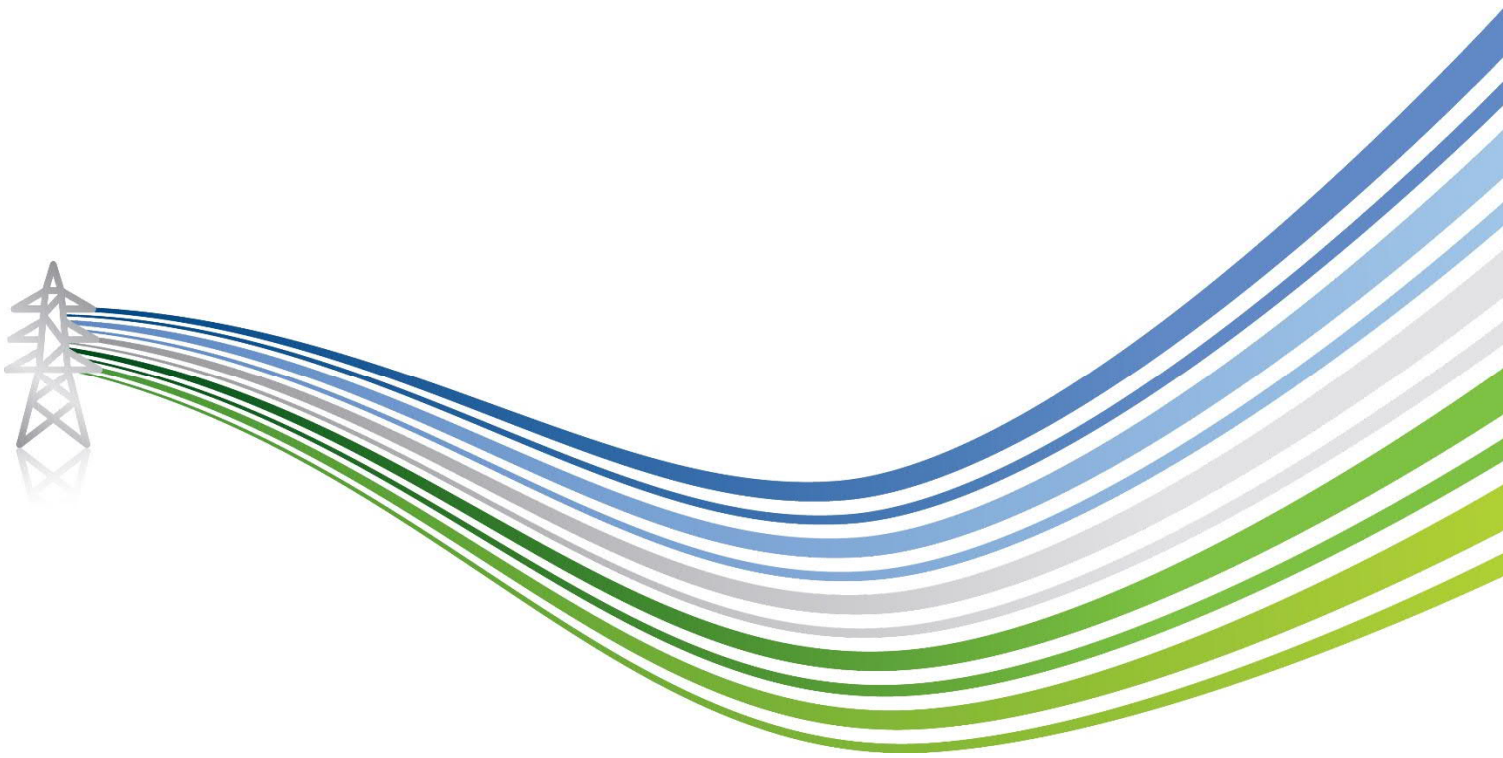
Scottish & Southern Electricity Networks

TRANSMISSION

# Dunoon to Loch Long 132 kV OHL Rebuild

## Planning Statement

## January 2023



Scottish & Southern Electricity Networks
TRANSMISSION

# Contents

# 1. INTRODUCTION

## 1.1 Introduction & Background

1.1.1 'Scottish Hydro Electric Transmission plc', ("the Applicant") operating and known as Scottish and Southern Electricity Networks Transmission ("SSEN Transmission") owns, operates and develops the high voltage electricity transmission system in the north of Scotland and remote islands. The Applicant holds a licence under the Electricity Act 1989[1] ("the 1989 Act") to *'develop and maintain an efficient, co-ordinated and economical electricity transmission system in its licensed area'*.

1.1.2 The Applicant is seeking consent under section 37 (s37) of the 1989 Act, 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 18 km double circuit 132kV overhead line (OHL) supported by steel lattice towers between the existing Dunoon substation and Tower 15, to the west of the Loch Long crossing (hereafter referred to as the Proposed Development). The Proposed Development is being promoted as the existing line between the two points described has reached the end of its asset life and will be removed on completion of the Proposed Development.

1.1.3 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 road access points, construction of new permanent and temporary access tracks and upgrading of existing tracks, tower working areas, including cable winching areas, scaffolding erection and other ancillary works related to these core requirements. The Proposed Development would not have a fixed operational life, and as such the consent is sought on a permanent basis.

1.1.4 The following works are also required to complete the full refurbishment of the OHL from Dunoon substation to Whistlefield, however they are being consented under different regimes and therefore do not form part of the Proposed Development:

- any upgrades required to the special crossing structures or their foundations (Tower 12 – Tower 15);
- reconductoring and refurbishment of the existing Loch Long crossing, replacing the wires which carry the current and replacing the associated fittings and fixtures, but reusing the four existing special structures which support the Loch Long crossing span. This reconductoring is subject to separate consent under the Marine (Scotland) Act 20102; and
- removal of the existing OHL conductors and removal of existing towers.

1.1.5 The application is supported by an Environmental Impact Assessment (EIA) Report (EIA Report), which is required under The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017[3]. EIA Report **Figures 1.1 and 3.1** are reproduced within this Planning Statement to provide further information on the Site Location and Proposed Development layout.

1.1.6 Dunoon is currently connected to the wider electricity grid network by a double circuit 132 kV overhead line (OHL), supported on steel lattice towers between the existing Whistlefield substation, located north-west of Garelochhead, and the existing Dunoon substation located west of Sandbank, on Holy Loch, a short distance north of Dunoon (**Figure 1.1 Site Location**).

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[1] UK Government (1989). The Electricity Act 1989, c29, Section 37
[2] Scottish Government (2010). The Marine (Scotland) Act 2010
[3] Scottish Government (2017). The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Available at: https://www.legislation.gov.uk/ssi/2017/101/contents/made

1.1.7 The existing OHL crosses Loch Long by a 1.4 km span, with four special structures, two either side, forming the crossing. As the existing OHL crosses Loch Long it passes between Transmission Network Operator areas. The transmission line to the west of the Loch Long crossing connecting to Dunoon substation is within SSEN Transmission's licenced area, whilst the OHL on the east of the Loch Long crossing is maintained and operated by Scottish Power Energy Networks (SPEN).

1.1.8 The existing OHL west of the Loch Long crossing is supported by an old design suite of metal lattice towers which are coming towards the end of their operational life. The OHL route crosses some very steep and exposed terrain and has a very high fault rate associated with it during high winds due to the design of tower used in the original build. The Applicant has established a requirement to replace the existing OHL between the existing Dunoon substation and Whistlefield substation to ensure security of supply.

1.1.9 This Planning Statement is submitted by the Applicant in support of their s37 application to the Scottish Ministers. This application is made with a request to the Ministers that that any approval is issued with a direction which confirms that the Proposed Development also benefits from deemed planning permission under section 57(2) of The Town and Country Planning (Scotland) Act 1997[4] (as amended) (the 'Planning Act').

1.1.10 It outlines the case for approval in land use planning policy terms at the local (Argyll and Bute and Loch Lomond and Trossachs National Park) level and at the national policy level with particular emphasis on the national policy position 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 Scope of Planning Assessment

1.2.1 The application is made to the Scottish Ministers under section 37 of the 1989 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 Authority is a statutory consultee on applications of this nature.

1.2.2 Applications made under s37 of the 1989 Act need to have regard to the provisions of Schedule 9 of the Electricity Act 1989 which relates to the preservation of amenity and fisheries. This provides a specific statutory requirement on the Applicant, as licence holder, and Scottish Ministers to have regard to specific matters when considering development proposals for consent under s37 of the Electricity Act 1989.

1.2.3 Schedule 9 of the Electricity Act 1989 requires that a licence holder and the Ministers shall:

Sub-paragraph 3(1)(a):

"... *have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest*"

Sub-paragraph 3(1)(b):

"... *do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or any such flora, fauna, features, sites, buildings or objects*."

Sub-paragraph 3(2)(a):

[4] Scottish Government (1997). The Town and Country Planning (Scotland) Act 1997. Available at: https://www.legislation.gov.uk/ukpga/1997/8/section/57

"*... Shall 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 that sub-paragraph.*"

Sub-paragraph 3(3):

"*... avoid, so far as reasonably possible, causing injuries to fisheries or to the stock of fish in any waters*."

1.2.4 The accompanying EIA Report assesses and concludes what regard has been given to these statutory matters.

1.2.5 Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended), provides that, "*On granting or varying a consent under section ... 37 of the Electricity Act 1989, the Scottish Ministers may give a direction for planning permission to be deemed to be granted*". This can relate to either the operation or change of use to which the consent relates as constitutes development, or any development ancillary to the operation or change of use to which the consent relates.

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 set out the provisions for environmental impact assessment (EIA) in the planning process in Scotland. Key provisions include:

- Requirement for EIA: Development proposals that are likely to have significant effects on the environment must undergo EIA.
- Screening process: A screening process must be carried out to determine if an EIA is required.
- Content of EIA: The EIA must include an assessment of the likely significant effects on the environment of the development proposal.
- Consultation: The EIA must involve consultation with relevant authorities and the public.
- Decision-making: The planning authority must take into account the EIA when making a decision on the development proposal.
- Monitoring and follow-up: Monitoring and follow-up measures must be put in place to ensure that the effects of the development on the environment are monitored and addressed.

1.2.6 The Scottish Ministers will determine the application having regard to the statutory duties in Schedule 9 of the 1989 Act and to material considerations. The statutory Development Plan is a material consideration in the determination of applications under s37 of the Act, alongside national planning and energy policy and any other relevant material considerations. The policies and compliance with the Development Plans are therefore also considered in **Section 2.4**.

1.2.7 This Planning Statement assesses the planning considerations of the Proposed Development and provides analysis in the context of the requirements of relevant planning policy and guidance, at national through to local levels (as defined in **Sections 2.3 and 2.4** respectively). At the outset, this analysis will provide a factual account of the relevant policies, guidance, and other material policy considerations. The statement will then provide an overarching 'balancing' analysis of the proposals in the context of site specific and general development policies in **Section 3.4**. The statement aims to inform the reader about the planning implications and assessment for the Proposed Development and to assist the determining authority in their decision-making process. While this document (and its associated figures) are intended to be read as a standalone assessment, reference should also be made to the EIA Report.

## 1.3 Site Location and Description

1.3.1 Dunoon is currently connected to the wider electricity grid network by a twin-circuit 132 kV double circuit OHL, supported on steel lattice towers between the existing Whistlefield Substation, located north-west of Garelochhead, and the Dunoon Substation located west of Sandbank, on Holy Loch, approximately 2.5 km north of Dunoon.

1.3.2 The Proposed Development spans two Local Planning Authority (LPA) areas:

- Loch Lomond and The Trossachs National Park Authority (LLTNPA) for the majority of the proposed OHL alignment from Tower 1 to Tower 55 (Invereck) (the National Park boundary is edged yellow on **Figure 1.1**); and
- Argyll and Bute Council (A&BC) from Tower 56 (Invereck) to Tower 77 (Sandbank).

1.3.3 The proposed OHL alignment broadly follows the alignment of the existing OHL to the northwest of Dunoon Substation, before turning towards the northeast at Rashfield. The proposed OHL alignment passes to the west of Stronvochlan, where it takes a different routing lower along the hillside, meeting Tower 15 at the start of the Loch Long crossing. **Figures 1.1 and 3.1** provide further information on the Existing Site Location and Proposed Site Layout.

## 1.4 Need for Development

1.4.1 SSEN Transmission has a licence obligation to invest in its existing assets to maintain network health and condition; thus improving operational flexibility and resilience in line with SSEN Transmission's goal to aim for 100% transmission network reliability for homes and businesses. SSEN Transmission also has a statutory duty under the Electricity Safety Quality and Continuity Regulations 2002 to ensure that the electricity transmission network is fit for purpose.

1.4.2 This strategic grid reinforcement is deemed to be essential for maintaining long-term security of electricity supply supporting sustainable economic development.

1.4.3 As a result of the need for existing asset replacement on the grounds of asset condition, the Applicant is progressing this project to maintain the necessary transmission capacity in accordance with the National Electricity Transmission System Security and Quality of Supply Standards (NETS SQSS).

1.4.4 The need for a high voltage electricity transmission network is also included within the Revised Draft National Planning Framework 4 (NPF4)[5] as "*New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more*". The NPF4 confirms that the Proposed Development is required to support the delivery of an enhanced high voltage electricity transmission grid which is identified as vital in meeting national targets for electricity generation, statutory climate change targets and the security of energy supply.

1.4.5 This reinforcement has also been recommended to '*Proceed*' by the Electricity System Operator (ESO) through the Network Options Assessment (NOA) in 2017/18[6], 2018/19[7] and 2019/20[8].

1.4.6 The Proposed Development is technically and economically justified to meet the current and future requirements of the Applicant and the wider UK transmission system.

## 1.5 Consideration of Alternatives

1.5.1 The Proposed Development aims to bring forward an optimal proposed OHL alignment which balances the need for the required infrastructure against potential environmental harm. EIA Report **Chapter 2** provides a detailed overview of the proposed alignment process and the reasoning behind the proposed OHL alignment. The proposed OHL alignment has looked to avoid national designated sites, to utilise existing topography, landform and existing vegetation to maximise screening and minimise visual

[5] Scottish Government (2022). National Planning Framework 4: Revised Draft (2022). Available at: https://www.gov.scot/publications/national-planning-framework-4-revised-draft/
[6] National Grid (2018). Network Options Assessment 2017/2018. Available at: https://www.nationalgrideso.com/document/106481/download
[7] National Grid (2019). Network Options Assessment 2018/2019. Available at: https://www.nationalgrideso.com/document/137321/download
[8] National Grid (2020). Network Options Assessment 2019/2020. Available at: https://www.nationalgrideso.com/document/162356/download

impact. The Proposed Development is a replacement OHL and therefore it should be considered that effects are assessed against a baseline of the existing OHL.

1.5.2 To manage continuation of supply to Dunoon during the rebuild construction phase, a rebuild of the OHL offline is required. Where replacement of single structures or limited sections of rebuild on or near the existing OHL alignment are required, temporary diversions are proposed to be installed.

1.5.3 Early on in the design process SSEN Transmission considered application of the OHL Exemption Regulations[9] allowing rebuild of the line, offset from the existing, subject to a series of limiting conditions including:

- 'where the electric line is installed in a different position from the existing line the distance between any other support and the existing line must not exceed 100 metres'; and
- 'the height above the surface of the ground of any support for the electric line must not exceed the height of the highest existing support or support which is being replaced by more than 20 per cent'.
- However, by virtue of a significant part of the OHL requiring rebuild being within a protected area, as defined as a National Park, a further limitation to the OHL Exemption Regulations is for there to "*not likely to be a significant adverse effect on the environment as a result of the installation, or keeping installed, of the electric line or additional pole or structure, as the case may be".*

1.5.4 It was considered that the constrained rebuild of the OHL at a suitably safe offset from the existing OHL would not likely be the optimal alignment for the replacement OHL, noting the best alignment may have already been utilised in the original build, avoiding constraints along the alignment. As such, in light of the above and given that a significant part of the rebuild the OHL passes through a National Park; it was considered that the proposals should be subject to a detailed alignment and consenting process, allowing for full stakeholder engagement during the process.

1.5.5 Taking account of these obligations, the Applicant has considered technical, economic and environmental factors in evaluating the alternatives for the Proposed Development, with the aim of identifying a solution that meets the objectives of the Proposed Development which is 'technically feasible and economically viable' and 'which causes the least disturbance to the environment and to the people who live, work, visit and recreate within it'.

1.5.6 Throughout the alignment stage consultation period and beyond, SSEN Transmission engaged with stakeholders and the community though meetings on site and virtually. These discussions were both paramount and invaluable to the decision-making process. Following this engagement, SSEN Transmission refined the Preferred Alignment to reflect these discussions as illustrated in **Figure 2.4 Alignment Refinement**.

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

## 1.6 Proposed Development

### Development for which s37 is sought

1.6.1 The Proposed Development for which Section 37 Consent and deemed planning permission is sought comprises of:

[9] Scottish Government (2013). The Overhead Lines (Exemption) (Scotland) Regulations 2013. Available at: https://www.legislation.gov.uk/ssi/2013/264/contents/made

- the erection and operation of a replacement twin circuit 132 kV OHL, supported by steel lattice towers, between the existing Dunoon Substation and existing Tower 15, to the west of the Loch Long crossing; and
- the erection and operation of temporary single circuit wood pole 132 kV OHL diversions, to facilitate safe erection of the replacement OHL, close to, or on the existing OHL alignment.

1.6.2 The proposed alignment of the replacement OHL is hereafter referred to as the 'proposed OHL alignment' and is illustrated in **Figure 3.1**; it is approximately 18 km in length and will be supported by steel lattice towers as is the existing OHL, however the Proposed Development will be of more modern design.

1.6.3 The proposed OHL alignment and position of the towers has been determined following the Applicant's OHL Routeing Guidance[10] and through consultation with effected stakeholders. To strike a balance between providing certainty between the location of the proposed OHL alignment and any environmental impacts, and the need for some flexibility over individual tower locations and accesses, Limits of Deviation (LoD) have been defined within which the proposed OHL alignment will be constructed.

1.6.4 The Site as referred to in this document is defined as the proposed OHL alignment option with the addition of the LoD. The LoD is the maximum distance a proposed structure can be microsited within. No towers will be located outside the LoD described

1.6.5 Consideration is given to the following principles in defining the LoD for the Proposed Development:

- presumption towards the proposed OHL alignment whilst providing flexibility for micro-siting during the detailed design phase;
- presumption towards avoiding sensitive environmental features and minimising impacts on land use; and
- presumption towards avoiding residential properties.

1.6.6 The LoD on the proposed OHL alignment is 50 m, allowing for each proposed tower to be microsited up to 50 m from its proposed location, including up to 50 m either side of the proposed alignment.

1.6.7 It is possible that further engineering analysis at the detailed design stage might alter the required heights of towers necessary to maintain statutory ground clearance, therefore a vertical LoD parameter is included to allow a height adjustment of up to +/- 20% of the proposed tower heights.

1.6.8 For proposed access tracks, the LoD is 50 m either side from that indicated to allow for changes required associated with detail design or avoidance of sensitive constraints etc.

### Ancillary development for which Deemed Planning Permission is sought

1.6.9 The following works would be required as part of the Proposed Development, or to facilitate its construction and operation:

- the formation of access tracks (permanent, temporary, and upgrades to existing tracks) and the installation of bridges and culverts to facilitate access;
- the upgrade of existing, or creation of new, bellmouths at public road access points;
- working areas around infrastructure to facilitate construction;
- formation of flat areas from which the conductor will be pulled during construction, which will contain earthed metal working surfaces referred to as Equipotential Zones (EPZs);

[10] Scottish & Southern Electricity Networks (2020). PR-NET-ENV-501: Procedures for Routeing Overhead Lines and Underground Cables of 132 kV and above

- formation of temporary works compounds and work areas from which the helicopter operations can be safely operated;
- tree felling and vegetation clearance to facilitate construction and operation of the Proposed Development, to comply with the Electricity Safety, Quality and Continuity Regulations (ESQCR) 2002[11];
- measures to protect road and water crossings during construction (scaffolding etc.); and
- works at the existing 132/ 33kV Dunoon Substation to facilitate connection of the proposed replacement OHL.

## Associated Works

1.6.10 Other associated works are required to facilitate construction of the Proposed Development. These works, listed below, do not form part of the description of the Proposed Development and are therefore not included in the application for statutory consents. On that basis they are therefore not assessed in detail in this Planning Statement. However, further detail on some of these elements is provided where available, as noted within the relevant chapters. The associated works are:

- removal of redundant towers and OHL of existing transmission line (note that a cumulative assessment is included within the EIA report for these works);
- reconductoring and refurbishment of the existing Loch Long crossing between existing Tower 12 and Tower 15 (note that a cumulative assessment is included within the EIA report for these works);
- modification of the existing 11 kV and 33 kV distribution network in some areas to accommodate the proposed OHL. These works are likely to comprise short sections of undergrounding within the vicinity of the Proposed Development, and would be undertaken by Scottish Hydro Electric Power Distribution (SHEPD). Consent would be sought by SHEPD as required;
- borrow pits and quarries may be required to source stone for the construction of access tracks. Indicative locations and a preliminary appraisal of the potential environmental impacts associated with these works has been included within the assessment chapters where applicable. Separate planning applications for these works would be sought by the Principal Contractor;
- temporary construction compounds would be required along the proposed OHL alignment to facilitate its construction. The final location and design of temporary site compounds would be confirmed by the Principal Contractor and separate planning permissions would be sought as required; and
- public road improvements would be required in some areas to facilitate construction traffic. These are largely expected to be undertaken under permitted development rights held by Argyll and Bute Council. All public road improvement works will be approved by Argyll and Bute Council and individual traffic management plans agreed before works commence.

[11] UK Government (2002). The Electricity Safety, Quality and Continuity Regulations 2002

# 2. PLANNING & POLICY REVIEW

## 2.1 Introduction

2.1.1 This section considers relevant national planning and energy policy, guidance, and advice and provides an assessment of the Proposed Development against a series of energy policy documents which are material to determination of the section 37 application.

2.1.2 Local planning and energy policies as identified in the Argyll and Bute Local Development Plan[12] and Proposed Local Development Plan 2[13], and the Loch Lomond and the Trossachs Local Development Plan[14], are also considered in **Section 2.4** below. These do not form the primary policies for this s37 application but are material considerations in the determination of the proposal.

## 2.2 National Energy Policy

2.2.1 Government renewable energy policy makes clear that there is an urgent need for new and upgraded electricity transmission infrastructure to enable an increase of renewable energy generation. This aim is supported through a number national planning and energy policy documents. As statements of national policy these are important material considerations to the determination of the current application.

### The UK Energy White Paper

2.2.2 The UK Government Energy White Paper 'Powering our Net Zero Future'[15] sets out that: "*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050*". It adds a key objective is to "*accelerate the deployment of clean electricity generation through the 2020s*". 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*".

2.2.3 The White Paper and its policies set out that the scale of change required to tackle to climate change is at a crucial point. The Paper therefore anticipated that there is a need for a fundamental, global response to tackling climate change issues. Chapter 1 of the White Paper outlines the likely change in the nature and volume of electricity generation.

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

2.2.4 The Climate Change (Scotland) Act 2009[16] set ambitious and, at the time, world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050 – which is reflected in the current SPP. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019[17] subsequentially amends the 2009 Act and sets targets that are even more ambitious and challenging. These targets reflect the recommendations of the Committee on Climate Change (CCC) for a net zero greenhouse gas emissions target by 2045, with interim targets for a 75% reduction by 2030 and 90% by 2040.

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[12] Argyll & Bute Council (2015). Argyll & Bute Local Development Plan. Available at: https://www.argyll-bute.gov.uk/ldp
[13] Argyll & Bute Council (2019). Argyll & Bute Proposed Local Development Plan 2. Available at: https://www.argyll-bute.gov.uk/ldp2
[14] Loch Lomond & The Trossachs National Park Authority (2017). Loch Lomond & The Trossachs Local Development Plan. Available at: https://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/
[15] UK Government (2020). Energy White Paper: Powering our net zero future. Available at: https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future
[16] Scottish Government (2009). Climate Change (Scotland) Act 2009. Available at: https://www.legislation.gov.uk/asp/2009/12/contents
[17] Scottish Government (2020). The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Commencement) Regulations 2020. Available at: https://www.legislation.gov.uk/ssi/2020/66/contents/made

2.2.5 From these changes in targets, there are two primary observations that arise. Firstly, the 2019 Act has significantly increased the target required to be met by 2030; the Scottish Parliament increased the requirement from a 70 to 75% reduction by 2030. This target recognises the urgent response and action that is required is a direct response to the declarations of the climate change emergency.

2.2.6 Secondly, the legislation also introduced annual targets which clearly illustrate the speed of change that is required, particularly prior to 2030. The targets show that, up to 2020, the annual percentage reduction required was 1%, which then increases by 1.9% for each year between 2020 and 2030. This represents a near doubling of the response.

### The Update to the Climate Change Plan (2018-2032)

2.2.7 Scottish Government's Climate Change Plan (CCP) 'Securing a Green Recovery on a Path to Net Zero (2018 – 2032) - update'[18] was published on 16 December 2020. The CPP was updated to address the revised net zero targets, which are ultimately set to end Scotland's contribution to climate change by 2045. The timeframe covered by the CPP is in parallel to the deadline for Government's commitment to reduce greenhouse gas emissions by 75% by 2030 (compared with 1990 levels).

2.2.8 A key part of the CPP is the green recovery, which states:

"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".

2.2.9 The CCP update sets the context in terms of electricity systems, stating that *"… 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…*".

2.2.10 Electricity is further addressed in Chapter 1 Paragraph 3.1.4, which recognises that, as Scotland's places and economy transition to net zero, the growing and increasingly decarbonised electricity sector "*is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry*".

2.2.11 Section 2.5 recognises the coordinated approach that is needed and 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*".

### The Global Climate Emergency - Scotland's Response (2019)

2.2.12 Climate Change Secretary Roseanna Cunningham made a statement to the Scottish Parliament on the 14th of May 2019 entitled 'The Global Climate Emergency - Scotland's Response'[19]. In the statement, the Scottish Government declares a climate change emergency, and sets out that "*the next National Planning Framework and review of the Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals*".

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[18] Scottish Government (2020). Securing a green recovery on a path to net zero: climate change plan 2018–2032 - update. Available at: https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/pages/2/#:~:text=The%20green%20recovery%20and%20transition,forefront%20of%20growing%20global%20markets.

[19] Scottish Government (2019). The Global Climate Emergency - Scotland's Response: Climate Change Secretary Roseanna Cunningham's statement. Available at: https://www.gov.scot/publications/global-climate-emergency-scotlands-response-climate-change-secretary-roseanna-cunninghams-statement/

### The Scottish Government and Scottish Green Party Shared Policy Programme (2021)

2.2.13 The Scottish Government and Scottish Green Party Shared Policy Programme[20] sets out the agreement between the Scottish Government and the Green Group in the Scottish Parliament. For the Scottish Government, it commits to a process of close cooperation and collaboration.

2.2.14 Both parties state that while electricity has already been largely decarbonised, carbon reduction plans will see a significant increase in electricity demand for heating and transport. The document states that both parties will, "*actively enable … expansion of the grid, recognising the global climate emergency as a material consideration*".

### Programme for Government (2022)

2.2.15 The Programme for Government[21] is published every year by the Scottish Government at the beginning of September and sets out the actions they will take in the coming year and beyond. One of these actions is to, "*Publish an Energy Strategy … providing a roadmap for the energy sector's journey towards achieving our emissions reduction targets and securing a net zero energy system for Scotland*". The Draft Energy Strategy is considered in more detail below.

### Draft Scottish Government Energy Strategy (2023)

2.2.16 Following on from the 2022 Programme for Government, the Scottish Government published the Draft Energy Strategy and Just Transition Plan[22] on 10th January 2023. Chapter 3 'Energy Supply' states that the Scottish Government, "*will place climate and nature at the centre of our planning system in line with the Revised National Planning Framework 4, making clear our support for all forms of renewable, low-carbon and zero emission technologies, including transmission and distribution infrastructure*".

2.2.17 Section 3.2 'Reducing our reliance on other energy sources', states that in alignment with NPF4 the Scottish Government "encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure".

### Energy Policy Conclusions

2.2.18 Overall, the energy policy and climate change legislation is a significant consideration which must be acknowledged with regard to the need case for replacing failing electricity infrastructure and maintaining the existing transmission network, as set out in the revised draft NPF4, NPF3 and SPP. In order to meet the carbon reduction targets set out in the Climate Change Plan, and support low carbon and zero emission technologies per the Draft Energy Strategy, it is imperative that transmission infrastructure is well-maintained and reliable.

2.2.19 It is considered that the benefits from the Proposed Development, as a key infrastructure project which bolsters the existing electricity transmission network, outweighs the local impacts of the development which will be mitigated where possible throughout the construction and operational phases.

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[20] Scottish Government & Scottish Green Party (2021). Shared Policy Programme. Available at: https://www.gov.scot/publications/scottish-government-scottish-green-party-shared-policy-programme/

[21] Scottish Government (2022). A stronger and more resilient Scotland: the Programme for Government 2022 to 2023. Available at: https://www.gov.scot/publications/stronger-more-resilient-scotland-programme-government-2022-23/

[22] Scottish Government (2023). Draft Energy Strategy and Just Transition Plan. Available at: https://www.gov.scot/publications/draft-energy-strategy-transition-plan/

## 2.3 National Planning Policy

### Revised Draft National Planning Framework 4

2.3.1 In November 2022, the Scottish Government published the Revised Draft of the National Planning Framework 4 (Revised Draft NPF4)[23], which, once adopted, will supersede the National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP).

2.3.2 The Revised Draft NPF4 was approved by Scottish Ministers on 11th January 2023 and the Chief Planner letter dated 16 January 2023 confirms it is expected to be adopted on 13th February 2023; therefore it will be a significant material consideration when determining the s37 application for the Proposed Development. The current National Planning Framework 3 (NPF3) provides a spatial framework and SPP 2014 provides national planning policies. NPF3 and SPP will not be material considerations at the point of determination, because they will be superseded by NPF4. However, this report will consider all relevant national documents, and as such will address the revised Draft NPF4 and NPF3 / SPP (still addressed here because they are still relevant at the time of submission). Given the advanced stage of the revised Draft NPF4, this Planning Statement provides a twin assessment of national policy within the NPF4 and NPF3.

2.3.3 Upon adoption, the NPF4 will become part of the statutory Development Plan. Section 13 of The Planning (Scotland) Act 2019[24] amends Section 24 of the 1997 Act regarding the meaning of the statutory 'development plan', such that for the purposes of the 1997 Act, the Development Plan for an area is taken as consisting of the provisions of:

- The National Planning Framework;
- Any Strategic Development Plan; and
- Any Local Development Plan (LDP).

2.3.4 This change is scheduled to occur during the determination period of this application. In addition, Section 13 of the 2019 Act amends Section 24 of the 1997 Act to provide that:

*"In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail."*

2.3.5 As such, where NPF4 and the LDP differ, the latter of the two documents will have greater weight – i.e. NPF4 – will hold greater weight as this is a s37 application and, furthermore, it will also represent the latest policy position.

2.3.6 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 the Revised Draft NPF4 and NPF3. As established previously, whilst an important baseline and presumption in favour of development, this does not provide automatic presumption to granting consent, and as such it is appropriate to assess the acceptability of proposals against relevant Local Policy, having particular regard to environmental effects. Annex A, page 97 of the revised draft NPF4 states: "*Their designation means that the principle for development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors. … In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies*".

[23] Scottish Government (2022). National Planning Framework 4 (NPF4) Revised Draft. Available at: https://www.gov.scot/publications/national-planning-framework-4-revised-draft/
[24] Scottish Government (2019). Planning (Scotland) Act 2019. Available at: https://www.legislation.gov.uk/asp/2019/13/contents

2.3.7 Part 1 of the Revised Draft NPF4 contains 18 national developments[25] that support the delivery of the Scottish Government's new Spatial Strategy. The proposed national development 3 is for 'Strategic Renewable Electricity Generation and Transmission Infrastructure'. This national development category includes, "*new and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations*".

2.3.8 The Proposed Development is national development as it falls under the above definition.

2.3.9 This specific national development, relevant to the whole of Scotland, is addressed in some detail at page 103 of the Revised Draft NPF4. The draft states that this national development supports expansion of the electricity transmission 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."*

2.3.10 In terms of 'need', Annex B 'Statements of Need' 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*."

2.3.11 One of the key policies relevant to the Proposed Development in the Revised Draft is Policy 11 'Energy'. The policy intent is to, "*encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes … new and replacement transmission and distribution infrastructure*". Provided project design and mitigation demonstrates how development impacts are addressed, it should be considered that the Proposed Development aligns well with Policy 11.

2.3.12 The Revised Draft NPF4 sets out national planning policy in Part 2 of the document. Following review, the policies which have been identified as relevant to the Proposed Development are set out below:

- Policy 1 - Tackling the climate and nature crisis
- Policy 2 - Climate change mitigation and adaptation
- Policy 3 - Biodiversity
- Policy 4 - Natural places
- Policy 5 - Soils
- Policy 6 - Forestry, Woodland and Trees
- Policy 7 - Historic Assets and Places
- Policy 11 - Energy

2.3.13 Policy analysis for revised draft NPF4 policies is provided in **Section 3.2** and **Section 3.4** of this document.

### National Planning Framework 3

2.3.14 NPF3 is the long-term national planning strategy for Scotland and is the spatial expression of the Scottish Government's plans for infrastructure investment. The revised draft NPF4 will soon replace NPF3.

2.3.15 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*

[25] As per the definition given in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009

*on enhancing the high voltage transmission network supports this and will help to facilitate offshore renewable energy developments*".

2.3.16 NPF3 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. The Proposed Development falls under the description of national development as defined in NPF3, Part 4, Section 2a of Annex A:

"*Development consisting of new and/or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts, and supporting pylons".*

2.3.17 NPF3 (Part 4) clearly establishes the need for the enhanced transmission infrastructure and establishes the Proposed Development as national development.

2.3.18 Paragraph 3.28 highlights further that "*The environmental impacts of this type of infrastructure require careful management*".

2.3.19 The Applicant recognises that, 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 in environmental terms.

### Scottish Planning Policy

2.3.20 SPP is the Scottish Government policy document which details how nationally important land use planning matters should be addressed.

2.3.21 To address these land use matters, SPP contains several principal policies, with an overarching policy expressing "*a presumption in favour of development that contributes to sustainable development*". Furthermore, Paragraph 28 recognises the important role "*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*".

2.3.22 Paragraph 29 highlights criteria for policies and decisions to be to be guided by. The following principles are considered relevant to the Proposed Development:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities;
- supporting good design and qualities of successful places;
- supporting delivery of infrastructure;
- supporting climate change mitigation and adaptation;
- due regard to the 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, landscape and the wider environment;
- reducing waste and promotion of resource recovery; and
- avoiding over-development, protecting amenity and effects on water, soil and air.

2.3.23 Paragraph 154 sets out that, to support the transformational change needed to achieve the outcome of making a low carbon Scotland, the planning system must support changes to creating a low carbon economy. It also states that the planning system should guide development to appropriate locations and advise on the issues that should be considered when specific proposals are being assessed. Paragraph 156 states that national priorities include the construction or improvement of strategic energy

infrastructure, including transmission and distribution networks. This addresses cross-boundary issues, promoting an approach to electricity and heat that supports the transition to a low carbon economy.

2.3.24 SPP states the general principle in paragraph 202 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. Developers 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*".

2.3.25 While SPP is the current operative national planning policy, the new NPF4 will, once approved, become the single national planning policy document. As such it will replace NPF3 and SPP and will assume Development Plan status when it comes into force.

2.3.26 The Proposed Development would accord with the policy principles set out at paragraph 29 of SPP and would also contribute towards the delivery of SPP Outcome 1 '*A successful, sustainable place*'. The Proposed Development will preserve and maintain a vital electricity transmission link within Argyll & Bute, through delivering key energy infrastructure which will support climate change mitigation and adaptation by maintaining access to electricity. The Proposed Development has been designed to protect cultural and natural heritage assets including the landscape and the wider environment, through appropriate design, siting and environmental mitigation. The Proposed Development responds to economic issues, assisting the delivery of, and transition to, a net zero economy and society with associated economic and social benefits. Taking into account environmental effects and conditions, it is therefore considered that the Proposed Development constitutes sustainable development, aligns with the aims in paragraph 29, and accords with SPP.

## 2.4 Local Planning Policy

2.4.1 As highlighted, Development Plan policies are relevant to understanding in a local context, the duties of the Applicant under Schedule 9(2) to the 1989 Act. Therefore, Development Plan policies are material considerations in the decision-making process alongside national planning policy. The policies and compliance with the Development Plan are considered in this section.

### Loch Lomond and the Trossachs National Park Authority (LLTNPA)

2.4.2 The Loch Lomond and the Trossachs Local Development Plan (LLTLDP)[26] sets out the planning policies for the LLTNPA area. The plan is dated 2017-2021 but LLTNP have revised timescales for the next plan and the current plan will remain in place until 2024 to align with the new planning legislation.

2.4.3 The status of local plan policies will change in relation to NPF4 policies while the next LLTLDP is being produced. Where there is a conflict between local and national policy, the NPF4 policy will take priority as the higher level and more recent plan.

#### *Key LDP Policies*

2.4.4 The key LLTLDP policies relevant to the Proposed Development are identified below, and are assessed in **Section 3**:

- Natural Environment Policy 1 – National Park Landscapes, Seascape and Visual Impact
- Natural Environment Policy 4 – Legally Protected Species
- Natural Environment Policy 5 – Species and Habitats

[26] Loch Lomond & The Trossachs National Park Authority (2017). Loch Lomond & The Trossachs Local Development Plan. Available at: https://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/

- Natural Environment Policy 6 – Enhancing Biodiversity
- Natural Environment Policy 8 – Development Impacts on Trees and Woodlands
- Natural Environment Policy 9 – Woodlands on or adjacent to development sites
- Natural Environment Policy 10 – Protecting Peatlands
- Natural Environment Policy 11 – Protecting the Water Environment
- Natural Environment Policy 13 – Flood Risk
- Transport Policy 3 – Impact Assessment and Design Standards of New Development
- Historic Environment Policy 1 – Listed Buldings
- Historic Environment Policy 2 – Conservation Areas
- Historic Environment Policy 3 – Wider Built Environment and Cultural Heritage
- Historic Environment Policy 4 – Gardens and Designed Landscapes
- Historic Environment Policy 6 – Scheduled Monuments and other Nationally Important Archaeological Sites
- Historic Environment Policy 7 – Other Archaeological Resources
- Historic Environment Policy 8 – Sites with Unknown Archaeological Potential
- Overarching Policy 1 – Strategic Principles
- Overarching Policy 2 – Development Requirements

#### *Relevant Supplementary Planning Documents*

2.4.5 No Supplementary Planning Documents were identified within the Loch Lomond and the Trossachs which would be relevant for the proposed development.

### Argyll and Bute Council

2.4.6 The Argyll and Bute Local Development Plan (A&BLDP)[27] was adopted in March 2015 and is the extant Local Development Plan, which sets out the planning policies for the Council area of the Proposed Development. The key A&BLDP policies relevant to the Proposed Development are identified below, and are assessed in **Section 3**:

- Policy 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
- LDP9 – Development Setting, Layout and Design
- LDP11 – Improving our Connectivity and Infrastructure

2.4.7 A review is underway and consultation on the Proposed Local Development Plan (LDP2) was completed in January 2020. A delay in progressing the Plan has arisen due to the revised draft National Planning Framework 4 being laid in Parliament. The reporters are currently determining what, if any, further processes are required as a consequence. As a result, the examination report will now likely be issued early in 2023. Argyll & Bute Council (A&BC) 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.

[27] Argyll & Bute Council (2015). Argyll & Bute Local Development Plan. Available at: https://www.argyll-bute.gov.uk/ldp

2.4.8 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, and therefore LDP2 policy will not be considered further.

### *Relevant Supplementary Planning Documents*

2.4.9 A&BLDP primary policy is supported by A&BC 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 and heritage assets, alongside road improvements and renewable energy development).

2.4.10 SG2 provides limited detail or references to transmission infrastructure, 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*".

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

2.4.12 The core Supplementary Guidance policies of relevance are set out below, and are assessed in **Section 3**:

- SG LDP ENV 1 - Development Impact on Habitats, Species and our Biodiversity
- SG LDP ENV 6 - Development Impact on Trees / Woodland
- SG LDP ENV 7 - Water Quality and the Environment
- SG LDP ENV 11 - Protection of Soil and Peat Resources
- SG LDP ENV14 - Landscape
- SG LDP ENV15 - Development Impact on Historic Gardens and Designed Landscapes
- SG LDP ENV16a - Development Impact on Listed Buildings
- SG LDP ENV 17 - Development in Conservation Areas and Special Built Environment Areas
- SG LDP ENV19 - Development Impact on Scheduled Ancient Monuments
- SG LDP ENV20 - Development Impact on Sites of Archaeological Importance
- SG LDP TRAN4 - New and Existing, Public Roads and Private Access Regimes
- SG LDP TRAN5 - Off-site Highway Improvements
- SG LDP Sustainable - Sustainable Siting and Design

### *LDP2 Proposed Plan*

2.4.13 As noted in the A&BC Development Plan Scheme (DPS)[28], the Proposed LDP2 was submitted to Ministers for Examination on 25 Jan 2022, with a report expected sometime in early 2023 following review against NPF4. Following examination, it will then be up to council to adopt. A&BC has indicated that proposals will be dual assessed against the adopted LDP and the Proposed Plan (LDP2).

2.4.14 LDP2 does not specifically cover delivery of electricity transmission infrastructure within either the policies or the written statement, however, transmission infrastructure is considered to be important in achieving the wider aims of planning policy. Following review of LDP2 policy, the general LDP policy support for necessary infrastructure to facilitate sustainable development has not materially altered in

[28] Argyll & Bute Council (2022). Argyll and Bute LDP2 Development Plan Scheme – March 2022. Available at: https://www.argyll-bute.gov.uk/sites/default/files/development_plan_scheme_march_2022_ac.pdf

LDP2. A brief summary of relevant policies in the draft LDP2 are nevertheless provided below, and are assessed in **Section 3**:

- Policy 02 – Outwith Settlement Areas
- Policy 04 – Sustainable Development
- Policy 08 - Sustainable Siting
- Policy 15 - Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment
- Policy 16 – Listed Buildings
- Policy 17 – Conservation Areas
- Policy 19 – Scheduled Monuments
- Policy 20 – Gardens and Designed Landscapes
- Policy 21 – Sites of Archaeological Importance
- Policy 37 - Development Utilising an Existing Private Access or Existing Private Road
- Policy 41 – Off Site Highway Improvements
- Policy 55 - Flooding
- Policy 59 – Water Quality and the Environment
- Policy 73 – Development Impact on Habitats, Species and Biodiversity
- Policy 77 – Forestry, Woodland and Trees
- Policy 78 – Woodland Removal
- Policy 79 – Protection of Soil and Peat Resources
- Policy 10 – Design: All Development

# 3. ENVIRONMENTAL CONSTRAINTS AND ASSESSMENT

## 3.1 Introduction

3.1.1 The Proposed Development is for the erection of a replacement OHL, which falls under Schedule 2 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. The Proposed Development has undergone EIA scoping and is classed as EIA development by virtue of the fact that the proposed OHL has a voltage of 132 kV.

3.1.2 A&BLDP Policy LDP3 (supported by SG) provides the lead policy on the assessment of environmental impacts in Argyll and Bute, and recognises that where locations are sensitive, mitigation may help to address concerns and should be considered as part of the proposals. Planning applications in the Argyll & Bute area 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."

3.1.3 LLTLDP Natural Environment Policy 1 provides the primary environmental policy for LLTNPA, and states that applications are assessed on their ability to protect special landscape qualities of the National Park. Development proposals will be required to be sympathetic to their setting and minimise visual impact, including areas of wild land character and wild land areas.

3.1.4 In addition to Policy LDP3 above, A&BLDP Policy STRAT 1 provides an overarching policy position which outlines the sustainable development principles the A&BC expects development to follow. This includes the need to assess and demonstrate environmental considerations, effects and impacts of the Proposed Development.

3.1.5 Overarching Policy 1 from the LLTLDP states that all development should contribute to the national park being:

- a successful, sustainable place;
- a low carbon place;
- a natural, resilient place; and
- a more connected place.

3.1.6 The above aims are in line with those set out in SPP. These aims are broken down further into overarching policies, including that the National Park Authority expect that development should not conflict with the four aims of the National Parks (Scotland) Act 2000[29], and that development "*should not have adverse impacts on the environment*". The aims of the national park are set out below:

[29] Scottish Government (2000). National Parks (Scotland) Act 2000. Available at: https://www.legislation.gov.uk/asp/2000/10/contents

- Conserve and enhance – conserve and enhance the natural and cultural heritage of the area.
- Sustainability – promote the sustainable use of the natural resources of the area.
- Understanding and enjoyment – encourage people to enjoy the special qualities of the area.
- Social and economic development – promote sustainable development of the communities in the area.

3.1.7 The Proposed Development has been subject to a statutory EIA, with the application supported by an EIA Report and the proposal has been designed in consultation with key stakeholders and taking account of community and stakeholder feedback from consultation exercises.

3.1.8 The environmental impact has been fully assessed, and appropriate mitigation designed into the Proposed Development. As well as this embedded mitigation, secondary mitigation has also been identified to reduce the significance of identified effects. Some significant environmental effects, post mitigation, are identified. These effects do cause tension with the statutory aim of the National Park to "*not have adverse impacts on the environment",* insofar as the EIA Report has identified that significant effects within the Loch Lomond and Trossachs National Park will occur post mitigation. While these effects are recognised as having an adverse impact on the small area of the National Park through which the replacement OHL passes, these must also be considered within the context of the benefits of the Proposed Development. In the overall planning balance of all matters, the need for the Proposed Development is technically and economically justified to meet the current and future requirements of the Applicant and the wider UK transmission system. The operation of an effective transmission system, including the ability to accommodate future renewable energy generation on the network, is a significant material consideration that outweighs any harm on the Loch Lomond and Trossachs National Park. In the context of the Proposed Development, it is considered to be acceptable and sustainable when considered against the wider benefits the scheme.

3.1.9 The EIA Report presents the assessment of the likelihood of significant environmental impacts as a result of the Proposed Development. It is important that this is considered alongside the key planning considerations so that the proposals can be assessed against A&BLDP Policy LDP3, LLTLDP Natural Environment Policy 1 and associated SG policies.

3.1.10 A summary of the key environmental considerations by topic assessed against policies from both the A&BLDP and LLTLDP, alongside associated revised draft NPF4 policy is provided below. NPF4 Revised Draft policies will be assessed and balanced with LDP policies as appropriate.

## 3.2 Assessment of Effects

### Landscape & Visual

3.2.1 **Chapter 6** of the EIA Report assesses the landscape and visual impact of the Proposed Development, as a result of the alterations to the physical form of the landscape, landscape character and designations. It also looks at the impacts arising from changes in the key characteristics and special qualities of the Loch Lomond and the Trossachs National Park landscape, and visual amenity arising from changes to views. Information on the baseline of the study area in relation to Landscape and Visual matters can be found in **Section 6.3** of the EIA Report.

3.2.2 A&BLDP Policy LDP3, LLTLDP Natural Environment Policy 1 and associated national policies (such as revised draft NPF4 Policy 4) are key to the assessment outcomes in terms of planning policy. Policy recognises the importance of limiting effects and impacts and implementing appropriate mitigation such that the integrity of landscape character is protected and notes that proposals will not be supported where significant adverse effects are identified.

3.2.3 SG LDP ENV 14 provides guidance on landscape matters and appropriate mitigation to be provided. There is a presumption against development proposals which are likely to have a significant adverse effect on the character of the landscape.

3.2.4 The proposed OHL alignment was designed to be as close as possible to the current position along the floor of Glen Finart to reduce potential impacts to views from Dun Daraich scheduled monument. The alignment was routed to enhance the back-clothing of the proposed OHL alignment and avoid the open ridges and hills of Creachan Mòr to the north; and to achieve a better landscape fit by avoiding the crest of Finbracken Hill above Sandbank.

3.2.5 Some significant effect was identified on Stronchullin Landscape Unit (LU) as a whole, predominantly as a result of the high sensitivity of this LU to infrastructure. However, residual effects would reduce over time as the Proposed Development weathers and becomes more recessive in the view, becoming a Moderate-Minor adverse impact that is not significant.

3.2.6 Moderate adverse significant effects were identified on the Forested Glen Sides Landscape Character Type (LCT), Creachan Mòr LU; the Forested Hills and Open Hills LCTs, Stronchullin LU; and the Forested Glen Sides LCT, Strath Eachaig. This is predominantly due to the wayleaves associated with the Proposed Development, which have a greater effect where forestry and woodland requires to be removed to accommodate the Proposed Development. No significant residual effects are anticipated over time once the Proposed Development is operational.

3.2.7 Whilst the assessment of indirect effects falls outwith the scope of the landscape and visual assessment, the Woodland Reports and Forest Design Plans identify possible secondary mitigation measures for forestry management beyond the Operational Corridor (OC). The implementation of the proposed Forest Design Plan at Glenfinart Forest would transform the Forested Hills LCT into Wooded Hills LCT to the north of the existing forestry access track and Proposed Development. This would have a significant beneficial effect on the LU and Wooded Hills LCT.

3.2.8 A Major-Moderate adverse effect was identified as likely to occur on a very small section of the Puck's Glen trail at Year 1 of Operation, which would be experienced in the context of the existing OHL. The majority of the existing OC is included within the OC of the Proposed OHL. Effects would reduce to a Moderate-Minor adverse to Negligible effect over time, with some beneficial effects on the trail also anticipated as a result of replanting of the existing OHL wayleave, diversion of the OHL route and allowing forest regeneration.

3.2.9 A Major-Moderate adverse to Minor adverse significance of effect would occur for users of the minor road along Glen Finart, with significant effects on visual amenity likely to occur near to the Proposed Development due to the location and increased scale of the proposed OHL and the reduction in roadside screening due to the creation of permanent and temporary wayleaves. No significant residual effect is anticipated once the broadleaf woodland has been reinstated within the wayleaves of the existing OHL wayleave and the temporary diversion (subject to landowner agreement).

3.2.10 Moderate adverse significant effects were identified on one residential property in Glen Finart and a Moderate beneficial significance of effect is likely to occur for residents at Dalinlongart and Surrounds in Strath Eachaig at Year 1 of Operation and as a residual effect. Visitors to the Benmore Botanic Gardens would be predominantly unaffected by the Proposed Development, although a Moderate adverse significance of effect is likely to occur at Year 1 of Operation for visitors to the viewpoint at the Gazebo.

3.2.11 Users of tourist accommodation at Rashfield Sheilings, Strath Eachaig would experience a Moderate beneficial residual effect because of the Proposed Development. The Proposed Development replaces the existing OHL alignment along a similar alignment, offset by approximately 50 m, and slightly further away from Rashfield. Therefore, the slight increase in height and visibility of the newer towers is likely to be largely offset by the slightly increased distance of the Proposed Development.

3.2.12 Although Construction effects can be more perceptible due to the movement, noise and change they introduce into the landscape and the view, they are temporary and generally are unlikely to be greater than the Operational effects. However, a Moderate adverse significance of effect during construction is anticipated on the landscape character of Glen Finart LU due to the location of construction compounds, including helicopter operation compounds, and the helicopter flights in and out of the glen, which would affect the tranquillity of Glen Finart LU.

3.2.13 A temporary Moderate adverse cumulative landscape effect is likely to occur on Glen Finart LU as a result of the simultaneous construction of the Proposed Development and the cumulative schemes due to the concentration of large-scale construction activities within a large part of the tranquil glen. Over time as the Proposed Development weathers, and the wayleaves associated with the existing OHL alignment become vegetated, the level of effect would fall.

3.2.14 A temporary Moderate adverse cumulative landscape effect is likely to occur on Creachan Mòr LU should all the cumulative schemes be constructed simultaneously due to the increased vehicular movement, noise and helicopter flights within a similar area.

3.2.15 A temporary Major-Moderate adverse to Moderate-Minor adverse cumulative visual effect on users of the minor road through Glen Finart is anticipated should the Proposed Development and cumulative schemes be constructed/ implemented simultaneously.

3.2.16 A temporary Major adverse visual effect on residents of the property to the south-east of Barnacabber Farm is likely to occur should the Proposed Development and the cumulative schemes be constructed/ implemented simultaneously due to the concentration of construction activity surrounding the property.

3.2.17 It should be noted that Revised Draft NPF4 Policy 11 'Energy' states that project design and mitigation will demonstrate how development impacts are addressed. For landscape impacts, it states that, "*where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable*".

3.2.18 Given the above landscape and visual assessment, it is considered that the Proposed Development would accord with the policy aims set out in the A&BLDP Policy LDP3 and SG LDP ENV 14, LLTLDP Natural Environment Policy 1 and Revised Draft NPF4 Policies 4 and 11. LDP policies and the national policy position are aligned for this issue.

### Ecology and Nature Conservation

3.2.19 EIA Report **Chapter 7** considers the potential impacts and effects on ecological features, such as designated nature conservation sites, habitats and protected species.

3.2.20 A&BLDP Policy LDP3, LLTLDP Natural Environment Policy 1 and associated national policies (such as revised draft NPF4 Policy 3) 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.

3.2.21 SG LDP ENV1 provides guidance on habitats, species and biodiversity and requires habitat surveys and appropriate mitigation to be provided. There is a presumption against development proposals which are likely to have an adverse effect on protected species and habitats, which will only be permitted where it can be justified in accordance with the relevant protected species legislation.

3.2.22 No statutory designated nature conservation sites for ecological features occur within the field survey area. Approximately 20.5 ha of woodland within the Proposed Development's footprint (including the operational corridor) is listed on the Ancient Woodland Inventory (AWI). The loss of individual trees to maintain a safe operational corridor for the Proposed Development would be unlikely to threaten the long-term integrity of the wider ancient woodland network as the remaining woodland blocks, their

soils and supporting environmental conditions would otherwise be retained. This value comprises the full AWI dataset, no alterations to the calculations were made based on the presence or absence of wooded areas. See **Forestry** section for details on losses of wooded areas within the AWI woodland classifications.

3.2.23 In addition, approximately 11.5 ha of the woodland occurring within the Proposed Development's footprint (including the operational corridor) is broadleaved, mixed and yew woodland. The felling of trees within these areas, to maintain the proposed OHL alignment's operational corridor, would result in the loss of the pertinent specimens. However, this would be unlikely to alter the function of the adjoining woodland as these trees and supporting environmental conditions would otherwise be retained.

3.2.24 The assessment methods established a field survey area with surveys conducted between 2020 and 2022 to provide baseline information on habitats and faunal species. Surveys included a UKHab habitat classification survey. Protected species surveys were also completed.

3.2.25 The footprint of the Proposed Development avoids statutory designated sites of natural heritage interest and priority habitats, wherever possible. In addition, where possible, existing access tracks will be used (these will be upgraded as required), reducing the potential adverse effects on adjacent habitats and species. The transport of construction elements by helicopter is proposed at selected tower locations, which will reduce the number and extent of access track works required in remote, and difficult to reach locations (as outlined in **Chapter 3** of the EIA Report). Furthermore, the construction working areas associated with the applicable helicopter tower builds will impact a lesser area than the standard crane build areas, further minimising potential adverse effects on natural heritage assets.

3.2.26 The design of the proposed OHL alignment has avoided areas of woodland, in particular retaining areas of native woodland and avoiding Ancient Woodland where possible. Where this has not been possible, tower locations have been sited to minimise the amount of felling required.

3.2.27 The assessments determine that no significant effects are predicted on woodlands in the Ancient Woodland Inventory (including Ancient Semi-Natural Woodland; other woodlands on 'Roy' woodland sites; and Established Woodland of Plantation Origin (LEPO)). Further, no significant effects are predicted on Joint Nature Conservation Committee (JNCC) Biodiversity Action Plan (BAP) Broad Habitat (broadleaved, mixed and yew woodland), dwarf shrub heath, otter, bat species, pine marten and red squirrel. Following the application of mitigation, no significant residual effects are predicted.

3.2.28 An assessment of cumulative effects has also been undertaken which demonstrates no significant cumulative effects between the surrounding cumulative developments and the Proposed Development.

3.2.29 The approach to identifying potential effects and classifying residual impacts follows the requirements of both A&BC and LLTNPA 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. It has been demonstrated that the proposed OHL alignment and design has been conducted such that loss of Ancient Woodland is minimised as far as possible.

3.2.30 No statutory ecology and nature conservation designations are impacted by the Proposed Development and good design practise and alignment has ensured where possible, the direct and indirect effects on non-statutory designations such as Ancient Woodland has been minimised in the proposed OHL alignment as far as possible. Ancient Semi-Natural Woodland and other woodlands on 'Roy' woodland sites are considered irreplaceable, however, the removal of trees which would otherwise compromise the installation and operation of the proposed OHL alignment would be unlikely to threaten the long-term integrity of the wider ancient woodland network, as the remaining woodland blocks, their soils and supporting environmental conditions would otherwise be retained. Compensation is proposed, with planting of native broadleaf trees in the north section, replacing a conifer forestry block currently

growing on AWI and SNAW. The effects to Ancient Woodland have therefore been assessed as: Adverse; Long-term; of Medium spatial magnitude; and Irreversible, but only at a Site level and therefore Not Significant.

3.2.31 While the loss of Ancient Woodland at a site level is recognised, it is considered that on balance the non-significance of effect of the wider Ancient Woodland network and the fact that the Proposed Development consists of electricity transmission infrastructure of strategic and national importance provides suitable reasoning for any departure from policy. In this regard, it is considered that the proposals are consistent with the thrust of A&BLDP Policy LDP3, LLTLDP Natural Environment Policies 5, 6 and 8, and revised draft NPF4 Policy 3. LDP policies and the national policy position are aligned for this issue.

### Ornithology

3.2.32 EIA Report **Chapter 8** outlines the ornithological effects associated with the Proposed Development. Field surveys have informed the assessment, undertaken in 2020 and 2021, in order to take account of OHL alignment alterations as the design evolved. The surveys identify all potential ornithological features which could be impacted by the Proposed Development.

3.2.33 A&BLDP Policy LDP3, LLTLDP Natural Environment Policies 4, 5 and 6, and associated national policies (such as revised draft NPF4 Policy 3) 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 impact on habitats or species is minimised and notes that proposals will not be supported where significant adverse effects are identified.

3.2.34 EIA Report **Table 8-7** (**Chapter 8, Section 8.4**) summarises the important ornithological features scoped out of the assessment. Two designated sites with ornithological interest features were located within 2 km of the Site, namely the Holy Loch Local Nature Reserve (LNR) and Local Nature Conservation Site (LNCS), notable for estuarine habitats that supports wintering bird assemblages. The designated sites are located approximately 790 m east of the central section of the Site. The proposed OHL alignment is unlikely to pose a collision risk to notified species as it is distant from the LNR and LNCS and passes through wooded habitat that is unlikely to be utilised by notified species. As such these have been scoped out of the assessment.

3.2.35 Some ecological features have been scoped out of assessment as these are deemed to be below a predefined nature conservation importance threshold and where predicted effects are unlikely to occur. This includes electrocution of birds which due to the design of the Proposed Development no impacts of bird electrocution are anticipated as a result of birds perching on the infrastructure.

3.2.36 The Proposed Development has been designed to mitigate and minimise potential impact on environmental features. Several embedded mitigations have been identified which will be outlined in the General Environmental Management Plans (GEMP) and Species Protection Plan for Birds (SpPP), which when implemented successfully will provide appropriate protection to species. Further additional mitigation will be captured within the project Construction Environment Management Plan (CEMP), as appropriate.

3.2.37 Some of the key ornithological constraints to the Proposed Development are the presence of sensitive receptors such as golden eagle, hen harrier and black grouse. The realignment of the northern section of the proposed OHL alignment, while not undertaken in relation to potential ornithological impacts as identified in EIA Report **Chapter 8**, reduces the potential for impacts on sensitive ornithology receptors in this area (main driver was to utilise the existing access and remove the development from the steep, challenging terrain above which posed significant construction challenges). Moving the proposed OHL alignment to the east and down the hillside, through predominantly plantation coniferous woodland, reduces the potential for impacts on golden eagle, hen harrier and black grouse, all of which were

recorded as using the open upland habitats along the previous OHL alignment option, and existing OHL alignment, in this area.

3.2.38 Records of black grouse, including a single male lek, were recorded directly adjacent to the existing OHL. Multiple records were identified within 1 km of the existing OHL with evidence that black grouse have been present in this area for a number of years (presumably pre-dating the installation of the existing OHL in 1972). As such it is not considered that there is any evidence that the existing OHL displaces black grouse from suitable habitat.

3.2.39 No significant residual impacts or cumulative impacts on ornithological features are predicted.

3.2.40 A&BLDP Policy LDP3 and LLTLDP Natural Environment Policy 1 requires assessment of ornithological issues to be undertaken in line with best practice guidelines.

3.2.41 The following sensitive ornithology receptors were identified within the Site:

- golden eagle
- hen harrier
- black grouse

3.2.42 **Chapter 8** of the EIA Report has considered how the Proposed Development would affect the above receptors and determined if effects would be significant following the implementation of embedded and additional mitigation, if required. Potentially significant effects from the Proposed Development comprised the following:

- construction – habitat loss and degradation, and disturbance and displacement; and
- operation – collision with the Proposed Development and displacement by the Proposed Development.

3.2.43 In addition to embedded mitigation to prevent impacts on breeding birds outlined in the Bird SpPP, a suite of additional mitigation will be implemented.

3.2.44 Following the implementation of the above additional mitigation no significant residual effects remain either for the Proposed Development alone or cumulatively with other known projects. Therefore, the Proposed Development, accounting for the mitigation for national and local interests, accords with A&BLDP Policy LDP3, LLTLDP Natural Environment Policies 4, 5 and 6, and revised draft NPF4 Policy 3. LDP policies and the national policy position are aligned for this issue.

### Cultural Heritage and Archaeology

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

3.2.46 A&BLDP Policy LDP3, LLTLDP Historic Environment Policies 1, 2, 3, 4, 6, 7 and 8, and associated national policies (such as revised NPF4 Policy 7) are key to the assessment outcomes in terms of planning policy. Policy recognises the importance of establishing effects and impacts on heritage assets such that the impact on these is minimised and notes that proposals will not be supported where significant adverse effects are identified.

3.2.47 SG LDP ENV 15, 16(a), 17, 19 and 20 provide guidance on Historic Gardens and Designed Landscapes, Listed Buildings, Conservation Areas, Scheduled Monuments and Sites of Archaeological Importance and requires appropriate safeguards, recording and mitigation to be in place. There is a presumption against development proposals which are likely to have an adverse effect on Cultural Heritage assets.

3.2.48 There are 45 heritage assets within the baseline for the cultural heritage assessment comprising 44 assets within the inner and outer study areas, plus Kilmun Collegiate Church, tower, and burial ground/

St. Munn's Parish Church, which lies approximately 120 m to the south of the outer study area at Kilmun. The inner study area contains 16 heritage assets, consisting of:

- 1 scheduled monument;
- 1 category B listed building;
- 9 undesignated heritage assets noted from the Historic Environment Records (HER); and
- 5 undesignated heritage assets discovered through map regression or walkover survey.

3.2.49 The outer study area contains 28 heritage assets, consisting of:

- 3 scheduled monuments;
- 1 Inventory Garden and Designed Landscape;
- 23 listed buildings (2 Category A, 12 Category B, and 9 Category C); and
- 1 conservation area.

3.2.50 Direct impacts to heritage assets have been avoided during the alignment stage of the Proposed Development. All tower locations, including the LoD, access tracks, helicopter operation compounds and other areas of potential direct physical impact were designed to avoid heritage asset locations wherever possible. Access tracks utilise existing access tracks, forestry tracks and other tracks where possible (upgrading these where required). Airlifting of tower components is proposed to reduce the number and extent of access track works required in remote, and difficult to reach locations.

3.2.51 Mitigation measures to be undertaken prior to, or where appropriate, during construction of the Proposed Development, have been established (set out below). The proposed mitigation measures are consistent with Planning Advice Note (PAN) 1/2013[30], PAN 2/2011[31] and Historic Environment Policy for Scotland (HEPS)[32] advice.

3.2.52 Key mitigation measures identified during construction include:

- **Demarcation and avoidance of heritage assets** - Heritage assets with visible remains that are within the 50 m construction area around a tower, or within the access tracks related to the Proposed Development would be demarcated prior to the commencement of construction to ensure visibility of the heritage asset location to all members of the construction crew.
- **Archaeological recording** - In the event that a heritage asset cannot be avoided by construction works, a programme of archaeological recording will be undertaken to ensure its preservation by record. Any archaeological works required will be set out within a Written Scheme of Investigation (WSI) to be agreed with WoSAS. The works may involve topographic survey, building recording, excavation etc. The methodology for dealing with any archaeological features or artefacts will be detailed within the WSI.
- **Archaeological monitoring** - Where a tower construction area or access track is within an area of high archaeological potential and ground breaking works are required, archaeological monitoring of construction works at those locations is recommended. The monitoring works will be conducted according to a Written Scheme of Investigation (WSI) detailing the defined locations for monitoring to be agreed between WoSAS and the appointed archaeologist prior to construction commencing. The WSI will detail the methodology for the monitoring and any

[30] Scottish Government (2013). Planning Advice Note 1/2013: Environmental Impact Assessment. Available at: https://www.gov.scot/publications/planning-advice-note-1-2013-environmental-impact-assessment/
[31] Scottish Government (2011). Planning Advice Note 2/2011; Planning and archaeology. Available at: https://www.gov.scot/publications/pan-2-2011-planning-archaeology/
[32] Historic Environment Scotland (2019). Historic Environment Policy for Scotland. Available at: https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=1bcfa7b1-28fb-4d4b-b1e6-aa2500f942e7

subsequent excavation, sampling, recording, reporting, and post-excavation requirements for any archaeological discoveries.

3.2.53 Proposed mitigation outlined in the EIA Report assessment concludes that some temporary significant effects on heritage assets are foreseen as a result of the Proposed Development (such as at SM9190 Dun Dariach Fort). Where heritage assets are identified as having the potential to be impacted appropriate measures will be utilised to ensure that protection and recording is in place.

3.2.54 A&BLDP Policy LDP3, and LLTLDP Historic Environment Policies 1, 2, 3, 4, 6, 7 and 8 all recognise the role of mitigation can play in addressing environmental impacts where the locations are sensitive. These policies require that assessments are undertaken with an aim of protecting, conserving and enhancing assets where possible. The assessments undertaken in regard to cultural heritage and archaeological assets identify the relevant assets and set out appropriate mitigation in order to avoid adverse effects and protect the special qualities of designated sites, along with protection of unknown archaeological potential. This approach accords with A&BLDP and LLTLDP policies and guidance on appropriate assessment and mitigation in relation to archaeological interests.

3.2.55 Development Plan policy sets a presumption to retain, protect and preserve Scheduled Monuments and their settings. The Proposed Development is a nationally important development which strengthens the transmission network and is not considered to compromise the cultural significance of any such assets The Proposed Development accords with A&BLDP Policy LDP3, the associated A&BC SG LDP19, LLTLDP Historic Environment Policy 6 and the objectives of SPP.

3.2.56 In respect of GDLs, the residual effects on the one GDL within the outer study area is not significant. The Proposed Development therefore accords with A&BLDP LDP3, A&BC SG ENV15 and LLTLDP Historic Environment Policy 4 as well as revised draft NPF4 policy.

3.2.57 Development Plan policy for listed buildings requires development affecting these assets to preserve the building or its setting and any special architectural or historic features. During both construction and operation, no listed buildings are predicted to experience significant effects. The Proposed Development therefore complies with A&BLDP LDP3, the associated SG LDP ENV16a, LLTLDP Historic Environment Policy 1 and relevant sections of SPP.

3.2.58 There is one conservation area, located in the outer study area. No significant effects are predicted on this asset. The Proposed Development therefore accords with A&BLDP LDP3, SG LDP ENV 17 and LLTLDP Historic Environment Policy 2 as well as revised draft NPF4 policy 7. LDP policies and the national policy position are aligned for this issue.

### Hydrology, Hydrogeology, Geology and Soils

3.2.59 EIA Report **Chapter 10** addresses Hydrology and Hydrogeology and assesses the potential effects resulting from the Proposed Development.

3.2.60 A&BLDP Policy LDP3, LLTLDP Natural Environment Policies 10, 11 and 13, and associated national policies (such as revised draft NPF4 Policies 5 and 22) are key to the assessment outcomes in terms of planning policy. Policy recognises the importance of establishing effects and impacts on water environment such that the impact on these is minimised and notes that proposals will not be supported where significant adverse effects are identified.

3.2.61 SG LDP ENV 7 and 11 provides guidance on Water Quality and the Environment and Protection of Soil and Peat Resources, requires appropriate mitigation to be in place to minimise effect on Peatland and the Water Environment. There is a presumption against development proposals which are likely to have an adverse effect on Peat and Water assets.

3.2.62 The assessment considers effects on:

- surface water bodies;

- Loch Lomond and the Trossachs National Park;
- soil and peat superficial deposits;
- groundwater bodies;
- impact on hydrology or hydrogeology with secondary effects on Groundwater Dependent Terrestrial Ecosystems (GWDTEs);
- private water supplies (PWS); and
- flooding.

3.2.63 A series of design measures have been developed as built-in mitigation which includes minimising the number of watercourse crossings. Where crossings are required, points have been aligned to be perpendicular to minimise disruption to bank sides.

3.2.64 PWS and baseline water quality monitoring will be the subject of further investigation by the Principal Contractor prior to construction, in order to verify the infrastructure location, supply type, properties supplied and their uses. Some further work is still required to identify the sub-surface connection infrastructure and mark it up to enable protection during construction. Further consultation will be required with property owners as part of this process and further unregistered supplies may need to be identified through further consultation with local property owners. If applicable, measures to mitigate for temporary interruption of water supply, or permanent alternative supply to be agreed prior to works commencing. Tower micrositing within the proposed LoD is to be considered to avoid water infrastructure where possible. If applicable, water quality monitoring of PWS before, during and after construction will be implemented.

3.2.65 An assessment of potential effects during construction and operation on each of the above features and resources is undertaken within the EIA Report Chapter 10. In line with most 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.

3.2.66 Peat stability mitigation measures include:

- Ground investigation (including further peat depths using methodology agreed with UXO Engineer) will be undertaken at locations where ground works are required, as confirmed by the Principal Contractor(s).
- Microsite the tower or access track in order to avoid the area of concern (subject to non-violation of other constraints).
- Avoid placing excavated material or other forms of loading on or immediately above breaks of slope or any other potentially unstable slopes.
- Avoid removing slope support, particularly where slope stability has been highlighted as of concern. Consider floating track at appropriate locations to avoid removing slope support.
- Use of retaining structures, such as gabion terracing to support specific slopes.

3.2.67 Key measures identified to minimise increase to surface water flows include:

- Slowing surface water and channel flows in the surrounding forested areas to encourage infiltration and increase lag time to downstream channels and potentially reduce peak flows;
- Planting vegetation and retaining forestry material within the catchments to encourage infiltration and evapotranspiration; and
- Silt traps can also be designed to slow flow of run-off and promote settlement and retention of sediment.

3.2.68 **Chapter 10** of the EIA Report outlines the mitigation measures 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 those to be detailed through the CEMP is required.

3.2.69 A&BC SG LDP ENV7 provides policy protecting the water environment. When assessing the Proposed Development against this policy, no significant detrimental impacts have been identified following appropriate mitigation. The Proposed Development therefore accords with policy.

3.2.70 A&BC SG LDP ENV11 provides policy protecting soil and peat resources. It states that A&BC, "*will only support development where appropriate measures are taken to maintain soil resources and functions relevant and proportionate to the scale of development*". Where development has a potential significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion it will not be supported. This is unless that these effects are outweighed by demonstrable social, environmental or economic benefits to the place. It would also be necessary for a soil or peatland management plan to address these issues is submitted. Evidence of best practice must be shown in movement, storage, management and reinstatement.

3.2.71 LLTLDP Natural Environment Policy 11 states that Development will be required to ensure that there would be no significant adverse impact on the water environment by protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity). Development must also demonstrate that there would be no significant adverse impact on protected species or their habitats in the water body or its catchment area.

3.2.72 Geology, soils, and peat have been rated as being of Medium sensitivity, based on the peat probing results showing deep peat (greater than 1.50 m depth) present only in small areas across the Proposed Development footprint and the presence of Class 1 and 2 peatland covering less than 20 % of the Proposed Development. The appropriate treatment of carbon rich soils is fully addressed and subject to the appropriate mitigation no significant adverse effects are identified. As such the Proposed Development is wholly consistent with A&BLDP Policy LDP3, LLTLDP Natural Environment Policies 11 and 13, and associated SG policies (revised draft NPF4 Policies 5 and 22). LDP policies and the national policy position are aligned for this issue.

### Noise and Vibration

3.2.73 EIA Report **Chapter 11** provides an assessment of potential noise and vibration effects arising from the Proposed Development at the closest Noise Sensitive Receptors (NSRs) to the site. While there are no local planning policies which directly address the topic of Noise and Vibration, it is considered that A&BC Policy LDP3 and LLTLDP Overarching Policy 2 are relevant as these are overarching policies which deal with environmental and amenity concerns. Revised Draft NPF4 Policy 23 is the key national policy which relates to noise and vibration.

3.2.74 All construction activities associated with the Proposed Development are to be undertaken in accordance with a CEMP. Noise mitigation will include Best Practicable Means (as per BS 5228-1 and BS 5228-2) and will be set out in the CEMP. Additional mitigation will include noise attenuating enclosures and noise control limits for temporary power generation at the Dunoon Substation, and a noise barrier which provides full line of sight screening during activities such as piling and rock breaking.

3.2.75 Based on the implementation of the above mitigation measures, the results indicate a minor or negligible significance of effect (not significant) at NSRs within the Study Area for noise emissions and vibrations from tree felling, piling and rock breaking during the construction programme of the Proposed Development.

3.2.76 It is anticipated that the use of helicopters during the project has the potential to cause significant effects when operating near to NSRs. As concerns about safety and the 'startle effect' of low-level flying

helicopters often dictate the level of public response to helicopters, mitigation measures to address these points will be implemented.

3.2.77 The assessment highlights that for many construction activities, the temporary nature of the activity and the short durations of activities such as rock breaking at access track and OHL tower locations, vibratory compaction along access track locations, result in no significant effects. In the circumstance where an activity previously anticipated to occur for a longer duration (up to ten consecutive days) is required, mitigation and management of the activity will be undertaken in line with the CEMP.

3.2.78 The proposals will not therefore give rise to negative impacts on amenity or recreation and are thus consistent with A&BC Policy LDP3, LLTLDP Overarching Policy 2 and Revised Draft NPF4 Policy 23.

### Forestry

3.2.79 EIA Report **Chapter 12** reports upon the significance of the predicted residual effects from the construction and operation of the Proposed Development on forest and woodland areas.

3.2.80 A&BLDP Policy LDP3, LLTLDP Natural Environment Policies 8 and 9, and associated national policies (such as Revised Draft NPF4 Policy 6) are key to the assessment outcomes in terms of planning policy. Policy recognises the importance of establishing effects and impacts on trees and Ancient Woodland such that the impact on these is minimised and notes that proposals will not be supported where significant adverse effects are identified.

3.2.81 SG LDP ENV 6 provides guidance on Development Impact on Trees and Woodland, requiring appropriate mitigation to be in place to minimise effect on trees. There is a presumption against development proposals which are likely to have an adverse effect on trees and Ancient Woodland.

3.2.82 The Proposed Development is predicted to result in the direct loss of 70.09 ha of commercial woodland, 3.44 ha of native woodland appearing on the AWI woodland classifications 1a, 2a and 3 (as detailed in **Table 3-1** below) and 11.32 ha of semi-natural woodland, due to the requirement to create an Operational Corridor (OC) for the construction and safe operation of the proposed OHL, including the creation of access tracks and temporary OHL diversions. The construction phase woodland removal is broken down in more detail in **Table 12-6** in the EIA Report. It should be noted however that in line with control of woodland removal policy, with compensatory planting the net woodland loss will be zero.

3.2.83 The Proposed Development passes through an area of Category 1a Ancient Woodland (of semi-natural origin) (0.26 ha) next to Clunie Burn and an area of Other 'Roy' woodland (0.36 ha) within Section 1. Additionally, an area of PAWS (Planted Ancient Woodland) is impacted (3.42 ha).

3.2.84 Section 2 passes through an area **of** Category 1a Ancient Woodland (of semi-natural origin) (0.58 ha). However, impact will be caused by a temporary OHL diversion allowing the woodland to be regenerated once construction is complete. Additionally, an area of PAWS woodland is impacted (3.57 ha).

3.2.85 The Proposed Development passes through an area of Category 2a Ancient Woodland (of semi-natural origin) (1.25 ha) within Section 3.

3.2.86 The Proposed Development passes through an area of Category 2a Ancient Woodland (of semi-natural origin) (0.99 ha) within Section 4.v Additionally, an area of PAWS woodland is impacted (2.44 ha).

3.2.87 The Proposed Development does not interact with any areas of ancient woodland (as detailed in the AWI) within Section 5.

3.2.88 The assessment concluded that these woodland losses would result in a permanent significant adverse effect on native woodland, despite potential opportunities to reduce the amount of felling, subject to further detailed design. No significant effects were predicted for the removal of commercial woodland. **Table 3-1** presents the total values of permanent and temporary native woodland losses.

**Table 3-1: Native woodland habitat (Ancient and broadleaved semi-natural) impacted by the Proposed Development**

| Woodland Classification | Total Area (ha) | Area (ha) Associated with Temporary OHL Diversions | Net Loss (ha) |
|---|---|---|---|
| AWI - Ancient Woodland (1a) | 0.84 | 0.56 | 0.28 |
| AWI - Ancient Woodland (2a) | 2.24 | | 2.24 |
| AWI - Other woodlands on 'Roy' woodland sites (3) | 0.36 | | 0.36 |
| Semi-natural woodland | 11.32 | 3.24 | 8.08 |
| **Total** | **14.76** | **3.80** | **10.96** |

3.2.89 The Applicant is committed to making arrangements to plant off-site the equivalent area of woodland as Compensatory Planting, meeting the Scottish Government's Control of Woodland Removal Policy[33] objective of no net loss of woodland. This may include planting of native species on site at a reduced operational corridor where this ties in with longer term forest / woodland management plans.

3.2.90 Furthermore, it is acknowledged that the creation of the OC would result in wider potential indirect effects on the surrounding woodland areas. These areas would be subject to potential increased risk of damage (windthrow). As a result, the Applicant has produced a series of Woodland Reports (see EIA Report **Appendix 12.1**) to incorporate the Proposed Development within ongoing forest management activities. The Woodland Reports identify further areas of felling outside the OC to leave a windfirm edge (categorised as an indirect secondary impact). Any felling undertaken outside the OC would be solely under the control of the relevant landowner (and not the Applicant).

3.2.91 The assessment identified the potential for significant effects (pre-mitigation) on forest management, due to the requirement for forest managers to incorporate the felling requirements for the OC into their long-term forest plans. The Applicant has proposed mitigation in the form of a commitment to develop 'Woodland Reports' for each of the forests and woodlands affected by the Proposed Development (five in all). This mitigation is deemed sufficient to reduce the residual effect on forest management to not significant.

3.2.92 In most cases, no significant effects on forest operations access were identified. However, in the case of sites with extreme slopes above the OC, commercial forestry may be unviable in the future and the direct effect was therefore assessed as significant and adverse, despite the opportunity to convert productive forest to non-commercial, predominantly native woodland in the future.

3.2.93 Additional good practice measures are identified for implementation on land outwith the OC, for example additional felling to deliver a more natural landscaped and wind firm edge. These measures can only be undertaken with the agreement of the affected landowner. It is the intention of the Applicant to encourage the landowners to adopt this good practice.

3.2.94 Revised Draft NPF4 Policy 6 'Forestry, Woodland and Trees' states that, "*Development proposals will not be supported where they will result in … any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition*". It is acknowledged that some loss of Ancient Woodland will result from the Proposed Development. The wording in Revised Draft NPF4 defines ancient woodland as areas that have maintained continuous woodland habitat since at least 1750. This includes AWI categories 1a (Ancient Semi-Natural Woodland (ASNW) and Planted Ancient Woodland Sites (PAWS)) as well as 1b (some Long Established Woodlands of Plantation Origin (LEPOs)). It does however

[33] Scottish Government (2009). The Scottish Government's Control of Woodland Removal Policy. Available here: https://forestry.gov.scot/publications/285-the-scottish-government-s-policy-on-control-of-woodland-removal

exclude category 3 (Roy woods which aren't on the 1860 maps) and all woods not on Roys but on the 1860 OS maps. In total 0.84 Ha of Category 1a ancient woodland, and 3.08 Ha of Category 2a ancient woodland will be removed as a result of the Proposed Development.

3.2.95 The loss of woodland, including areas of Ancient Woodland, is recognised as causing tension with A&BC Policy LDP 10 and SG LDP 6, LLTNPA Natural Environment Policies 8 and 9 and revised draft NPF4 Policy 6. Whilst there would be some conflict with Draft NPF4 Policy 6 Part b) i., in relation to woodland removal and ancient woodland, the approach taken would be consistent with the Scottish Government's Policy on Control of Woodland Removal[34] and includes compensatory planting. While this is not compatible with Revised Draft NPF4 policy, the Proposed Development is a strategic, national infrastructure project of critical importance, which will ensure that electricity supplies are maintained and in order to meet statutory climate change targets – which are significant environmental and social considerations. As such, it is considered that there is justification for departure from Policy 6 in this instance.

3.2.96 Paragraph 63 of the Scottish Parliament Local Government, Housing and Planning Committee's Report on the Revised Draft National Planning Framework 4[35] sets out that there is conflict between policy 11, which recognises the need for grid reinforcement and policy 6(b), which concerns the protection of ancient woodlands. Scottish Renewables suggested therein at para 63 that it "*will not be possible to make grid reinforcements without in some way impinging on ancient woodlands*". The report also notes at para 64 an acknowledgement of this with a note of the Minister's intention to meet with Stakeholders to discuss this issue further. As such, while Ancient Woodland loss has been mitigated as far as possible, it is unreasonable to expect that maintenance and improvement of grid infrastructure will not result in any Ancient Woodland loss.

3.2.97 It is considered that, on balance, the Proposed Development is of strategic and national significance which provides appropriate justification for any departure from policy in this regard. It is also noted that detailed consideration went in to selecting the chosen alignment and it has been designed with mitigation as far as possible to lessen these impacts.

### Traffic and Transport

3.2.98 EIA Report **Chapter 13** addresses traffic and transportation and provides a full assessment of the potential environmental effects of the construction period for the Proposed Development.

3.2.99 A&BLDP Policy LDP11, LLTLDP Transport Policy 3, and national policies (such as Revised Draft NPF4 Policy 11) are key to the assessment outcomes in terms of planning policy. Policy recognises the importance of establishing effects and impacts on traffic and transport such that the impact on these is minimised and notes that proposals will not be supported where significant adverse effects are identified.

3.2.100 SG LDP TRAN 4 and 5 provides guidance on New and Existing, Public Roads and Private Access Regimes and Off-site Highway Improvements, with development requiring appropriate mitigation to be in place to minimise effect on the transport network and its users.

3.2.101 The assessments concluded that given the level of existing traffic and taking account of potential vulnerable road users on sections of the proposed access routes, the sensitivity of receptors to changes in road safety conditions would be significant. Therefore, there is predicted to be a significant change in accidents and safety, which would be temporary (short-term) as it would only occur during the

[34] Scottish Forestry (2009). The Scottish Government's Policy on Control of Woodland Removal. Available at: https://forestry.gov.scot/publications/285-the-scottish-government-s-policy-on-control-of-woodland-removal

[35] Scottish Parliament (2022). Report on the Revised Draft National Planning Framework 4. Available at: https://sp-bpr-en-prod-cdnep.azureedge.net/published/LGHP/2022/12/21/81003168-a5d4-4a8c-a00d-113e25eef365/LGHPS062022R12.pdf

construction phase. It should be noted that this is a potential impact and measures within the CTMP are included to reduce the likelihood of accidents occurring.

3.2.102 There are several potential access routes that will be used to access the Proposed Development during the construction phase. The CTMP has identified these routes based on the available information at this time. For the purposes of undertaking the assessment within the chapter, the routes have been broken down in to following Link sections, within the Study Area. Note, Link 4 has been broken down in to two sections given the length of the Link section and to enable routing of construction vehicles to be accounted for:

- Link 1: A885 High Road (between the A815 and the existing Dunoon Substation);
- Link 2: B836 (between A815 and A886);
- Link 3: Unclassified Road – Turn off at Invereck Countryside Holiday Park (between A815 and Deargacha Burn);
- Link 4(a): A815 North (from B836 to the A83(T));
- Link 4(b): A815 South (from Toward to the B836);
- Link 5: A880 Shore Road (between A815 at Ardbeg and Ardentinny);
- Link 6: Unclassified Road – Turn off A815 at Whistlefield Inn (between the A815 and Ardentinny); and
- Link 7: A83(T) between Inveraray and Tarbet.

3.2.103 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 within the CTMP; however post-implementation of the CTMP, some residual effects will remain, albeit these are temporary in nature.

3.2.104 Any off-site highway improvements will be identified and consented separately in consultation with A&BC as local Roads Authority and/ or Transport Scotland in respect of trunk roads.

3.2.105 The assessment of Traffic and Transport in **Chapter 13** of the EIA Report, alongside the proposed OHL alignment and construction operation is consistent with the policy position set out in A&BC LDP SG TRAN 4, LLTLDP Transport Policy 3 and Revised Draft NPF4 Policy 11. Assessment of potential effects on road safety and impact on public road network has been considered, and the CTMP will provide further control and management of the effects, which can be adapted as construction progresses.

## 3.3 Cumulative Effects

3.3.1 The consideration of the cumulative effects of the Proposed Development has been assessed throughout the EIA Report on a chapter-by-chapter basis for in-combination effects and effect interactions. This approach is consistent with the requirements of A&BC Policy (LDP 3, STRAT 1 and DM1) and LLTNPA policy (Overarching Policy 1) 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.

### In-combination effects

3.3.2 In-combination effects are the combined effect of the Proposed Development together with other reasonably foreseeable developments (taking into consideration effects at the stages of site preparation and earthworks, construction and operation). Each technical topic has considered these developments within the respective chapter (**Chapters 6 to 13**) and have concluded that no permanent significant in-

combination effects have been identified, although there is the potential for temporary significant cumulative effects during construction.

3.3.3 EIA Report **Chapter 14 Cumulative Assessment** summarises in-combination effects with the following elements of the wider project:

- decommissioning of the existing OHL; and
- upgrading of Loch Long crossing.

3.3.4 In addition, the Landscape and Visual and Forestry assessments have included cumulative effects from the programme of felling related to *Phytophthora ramorum*.

### *Landscape and Visual*

3.3.5 In respect of Landscape and Visual impacts, temporary significant effects are predicted to occur on the Glen Finart LU as a result of the simultaneous construction with the Proposed Development. Should all of the cumulative schemes be constructed simultaneously, temporary significant effects are predicted for the Creachan Mòr LU. Similarly, should construction occur simultaneously, temporary significant effects will also be experienced by residents to the south-east of Barnacabber Farm and users of proposed Holiday Dwellings at Barnacabber Farm. Lastly, users of the road through Glen Finart are likely to experience temporary significant effects during the construction phase. This assessment also represents a worse case scenario for concurrent construction. Whilst simultaneous construction is more intense, it would result in a shorter duration expereicing thse impacts. Mitigation to reduce the effects of construction would be implemented through the CEMP and GEMPs.

### *Ecology and Nature Conservation*

3.3.6 Ecological cumulative effects relate to interation with both the Loch Long crossing and decommissioning of the existing OHL. In respect of the crossing, both developments would use the same temporary access tracks and working areas where possible. As the new OHL alignment is in close proximity to the old OHL alignment, there is a cumulative relationship. All relevant mitigation would apply for both schemes and would be equally effective, but again, tracks and working areas would be shared. In respect of both effects, these would of of site level importance and therefore not significant.

### *Ornithology*

3.3.7 Ornithological habitat on the eastern side of Loch Long may be used by bird species. Mitigation detailed in the Bird SpPP for the Proposed Development and for the Loch Long Crossing scheme, and the duration of that scheme being one breeding season, significantly reduces liklihood of direct impacts. The resultant impact would be of Site level importance for golden eagle, hen harrier and black grouse that is not significant.

3.3.8 In respect of the OHL decommissioning, the same temporary access tracks and working areas would be utilised where possible. During the overlap between the replacement OHL being constructed and the existing OHL being decommissioned, there will be some displacement of species and a slight increase in collision risk, however the cumulative effects will not be significant.

### *Cultural Heritage*

3.3.9 In respect of cultural heritage, there are no cumulative effects from the Loch Long crossing. The decommissioing of the existing OHL is predicted to have a negigilble benefit to one asset; no other cumulative effects are anticipated.

### *Hydrology, Hydrogeology, Geology and Soils*

3.3.10 No significant residual effects have been identified associated with the Proposed Development alone. Assuming effective 'source' controls for each individual development and good practice methodology for the other developments being cumulatively assessed, no significant cumulative effects are anticipated.

3.3.11 Furthermore, differing construction programming and activities are anticipated to occur which reduces the probability that water quality and flow issues would be coincident across the catchments.

### *Noise and Vibration*

3.3.12 The access track removal for the Proposed Development occurs during the same timeframe as the decommissioning of the existing OHL. If the two were to occur within a similar geographical location, cumulative effects would be present. Based on the information available related to the OHL removal, no significant cumulative effects were identified.

3.3.13 Where activities construction activities for the Proposed Development and decommissioning of the existing OHL occur near to Tower 23, this results in noise levels at the nearest receptors of a moderate significance. This is considered as not significant due to the application of Best Practicable Means at construction activity locations near to Tower 23. As such, no significant in-cumulative effects are anticipated.

3.3.14 The reconductoring of the Loch Long Crossing occurs at the most northern extent of the Proposed Development. The activity will result in no cumulative noise effects.

### *Forestry*

3.3.15 The cumulative effect of direct commercial woodland removal associated with creating an Operational Corridor (OC), access tracks and temporary OHL diversions, combined with the potential indirect (secondary) effect of woodland removal outside of the OC would potentially comprise up to 201.84 ha of commercial woodland.

3.3.16 Forest management is routinely impacted by Statutory Plant Health Notices (SPHN) necessitating sanitation felling intended to control the spread of *Phytophthora ramorum,* and is common within the Argyll and Bute region. Some 77% of the direct tree removal associated with creating the OC, access tracks and temporary OHL diversions is already scheduled within the next five year or sooner under existing forest management plans, including sanitation felling related to *P. ramorum*. Within the Benmore Forest section, significant sanitation felling has taken place over the last year within the route of the Proposed Development.

3.3.17 No other developments have been identified that might have significant cumulative impacts on forests and woodland. Overall, given the low sensitivity of commercial woodland within the study area, this cumulative effect is assessed as not significant. There are no additional indirect cumulative effects associated with native woodland.

### *Traffic and Transport*

3.3.18 The decommissioning of the existing OHL is expected to occur at the same time as the access track removal for the Proposed Development. The current project construction programme has this occurring outwith the most onerous time period in the overall construction programme. As such, it is considered that the assessment undertaken represents a worst-case assessment and there would be no cumulative effects which are greater than the effects already predicted for the Proposed Development.

## Effect Interactions

3.3.19 Cumulative effect interactions are the combined or synergistic effects caused by the combination of a number of effects on a particular receptor, which may collectively cause a more significant adverse effect than individually. The approach to the assessment of effect interactions considers the changes in baseline conditions at common sensitive receptors (i.e. those receptors that have been assessed by more than one technical topic) due to the Proposed Development. The assessment is based upon residual effects only (considered to be effects of minor or greater significance i.e. excluding negligible effects and beneficial effects).

3.3.20 An overall assessment of the cumulative effects on identified common sensitive receptors has been made using professional judgement and the technical information provided in EIA Report **Chapters 6-13**.

3.3.21 No common receptors have been identified for the operational phase for which there are applicable residual effects and therefore there is no operational phase Effect Interactions assessment.

3.3.22 Potential effect interactions during the construction phase have been identified for the following receptor types:

- residences; and
- road users.

### *Residences*

3.3.23 During the construction phase the assessment has identified the following effect interactions:

- combined noise and visual effects upon the residences at Barnacabber Farm, remaining residential properties in Glen Finart, Ballochyle and Ardnadam Farmstead;
- combined vibration (during percussive piling activities) and visual effects upon Ardnadam Farmstead; and
- combined vibration (during vibratory roller and compaction activities) and visual effects upon the residences at Barnacabber Farm, remaining residential properties in Glen Finart, Ballochyle and Ardnadam Farmstead.

3.3.24 Consideration will be given to a noise barrier which would provide full line of sight screening from the Noise Sensitive Receptor, where practicable, to minimise significant effects.

3.3.25 This is considered to result in a temporary cumulative effect on the residents of these properties. The effect will occur over a short timeframe and during this time may result in a significant cumulative effect.

### *Road Users*

3.3.26 Visual impacts from the road network surrounding the Proposed Development have been assessed in addition to impacts on traffic and transport.

3.3.27 During construction, temporary visual impacts have been predicted on the A885. Traffic impacts of neutral to slight have been identified in relation to road capacity, driver delay, pedestrian delay, pedestrian amenity, fear and intimidation; and a traffic impact of moderate to large adverse has also been identified in relation to accidents and safety. Considering the variable nature of traffic impacts throughout the construction period and their level of significance it is considered that cumulative impacts will not result in significant cumulative impacts upon the identified receptors.

## Cumulative Effects Conclusion

3.3.28 The consideration of the cumulative effects of the Proposed Development has been assessed for in-combination effects and effect interactions. No significant Cumulative Effects have been identified, with

the exception of some temporary significant cumulative effects on residences during the construction phase. Given the significant effects identified would be minimised where possible and would be temporary in nature, the Proposed Development accords with A&BLDP Policies (LDP 3, STRAT 1 and DM1) and LLTNPA policy (Overarching Policy 1). Overall, the assessment of cumulative effects does not materially alter the planning assessment undertaken in **Section 3** of this Statement.

## 3.4 Planning Assessment

3.4.1 The key planning matters to be considered for the determination of the application are set out below.

### Principle of Development

3.4.2 The Proposed Development is of national importance. The principle and acceptability of the Proposed Development delivering replacement electricity transmission infrastructure is well-established in planning and energy policy, as set out in **Section 2**. The acceptability in principle should be afforded significant material weight in assessment of the planning balance when having regard to environmental and other impacts that are material to the determination process.

3.4.3 Given the advanced stage of the revised draft NPF4 which is due to be adopted imminently, this should be considered as a significant material consideration. 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 the Revised Draft NPF4 and NPF3.

3.4.4 National Energy Policy also supports the principle of development, given the importance of electricity distribution to meeting carbon reduction targets and increasing use of low and zero carbon technologies for applications such as heating and transport. The energy policy framework is a significant consideration which must be acknowledged with regard to the need case for replacing failing electricity infrastructure and maintaining the existing transmission network.

3.4.5 It has been demonstrated within the EIA Report that the proposed OHL alignment has been chosen through detailed option assessments within the wider search area (as identified in **Figure 2.3** of the EIA Report). This process has taken full account of environmental and technical constraints, and these have been assessed against the implications of alternative routing options for the proposed replacement OHL.

3.4.6 A&BC Policy LDP DM1 encourages sustainable forms of development and classifies the LDP area into defined development management zones. It is recognised through Policy LDP DM1 that development proposals which "*directly support the provision of essential infrastructure*" will, in principle, accord with policy. The strategic importance of the Proposed Development is essential to delivering the reliable transmission of electricity and is therefore considered to be wholly consistent with this policy position.

3.4.7 LLTLDP Overarching Policy 2 considers that development must not conflict with nearby land uses and should address relevant environmental concerns. LLTLDP Overarching Policy 1 also places a strong focus on the four key planning outcomes as outlined in SPP and NPF3, stating that development should contribute towards the National Park meeting these aims.

3.4.8 As such, the Proposed Development accords with the aims of the revised draft NPF4, and, overall, relevant local development plan (LDP) policy. As summarised above, the assessment in **Section 3** identifies some policy tensions arising from the loss of woodland, in particular Ancient Woodland. This woodland resource contributes to the distinctiveness and natural character of the National Park, as is evident in in its landscape character and natural environment qualities. While the loss of Ancient Woodland is recognised, on balance it is considered that the Proposed Development, consisting of electricity transmission infrastructure of strategic and national importance, provides suitable reasoning for any departure from LLTLDP Overarching Policy 1 and 2.

## National Policy Conclusion

3.4.9 In terms of the Revised Draft NPF4 Policy, there are several key policies relevant to the Proposed Development. Policy 1 'Tackling the Climate and Nature Crises' states that "*When considering all development proposals significant weight will be given to the global climate and nature crises*". Revised Draft NPF4 Policy 2 'Climate Mitigation and Adaption' states that development proposals "*will be sited and designed to adapt to current and future risks from climate change*". Given the Proposed Development will ensure electricity transmission can be maintained, and the given the importance of electricity supply in delivering a low carbon energy source, it is therefore considered that the Proposed Development is in accordance with Policies 1 and 2 of the Revised Draft NPF4.

3.4.10 Revised Draft NPF4 Policy 4 'Natural Places' outlines that development proposals that will affect a National Park will only be supported where "*the objectives of designation and the overall integrity of the areas will not be compromised*" and "*any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance*". The Proposed OHL is a strategic national infrastructure project that will not detrimentally affect the objectives of the National Park. Environmental effects have been mitigated as far as possible, and the project is of critical importance to ensure that electricity supply is maintained and in order to meet statutory climate change targets – which are significant environmental and social considerations. Therefore, the Proposed Development aligns with Policy 4.

3.4.11 Part 3 Annex C 'Spatial Planning Priorities' provides commentary on several issues including Blue and Green Infrastructure. In relation to LLTNPA on page 132, it states that, "*Loch Lomond and The Trossachs National Park has landscape-scale opportunities to restore and enhance nature and respond to climate change, including through woodland creation and peatland restoration, as well as natural flood risk management. The National Park will continue to support the quality of life and health of the urban population and its future priorities include new infrastructure provision to provide a quality visitor experience".*

3.4.12 Given the advanced stage of NPF4 in revised draft form, and the intention to maintain the national status of certain aspects of development on the transmission network, including high voltage OHL works, it is pertinent for the Proposed Development. NPF4 is due to be adopted in February 2023, during the determination period for this application, increasing its materiality in the decision-making process. It is considered that NPF4 attracts significant weight as a material consideration in support of the Proposed Development currently.

## Development Plan Conclusion

3.4.13 The strategic importance of the Proposed Development is essential to delivering the transmission of electricity and is considered to be wholly consistent with the LDP position as set within A&BLDP Policy STRAT 1. Policy LDP DM1 recognises that proposals which "*directly support the provision of essential infrastructure*" will accord with policy, which the Proposed Development aligns with as it is essential infrastructure to maintain electricity supply.

3.4.14 The environmental impact of the development has been fully assessed against the provisions of A&BC policies (LDP3, ENV3), LLTNPA policy (Overarching Policy 1) and associated SG policy and no significant permanent effects are identified that cannot be satisfactorily mitigated to appropriate levels, with the exception of the permanent loss of 3.44 ha of Ancient Woodland and the significant Landscape and Visual effects of the OHL which will reduce over time. The proposals will replace essential transmission infrastructure in this part of the countryside. The infrastructure will however link into other existing OHL infrastructure and as such it does not amount to a new or unusual element in wider landscape and visual terms.

3.4.15 The design approach taken for the Proposed Development has embedded mitigation as part of fully considered environmental factors. This approach has resulted in the proposed OHL alignment avoiding designations and areas of sensitivity as far as practicable or possible, whilst delivering the essential infrastructure with, overall, minimal negative impact upon the environment and communities.

3.4.16 A&BLDP Policy LDP10 and the supporting written statement seeks contain a presumption to address climate change by reducing emissions and refers to Climate Change targets (of the time when the policy was written). A&BLDP 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*". Given that the Proposed Development forms part of improvements to the transmission network and grid, it is considered that the development is acceptable in terms of Policy LDP10.

3.4.17 The wider aims of the A&BC or LLTNPA Development Plans, in so far as they are material considerations, provides local context for the assessment of environmental impacts arising from the Proposed Development that is subject of the s37 application.

# 4. CONCLUSION

## 4.1 Summary

### The Electricity Act 1989

4.1.1 Paragraph 3 of Schedule 9 to the Electricity Act 1989 places a statutory requirement on the Applicant and Scottish Ministers to have regard to specific matters when considering development proposals seeking consent under s37.

4.1.2 The EIA Report chapters contain information and assessments that enables Scottish Ministers to reach the conclusion that the Applicant has discharged their obligations under Schedule 9. As such, the EIA Report provides a depth of assessment that demonstrates with confidence that the Proposed Development would be undertaken in an environmentally acceptable manner.

### National Energy Policy

4.1.3 The application for consent under s37 for a replacement OHL seeks to enable the continued transmission of electricity via the Applicant's existing Argyll network onto SPEN's OHL in order that it can be connected into the wider GB network would contribute to delivering on the Government's net zero objectives. This Planning Statement has considered the potential environmental effects of delivering the replacement OHL in the context of national and local planning policy and in relation to Government energy policy.

4.1.4 It has been demonstrated that the Proposed Development is required to maintain the existing electricity transmission system and electricity supplies. This will support the Applicant's obligations under section 9 of Electricity Act to develop and maintain an efficient, co-ordinated and economical system of electricity distribution.

### National Planning Policy

4.1.5 The Proposed Development is a national development, as defined in revised draft NPF4, Part 3, Section 3b of Annex B: "New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more".

4.1.6 The Revised Draft NPF4 affirms the national development status of strategic electricity transmission infrastructure will be maintained (National Development 3), which provides an indication that this will continue to be a strategic priority at a national level. It is recognised that NPF4 is of significant weight as a material consideration in the decision-making process at this time, given its advanced stage and imminent adoption.

4.1.7 The Proposed Development is a strategically important national transmission project essential to electricity transmission in the Argyll & Bute area. The replacement OHL is required to reinforce existing critical infrastructure to serve the immediate and wider area. These objectives of and need for the Proposed Development are consistent with A&BC Policies (STRAT 1, LDP DM1) and LLTNPA Policy (Renewable Energy Policy 1). Within the context of planning and energy policy assessed within this Planning Statement, ensuring the security of existing electricity supply is an important material consideration.

4.1.8 Since the adoption of NPF3 and SPP in 2014 there is now a clear shift from what was referred to as a move to a 'low carbon economy'. Policy is now underpinned by a mandate to move to a 'net zero economy and society'. The Proposed Development is required to maintain existing electricity supply and therefore aligns with policy aims and will contribute towards achieving the statutory outcomes outlined in the revised draft NPF4. The need case for the Proposed Development as essential infrastructure should be afforded great weight in the planning balance.

4.1.9 Only through the development of the many individual electricity infrastructure projects, such as the Proposed Development, and the benefits they collectively bring will a valuable contribution to the Scottish Government's clear aspiration for increased security of supply, alongside an accelerated and greater deployment of renewable energy be realised. The Proposed Development delivering this infrastructure will make a real and meaningful contribution to ensuring existing and future transmission needs of energy across the country is delivered.

### The Development Plan

4.1.10 The development is a strategically important national transmission site essential to reinforcing existing critical transmission infrastructure. The development will serve the Argyll & Bute and Loch Lomond & The Trossachs National Park areas, alongside the wider region, and this is consistent with LLTLDP Overarching Policy 1 and A&BLDP Policies STRAT 1 and LDP DM1.

4.1.11 The Proposed Development would meet the aims and objectives of Development Plan key policy and policy outlined in the revised draft NPF4. Whilst the EIA Report and this Planning Statement note some policy tensions, it is evident through the assessment of the planning balance that there is overwhelming Development Plan and National Policy support for the Proposed Development, which outweighs any of these tensions. Overall, to the extent that Development Plan policy and related guidance are relevant to an application for consent under s37 of the Electricity Act 1989, the Proposed Development is considered to accord with Development Plan policy and National policy when considered holistically.

### Overall Conclusion

4.1.12 This Planning Statement has given due regard to all the relevant material considerations. It is concluded that the balance of these considerations demonstrates a robust case for the granting s37 consent. Accordingly, it is endorsed that both s37 consent and deemed planning permission under section 57(2) of The Town and Country Planning (Scotland) Act 1997 should be granted for the Proposed Development. It is recognised that these consents would be subject to appropriate conditions, informed by the assessment within the EIA Report.

# 5. FIGURES