPA and assessment of impact provided. Where appropriate mitigation has been designed into the Proposed Development, and / or provided for within SPPs/GEMPs and the CEMP such that species that are known to be present within the study area will be adequately protected from potential effects of construction and operation. The Proposed Development is fully consistent with LDP policy as regards protection and safeguarding of relevant ecological and ornithological interests and features.

#### ***Landscape & Visual***

- 4.6.35 Chapter 8 of the EIA Report addresses landscape and visual matters and considers the effects on landscape fabric, caused by the changes to the physical form of the landscape and its elements, landscape character and designations, caused by changes in the key characteristics and special qualities of the landscape, and visual amenity arising from changes to views.
- 4.6.36 Consideration of cumulative effects arising from the addition of the Proposed Development to the existing baseline of existing/operational, consented and 'in planning' is also undertaken.
- 4.6.37 There are seven Landscape Character Types (LCT's) within the Study Area which have been utilised to inform assessments. The Landscape Character Assessment provided in ABC 2017 Landscape Wind Energy Capacity Study (ABLWECS) has also been utilised to inform understanding of the character of the landscape given its detailed consideration of baseline information and it is considered germane to the Proposed Development.
- 4.6.38 The OHL 10km LVIA Study Area contains a series of landscape designations and classifications which are noted below. Commentary on their special qualities are described in Chapter 8 of the EIA Report.
- > Loch Lomond and Trossachs National Park (NP)
  - > North Argyll Area of Panoramic Quality (APQ)
  - > Loch Etive Mountains Wild Land Area (WLA)
  - > Ben Lui Wild Land Area (WLA)
  - > Ardanaiseig House Garden and Designed Landscape (GDL)
  - > Inverary Castle Garden and Designed Landscape (GDL)
- 4.6.39 Key Visual Receptors include:

- > Dalmally – the only settlement within the Study Area which views of the Proposed Development.
- > Stronmilchan – a satellite settlement loosely associated with Dalmally to the northwest of the main village, formed of a number of standalone properties located along the B8077.
- > Small number of isolated properties along the shores of Loch Awe, the glens and moors.

4.6.40 A small number of transport routes pass through the Study Area (which encompasses a radius of 10km from the Proposed development) including the A85 and the A819 along with the Crianlarich to Obun Spur of the West Highland Railway line. A series of other more isolated local routes are also observed in the wider Study Area.

4.6.41 A series of recreational routes and tourist destinations are found within the Study Area including Loch Awe Sailing and Kayakers and an unofficial section of the National Cycle Network (NCN) Route 78 which crosses through the western extent of the Study Area. A series of Core Paths are also located in this section of the Study Area. Finally Kilchurn Castle, a Scheduled Monument, is located on a peninsula at the north eastern end of Loch Awe. In addition, large landmark hills associated within the Ben Cruachan Ridges, Na Cruachan and ne Lui dominate views to the north and east, whilst Loch Awe and its associated landscapes form a prominent part of the views to the south and south east from the Castle.

4.6.42 Key additional points in the assessment include:

- > The cumulative context which includes the construction of three OHL under construction and a further three which are proposed, plus the Creag Dhubh Substation which is currently submitted for Town and Country Planning consent.
- > Commercial felling in the Study Area.
- > Expansion and changes to settlement patterns, new wind farm proposals and further expansion to the power transmission infrastructure required to support these.

4.6.43 The effects related to decommissioning for the Proposed Development were not assessed within the LVIA as these effects are anticipated to be equivalent to, or less than, those expected to occur during construction.

4.6.44 The assessment examines the likely potential landscape and visual effects from construction and operation (and cumulative effects) of the OHL, before considering mitigation for each stage and concludes with an assessment of residual effects.

4.6.45 Critically it is noted that the design process has ensured that the routeing and siting of the Proposed Development has proceeded such that the effects on the landscape fabric, character and visual receptors has been minimised. Further, the adoption of good practice and careful construction management and monitoring regimes including prompt reinstatement of ground, minimising laydown areas and construction areas, optimising foundations and ensuring best practise for peat reinstatement are built into the project construction approach as mitigation.

#### *Construction*

4.6.46 The key residual effects of construction on the landscape fabric are therefore summarised as:

- > Long term clearance of woodland / coniferous vegetation;
- > Removal of the forest floor to create an operation corridor / wayleave for the OHL; and
- > Reinstatement of the corridor comprising a combination of native, low growing shrubs and tree vegetation.

4.6.47 No effect on topography is identified.

- 4.6.48 The creation/upgrading of access tracks would also result in woodland removal in some locations which would have additional long-term construction impacts until such time as trees and other planting is able to regenerate to minimise this effect.
- 4.6.49 Although these effects are recognised the loss of the forestry and woodland proposed for removal is considered comparatively modest in scale in the context of the geographical extent of existing forestry in the area. The Proposed Development would result in a representative loss of 0.03% of the regional commercial forest and native broadleaved woodland resource. An additional 0.06% loss from additional felling outside the operational and access track corridors to address wind throw risk is also confirmed. Additional felling outside the corridors would be reversible for areas of commercial plantation. The woodland removal is broadly similar to comparable grid infrastructure clearances which have already occurred.
- 4.6.50 Felling operations are not uncharacteristic within the project landscapes where commercial forestry predominates and would be accompanied by some diversification of forest habitats where reinstatement is implemented. The residual effect on landscape fabric during construction not significant.
- 4.6.51 In terms of landscape character, the effects of construction are considered to be localised to tower and access track locations and to be of relatively short duration. Most of the disturbance would be ameliorated or removed during reinstatement. There are no significant residual effects from construction on landscape character in or adjacent to the subject landscape.
- 4.6.52 Residual effects on Designated Landscapes from construction have been assessed fully. There would be direct impacts on the North Argyll APQ with the Proposed Development located wholly within this designated landscape.
- 4.6.53 Visual impacts from WLAs and from Ardanaisig House GDL would be experienced. Temporary and permanent effects of construction are however deemed localised and contained to the immediate footprint of the development. The magnitude is not considered significant on the wider North Argyll APQ or any adjacent designated landscapes.
- 4.6.54 Residual construction effects on visual amenity are unlikely to be significant with operations confined to localised corridors and locations and screened from the majority of key external receptor locations, including settlements, transportation routes and the majority of recreational routes.
- 4.6.55 Finally, the residual cumulative effects of construction have been assessed taking account of developments which may overlap or occur at the same time as the Proposed Development. These developments are concentrated to the south west of the OHL alignment where they converge on the Proposed Creag Dhubh substation. The duration of construction activities are relatively short and geographically contained with careful mitigation identified to reduce impacts. No significant cumulative construction effects are predicted.
- 4.6.56 The assessment of construction effects, taking account of design, siting and mitigation as proposed is consistent with LDP Policies LDP 3 and STRAT 1 which seek to minimise effects on the natural environment and protect landscape features from significant effects. No significant effects on landscape and visual character or integrity are identified as a result of construction and thus are consistent with adopted and emerging LDP policy.
- Operation*
- 4.6.57 The residual effects in the operational phase on landscape fabric would occur during the operational life of the Proposed Development. Reinstated ground would gradually recover and mature and the re-establishment of existing would result. No significant effects are identified.

- 4.6.58 In the operational phase detailed consideration of each LCT has been undertaken within the LVIA reported at Chapter 8 of the EIA Report. It is considered that the OHL would become one of the defining characteristics of the Craggy Uplands LCT landscape. However, this landscape character type is extensive and extends across large expanses of landscapes in the immediate and wider areas. The effects arising from the Proposed Development are considered to be highly localised and would not affect the broader LCT overall.
- 4.6.59 Effects on other LCTs within the Study Area are not considered significant.
- 4.6.60 As regards landscape designations and classifications the effects of operation on the North Argyll APQ is not considered significant albeit localised impacts in locations at lower elevations where receptors are in direct view will occur. Effects would occur across the APQ but the OHL would be seen below the skyline and back clothed by the surrounding landscape. Views of receptors will change however these changes rapidly reduce with distance and the effects of existing screening within the landscape.
- 4.6.61 Consideration of effects within the Loch Etive Mountain WLA is a key consideration given its distinctive character and panoramic views and strong sense of naturalness and high visitor numbers. The OHL is proposed partly within an inhabited strath where existing transmission infrastructure is located and road and rail infrastructure is also present. The Proposed Development would introduce a new element to the panoramic views it would not appear out of character within the existing landscape and the use of siting, design and existing topography to backcloth the view results in a non-significant residual effect in the wild land characteristics of the Loch Etive Mountains WLA.
- 4.6.62 The Ben Lui WLA is situated in the east and south east of the Proposed Development, at its closest the OHL is around 2km from the WLA. Despite introducing a new linear feature to the panoramic views of the WLA the design and siting has ensure partial screening by intervening topography and forestry such that views are backclothed and the impact has been assessed as not significant.
- 4.6.63 The operational OHL would be visible from certain points within the Ardanaiseig House GDL. The Proposed Development would be viewed within a large- scale landscape and whilst it would change views it is not anticipated that it would exert such an influence on the qualifying features of the GDL to the extent that they would impacted or their enjoyment diminished. No significant effect is identified.
- 4.6.64 As regards residential effects on amenity in the operational stage no significant effects are identified with good screening for views from Dalmally or Straonmilchan due to the density of woodland areas and the use of topography within siting and routeing decisions. The closest property to the alignment is Brackley which is approximately 450m to the north. Views of towers from Cladich are also identified within the ZTV at distances over 2.5km. Intervening forestry, topography and backclothing effects from lower slopes mean the OHL would not show as prominent within the view.
- 4.6.65 Whilst acknowledging that some views will be affected the effect is not considered significant. This is true also of views from the main transport routes where the new linear route would be noticeable but siting and use of topography, screening and backclothing minimises direct effects such that the significance in the existing landscape where similar features are already realised, is substantially reduced.
- 4.6.66 No significant effects on amenity or recreational receptors from operation are identified.
- 4.6.67 Cumulative effects have been fully assessed and again are not considered significant with the majority of impacts being localised and contained and the overall effect being that of filling in and extending existing infrastructure rather than introducing a wholly new feature or effect.
- 4.6.68 Overall, the Proposed Development would introduce a new OHL alignment and infrastructure to the rural landscape, currently characterised by coniferous forestry, rough grassland and open moorland. Permanent removal of forestry, moorland and other vegetation will result

with the additional of towers and access tracks, however mitigation set out within the final design and layout such that the impacts on the landscape are minimised. No significant effects are identified such that the Proposed Development is considered to contravene LDP policy and environmental features and designations are protected. No impacts on designated landscapes which would adversely affect their special qualities or characteristics, or impact upon their justification for designation will arise.

4.6.69 Where effects on views or landscape character are identified and these are considered to be highly localised and contained. Whilst cumulative effects would arise these are considered sustainable in the wider landscape context and when considered relative to existing infrastructure and continuation of existing comparable features thereof. Nineteen representative viewpoints were assessed within the LVIA and one significant effect was identified at the Duncan Ban MacIntyre Monument. The use of good siting and use of existing topography and screening has served to minimise the overall effect of the Proposed Development such that there are no residual significant landscape and visual effects arising. Embedded mitigation has been critical to the design process and serves to ensure the delivery of critical transmission infrastructure to address climate change and better serve the immediate and wider community, with minimal disruption to the value landscape character and context of the locale.

4.6.70 LDP3 criteria 3 requires the due consideration of landscape and visual considerations and SG ENV 12, 13 and 14 provide further specific guidance thereof. ENV13 resists development in or affecting APQs where there will be significant adverse impact on landscape character – no such effects are identified. Further there are important economic and environmental benefits in the delivery of the OHL in terms of climate change, and enhanced transmission such that further support for the proposal is provided. A full landscape impact assessment has been undertaken as promoted within ENV13 and 14 and effects are demonstrated as acceptable in LDP and wider national policy terms.

#### ***Cultural Heritage and Archaeology***

4.6.71 Chapter 9 of the EIA Report considers the assessment of the potential effects of construction and operation of the Proposed Development on archaeology and cultural heritage interests (heritage assets).

4.6.72 A total of 31 heritage assets were identified within the Inner Study Area mostly associated with medieval or later settlement and agricultural activities. Field surveys have indicated that medieval / post medieval settlement and cultivation remains survive within open moorland and rough pasture areas, and there is medium to low potential for further buried archaeology to survive in these areas. Where the Proposed Development crosses commercial forestry plantation the potential for previously undisturbed remains to survive is considered negligible.

4.6.73 The assessment identifies potential for construction works in the Inner Study Area to result in direct effects on 14 heritage assets. Further, nine heritage assets lie within the micro siting allowance (LOD) and could potentially be affected by any micro siting of proposed towers or proposed access tracks.

4.6.74 A series of Scheduled Monuments, Listed Buildings and one Inventory Garden and Designed Landscape (GDL), and four NSR Sites are identified within the 5km Outer Study Area, from which there is theoretical visibility of one or more elements of the Proposed Development.

4.6.75 A schedule of mitigation measures to be undertaken prior to, or where appropriate, during construction of the Proposed Development, have been established. The proposed mitigation measures are consistent with Planning Advice Note (PAN) 1/2013, PAN 2/2011 and Historic Environment Policy for Scotland (HEPS) advice. Critically, a professionally qualified Archaeological Clerk of Works (ACoW) would be appointed for the duration of the development works to provide advice to the appointed Contractor and managing potential impacts on heritage assets.

- 4.6.76 Key mitigation measures identified during construction include:
- > Preservation in Situ – exclusion of assets from construction working areas as far as reasonably practicable as advised by the ACoW and managing works and routing in micro-siting such that assets are protected in place and effects minimised.
  - > Watching Briefs – scope to be agreed with WoSAS with Written Scheme of Investigation (WSI) approved prior to commencement of development. A number of key locations where existing tracks require upgrade that follow old drove road / military roads. have been identified within Chapter 9 where this method would be appropriate to identify and record and surviving remains encountered.
  - > Post excavation Assessment and Reporting – to be utilised if new archaeological significant discoveries are made during monitoring and it is not possible to preserve remains in-situ.
  - > Construction guidelines – written guidelines set out in the WSI outlining the need to avoid causing unnecessary damage to known heritage assets and guidelines for utilising professional support should issues arise or discoveries be made during construction. Guidelines will clearly establish the legal responsibilities placed upon those who disturb artefacts or human remains.
  - > Monitoring of micro-siting – detailed review of proposed micro-siting to ensure protection of heritage assets and establishing the limits such exclusions will have on the ability to micro-site as arises within the construction / design process.
- 4.6.77 Taking into account the proposed mitigation the assessment concludes that no significant effects on heritage assets are predicted as a result of the Proposed Development. Where assets are identified as having the potential to be impacted appropriate measures will be instigated such that adequate protection and recording is in place such that the impact is reduced to a minimal level.
- 4.6.78 The assessment has identified moderate significant effects on the settings of three Scheduled Monuments (Auchtermally or Uachdar Mhaluidh Deserted Township, Tom a'Chaisteal dun, and Dychlie deserted crofts) and one Category B listed building (Duncan Ban McIntyre Monument). The assessment determines however that the monuments would not be isolated from their surroundings and their settings would not be appreciably fragmented and visitors would still be able to understand and appreciate their settings. As such, the integrity of the settings of the monuments and their capacity to inform and convey their cultural significance will not be compromised.
- 4.6.79 The cumulative effect of the Proposed Development in combination with other cumulative developments in the vicinity is considered as not significant.
- 4.6.80 Policy LDP3 recognises the role of mitigation to help address potential identified environmental impacts where locations are sensitive and provides that assessments will be undertaken with an aim of protecting, conserving and where possible enhancing assets. The assessments undertaken in regard to cultural heritage and archaeological assets fully establish and identify the relevant assets and set out clearly appropriate mitigation, guided by best practise, to avoid adverse effects and protect the special qualities of nationally designated sites, alongwith protection of undiscovered artefacts and remains as appropriate. This approach is wholly consistent with Policy LDP3 and SG LDP ENV20 which provides specific guidance on appropriate assessment and mitigation relative to archaeological interests.
- 4.6.81 SG LDP19 sets a presumption in favour of retaining, protecting and preserving Scheduled Monuments and the integrity of their settings. Detailed consideration of the identified effect on three Scheduled Monuments has been undertaken and the effect on the integrity and setting has been established as acceptable and reversible. The delivery of this nationally important development to strengthen the transmission network is material to the overall

consideration of the effect thereof. The Proposed Development is not considered to compromise the cultural significance of these assets.

***Hydrology and Hydrogeology, Peat and Carbon Rich Soils***

- 4.6.82 Hydrology and Hydrogeology is addressed in Chapter 10 of the EIA Report and assesses the potential effects resulting from the Proposed Development. The assessment considers effects on:
- > Water quality
  - > Flood risk
  - > Water resources
  - > Private Water Supply
  - > Impact on hydrology or hydrogeology with secondary effects on GWDTEs
  - > Effects from construction on geology and soils particularly impact on peat and carbon rich soils.
- 4.6.83 A detailed flood risk assessment was scoped out of the EIA as limited areas in the study area were considered by SEPA to be at risk of fluvial flooding. Infrastructure (except for sections of access track crossing watercourses) has been deliberately located out with the indicative flood extent of watercourses and their 30m watercourse buffer. Detailed assessment of potential vulnerability to flood risk has therefore also been scoped out.
- 4.6.84 A series of design measures have been developed as built in mitigation which include maintaining a 30m buffer from watercourses and minimising the number of watercourse crossings. Where crossings are required, points have been aligned to be perpendicular to minimise disruption to bank sides.
- 4.6.85 Access track design will be progressed in line with best practice measures and detailed within CEMP which will be prepared by the Contractor to ensure that access track construction will not significantly alter habitat drainage regimes. Drainage measures incorporated into track design would ensure continued hydrological connectivity of habitats and prevent increases in surface water runoff rates from surfaces.
- 4.6.86 The CEMP will also detail other construction methods and environmental protection measures applying best practice guidance as set out by SEPA and applicable PPGs.
- 4.6.87 A series of potential impacts of development are identified which include:
- > Chemical pollution
  - > Sedimentation and Erosion
  - > Alteration to Surface Water Flows and Runoff
  - > Impact on GWDTE
  - > Impact on Peat and Carbon Rich Soils
  - > Watercourse Crossings
  - > Water Resources
- 4.6.88 An assessment of potential effects during construction and operation on each of the above features and resources is undertaken within the EIA assessment and Reported at Chapter 10. In line with the majority of projects of this nature, without the application of mitigation the assessment identified that significant effects could occur to sensitive receptors such as surface water quality, aquatic habitats and peatland soil.

- 4.6.89 Mitigation measures are therefore considered and assessed, and residual effects identified. No significant residual effects to hydrology, hydrogeology, geology and soils as result of construction and operations have been identified. As a result no further mitigation beyond the good practice measures to be detailed through the CEMP is required.
- 4.6.90 SG LDP ENV7 provides policy protecting water quality and quantity alongside ecological status. The assessment demonstrates that subject to proposed mitigation and best practice, no significant detrimental impacts are predicted such that the Proposed Development can not be supported.
- 4.6.91 SG LDP ENV11 provides a presumption regarding protection of soil and peat resources with development only supported where appropriate measures are taken to maintain soil resources and functions relevant and proportionate to the scale of development. Development which has a potential significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it can be demonstrated the effects are outweighed by social, environmental or economic benefits to the community as a whole, and a soil or peatland management plan is submitted. Evidence of best practice must be shown in movement, storage, management and reinstatement.
- 4.6.92 The appropriate treatment and carbon rich soils is fully addressed and subject to the appropriate mitigation to significant adverse effects is identified. An outline Peat Management Plan (PMP) is provided within Annex 10.2 of the EIA Report and as such the Proposed Development is wholly consistent with LDP policy.

### ***Forestry***

- 4.6.93 An assessment on the likely impacts of the Proposed Development on forestry is reported in Chapter 11 of the EIA Report. The assessment addresses the operational corridor for the OHL only recognising the impact over the broader forest management as a whole from the Proposed Development but does not address the overall Long Term Forest Plans (LTFPs). Felling undertaken outwith the operational corridor would be solely under the control of the landowner.
- 4.6.94 LDP3, supported by SG LDP ENV 6 provides a presumption in favour of protecting trees, groups of trees and areas of woodland. Development with an adverse impact on trees will be resisted and where it is deemed acceptable and necessary, policy requires that adequate provision is made for preservation, and compensatory planting and associated management agreements.
- 4.6.95 The introduction of the Proposed Development into woodland would give rise to a combination of short term and long term effects during both construction and operation.
- 4.6.96 The direct gross loss of woodland equates to 61.43 ha. Of this 51.07ha is conifer plantation woodland, 10ha is categorised as broadleaved, semi-natural woodland, with 0.36ha being broadleaved plantation woodland.
- 4.6.97 Once operational there are no direct effects on forests or woodland. In addition, there is potential for a medium to long term beneficial effect through the opportunity to manage lower growing vegetation to provide biodiversity enhancement.
- 4.6.98 The routeing process was established to avoid woodland where possible whilst taking account of other environment, technical and cost constraints. The loss of predominantly low sensitivity coniferous woodland equates to approximately 0.03% of the regional resource. Likewise, the impact on more sensitive ancient semi-natural woodland also equates to 0.03% loss regionally.
- 4.6.99 The effects of woodland removal in forestry terms have been assessed as not significant on the basis of the relatively low magnitude of change regionally, and the low to medium sensitivity of the types of woodland present in the study area. The effect on ancient semi-

natural woodland of mixed native broadleaves has been assessed as significant based on the impact of a noticeable change over a limited area.

- 4.6.100 No mitigation is deemed to be required in this regard; however, the applicant is committed to seeking to reduce the ecological (biodiversity) effects that would arise through the loss of ancient semi-natural woodland through the sensitive management of the operational corridor.
- 4.6.101 The assessment identifies the potential for significant effects (pre-mitigation) on forest management due to the requirements for forest managers to amend current objectives, plans and techniques for their forest, in particular to incorporate the felling requirements for the operational corridor into their long term felling and landscape design plans. Proposed mitigation in the form of a commitment to development 'OHL Woodland Reports' are provided in the EIA Report, for each land ownership. The mitigation is deemed sufficient to reduce the residual effect to not significant.
- 4.6.102 No significant effects on forest access were identified.
- 4.6.103 Additional good practise measures are identified for implementation on land outwith the operational corridor e.g. additional felling to deliver a more natural landscaped and wind firm edge. These actions can only be undertaken with agreement of the landowner. It is the intention of the applicant to encourage the landowners to follow this good practice in terms of redesign of their current Long Term Forest Plans with an aim to follow UK Forestry Standard for the implementation of the works required.
- 4.6.104 The development of compensatory planting scheme agreements will be progressed with landowners within the regional land boundary in order to mitigate the woodland removal and to meet the Scottish Government's CoWRP objective of no net loss of woodland. It is proposed that the area quantity (ha) of woodland removed for the Proposed Development will be replanted.
- 4.6.105 This approach is consistent with the provisions of adopting and emerging LDP Policy.

#### ***Noise and Vibration***

- 4.6.106 Chapter 12 provides an assessment of potential noise effects arising from the Proposed Development at the closest noise receptors to the site.
- 4.6.107 The impact of construction noise at receptors is below noise limits and not significant. No additional mitigation is required; however construction noise would be managed via the CEMP to be prepared by the Contractor prior to works starting and would set out best practise measures to be implemented.
- 4.6.108 The impact of operational noise assessments predict noise is below impact thresholds. No additional mitigation is required.
- 4.6.109 There are no cumulative noise effects of significance.
- 4.6.110 The proposals will not therefore give rise to negative impacts on amenity or recreation and are thus consistent with LDP policy.

#### ***Traffic and Transport***

- 4.6.111 Chapter 13 of the EA Report addresses traffic and transportation and provides a full assessment of the potential environmental effects of the construction period for the Proposed Development. The assessments concluded that the impact to the road links within the Study Area are not significant. Furthermore, cumulative impacts with neighbouring developments are also considered as not significant.
- 4.6.112 Access to the Proposed Development would be provided from various points along the A819 and A85 (T). The construction programme indicates that 82 two-way HGV trips and 150 two-way car trips per day during peak traffic generating months of the construction phase will

arise. The impact on the surrounding road network is considered acceptable and no direct mitigation is required. However, the Applicant will implement a Construction Traffic Management Plan (CTMP) as 'good practice' to ensure that the public road network is not negatively impacted as far as practicable. Agreed routes and traffic management practices will be agreed therein.

- 4.6.113 Any off-site highway improvements will be identified and consented separately in consultation with ABC.
- 4.6.114 The assessment and design of routeing and construction operation is consistent with the provisions of LDP SG TRAN 4 such that adequate consideration and assessment of potential effects on road safety and impact on public road network has been assessed. The CTMP will help to further control and manage and effects and can be adapted as construction progresses to ensure continued protection of the road network is achieved including public road improvements if required.

#### **Cumulative Effects**

- 4.6.115 The consideration of the cumulative effects of the Proposed Development has been assessed through the EIA Report on a chapter by chapter basis. This is consistent with the requirements of Policy LDP 3, STRAT 1 and DM1 which require this wider consideration of the effects of development on the environment and amenity of the community in order to assess the sustainability of the proposals and the long term effects. Chapter 14 of the EIA Report provides a focused consideration of Cumulative effects.

### **4.7 Argyll & Bute Renewable Energy Action Plan**

- 4.7.1 In addition to the statutory LDP and associated SG, the Council has published the Argyll and Bute Renewable Energy Action Plan (2017) to assist them in realising its vision for the development of the renewable energy sector in their area. The Council recognises the important role they have to play in responding to the Climate Emergency due to the areas unique mix of indigenous renewable resources. The Council aims to maximise the opportunities for sustainable economic growth in this regard to benefit their communities and Scotland as a whole.
- 4.7.2 Consideration of grid is central to this Action Plan and this is noted within SG 2 Renewable Energy.

### **4.8 Development Plan Conclusion**

- 4.8.1 The strategic importance of the proposed development is essential to delivering the transmission of electricity from renewable generation and is therefore considered to be wholly consistent with the LDP position as set within STRAT 1. Furthermore, policy DM1 recognises that 'Renewable Energy Related Development' can also be considered an appropriate use in sensitive countryside locations. The Proposed Development would facilitate the transmission of energy from a renewable source and is therefore directly related to renewable energy development.
- 4.8.2 Policy LDP DM1 recognises that proposals which "*directly support the provision of essential infrastructure*" will accord with policy.
- 4.8.3 The environmental impact of the development has been fully assessed against the provisions of lead environmental policy ENV3 and associated SG policy and no significant effects are identified that cannot be satisfactorily mitigated to appropriate levels, with the exception of the permanent loss of a maximum of 10ha of Ancient Woodland. The proposals will introduce new essential transmission infrastructure to this part of the countryside. The infrastructure will however link into existing OHL infrastructure and as such it does not amount to a new or unusual element in wider landscape and visual terms.

- 4.8.4 Mitigation through design has fully considered environmental factors and has resulted in the proposed alignment which avoids designations and areas of sensitivity and delivers essential infrastructure with minimal negative impact to the environment or communities in which it is located.
- 4.8.5 The Proposed Development would not conflict with the wider aims of the Development Plan, in so far as it is a material consideration that provides local context for the assessment of environmental impacts arising from the proposed development that is subject of the Section 37 application.

## 5. Conclusions

### 5.1 Conclusions

#### The Electricity Act 1989

- 5.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Applicant and Scottish Ministers to have regard to various matters when considering development proposals for consent under section 37 of the 1989 Act.
- 5.1.2 The information that is contained within the individual topic sections of the EIA documentation enables the consenting authority to satisfy itself that the applicant has discharged their obligations under Schedule 9. It is also considered that the detailed work undertaken in the formulation of the EIA provides confidence that the proposed development would be undertaken in an environmentally acceptable manner.

#### National Energy Policy

- 5.1.3 The application for Section 37 consent for a new 13.3km OHL to enable the transmission of increased renewable energy generation capacity via the Applicant's existing Argyll network onto SPEN's OHL in order that it can be transmitted into the wider GB network would contribute to delivering the Government's net zero agenda. The key determining factors relate to the potential environmental effects of delivering the OHL and this planning appraisal has considered these effects in the context of national and local planning policy and in relation to Government energy policy.
- 5.1.4 **The proposed development is required to strengthen the existing main transmission system and facilitate connection of new low carbon generation capacity into the wider transmission system. This will support obligations to deliver an economic, efficient and coordinated transmission system for Net Zero.**

#### National Planning Policy

- 5.1.5 The Proposed Development falls under the description of 'national development' as defined in NPF3, Part 4, Section 2a of Annex A "*Development consisting of: a, new and/or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts, and supporting pylons*".
- 5.1.6 The NPF4 Position Statement (2020) has been heralded as a rebalancing of the planning system, so as to recognise the climate and nature crises. Draft NPF4 gives a strong indication that the delivery of this rebalanced approach will mean that all decision makers will have to recalibrate their decision-making considerations "*so that climate change is a guiding principle for all plans and decisions*". The draft NPF4 currently indicates that the national development status of transmission infrastructure will be maintained. While the NPF4 is of limited weight in the decision making process at this time, its weight as a material consideration in decision making may become greater as the application progresses in tandem with its passage towards approval. Once approved, it will become a component of the development plan. Although the consultative draft currently carries little weight it does provide an indication that renewable electricity generation and the associated repowering, and expansion of the electricity grid will continue to be a strategic priority at a national level.
- 5.1.7 The development is a strategically important national Transmission project essential to transmit the energy production of renewable energy generators in the Argyll & Bute area and to reinforce existing critical transmission infrastructure to serve the immediate and wider area – this is consistent with Policies STRAT 1, LDP DM1. The reinforcement and extension of infrastructure to facilitate this, as well as ensuring security of existing supply is an important material consideration.

- 5.1.8 Furthermore, in terms of planning policy provisions set out in NPF3 and SPP, there is now a clear shift from what was then (in 2014) termed the move to a 'low carbon economy' – there is now an ambitious policy imperative underpinned by statute to move to a 'net zero economy and society'. The proposed development can help achieve that clear policy objective and help to fulfil the clear statutory outcomes set in the draft NPF4. It must follow from the above that the need case is to be accorded great weight in the planning balance. The policy imperative must be acted on. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance.
- 5.1.9 It is the cumulative effect of a large number of individual electricity infrastructure projects which will move Scotland towards where it needs to be in the context of attaining net zero. The benefits that would result would make a valuable contribution to the Government's clear aspiration for an accelerated and greater deployment of renewable energy and increased security of supply.
- 5.1.10 The delivery of the proposed infrastructure will substantially assist in facilitating existing and future transmission of energy across the country to assist in the delivery of the net zero policy imperative.

#### **The Development Plan**

- 5.1.11 The development is a strategically important national transmission site essential to capture the energy production of renewable energy generators in the Argyll & Bute area and to reinforce existing critical transmission infrastructure to serve the immediate and wider area and this is consistent with Policies STRAT 1 and LDP DM1. The reinforcement and extension of existing established infrastructure to facilitate the transmission of generated energy, as well as ensuring security of existing supply is an important material consideration.
- 5.1.12 **The Proposed Development has been demonstrated to be in accordance with key policies, and with the Development Plan when read as a whole, along with associated local guidance insofar as these are material considerations for a consent application under S37 of the Electricity Act.**

#### **Overall Conclusion**

- 5.1.13 The overall conclusion is that when all the relevant considerations have been properly taken into account, the balance strongly favours the granting of consent. On this basis, it is recommended that Section 37 consent and deemed planning permission should be granted, for the Proposed Development, subject to appropriate conditions.

# Contact

---

**David Bell Planning Ltd**  
26 Alva Street  
Edinburgh  
EH2 4PY

**[dbplanning.co.uk](http://dbplanning.co.uk)**

© David Bell Planning Ltd Copyright 2021

