



Scottish Government
Riaghaltas na h-Alba
gov.scot

**The Scottish Government
Energy Consents Unit**

**Scoping Opinion On Behalf Of Scottish Ministers Under The Electricity Works
(Environmental Impact Assessment) (Scotland) Regulations 2017**

**Creag Dhubh to Inveraray 275 kV Overhead Line Connection
Scottish Hydro Electric Transmission PLC**

15 June 2022

1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to Scottish Hydro Electric Transmission PLC a company incorporated under the Companies Acts with company number SC213461 and having its registered office at Inveralmond House, 200 Dunkeld Road, Perth, PH1 3QA (“the Company”) in response to a request dated 1 March 2022 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Creag Dhubh to Inveraray 275 kV connection (“the proposed development”). The request was accompanied by a scoping report.

1.2 The proposed development is part of a wider scope of works to upgrade the transmission network in eastern Argyll and is located between a proposed new substation at Creag Dhubh and a connection point on the recently constructed Inveraray to Crossaig circuit.

1.3 Settlements and residential properties are largely concentrated along loch shores and within glens. The largest settlement within the Study Area is Inveraray which is located on the north eastern shore of Loch Fyne. Dalmally lies to the north of the Study Area, to the south of the A85 in the Strath of Orchy. Smaller clusters of settlement are found along the shores of Loch Awe, including Lochawe, Claddich, Kilchrenan and Dalavich. Scattered hamlets and single properties and farmsteads are found at lower elevations throughout the Study Area, where topography allows.

1.4 The roads within the study area include:

- the A819
- the A83
- the A815
- the A85
- the B840
- the B845
- an unnamed road from Ford via Kilchrenan before it joins the A845 near Taynuilt.

1.5 Also, the study area includes the Crainlarich to Oban spur of the West Highland Railway Line and recreational Routes and Summits e.g. National Cycle Network (NCN) Route 78 crosses through the northern portion of the Study Area, approximately 5.7 km to the north west of the Proposed Development at its closest point.

1.6 The Proposed Development would comprise the construction of between 8-12 km of new 275 kV Overhead Line (“OHL”) from the proposed Creag Dhubh substation to a connection point on the recently constructed Inveraray –Crossaig circuit. The Proposed Development will replace a section of the existing aged 132 kV OHL asset which will be dismantled and removed as part of the project works.

1.7 As part of the Proposed Development temporary diversions will be required for a period of over six months:

- An OHL / and or Underground Cable (“UGC”) temporary diversion to allow

the safe stringing of the Proposed Development at the point it intersect with the existing 132 kV OHL; and

- A 275 kV temporary diversion to facilitate the connection on recently constructed Inveraray – Crossaig circuit.

1.8 Once the Creag Dhubh to Inveraray line is operating at 275 kV these temporary diversions will be removed.

1.9 The Proposed Development would not have a fixed operational life. It is assumed that the Proposed Development will be operational for 50 years or more. The effects associated with the construction phase can be considered to be representative of worst-case decommissioning effects, and therefore no separate assessment is proposed as part of the EIA Report.

1.10 The proposed development is solely within the planning authority of Argyll and Bute Council.

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between Scottish Hydro Electric Transmission PLC (acting as the Company's agent) and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 1 March 2022. The consultation closed on 4 May 2022. Extensions to this deadline were granted to Argyll and Bute Council and Historic Environmental Scotland. The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry. Standing advice from Marine Scotland Science (MSS) has also been provided. Standing advice from Marine Scotland Science (MSS) has been provided with requirements to complete a checklist prior to the submission of the application for consent under section 37 of the Electricity Act 1989. All consultation responses received, and the standing advice from MSS, are attached in ANNEX A Consultation responses.

2.2 The purpose of the consultation was to obtain scoping advice from each consultee on environmental matters within their remit. Responses from consultees and advisors, including the standing advice from MSS, should be read in full for detailed requirements and for comprehensive guidance, advice and, where appropriate, templates for preparation of the Environmental Impact Assessment (EIA) report.

2.3 Unless stated to the contrary in this scoping opinion, Scottish Ministers expect the EIA report to include all matters raised in responses from the consultees and advisors.

2.4 No responses were received from: Argyll District Salmon Fisheries, Argyll Fisheries Trust, British Horse Society Scotland, Civil Aviation Authority, Crown Estate Scotland, Defence Infrastructure Organisation, Fisheries Management Scotland, John Muir Trust, Joint Radio Company, Mountaineering Scotland, National Grid, Network Rail, Scottish Rights of Way and Access Society (ScotWays), Scottish Wild Land Group, Scottish Wildlife Trust, Visit Scotland, West of Scotland Archaeology Service, Inveraray Community Council, Glenorchy & Innishail Community Council and Avich & Kilchrenan Community Council.

2.5 With regard to those consultees who did not respond, it is assumed that they have no comment to make on the scoping report, however each would be consulted again in the event that an application for section 37 consent is submitted subsequent to this EIA scoping opinion.

2.6 The Scottish Ministers are satisfied that the requirements for consultation set out in Regulation 12(4) of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 have been met.

3. The Scoping Opinion

3.1 This scoping opinion has been adopted following consultation with Argyll and Bute Council, within whose area the proposed development would be situated, NatureScot (previously “SNH”), Scottish Environment Protection Agency and Historic Environment Scotland, all as statutory consultation bodies, and with other bodies which Scottish Ministers consider likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies.

3.2 Scottish Ministers adopt this scoping opinion having taken into account the information provided by the applicant in its request dated 1 March 2022 in respect of the specific characteristics of the proposed development and responses received to the consultation undertaken. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have taken into account the specific characteristics of the proposed development, the specific characteristics of that type of development and the environmental features likely to be affected.

3.3 A copy of this scoping opinion has been sent to Argyll and Bute Council for publication on their website. It has also been published on the Scottish Government energy consents website at www.energyconsents.scot.

3.4 Scottish Ministers expect the EIA report which will accompany the application for the proposed development to consider in full all consultation responses attached in **Annex A**.

3.5 Scottish Ministers are satisfied with the scope of the EIA as set out at Sections 4 – 15 of the scoping report.

3.6 In addition to the consultation responses, Ministers wish to provide comments with regards to the scope of the EIA report. The Company should note and address each matter.

3.7 Scottish Water provided information on whether there are any drinking water protected areas or Scottish Water assets on which the development could have any significant effect. Scottish Ministers request that the company contacts Scottish Water (via EIA@scottishwater.co.uk) and makes further enquires to confirm whether there any Scottish Water assets which may be affected by the development, and includes details in the EIA report of any relevant mitigation measures to be provided.

3.8 Scottish Ministers request that the Company investigates the presence of any private water supplies which may be impacted by the development. The EIA report should include details of any supplies identified by this investigation, and if any

supplies are identified, the Company should provide an assessment of the potential impacts, risks, and any mitigation which would be provided.

3.9 MSS provide generic scoping guidelines for both onshore wind farm and overhead line development (<https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren>) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

3.10 In addition to identifying the main watercourses and waterbodies within and downstream of the proposed development area, developers should identify and consider, at this early stage, any areas of Special Areas of Conservation where fish are a qualifying feature and proposed felling operations particularly in acid sensitive areas.

3.11 MSS also provide standing advice for OHL developments (which has been appended at Annex B) which outlines what information, relating to freshwater and diadromous fish and fisheries, is expected in the EIA report. Use of the checklist, provided in Annex 1 of the standing advice, should ensure that the EIA report contains the required information; the absence of such information may necessitate requesting additional information which may delay the process.

3.12 Scottish Ministers consider that where there is a demonstrable requirement for peat landslide hazard and risk assessment (PLHRA), the assessment should be undertaken as part of the EIA process to provide Ministers with a clear understanding of whether the risks are acceptable and capable of being controlled by mitigation measures. The Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments (Second Edition), published at <http://www.gov.scot/Publications/2017/04/8868>, should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures.

3.13 The Scoping Report was referred to Ironside Farrar commissioned by the ECU to provide advice regarding PLHRA and relative to the potential for risks posed by peat slides. Scottish Ministers agree with Ironside Farrar that a PLHRA will be required. Please note Ironside Farrar's comments in regards to PLHRA included at Annex A.

3.14 The scoping report identified viewpoints at Table 4.2 to be assessed within the landscape and visual impact assessment.

3.15 Ministers expect Company's to carry out adequate pre-application consultation and to demonstrate what alternatives to the proposal were considered before arriving at the design they apply for. Ministers agree with the Planning Authority that the EIA should include a description of the main development alternatives which are relevant to the proposal and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

3.16 On this, It is noted that considerable detail has been provided at 2.1 of the Scoping Report in respect of why the original preferred route has not been progressed due to unexploded ordinance ("UXO") being discovered in Ladyfield Plantation. Ministers agree with the Planning Authority that the EIA should include the results of the community consultation exercises which have been undertaken including any views received in response to the

proposed realignment from that originally proposed as part of the original community consultation exercise. It is understood that this additional community consultation exercise is currently ongoing.

3.17 Ministers are aware that further engagement is required between parties regarding the refinement of the design of the proposed development regarding, among other things, surveys, management plans, peat, finalisation of viewpoints, cultural heritage, cumulative assessments and request that they are kept informed of relevant discussions.

4. Mitigation Measures

4.1 The Scottish Ministers are required to make a reasoned conclusion on the significant effects of the proposed development on the environment as identified in the environmental impact assessment. The mitigation measures suggested for any significant environmental impacts identified should be presented as a conclusion to each chapter. Applicants are also asked to provide a consolidated schedule of all mitigation measures proposed in the environmental assessment, provided in tabular form, where that mitigation is relied upon in relation to reported conclusions of likelihood or significance of impacts.

5. Conclusion

5.1 This scoping opinion is based on information contained in the applicant's written request for a scoping opinion and information available at the date of this scoping opinion. The adoption of this scoping opinion by the Scottish Ministers does not preclude the Scottish Ministers from requiring of the applicant information in connection with an EIA report submitted in connection with any application for section 37 consent for the proposed development.

5.2 This scoping opinion will not prevent the Scottish Ministers from seeking additional information at application stage, for example to include cumulative impacts of additional developments which enter the planning process after the date of this opinion.

5.3 Without prejudice to that generality, it is recommended that advice regarding the requirement for an additional scoping opinion be sought from Scottish Ministers in the event that no application has been submitted within 12 months of the date of this opinion.

5.4 It is acknowledged that the environmental impact assessment process is iterative and should inform the final layout and design of proposed developments. Scottish Ministers note that further engagement between relevant parties in relation to the refinement of the design of this proposed development will be required, and would request that they are kept informed of on-going discussions in relation to this.

5.5 Applicants are encouraged to engage with officials at the Scottish Government's Energy Consents Unit at the pre-application stage and before proposals reach design freeze.

5.6 Applicants are reminded that there will be limited opportunity to materially vary the form and content of the proposed development once an application is submitted.

5.7 When finalising the EIA report, applicants are asked to provide a summary in tabular form of where within the EIA report each of the specific matters raised in this scoping opinion has been addressed.

5.8 It should be noted that to facilitate uploading to the Energy Consents portal, the EIA report and its associated documentation should be divided into appropriately named separate files of sizes no more than 10 megabytes (MB).

Susan Hargreaves

**Energy Consents Unit
15 June 2022**

ANNEX A

Consultation

List of consultees

Argyll and Bute Council
Historic Environment Scotland
SEPA
Nature Scot
Loch Lommond and Trossochs National Park -
(Adjoining Planning Authority and/or National
Park)*
Argyll District Salmon Fisheries *
Argyll Fisheries Trust *
Avich & Kilchrenan Community Council *
British Horse Society Scotland *
BT
Civil Aviation Authority*
Crown Estate Scotland *
Defence Infrastructure Organisation (MOD)
Fisheries Management Scotland *
Glasgow Airport
Glasgow Prestwick Airport
Glenorchy & Innishail Community Council *
Inveraray Community Council *
John Muir Trust *
Joint Radio Company*
Maritime and Coastguard Agency Mountaineering Scotland * National Grid *
Network Rail *
Nuclear Safety Directorate
RSPB Scotland
Scottish Rights of Way and Access Society (ScotWays) * Scottish Water
Scottish Wild Land Group * Scottish Wildlife Trust * Visit Scotland *
West of Scotland Archaeology Service *

*No response was received.

Internal advice from areas of the Scottish Government was provided by officials from Transport Scotland, Scottish Forestry and Marine Scotland (in the form of standing advice from Marine Scotland Science). PLHRA advice from Ironside Farrar (commissioned by the ECU to provide advice regarding PLHRA and relative to the potential for risks posed by peat slides) has also been provided.



09 June 2022

Our Ref.: 22/00723/SCOPE

ECU Ref.: ECU000

Contact: Mr D Moore
Direct Line : (01436) 658916
e-mail address: david.moore@argyll-bute.gov.uk

Helensburgh and Lomond Civic Centre
38 East Clyde Street
Helensburgh, G84 7PG

Dear Sir / Madam

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017.

Scoping Opinion Consultation Response - Proposal to construct and operate a 8-12 kilometre (km) double circuit 275 kV overhead line (OHL), supported by lattice steel towers between a proposed substation at Creag Dhubh to a connection point on the recently constructed Inveraray-Crossaig Circuit

I write in reference to your consultation regarding the above and would thank you for previously agreeing to extend the response period to 9 June 2022. The scoping opinion consultation response is attached as Appendix A to this letter.

It should be clarified that the issuing of this scoping consultation advice should not be taken to indicate support for the proposal on the part of Argyll & Bute Council. The Council's conclusions on any future application would rely upon the consideration of the content of any accompanying environmental information, the responses of consultees, the views of third parties and any other material planning considerations.

Please note that in terms of the Council's '*Argyll and Bute Local Development Plan*' (adopted 2015) and associated Supplementary Guidance, Argyll & Bute Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse effects, whether individual or cumulative, including on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses. The Council Acknowledges the vital role transmission upgrades play in transferring renewable energy from generation to users. Proposals will be assessed against the following criteria:

- Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
- The scale of contribution to renewable energy provision.
- Effect on greenhouse gas emissions.
- Cumulative impacts arising from all of the considerations below.

- Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.
- Landscape and visual impacts, including effects on wild land.
- Effects on the natural heritage, including birds.
- Impacts on carbon rich soils, using the carbon calculator.
- Public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF.
- Impacts on the historic environment, including scheduled monuments, listed buildings and their settings.
- Impacts on tourism and recreation.
- Impacts on aviation and defence interests and seismological recording.
- Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.
- Impacts on road traffic.
- Impacts on adjacent trunk roads.
- Effects on hydrology, the water environment and flood risk.
- The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration.
- The need for site restoration.

The *'Argyll & Bute Landscape Wind Energy Capacity Study'* (2017) is also a material consideration in the Council's consideration of large scale renewable infrastructure applications in that it evaluates the landscape character and sensitivities of an area. Although produced to primarily assist in evaluating windfarm proposals, the landscape character analysis contained within this document will be a material planning consideration in evaluating the ability of the landscape to absorb S37 developments and identify areas of sensitivity such as transitional and/or sensitive landscape areas.

That this infrastructure investment is generally supported by draft NPF 4, NPF3, SPP, LDP, Draft LDP 2 and other policies of the Council, does not detract from the need to ensure that significant environmental and landscape impacts are minimised, and also that any potential impacts on sensitive receptors are carefully considered in determining any future S37 application under the Electricity Act.

Should you require anything further please do not hesitate to contact me.

Yours sincerely

David Moore
Senior Planning Officer
Major Applications Team
Development & Infrastructure

Appendix A

ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017, REGULATION 12

SCOPING CONSULTATION RESPONSE ON BEHALF OF ARGYLL & BUTE COUNCIL

PROPOSAL: Proposal to construct and operate a 8-12 kilometre (km) double circuit 275 kV overhead line (OHL), supported by lattice steel towers between a proposed substation at Creag Dhubh to a connection point on the recently constructed Inveraray-Crossaig Circuit

THE PROPOSAL

The proposed development will link the proposed Creag Dhubh substation (CDS) and the Inveraray Crossaig OHL (currently under construction) and necessary ancillary works required to facilitate its construction and operation (e.g. access tracks, temporary construction compounds, woodland removal). A major planning application has recently been submitted for the proposed Creag Dhubh substation (REF: 22/00782/PP) which is at time of writing being validated but will be an existing application at time of submission of the EIA.

The proposed new 275kV overhead line will replace the existing 132kV overhead line between Inveraray switching station and the proposed Creag Dhubh substation, connecting at Creag Dhubh. The existing line will be decommissioned and removed upon completion of the new line. The remaining 132kV overhead line from Creag Dhubh substation to Taynuilt will not be altered during this project.

It is noted that the previously preferred route option has been found to contain unexploded ordinance (UXO) within a section of it as it transverses Ladyfield Plantation. This matter will be commented upon in respect of the selection of alternatives below.

CONSIDERATION OF ALTERNATIVES

The EIA should include a description of the reasonable alternatives (in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposal and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

It is noted that considerable detail has been provided at 2.1 in respect of why the original preferred route has not been progressed due to UXO being discovered in Ladyfield Plantation. The EIA should include the results of the community consultation exercises which have been undertaken at time of submission of the S37 application, including any views received in response to the proposed realignment from that originally proposed as part of the original community consultation exercise. At time of writing it is understood that this additional community consultation exercise is ongoing.

BUILT ELEMENTS

The proposed route would accommodate an OHL with self-supporting fabricated galvanised steel lattice towers. Each tower would carry two circuits, with three horizontal cross arms on each side of the tower, each carrying an insulator string and two conductors. An earth wire, containing an optical fibre ground wire (OPGW), would be strung between the tower peaks. The spacing between towers would vary depending on topography, altitude, and land use. An investigation of sub-surface and geotechnical conditions at proposed tower locations would be undertaken at a later stage. The typical span distance between towers would be between 300 m to 350 m.

Permanent access tracks are noted as likely to be required to any angle and terminal tower locations, with temporary access tracks used to access all other towers. At this stage, SSEN has assumed that towers would be a maximum of 60 m above ground level, with a typical average tower height of 50 m above ground level.

It is noted that at 2.4.2 SSEN state:

A Construction Environmental Management Plan (CEMP) will be prepared to ensure that all construction activities are undertaken as per SSEN Transmission's standard practices, which will include reference to applicable General Environmental Management Plans (GEMPs) and Species Protection Plans (SPPs).

This approach is welcomed. As is the commitment at 2.4 that:

Following commissioning of the Proposed Development, all construction sites will be reinstated. Reinstatement will form part of the contract obligations for the Principal Contractor and will include the removal of all temporary access tracks, all work sites around the tower locations and the re-vegetation of all construction compounds.

The EIA should identify the location of all built elements, including access tracks and any related and required borrow pits to facilitate access track provision, both temporary and permanent, which should be sited to avoid habitats of importance, wetlands, areas of deep peat and blanket bog, watercourses and abstractions, in order that areas of particular vulnerability to damage from development, or which have higher pollution sensitivity, may be protected from unnecessary impacts associated with the development. The assessment should address the construction, operational and decommissioning phases of the development. It should also be noted that the Council would expect the access to/from the site to the junction with the public road to be included within the site edged red.

PLANNING POLICY CONTEXT

The EIA will require to take into account of applicable legislation, policy and guidance in relation to renewable energy.

The following documents should also be given due weight in the policy evaluation of the proposal

- NPF3 (or NPF4 based upon submission date)
- SPP
- Argyll and Bute Local Development Plan 2015
- Argyll and Bute Energy Action Plan
- Argyll and Bute Landscape Wind Energy Capacity Study (Capacity Study 2017);
- SNH (1996) Landscape Assessment of Argyll and the Firth of Clyde (Review No78)
- Argyll and Bute Woodland and Forestry Strategy
- Argyll and Bute Biodiversity Action Plan 2017

Any route option proposed as part of a S37 application should also have regard to any specific land use allocations within the adopted LPD 2015.

Although not as yet adopted, attention is drawn to the emerging LDP 2. Depending upon the date of any future application this may have reached a stage in the adoption process where the weight to be afforded to this will be increased. Therefore the applicants should ensure that the status and weight to be afforded to the policies and land use allocations/designations in the emerging LDP 2 document are both considered, and given appropriate weight, in any policy evaluation.

LANDSCAPE & VISUAL AMENITY

It is noted from the Scoping Report that the aim of the landscape and visual impact assessment (LVIA) is to identify, predict and evaluate potential landscape and visual effects arising from the proposed development and associated ancillary elements. The main elements of LVIA are set out at Chapter 4 of the Scoping Report.

In respect of the predicted ZTV (Fig 4.1& 4.2) and proposed viewpoints and the proposed 10KM radius study area of the ZTV this is considered to be acceptable. The matters set out in table 4.1

in respect of landscape designation as and matters to be included within the LVIA are agreed. The proposed viewpoints set out at Table 4.2 are also considered to be acceptable.

In respect of the cumulative LVIA evaluation of Creag Dhubh substation and the proposed S37 from Creag Dhubh to Dalmally (Glen Orchy switch). It would also be useful to include views to the south and west from the Duncan Ban Monument within the LVIA analysis as parts of the cumulative infrastructure are likely to be visible from this popular location.

Critical to the LVIA and evaluation of impacts is to ensure that cumulative impacts are properly evaluated. It has been clarified by SSEN and commitment made to both A&B council and ECU in respect of previous screening submissions for the proposed Creag Dhub Substation (Major Planning Application (REF: 22/00282/PP) and any associated linkage towers (under a separate S37 application) a cumulative LVIA evaluation will be carried out to include these future development proposals which will be subject to separate applications by SSEN.

A list of other developments to be considered as part of the cumulative landscape evaluation was provided to the Planning Authority under separate submission by SSEN on 1.6.22. As set out below:

LT194 Cumulative Developments	Status
Wind Farms	
Blarghour Wind Farm	Consented
An Suidhe Substation	Consented
An Suidhe Wind Farm	Operational
Clachan Flats Wind Farm	Operational
Carraig Gheal Wind Farm	Operational
Beinn Ghlas Wind Farm	Operational
Carr Dubh Wind Farm	Scoping
Ladyfield Wind Farm	Scoping
Transmission	
Blarghour OHL Connection	Reasonably Foreseeable
Creag Dhubh Substation	Reasonably Foreseeable
Creag Dhubh to Dalmally 275 kV OHL Connection	Reasonably Foreseeable
ITE/ITW Connection to Creag Dhubh Substation from existing 132 kV Taynuilt to Inveraray OHL	Reasonably Foreseeable
LT40 Inverary - Crossaig Circuit	Recently Constructed
Other Development	
Ladyfield Forest Meteorological Mast	Consented
Creagan and Cabrach Long Term Forest Plan	
River Aray Hydro Connection	
Proposed Agricultural Shed	Consented
Formation of access and engineering operations to re-contour the adjacent landscape (retrospective). A819 Land Opposite Kilchurn Castle View Point Dalmally Argyll and Bute	Consented
Formation of forest access track. Kenachreachan Forest	Consented
Erection of telecommunications equipment compound with 25 m high lattice tower and associated works East of Keeper's Cottage	Consented

Telecommunications Masts at Tom Breac & Glen Aray	Consented
------------------------------------------------------	-----------

This list is agreed as capturing those existing or likely foreseeable developments at this time. It should however be noted that there is a potential for a large pump hydro scheme at Balliemeanoch to be formally submitted during the application process and this may also require to be considered. Alan Brogan at the ECU is aware of this potential development, and will be able to clarify whether a formal submission has been made under S36 at time of the submission of this proposal.

The Assessment approach and methodology as set out at 4.6 and table 4.3 are acceptable and the conclusion at 4.8 that....*The LVIA will identify and evaluate the likely residual effects of the Proposed Development on landscape and visual receptors within 10 km of the Proposed Development. This will be undertaken via desk study and through field reconnaissance.The effects of the Proposed Development on landscape character and on views and visual amenity would be assessed and mitigation measures, where appropriate, would be proposed to prevent, reduce, or offset any likely significant adverse effects identified. Cumulative effects from the Proposed Development in combination with other proposed developments would also be considered....*is also welcomed.

CULTURAL HERITAGE

The Scoping Report notes that a considerable number of Heritage Assets have been identified as set out at Figures 5.1 and Figure 5.2 within 5km of the proposals. It is welcomed that at 5.2.3 additional baseline surveys will be undertaken in accordance with recognised methodology.

The planning authority welcomes confirmation that:

The effects of the Proposed Development (direct and indirect impacts) on heritage assets would be assessed and mitigation measures, where appropriate, would be proposed to prevent, reduce, or offset any likely significant adverse effects identified. Cumulative effects from the Proposed Development in combination with other proposed developments would also be considered, where appropriate.

In respect of these matters the Planning Authority will defer to the views of HES.

ECOLOGY/ORNITHOLOGY

In respect of these matters it is welcomed that the applicants have clarified that:

The EclA will be completed in accordance with the Chartered Institute of Ecological and Environmental Management (CIEEM) Guidelines for Ecological Impact Assessment³⁰. The assessment will use the ecological baseline to identify the Important Ecological Features (IEFs) that could be affected by the construction of the Proposed Development. IEFs will be assigned a geographic level of importance based on their conservation status and population / assemblage trends and other relevant criteria (including size, naturalness, rarity and diversity). Details of the Proposed Development will then be used to assess what level of effect each receptor is likely to receive and whether that impact will be beneficial or adverse, significant or negligible, and temporary or permanent.

The Planning Authority also welcome the stated commitment that:

Where appropriate, mitigation measures will be recommended within the EclA to remedy any adverse impacts and measures to enhance the local ecology will also be incorporated. An assessment of cumulative and residual effects will also be undertaken and reported within the EIA Report.

It is noted that at 6.5.1 the applicants have committed to Biodiversity Net Gain objectives as part of the proposal stating that:

A BNG assessment shall be undertaken for the Proposed Development. BNG is a process whereby development leaves biodiversity in a measurably better state than before. The Habitat Condition Assessment (HCA) data will be combined with habitat distinctiveness,



connectivity and strategic significance to determine biodiversity units per habitat polygon. The relative biodiversity value per polygon will be indicated by calculating the biodiversity units per hectare (BU/ha). Any irreplaceable habitats identified, including Ancient Woodland and good/moderate condition blanket bog, are not included in the optioneering toolkit. This is a requirement of the BNG process as it is not possible to compensate for losses to irreplaceable habitat and they are therefore not quantified. This follows UK best practice and the SSEN Transmission BNG guidance.

This is a welcomed step. The applicants also confirm:

The NVC surveys will be completed in line with NVC survey guidelines (Rodwell, 2006ii), classifying communities in accordance with the NVC system (Rodwell, 1991 – 2000, 5 volumesiii). The purpose of these surveys is to identify protected habitats, consisting of potential GWDTEs, Annex 1 habitats under the EU Habitats Directive and those with protection under the Scottish Biodiversity List (SBL).

This is considered to be satisfactory by the Planning Authority

General Comment

All necessary surveys should be carried out at the optimum time of year by a suitably qualified person and include mitigation. Links to: A Biodiversity Technical Note for Planners and Developers, Argyll & Bute Council, February 2017 and Pollinators in Planning and Construction, A brief guide for the development sector, Scottish Natural Heritage, August 2019 are provided below:

https://www.argyll-bute.gov.uk/sites/default/files/biodiversity_technical_note_feb_2017_4.pdf

<https://www.nature.scot/sites/default/files/2019-09/Pollinators%20in%20Planning%20and%20Construction%20Guide.pdf>

The applicant is advised to follow the good practice set out in these documents.

In respect of the matters set out at 6.6.1 to 6.6.3 (Ecology) the Planning Authority defers to the views of Nature Scot on these matters. In respect of Para 6.7 the intention to further evaluate potential impacts upon red squirrel habitat loss, fragmentation and severance are welcomed.

In respect of the matters set out at paragraphs 7.6.1 to 7.7 (Ornithology) the planning Authority defers to the views of Nature Scot on these matters.

GEOLOGY, SOILS AND PEAT

The commitment set out at 8.5 that...*The EIA Report will include an assessment of potential effects on geological and peat resource from the construction and operation of the Proposed Development. The outcomes of the peat study will be included as a technical appendix to the EIA Report and will include a detailed map of peat depths showing all the built elements overlain to demonstrate how the development avoids areas of deep peat...*is welcomed as impacts upon peat are becoming ever more material in respect of climate change and carbon storage.

It is also welcomed that the applicant confirms:

.... Peat probing will be undertaken in accordance with good practice guidance and relevant methodologies⁵⁰. This will include a coarse resolution grid across the Proposed Development area, based on a 100m grid (subject to access). The peat depth data will then be used to inform the design of the Proposed Development.

This embedded mitigation approach is considered essential to ensure that impacts upon peat are minimised from the outset of the proposals and tower and access location and construction are informed by peat depth and quality.

Issues Scoped Out

- *All operational impacts will be scoped out of the assessment as there are not likely to be any new effects on sensitive receptors following the construction phase.*

- *Based on the current and historic land use of the Proposed Development, which is greenfield and undeveloped, it is not considered that contaminated land is likely to be present and can be scoped out of the assessment.*

The Planning Authority, although in agreement with this approach, defers to the views of SEPA on these matters.

WATER ENVIRONMENT (Hydrology and Hydrogeology)

The commitment at 9.2.4 that:

Ecological surveying shall identify the potential presence of GWDTEs Hydrological assessment shall be carried out to determine the extent to which such habitats are dependent on groundwater supplies, and shall assess the sensitivity of habitats to alterations in groundwater flows due to construction activities. Excavations in excess of 1 m proposed for construction purposes, within 250 m areas of Moderate or High groundwater dependency, shall be subject to a qualitative/quantitative assessment of their potential impact on habitats

Is welcomed, and it is noted that

The Proposed Route is not situated within a SEPA Surface Water Drinking Water Protected Area (DWPA) and outside of potential hydrological connection to such areas. The nearest Surface Drinking Water Protected Area is situated approximately 650 m to the north east, to the north of the River Aray catchment, and is therefore not in hydrological connection to the Proposed Development. There is a DWPA located approximately 2 km to the south west of the Proposed Route but is also not in hydrological connection to the Proposed Development.

It respect of private Water Supplies the scoping report confirms:

ABC and Scottish Water supplied a list of PWSs in the area. There are six PWSs within the Proposed Route, and an additional two PWSs within 250 m of the Proposed Route. If the Proposed Development is within 250 m of any PWS it will be subject to further qualitative assessment in the EIA Report.

The commitment to undertake, if necessary further qualitative assessment on these matters is welcomed.

At 9.5 the overall EIA approach to Hydrology and Hydrogeology matters is set out as follows:

The proposed technical reports to accompany the EIA Report are as follows and will inform design and construction mitigation:

A: Watercourse Crossing Assessment: A site survey of existing water features will be undertaken and a map of the location of all proposed engineering activities in the water environment provided. A systematic table detailing the justification for the activity; possible crossing types and level of CAR authorisation; and how any adverse impact will be mitigated will be included, accompanied by photography and dimensions. This will be presented as an appendix to the Proposed Development Chapter. The crossings for the Proposed Development are anticipated to be related to access tracks.

B: GWDTEs Assessment: Where GWDTEs are identified within 250 m of the tower foundations or 100 m of temporary access tracks, a technical report will be prepared to accompany the EIA Report to demonstrate how the GWDTEs would be protected (i.e. prevention of the development of preferential pathways for groundwater and significant drying of GWDTEs), in accordance with SEPA Guidance Note 31 (LUPS-GU31) 53. This will be presented as an appendix to the Ecology Chapter.

C: Groundwater Abstraction Protection: Where groundwater private water supplies or other abstractions are identified within 250 m of the tower foundations or borrow pits, or 100 m of temporary access tracks a technical report will be prepared to accompany the EIA Report to demonstrate how the abstraction will be protected, in accordance with SEPA Guidance Note 31 (LUPS-GU31). This will be presented as an appendix to the Proposed Development Chapter.

The use of technical reports on such matters as part of the EIA is welcomed. The Planning Authority will defer to the views of SEPA and Scottish Water on such matters.

TRAFFIC, TRANSPORT AND ACCESS

The commitment at 10.1 to provide a Transport and Access Assessment as part of the EIA report is welcomed. At 10.4 the applicant's state:

A cumulative assessment will take place where a proposed development has planning consent and would have a significant impact on the study network (i.e., over 30% increase in traffic flows). These traffic flows would be included into the baseline flows used within the assessment.

The Planning Authority is concerned that reasonably foreseeable additional construction projects, (many of which form part of SSEN's wider Argyll infrastructure strategy) will require to be considered even if formal permission has not been granted i.e.

- An additional S37 proposal Dalmally to Creag Dhubh
- The construction of Creag Dhubh substation platform and access (major planning application)
- Four Further large substations along the Inveraray Crossaig Route.

These other major infrastructure projects may to some degree overlap with the construction of the current proposals, and therefore there is a need to ensure that any TA is robust in terms of reasonably foreseeable cumulative impacts on the roads network, and not just restricted to only those elements which have a planning or other necessary permission in place.

The Planning Authority is also aware of the recent submission of the S36 Application for the enlargement of Cruachan Power Station and the potential construction timing of this should be evaluated by ECU, and if necessary factored in to any EIA TA submissions for the SSEN projects.

This is particularly important where borrow pits are proposed which may be utilised to provide construction materials for more than one SSEN project. Recent S37 permissions have resulted in considerable post approval work for the Area Roads Manager in respect of conditioned TMP's and the failure for the use of borrow pits to be factored into TA's at an early enough stage.

This resulted in TMP's being produced in advance of any investigation of the use of borrow pits and work having to be done multiple times associated with the review and approval of these conditioned submissions as part of the deemed planning permission.

In this respect the applicants are advised to have further discussions with ECU, Transport Scotland and the Area Roads Manager prior to finalising any TA submissions to ensure that other projects with potential impacts on the roads network are understood and properly addressed, as well as ensuring that the potential use of borrow pits is investigated prior to the submission of the TA.

It is agreed that ongoing operational traffic movements can be scoped out as these will be minimal and small scale.

NOISE AND VIBRATION

The applicants state that Construction noise will be short term and intermittent and can be controlled through the implementation of an appropriate CEMP, which would include working hours agreed with ABC. As such, no detailed assessment of construction noise associated with plant or traffic is proposed as part of the EIA Report.

Based on the scope and duration of construction activities required for tower construction, it is expected that construction traffic noise impacts and construction traffic vibration impacts would be negligible; therefore, no detailed assessment of construction traffic noise and vibration is proposed as part of the EIA Report.

It is agreed that this matter can be scoped out due to the transitory nature of the noise associated with construction. However it is essential that the CEMP should address these matters and ensure that best practice is embedded into the CEMP and it is recommended that prior to the submission of the CEMP that consultations are undertaken with the appropriate Environmental Protection Officers for the area to ensure best practice mitigation is embedded into the CEMP and a clear path/actions required for resolution of any identified noise impacts is clearly set out.

DECOMMISSIONING

The Planning Authority is satisfied that the CEMP can provide for more detailed decommissioning and restoration proposals in respect of any temporary access tracks or construction works.

RISK OF MAJOR ACCIDENTS AND/OR DISASTERS

Given the nature of the proposal it is considered that the clarification of normal operational safeguards in respect of construction and operation of a high voltage transmission line (and associated infrastructure such as GLSS and CDS) should be sufficient to address this matter and effectively this can be scoped out.

SUMMARY

Table 16.1 provides a summary of the EIA scoping report and clarifies what issues are proposed to be scoped in and out of the EIA. The Planning Authority is in general agreement with the conclusions of this, subject to the more detailed comments provided in this response being addressed, particularly with respect to Traffic and Transport and potential cumulative impacts on the roads network.

The Planning Authority defers to the views of other consultees in respect to their relevant field of expertise, and in particular NatureScot, SEPA, Transport Scotland and Historic Environment Scotland.

David Moore
Senior Planning Officer
Major Applications
7.6.22



By email to: Econsents_Admin@gov.scot

Ms Susan Hargreaves
Case Officer
Energy Consents Unit

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300051847
Your ref: ECU00003442

29 April 2022

Dear Susan Hargreaves

Electricity Act 1989

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Creag Dhubh to Inveraray 275 kV OHL Project – Request for Scoping Opinion for
Proposed Section 37 Application
(Scoping Report)

Thank you for your consultation which we received on 10 March 2022 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

Proposed development

We understand that the proposed development is for a new 275 kV double circuit OHL supported by lattice steel towers, between a proposed new substation at Creag Dhubh, and a connection point on the recently constructed Inveraray – Crossaig circuit, a Route of between 8 and 12 km. We note that a route selection exercise was completed in 2021, identifying an 'Original Proposed Route' (Route D/E). However, we understand that following initial constraints assessment, the Proposed Route for the LT194 Creag Dhubh to Inveraray 275 kV overhead line has been reviewed and realigned. The Proposed Route has been moved further west so that it now runs along the western side of Glen Aray.

Scope of assessment

We are content that the scope and methodology proposed for the assessment of impacts on cultural heritage, as set out in the Scoping Report and in separate

correspondence of 07 April 2022 from CFA Archaeology Ltd, the applicant's cultural heritage consultants, is appropriate.

Further information

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes. Technical advice is available on our Technical Conservation website at <https://conservation.historic-scotland.gov.uk/>.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupczynska and they can be contacted by phone on 0131 668 8983 or by email on Urszula.Szupczynska@hes.scot.

Yours sincerely

Historic Environment Scotland

Our ref: 4601
Your ref: ECU00003442

Susan Hargreaves
Energy Consents Unit
Scottish Government
Glasgow

SEPA email contact:
Planning.SW@sepa.org.uk

23 March 2022

By email only to: Econsents_Admin@gov.scot

Dear Ms Hargreaves

**Electricity Act 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations
2017
Request For Scoping Opinion for proposed Section 37 Application for Creag Dhubh
to Inveraray 275kv OHL**

Thank you for consulting SEPA on the scoping opinion for the above development proposal by your email received on 10 March 2022.

Advice to the determining authority

We consider that the following key issues must be addressed in the Environmental Impact Assessment process.

- a) Minimising impacts on peat and peatland.
- b) Avoiding good quality or rare GWDTE habitats and minimising impacts on other GWDTE habitats.
- c) Avoiding impacts on watercourses and other water features by ensuring suitable buffers and using best practice design crossings.

We can confirm that we are content with the proposed scope of the EIA assessment as outlined in the report, however, please see the attached appendix for some generic advice on scoping for this type of development; it should be ensured that each aspect is covered in the submission.

We note and are supportive of SSEN Transmission's Biodiversity Net Gain approach and look forward to seeing what will be delivered as part of this project. We would especially welcome any proposals for peatland or wetland restoration, riparian improvements and wet woodland planting.

Regulatory advice for the applicant

Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: AHS@sepa.org.uk.



Chairman
Bob Downes
Acting Chief Executive
Jo Green

Angus Smith Building
6 Parklands Avenue, Eurocentral,
Holytown, North Lanarkshire ML1 4WQ
tel 01698 839000 fax 01698 738155
www.sepa.org.uk • customer enquiries 03000 99 66 99

If you have queries relating to this letter, please contact planning.sw@sepa.org.uk including our reference number in the email subject.

Yours sincerely

Susan Haslam
Senior Planning Officer
Planning Service

ECopy to: Susan.Hargreaves@gov.scot; sarah.cane-ritchie@sse.com

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

Appendix 1: Detailed scoping requirements

This appendix sets out our scoping information requirements. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site in order **to avoid delay and potential objection**.

1. Site layout

- 1.1. All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. Existing built infrastructure must be re-used or upgraded wherever possible. The layout should be designed to minimise the extent of new works on previously undisturbed ground. A comparison of the environmental effects of alternative locations of infrastructure elements, such as tracks, may be required.

2. Engineering activities which may have adverse effects on the water environment

- 2.1. The site layout must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in or impacting on the water environment cannot be avoided then the submission must include justification of this and a map showing:
 - a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
 - b) A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works.
 - c) Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.
- 2.2. If water abstractions or dewatering are proposed, a table of volumes and timings of groundwater abstractions and related mitigation measures must be provided.
- 2.3. Further advice and our best practice guidance are available within the water [engineering](#) section of our website. Guidance on the design of water crossings can be found in our [Construction of River Crossings Good Practice Guide](#).
- 2.4. Refer to our flood risk [Standing Advice](#) for advice on flood risk. Watercourse crossings must be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows, or information provided to justify smaller structures. If it is thought that the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment must be submitted in support of the planning application. Our [Technical flood risk guidance for stakeholders](#) outlines the information we require to be submitted as part of a Flood Risk Assessment. Please also refer to Controlled Activities Regulations (CAR) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities.

3. Disturbance and re-use of excavated peat and other carbon rich soils

- 3.1. Scottish Planning Policy states (Paragraph 205) that "Where peat and other carbon rich soils are present, applicants must assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments must aim to minimise this release."

- 3.2. The planning submission must a) demonstrate how the layout has been designed to minimise disturbance of peat and consequential release of CO₂ and b) outline the preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, drainage channels, cable trenches, or the storage and re-use of excavated peat. There is often less environmental impact from localised temporary storage and reuse rather than movement to large central peat storage areas.
- 3.3. The submission must include:
- a) A detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on [Developments on Peatland - Peatland Survey \(2017\)](#)) with all the built elements (including peat storage areas) overlain to demonstrate how the development avoids areas of deep peat and other sensitive receptors such as Groundwater Dependent Terrestrial Ecosystems.
 - b) A table which details the quantities of acrotelmic, catotelmic and amorphous peat which will be excavated for each element and where it will be re-used during reinstatement. Details of the proposed widths and depths of peat to be re-used and how it will be kept wet permanently must be included.
- 3.4. To avoid delay and potential objection proposals must be in accordance with [Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste](#) and our [Developments on Peat and Off-Site uses of Waste Peat](#).
- 3.5. Dependent upon the volumes of peat likely to be encountered and the scale of the development, applicants must consider whether a full Peat Management Plan (as detailed in the above guidance) is required or whether the above information would be best submitted as part of the schedule of mitigation.
- 3.6. Please note we do not validate carbon balance assessments except where requested to by Scottish Government in exceptional circumstances. Our advice on the minimisation of peat disturbance and peatland restoration may need to be taken into account when you consider such assessments.
- 4. Disruption to Groundwater Dependent Terrestrial Ecosystems (GWDTE)**
- 4.1. GWDTE are protected under the Water Framework Directive and therefore the layout and design of the development must avoid impact on such areas. The following information must be included in the submission:
- a) A map demonstrating that all GWDTE are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
 - b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all GWDTE affected.
- 4.2. Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice and the minimum information we require to be submitted.

5. Existing groundwater abstractions

- 5.1. Excavations and other construction works can disrupt groundwater flow and impact on existing groundwater abstractions. The submission must include:
- a) A map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
 - b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all existing groundwater abstractions affected.
- 5.2. Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice on the minimum information we require to be submitted.

6. Forest removal and forest waste

- 6.1. Proposals for felled forest material must be shown to comply with our [Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS](#).

7. Borrow pits

- 7.1. Scottish Planning Policy states (Paragraph 243) that “Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place.” The submission must provide sufficient information to address this policy statement.
- 7.2. If borrow pits are proposed the following information should also be submitted:
- a) A map showing the location, size, depths and dimensions of each pit.
 - b) Justification for the proposed location of each borrow pit and evidence of the suitability of the material to be excavated for the proposed use, including any risk of pollution caused by degradation of the rock.
 - c) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.

8. Pollution prevention and environmental management

- 8.1. A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to [Guidance for Pollution Prevention](#) (GPPs).



By email only to: econsents_admin@gov.scot

05 April 2022

Your ref: ECU00003442

Our ref: CEA166326

Dear Sir/Madam

ELECTRICITY ACT 1989

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 37 APPLICATION FOR CREAG DHUBH TO INVERARAY 275KV OHL

Thank you for your consultation dated the 10 March 2022 requesting comments on the scope of the Environmental Impact Assessment (EIA) Report for the proposed Creag Dhubh to Inveraray 275KV OHL (hereafter referred to as 'the Proposal').

We understand the Proposal is part of a wider scope of works by Scottish and Southern Electricity Networks Transmission (hereafter referred to as 'the Applicant') to upgrade the transmission network in eastern Argyll and will consist of a new 275 kV double circuit OHL supported by lattice steel towers, between a proposed new substation at Creag Dhubh, and a connection point on the recently constructed Inveraray – Crossaig circuit, a route of between 8 and 12km.

1. Summary

The key issues NatureScot require to be addressed in detail as part of the EIA process include:

- Impacts on Glen Etive and Glen Fyne Special Protection Area (SPA) for breeding golden eagles;
- Ornithological impacts, including direct impacts on golden eagle territories, various other Schedule 1 bird species and other species of conservation concern such as black grouse;
- Impacts on nationally important carbon-rich soils, deep peat and priority peatland habitat;
- Landscape and visual impacts, including Wild Land Areas and cumulative impacts.

2. Responses to consultee questions

Our responses to the questions set out in the Scoping Report are as follows:

What environmental information do you hold or are aware of that will assist in the EIA described here?

The Scoping Report identifies several potential impacts on protected species of birds as a likely significant effect. It will therefore be essential to obtain up to date records of relevant sensitive protected breeding bird species which could be affected by the development, including through construction disturbance. Further relevant sources of this information include the RSPB and the Argyll Raptor Study Group as well as

7 Alexandra Parade, Dunoon, Argyll PA23 8AB
7 Pairèid Alexandra, Dùn Obhainn, Earra-Ghàidheal PA23 8AB

0131 314 4167 nature.scot

NatureScot is the operating name of Scottish Natural Heritage

data collected for the nearby Blarghour and Ladyfield wind farms. The Review of Disturbance Distances in Selected Bird Species (2007) (<https://www.nature.scot/doc/review-disturbance-distances-selected-bird-species>) provides guidance on disturbance distances for a number of sensitive breeding bird species which might occur close to the works of the Proposal

Do you agree with the proposed approach for baseline collection, prediction and significance assessment?

In general terms we agree with the proposed approach for baseline collection, prediction and significance assessment.

We note that ornithology surveys have been ongoing since February 2018 and are due for completion in February 2022. We are generally content with the proposed survey methodology although until we receive the environmental assessment and associated technical appendices, we cannot confirm that we are content with the ornithology surveys and assessments undertaken.

We advise that pre-construction surveys should be undertaken to inform the presence of protected species. Any new access tracks should be subject to appropriate ecological surveys and assessment. If track widening works are required then ecological surveys should also be conducted in those areas if there is a possibility of protected species or habitats being present. If protected species could be affected by the proposal, mitigation should be identified and a Species Protection Plan supplied within the EIA Report.

Further information on protected species is available from our website at <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species#:~:text=Some%20animals%20have%20special%20protection,consideration%20in%20planning%20aapplication%20decisions>. We advise that pre-construction surveys should be scheduled to allow for sufficient time for species licences applications, if required, to be applied for before construction starts.

Are there any key issues or possible effects which have been omitted?

As shown in *Creag Dhubh to Inveraray 275KV OHL - R162_11091_Fig1.1_LocationPlan_4*, the proposed route currently crosses the Blarghour wind farm Habitat Management Area which aims to restore and enhance blanket bog/ peatland habitat to increase the suitability for associated species, specifically golden eagle and black grouse. In order to avoid compromising these objectives the Applicant should avoid this area or consider undergrounding the overhead line if practicable.

Do you agree with the list of issues to be scoped out, and the rationale behind the decision?

We agree with the issues scoped out in the relevant sections.

Of those issues identified for assessment, which do you consider the most important/material and which the least?

The issues we provide our advice on in this letter are those we consider the most important within our remit.

3. Ornithology

We have already provided pre-application advice (dated 4 March 2021) to the consultant in relation to the scope of the ornithology surveys and availability of satellite tag data.

Given the sensitive location of the Proposal directly adjacent to the Glen Etive and Glen Fyne SPA, the EIA Report will need to include a robust assessment of the impacts on golden eagle, not only in relation to the SPA, but also in the context of its population Natural Heritage Zone population and transient birds.

Additionally, golden eagle, white-tailed eagle, other Schedule 1 raptors, and black grouse are likely to be the main species of interest on the site. These should be assessed both for onsite impacts and also

cumulative impacts from other operational and consented development at the relevant Natural Heritage Zone level.

In addition, we wish to highlight that the Golden Eagle Topography (GET) model has recently become available to developers to help consider impacts on golden eagles (<https://www.nature.scot/doc/naturescot-statement-modelling-support-assessment-forestry-and-wind-farm-impacts-golden-eagles>). NatureScot would be pleased if the Applicant would contact us to discuss the use of this model, in relation to the Proposal, if necessary.

As the Proposal is partially located within commercial forestry, the Applicant will need to take into account whether any ongoing forestry work has affected the recorded activity, and also what foraging habitat changes there may be from felling and restructuring should this happen during the lifetime of the Proposal.

The following additional points are also brought to the attention of the Applicant.

The proposed route as shown is potentially ~1km distance from the G/LAE golden eagle nest sites. Whilst there may be an altitudinal separation between the nests and the Proposal we would recommend that the OHL is positioned as low as practicable within the proposed route. This advice also applies to the ridge to the north of the nest sites which is predicted to be an area of significant use by the GET model.

Scoping Report Section 7.5.1 Collision Risk Methodology states that the method of Collision Risk Modelling will be agreed with NatureScot. However, our Guidance - Assessment and mitigation of impacts of power lines and guyed meteorological masts on birds (<https://www.nature.scot/doc/guidance-assessment-and-mitigation-impacts-power-lines-and-guyed-meteorological-masts-birds#5.+Collision+Risk+Modelling>) states that currently there is no statistical model available which we are confident would provide a robust assessment of potential mortality. Collisions are usually site, season, and species-specific, and a generic collision risk model is unlikely to accurately predict levels of mortality. We do not, therefore, currently recommend a generic modelling approach.

In recognition of the difficulty this presents we recommend that emphasis is put on mitigation where surveys indicate potential conflicts. In cases where impacts are likely to be severe, and mitigation may not reduce this sufficiently, bespoke models may be useful if they are based on the best available information from the site and on the attributes and status of the species of concern. An example of this may be where there is a level of flight activity at the proposed line which is high enough to raise concerns about potential collision mortality impacts at a designated site or regional population scale.

We encourage developers to programme construction out with the breeding bird season, so as to reduce the risk of committing an offence. However, as the breeding season coincides with the best weather for construction, we recognise that this will not always be possible. In such situations, we recommend that a pre-construction breeding bird survey takes place, to inform how works can best be programmed to avoid disturbance.

4. Carbon-rich soils, deep peat and priority peatland habitat

The scoping layout indicates that parts of the site are underlain with Class 2 peatlands which are nationally important carbon rich soils, deep peat and priority peatland habitats. As such, there is a requirement for detailed peat and vegetation surveys to be undertaken to ascertain the quality and distribution of peatland and priority habitats across the site as per NatureScot guidance (<https://www.nature.scot/doc/advising-carbon-rich-soils-deep-peat-and-priority-peatland-habitat-development-management#Assessing+the+impacts+of+development+on+carbon-rich+soils,+deep+peat+and+peatland>).

7 Alexandra Parade, Dunoon, Argyll PA23 8AB
7 Pairèid Alexandra, Dùn Obhainn, Earra-Ghàidheal PA23 8AB

0131 314 4167 [nature.scot](https://www.nature.scot)

NatureScot is the operating name of Scottish Natural Heritage

It is not clear whether constructed tracks would be required to facilitate construction of this line within Class 1 & 2 peatlands, however, we consider that these and construction compounds should not be located within these areas. We advise that the use of low ground pressure vehicles, temporary trackway or bog mats and minimising vehicle movements would reduce impacts to this habitat.

Albeit that peatland classifications may change in light of detailed site specific surveys, we advise that efforts are made to avoid the siting of towers and associated infrastructure on areas of nationally important peatland and areas of deep peat. The EIA Report should demonstrate that any significant effects have been substantially overcome by siting, design or other mitigation. Details of all mitigation and restoration, including a peatland management plan, should be included in the EIA Report.

5. Landscape and visual impacts, including Wild Land Areas and cumulative impacts

We are broadly content with the approach to the assessment of landscape and visual impacts outlined in the Scoping Report. We note the intention to carry out Wild Land Assessments for the Ben Lui Wild Land Area (WLA) and Loch Etive Mountains WLA for this Proposal.

Cumulative landscape and visual impacts are likely to be key issues for consideration in the EIA Report given other developments in the area. The cumulative landscape and visual impact assessment should take account of the current baseline (i.e. development which is existing or under construction). Other development scenarios; e.g. consented but not constructed schemes should be considered under the cumulative scenarios in accordance with our cumulative guidance.

6. General scoping advice

Although aimed at onshore wind farm development, the Applicant may find aspects of our general pre-application and scoping advice for onshore wind farms helpful (<https://www.nature.scot/doc/general-pre-application-and-scoping-advice-onshore-wind-farms>). While this provides guidance on the issues that developers and their consultants should consider for wind farm developments, it also provides advice on other considerations which should be taken into account in the EIA Report. When formatting the EIA Report for submission, the following requirements should be noted:

- For ease of use, text chapters and appendices of EIA Report should be presented on A4 paper (rather than A3);
- Landscape figures to be provided in a ring binder (rather than being spiral or otherwise bound), for ease of use during site visits;
- A full hard copy of the landscape figures should be sent directly to the NatureScot case officer – all other supporting information can be electronic but please ensure that file sizes are <10MB per pdf;
- Ensure that electronic file names clearly indicate their content (e.g. (OHL name) - LVIA Figure (number of VP) – VP2 (name of VP));
- Full survey details including raw data, viewshed maps and flight maps with labelled flightlines showing the flights banded into below, at and above collision risk height and referenced to a table of flight data, etc., should be presented in the EIA Report. Information and assessment of direct and indirect impacts (including cumulative), along with details of any mitigation should also be presented;
- Sensitive species information can be presented in a confidential annex with restricted circulation. Advice on how to deal with sensitive information can be found on our website (<https://www.nature.scot/doc/environmental-statements-and-annexes-environmentally-sensitive-bird-information>).

6. Concluding comments

Please note that our comments are given on the basis of the information available, and are given without prejudice to a full and detailed assessment of impacts once submitted at the formal application stage.

Please do not hesitate to contact me should you have any queries on our advice above.

Yours sincerely

Ruari Dunsmuir
Operations Officer
Argyll & Outer Hebrides
ruari.dunsmuir@nature.scot

7 Alexandra Parade, Dunoon, Argyll PA23 8AB
7 Pairèid Alexandra, Dùn Obhainn, Earra-Ghàidheal PA23 8AB

0131 314 4167 nature.scot

NatureScot is the operating name of Scottish Natural Heritage

From: radionetworkprotection@bt.com
To: Sarah.Cane-Ritchie@sse.com; [Hargreaves S \(Susan\)](#)
Cc: radionetworkprotection@bt.com; Tommy.Hart@sse.com; [Khataza S \(Shafharia\)](#); [Econsents Admin](#)
Subject: RE: Creag Dhubh to Inveraray 275KV OHL - OS grid reference numbers required - WID11782
Date: 22 March 2022 07:49:35
Attachments: [image003.png](#)
[image006.png](#)



OUR REF: WID11782

Thank you for your email dated 21/03/2022.

We have studied this OHL proposal using the co-ordinates below and location plan attached, with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that, the Project indicated should not cause interference to BT's current and presently planned radio network.

Regards

Lisa Smith

Engineering Services – Radio Planner
Networks



This email contains information from BT that might be privileged or confidential. And it's only meant for the person above. If that's not you, we're sorry - we must have sent it to you by mistake. Please email us to let us know, and don't copy or forward it to anyone else. Thanks.

We monitor our email systems and may record all our emails.

British Telecommunications plc

One Braham 1 Braham Street London E1 8EE

Registered in England: No 1800000

From: Cane-Ritchie, Sarah <Sarah.Cane-Ritchie@sse.com>

Sent: 21 March 2022 12:30

To: Susan.Hargreaves@gov.scot

Cc: radionetworkprotection@bt.com; [Hart, Tommy](#) <Tommy.Hart@sse.com>; Shafharia.Khataza@gov.scot

Subject: RE: Creag Dhubh to Inveraray 275KV OHL - OS grid reference numbers required

You don't often get email from sarah.cane-ritchie@sse.com. [Learn why this is important](#)

Hi Susan,

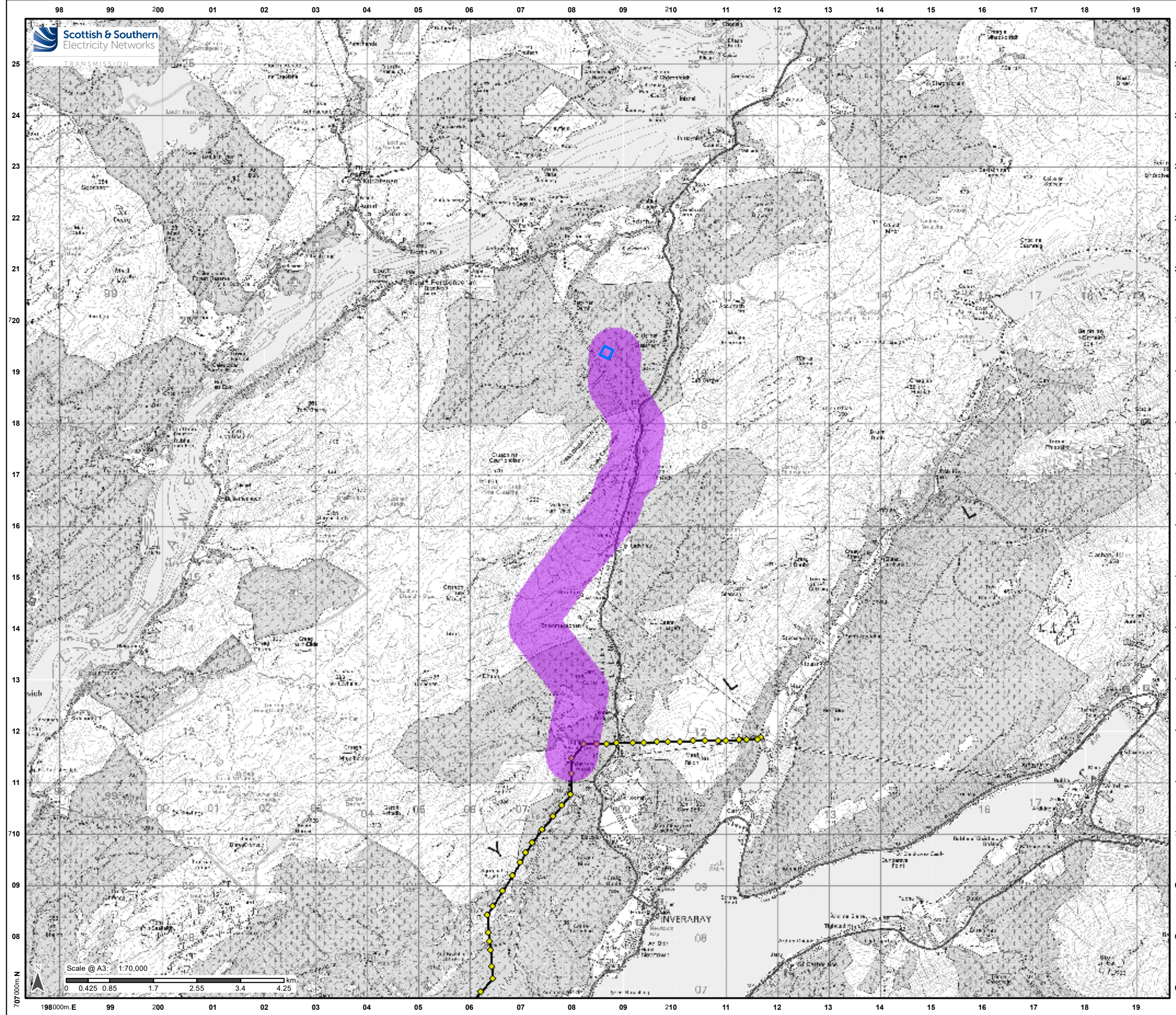
We do not have the exact tower locations yet as we have not completed the alignment stage yet, however please see below the grid refs for the beginning and end of the route and also the text from the Scoping Report describing the height of the structures (Section 2.3).

Grid Refs

Beginning (Creag Dhubh): E 208812, N 719371 or OS NGR NN 08812 19371

End (Balantyre): E 207973, N 711550 or OS NGR NN 07973 11550

Structure Height



- Legend**
- Inveraray - Crossaig Towers
 - Inveraray - Crossaig OHL
 - Proposed Route
 - Proposed Crag Dhubh Substation
 - Figure Extent



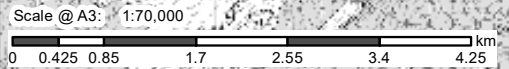
Reproduced by permission of Ordnance Survey on behalf of HMSO. Crown copyright and database right 2022 all rights reserved. Ordnance Survey Licence number EL273236.

Project No: LT000194
Project: 1620011091

Title: Crag Dhubh to Inveraray 275 kV Overhead Line
Figure 1.1: Location Plan

Drawn by: NJ Date: 23/02/2022

Drawing: R162_11091_Fig1.1_LocationPlan_3



707000m.N

198000m.E 99 200 01 02 03 04 05 06 07 08 09 210 11 12 13 14 15 16 17 18 19

From: [DES ADEWS-RSP Assessors \(MULTIUSER\)](#)
To: [DES ADEWS-RSP Safeguarding \(MULTIUSER\)](#)
Subject: RE: 20220310-POWERLINE PROPOSAL Creag Dhubh to Inveraray 275KV OHL
Date: 14 March 2022 09:59:50

No concerns.

Andy Pritchard (RSP Eng2)

From: DES ADEWS-RSP Safeguarding (MULTIUSER) <DESADEWS-RSPSafeguarding@mod.gov.uk>
Sent: 10 March 2022 17:38
To: DES ADEWS-RSP Assessors (MULTIUSER) <DESADEWS-RSPAssessors@mod.gov.uk>
Subject: 20220310-POWERLINE PROPOSAL Creag Dhubh to Inveraray 275KV OHL

Good Afternoon,

Please could you assess this powerline proposal.

Thank you.

Moir

From: Susan.Hargreaves@gov.scot <Susan.Hargreaves@gov.scot>
Sent: 10 March 2022 15:21
To: Econsents_Admin@gov.scot
Subject: Creag Dhubh to Inveraray 275KV OHL

Dear Consultees

**ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2017
REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 37
APPLICATION FOR Creag Dhubh to Inveraray 275KV OHL**

On 1 March 2022, Scottish Hydro Electric Transmission Plc submitted a request for a scoping opinion from the Scottish Ministers for the proposed section 37 application for Creag Dhubh to Inveraray 275KV OHL. The proposed development is located in the planning authority area of Argyll and Bute Council in line with regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

Under regulation 12, Scottish Ministers are required to provide a scoping opinion outlining the information they consider should be included in the EIA report. Ministers are also required to consult the relevant consultation bodies and any other interested party which is likely to have an interest in the proposed development by reason of its specific environmental responsibilities or local and regional competencies.

The scoping report can be viewed at the Scottish Government's Energy Consents

Unit website www.energyconsents.scot by:

- clicking on **Search** tab; then,
- clicking on **Simple Search** tab; then,
- typing **Creag Dhubh to Inveraray 275KV OHL** into **Search by Project Name** box then clicking **Go**
- then clicking on **ECU00003442** and then click on **Documents** tab.

To allow Scottish Ministers to provide a comprehensive scoping opinion, we ask that you review the scoping report and advise on the scope of the environmental impact assessment for this proposal. Please advise if there are any further matters you would like Ministers to highlight for consideration and inclusion in the assessment, particularly site specific information.

I would be grateful for your comments by Thursday 7 April 2022. Please note that reminders will not be issued, therefore if we have not received any comments from you, nor a request for an extension to this date, we will assume that you have no comments to make.

Please send your response (in PDF format if possible) to Econsents_Admin@gov.scot.

(please note there is an underscore _ between Econsents and Admin)

Regards

Susan Hargreaves|Case Officer|Energy Consents Unit

Scottish Government | 4th Floor | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

To view our current casework please visit www.energyconsents.scot

To read the Energy Consents Unit's privacy notice on how personal information is used, please visit <http://www.energyconsents.scot/Documentation.aspx>

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

FAO Susan Hargreaves
Energy Consents Unit
By Email

30th March 2022

Dear Susan

**Re: ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017
REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 37 APPLICATION FOR
Creag Dhubh to Inveraray 275KV OHL
Our reference: GLA4113**

I refer to your request for scoping opinion received in this office on 10th March 2022.

The scoping report submitted has been examined from an aerodrome safeguarding perspective and we would make the following observations:

- The site is located within the IFP safeguarding area for Glasgow Airport. In this location, only structures exceeding 300m AGL would require IFP safeguarding assessment.

Our position with regard to this proposal will only be confirmed once the development details are finalized and we have been consulted on a full planning application, if required. At that time we will carry out a full safeguarding impact assessment and will consider our position in light of, inter alia, operational impact and cumulative effects.

Yours sincerely
Redacted

Kirsteen MacDonald

Safeguarding Manager
Glasgow Airport
07808 115 881
Kirsteen.MacDonald@glasgowairport.com

Mcgroarty K (Kirsty)

From: Steve Thomson <sthomson@glasgowprestwick.com>
Sent: 07 April 2022 08:32
To: Hargreaves S (Susan); Econsents Admin
Cc: Safeguarding; Windfarm
Subject: Creag Dhubh to Inveraray 275KV OHL - formal response from Glasgow Prestwick Airport - 7th April 2022

Susan

We have reviewed the documents issued under the scoping consultation for 275KV OHL Grid Connection between Creag Dhubh to Inveraray– and make the following observations based purely on aviation issues.

1. We are satisfied that this development has no impact on either our primary radars or published Instrument Flight Procedures (IFP's) – therefore Glasgow Prestwick Airport (GPA) Ltd is unlikely to object to this development should this proposed OHL come to a full Section 37 Planning Application.

With Kind Regards

Steve Thomson



Glasgow Prestwick Airport Ltd.
Aviation House
Prestwick
KA9 2PL
Scotland
United Kingdom

Steve Thomson

Manager Air Traffic Services

T: (+44) 01292 511055

M: (+44) 07990 551141

sthomson@glasgowprestwick.com

www.glasgowprestwick.com

Mcgroarty K (Kirsty)

From: navigation safety <navigationsafety@mcga.gov.uk>
Sent: 07 April 2022 15:00
To: Hargreaves S (Susan); Econsents Admin
Subject: RE: Creag Dhubh to Inveraray 275KV OHL

Dear Susan,

Thank you for your email dated 11th March 2022 inviting our comments on the Scoping Opinion for the Creag Dhubh to Inveray overhead line.

It is our understanding from the Scoping Report that there are no works as part this project which fall below the Mean High Water Level which may impact the marine environment.

The Maritime and Coastguard Agency (MCA) has a variety of responsibilities including the safety of navigation, search and rescue, environmental quality and counter pollution, ship standards and seafarer safety and health. We are consulted on all Marine Licence applications under Marine and Coastal Access Act 2009, and we consider the impact of any works or deployments in the marine environment on the safety of navigation and emergency response.

On this occasion, there is nothing for MCA to assess with regards to the marine environment as far as we are aware. We therefore have no comments to make on the Scoping Report on this occasion.

If you require any further information from the MCA with regards to our role in the licensing and consenting process please let me know.

Kind Regards

Sam Chudley

Maritime Licence Advisor
Marine Licensing and Consenting
UK Technical Services Navigation

+44 (0) 7553 637057

Sam.Chudley@mcga.gov.uk



**Maritime &
Coastguard
Agency**

Maritime & Coastguard Agency

Bay 2/25, Spring Place
105 Commercial Road,
Southampton SO15 1EG



Safer Lives, Safer Ships, Cleaner Seas

www.gov.uk/mca

From: [ONR Land Use Planning](#)
To: [Econsents Admin](#)
Subject: ONR Land Use Planning - Application ECU00003442
Date: 24 March 2022 07:36:57

Dear Sir/Madam,

With regard to planning application ECU00003442, ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

You can find information concerning our Land Use Planning consultation process here: (<http://www.onr.org.uk/land-use-planning.htm>).

Kind regards,

Vicki Enston
Land Use Planning
Office for Nuclear Regulation
ONR-Land.Use-planning@onr.gov.uk

-----Original Message-----

From: Susan.Hargreaves@gov.scot <Susan.Hargreaves@gov.scot>
To: econsents_admin@gov.scot;
Cc:
Sent: 10/03/2022 15:20
Subject: Creag Dhubh to Inveraray 275KV OHL

Dear Consultees

ELECTRICITY ACT 1989

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 37 APPLICATION FOR Creag Dhubh to Inveraray 275KV OHL

On 1 March 2022, Scottish Hydro Electric Transmission Plc submitted a request for a scoping opinion from the Scottish Ministers for the proposed section 37 application for Creag Dhubh to Inveraray 275KV OHL. The proposed development is located in the planning authority area of Argyll and Bute Council in line with regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

Under regulation 12, Scottish Ministers are required to provide a scoping opinion outlining the information they consider should be included in the EIA report. Ministers are also required to consult the relevant consultation bodies and any other interested party which is likely to have an interest in the proposed development by reason of its specific environmental responsibilities or local and regional competencies.

The scoping report can be viewed at the Scottish Government's Energy Consents Unit website www.energyconsents.scot by:

- clicking on ***Search*** tab; then,
- clicking on ***Simple Search*** tab; then,
- typing **Creag Dhubh to Inveraray 275KV OHL** into ***Search by Project Name*** box then clicking ***Go***

- then clicking on ECU00003442 and then click on *Documents* tab.

To allow Scottish Ministers to provide a comprehensive scoping opinion, we ask that you review the scoping report and advise on the scope of the environmental impact assessment for this proposal. Please advise if there are any further matters you would like Ministers to highlight for consideration and inclusion in the assessment, particularly site specific information.

I would be grateful for your comments by Thursday 7 April 2022. Please note that reminders will not be issued, therefore if we have not received any comments from you, nor a request for an extension to this date, we will assume that you have no comments to make.

Please send your response (in PDF format if possible) to Econsents_Admin@gov.scot.

(please note there is an underscore _ between Econsents and Admin)

Regards

Susan Hargreaves|Case Officer|Energy Consents Unit

Scottish Government | 4th Floor | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

To view our current casework please visit www.energyconsents.scot

To read the Energy Consents Unit's privacy notice on how personal information is used, please visit <http://www.energyconsents.scot/Documentation.aspx>

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

This email has come from an external sender outside of ONR. Do you know this sender? Were you expecting this email? Take care when opening email from unknown senders. This email has been scanned for viruses and malicious content, but no filtering system is 100% effective however and there is no guarantee of safety or validity. Always exercise caution when opening email, clicking on links, and opening attachments.

This email has been scanned for viruses and malicious content, but no filtering system is 100% effective and this is no guarantee of safety or validity.



Susan Hargreaves
 Energy Consents Unit
 The Scottish Government
 5 Atlantic Quay
 150 Broomielaw
 Glasgow G2 8LU

03 April 2022

Dear Susan,

**REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 37 APPLICATION FOR Creag Dhubh to Inveraray 275KV OHL
 THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017**

Thank you for consulting RSPB Scotland regarding this scoping opinion for c.12km of 275 kV overhead line (OHL), supported by 50m high lattice steel towers between a proposed substation at Creag Dhubh and connection to Inveraray circuit. The proposal will also include access tracks, temporary construction compounds, woodland removal. The proposal's footprint falls mostly in areas of commercial forestry and open ground habitat.

RSPB Scotland advises that an Environmental Impact Assessment Report (EIAR) for this proposal should establish the potential impacts of the development on important bird populations within the area, with emphasis given to assessing potential impacts upon raptors, particularly golden eagle.

Designated sites

The proposed site is within / in close proximity to the Glen Etive and Glen Fyne SPA designated for supporting a population of Annex 1 species (list of the EC Birds Directive) golden eagle; therefore there is potential for it to impact upon the SPA. Note two golden eagle territory (to the west of the route) which are part of the wider golden eagle population in this area and any indirect impacts should be considered by the EIAR – this should include a Habitat Regulations Assessment.

Bird Species of Conservation Concern

The following Annex 1/priority LBAP bird species have been highlighted in the scoping report as occurring within or close to the proposal: golden eagle, goshawk. The potential impacts on all of these species should be adequately covered within the EIAR. Other species occur at a distance that means impacts are unlikely include black grouse, hen harrier, merlin and white tailed eagle.

It should be remembered that all nesting birds are protected by law and therefore we would advise that any vegetation removal / ground disturbance required along the route should occur outwith the breeding season (March-August) or that these areas are checked prior to work starting to ensure no nesting birds are present.

The EIA should establish how priority species use the area, through the vantage point observation surveys, plotting of flightlines and related information to determine any potential impacts / mitigation. It should consider present usage in comparison to the potential alteration of habitat and displacement / collision / barrier effects which may occur during and due to the development. NB Goshawks are difficult to survey/monitor and ideally further information and mitigation should inform this application.

Golden Eagle - The northern part of proposal lies in close proximity / within the Glen Etive and Glen Fyne SPA designated for its golden eagle population. There is potential for it to impact up on it and a Habitat Regulations

**South Scotland
 Regional Office**
 10 Park Quadrant
 Glasgow
 G3 6BS

Tel 0141 331 0993
Fax 0141 331 9080

rspb.org.uk



Assessment is required, we would advise that the route stays to the west of the actual SPA and avoids crossing the A819 into the site – if it does enter the site then we advise mitigation may be required.

To reduce potential impacts on the eagle territories to the west of the route we advise that scoping should consider mitigation – including routing the line towards the eastern edge of the corridor and applying increased visibility of the line where it transits close to eagle eyrie sites – measures should be for the life time of the line so some form of coloured line sheathing which is replaced as per line maintenance schedule. NB. in regards to 7.5 collision risk – this is very difficult to ascertain for OHL especially given that periods of reduced visibility i.e. cloud will occur in the area which is impossible to fully consider in modelling hence why we suggest the mitigation as outlined.

We would advise consulting Argyll Raptor Study Group in relation to your survey work and information relating to the eagle territories and other raptors within this area.

Black grouse - Proposal will not site towers close to any know lek sites. However in terms of positive delivery consideration should also be given to mitigation works for the species within the site and surrounding area.

Habitat management/mitigation

The EIAR should include a full survey, impact assessment and proposals for mitigation in relation to important habitats on this site. Mitigation should ideally minimise any impact and avoid areas of high-quality habitats found upon the site. Particular attention should be given to peatland – the proposal should minimise / avoid the class 2 peat areas which the route transits – an eastern route within the corridor should enable this with class 5 route reducing peat impacts. A full assessment of the carbon implications of this proposal should be undertaken and if required a mitigation plan for any peatland affected.

The route has the potential to cut across several areas as Ancient Woodland, any loss of this habitat should be minimised and if unavoidable compensatory native planting should be undertaken. In regards to compensatory planting from commercial woodland impacts we advise that this should focus on native woodland creation ideally rainforest within Argyll / native upland woodland transition within the route area. To try and achieve positive biodiversity gain.

The EIAR should consider what mitigation measures are required to minimise the impact on both important habitats and species and contain detailed ecological justification for any such proposals. Ideally, this should include relevant time frames for mitigation in relation to site development.

Cumulative impacts

An assessment of cumulative bird impacts in relation to other existing, consented and proposed projects (predominantly forestry and wind farms), within this natural heritage zone (NHZ) and local area / eagle ranges should be undertaken.

We hope you find these comments helpful. Should you require clarification of any of the above points please do not hesitate to contact me.

Yours sincerely,
Redacted

Andy Robinson
Senior Conservation Officer

cc. Andy Robinson, RSPB Senior Conservation Officer
Louise Gunstensen, RSPB Senior Conservation Planner

Tuesday, 22 March 2022



Local Planner
Energy Consents Unit
5 Atlantic Quay
Glasgow
G2 8LU

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Creag Dhubh to Inveraray, , 275 kV Overhead Line, PA33 1BH
Planning Ref: ECU00003442
Our Ref: DSCAS-0060389-QN8
Proposal: Overhead Power Line (OHL with a Total Distance <15km Section 37 EIA)

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that the proposed activity falls partly within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. The Cladich Intake catchment supplies Cladich Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified without delay using the Customer Helpline number 0800 0778 778 and local Scottish Water contact details will be provide prior to construction work commencing.

The chosen route will run through the Cladich Intake catchment therefore there is a risk to drinking water quality as previously discussed Scottish Water and in particular the Sustainable Land Management team will need to be heavily involved in the project.

We will need to see copies of Pollution Prevention Plans and any CEMP documents as they are developed.

There are also a number of Scottish Water assets along the route. There is a 4" asbestos cement (AC) and a 125mm medium-density polyethylene (MDPE) water distribution main near the northeast end of the route. These pipes appear to be in the road verge running past the substation. A separate 4" AC water distribution main follows the route of the B8077 and there is also a 3" AC raw water main near Claddich running northeast from the raw water intake (RWI). This should be confirmed however through obtaining plans from our Asset Plan Providers. Details of our Asset Plan Providers are included in the SW list of precautions for assets, which can be found on the activities within our catchments page of our website at www.scottishwater.co.uk/slm.

All Scottish Water assets potentially affected by the activity should be identified, with particular consideration being given to access roads and pipe crossings. If necessary, local Scottish Water personnel may be able to visit the site to offer advice. All of Scottish Water's processes, standards and policies in relation to dealing with asset conflicts must be complied with.

In the event that asset conflicts are identified then early contact should be made with HAUC Diversions Team via the Development Services portal - <https://swastroprodweb.azurewebsites.net/home/default>. All detailed design proposals relating to the protection of Scottish Water's assets should be submitted to the HAUC for review and written acceptance. Works should not take place on site without prior written acceptance by Scottish Water.

Scottish Water have produced a list of precautions for a range of activities. The list of precautions for assets details protection measures to be taken if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. The document/s and other supporting information can be found on the activities within our catchments page of our website at www.scottishwater.co.uk/slm.

It should be noted that the proposals will be required to comply with Sewers for Scotland and Water for Scotland 4th Editions 2018, including provision of appropriate clearance distances from Scottish Water assets.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at www.scottishwater.co.uk/slm.

We welcome that reference has been made to the Scottish Water response to the previous consultation.

The fact that this area is located within a drinking water catchment should be noted in future documentation. Also anyone working on site should be made aware of this during site inductions.

We would request further involvement at the more detailed design stages, to determine the most appropriate proposals and mitigation within the catchment to protect water quality and quantity.

We would also like to take the opportunity, to request that 3 months' notice is given in advance of any works commencing on site, Scottish Water is must be notified at

protectdwsources@scottishwater.co.uk. This will enable us to be aware of activities in the catchment and to arrange a site meeting, which will be necessary.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
 - ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
 - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ **Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal

units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Pamela Strachan

Development Services Analyst

Tel: 0800 389 0379

planningconsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Susan Hargreaves
Energy Consents Unit
The Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Your ref:
ECU00003442

Our ref:
GB01T19K05

Date:
07/04/2022

Econsents_Admin@gov.scot

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 37 APPLICATION FOR CREAG DHUBH TO INVERARAY 275KV OHL

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by Ramboll UK Limited in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, we would provide the following comments.

Proposed Development

We understand that Scottish and Southern Electricity Networks Transmission (SSEN Transmission) propose to submit an application to provide a new 275kV double circuit OHL between a proposed new substation at Creag Dhubh which lies approximately 11km north-west of Inveraray, and a connection point on the recently constructed Inveraray – Crossaig circuit, a Route of between 8 and 12km. The nearest trunk road to the proposed route is the A83(T) at Inveraray, however, we note there are no proposals to cross the trunk road. The SR indicates that it has been assumed that towers would be a maximum of 60m above ground level, with a typical average tower height of 50 m above ground level.

We also note that it is anticipated that construction would commence in 2024 with a provisional construction period of 18 months in total and energisation of the project scheduled for 2026.

Assessment of Environmental Impacts

Chapter 10 of the SR presents the proposed methodology for the assessment of potential effects of the Proposed Development on access, traffic and transport during the construction phase. This states that the thresholds as indicated within the Institute of Environmental Management and Assessment (IEMA) Guidelines for the Environmental Assessment of Road Traffic are to be used as a screening process for the assessment. The SR also indicates that potential trunk road related environmental impacts such as driver delay, pedestrian amenity, severance, safety etc will be considered and assessed where appropriate (i.e. where IEMA Guidelines for further assessment are breached). These specify that road links should be taken forward for assessment if:

- Traffic flows will increase by more than 30%, or
- The number of HGVs will increase by more than 30%, or
- Traffic flows will increase by 10% or more in sensitive areas.

We note that the proposed Study Area will include the A83(T) to the south and east of Inveraray and the A819 from Inveraray to Cladich, with base traffic data being obtained from the UK Department of Transport (DfT) traffic survey database.

Transport Scotland is in agreement with this approach but would add that base traffic data should be factored to the construction year of 2024 using NRTF low growth factors. Where significant changes in traffic are not noted for any link, no further assessment needs to be undertaken.

It is noted that any impacts associated with the operational phase of the development are to be scoped out of the EIA. We would consider this to be acceptable in this instance.

The SR states that a Construction Traffic Management Plan (CTMP) is likely to be included within the assessment. This is welcomed and we would ask that a copy of this be forwarded to the Area Manager when it becomes available. The Area Manager for the A83(T) is Neil MacFarlane who can be contacted on 0141 272 7433 or at neil.macfarlane@transport.gov.scot.

Abnormal Loads Assessment

The SR makes no mention of any requirement for the use of abnormal load deliveries. Should such loads be necessary during the construction phase, Transport Scotland will require a full Abnormal Loads Assessment report to be provided with the Environmental Impact Assessment Report (EIAR) that identifies key pinch points on the trunk road network. Swept path analysis should be undertaken and details provided with regard to any required changes to street furniture or structures along the route.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact me or alternatively, Alan DeVenny at SYSTRA's Glasgow Office on 0141 343 9636.

Yours faithfully

Redacted

Gerard McPhillips

**Transport Scotland
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.

Scottish Forestry

Scoping Opinion Creag Dhubh to Inveraray –SSEN March 2022

Forestry and Woodlands

Scotland's forests make a substantial contribution to the economy at both national and local levels, they provide considerable environmental benefits and help to improve people's quality of life. The Scottish Government aims to maintain and enhance Scotland's forest and woodland resources for the benefit of current and future generations. To achieve this, we need to prevent inappropriate woodland losses (Scotland's Forestry Strategy, 2019).

The [third National Planning Framework](#) also recognises that Scotland's woodlands and forestry are an economic resource, as well as an environmental asset. The [Climate Change Plan](#) places emphasis on the fact that Scotland's woodlands deliver a wide range of benefits, including inward investment and jobs, climate change adaptation and mitigation, and the enhancement of the health and well-being of Scotland's communities. The Scottish forestry sector is worth almost £1 billion per year and employs over 25,000 people.

There is therefore a strong presumption in favour of protecting Scotland's woodland resources and the Scottish Government provides policy direction in the [policy on control of woodland removal](#). Woodland removal should be kept to a minimum and where woodland is felled it should be replanted. The policy supports woodland removal only where it would achieve significant and clearly defined additional public benefits. In some cases, including those associated with development, a proposal for compensatory planting may form part of this balance.

The criteria for determining the acceptability of woodland removal is explained in the policy and the applicant should take them into account when preparing the proposal. Beyond this, the applicant should refer to guidance documents issued by Scottish Forestry (and previously by Forestry Commission- FC) in relation to good forestry practice and sustainable forest management.

Woodland Management and tree felling

Where woodland removal is proposed for development, the relevant Environmental Impact Assessment (EIA) regulations will apply and the EIA Report should justify and provide evidence for the need for woodland removal and the associated mitigation measures.

The first consideration for the applicant should be whether the underlying purpose of the proposal can reasonably be met without resorting to woodland removal. Design approaches that reduce the scale of felling required to facilitate the development must be considered and integration of the development with the existing woodland structure is a key part of the consenting process.

Integration of the project into future forest design plans is a key part of the development process. **The removal of large areas of woodland will not be supported.** When a proposed development or infrastructure requires to go through forestry, consideration should be given to [forest design guidelines](#).

The proposal to consider the potential environmental impacts and likely significant effects associated with the seven elements of sustainable forest within the individual topic chapters, rather than in a Forestry Chapter is acceptable. This should be prepared by a suitably qualified professional and supported by existing records, site surveys and aerial photographs. In order to present the relevant information about the forest and to secure compliance with the UK Forestry Standard, the applicant should consider the appropriate scope for each topic chapter.

The effects of felling, woodland removal and re establishment should be considered (i.e. not just woodland removal). This should also include indirect impacts on adjacent woodlands.

This can, as suggested in the Scoping Report, be achieved by describing effects in the relevant Environment Receptor chapters, however, they should be clearly cross referenced from the proposed Chapter 12 Land Use and effects should be summarised in the Technical appendix.

We recommend that each relevant chapter contain a section dedicated to the effect of woodland management activity.

The loss of irreplaceable ancient woodland habitat must be given sufficient weight in the analysis, especially given the cumulative impacts of the SSE projects now on stream.

We advise that within the [Scottish Government's Control of Woodland Removal Policy](#), there is a strong presumption against woodland removal applied to the following:

- Woodland types listed in the EC Habitats Directive;
- UK BAP priority woodland types in areas mainly composed of ancient, semi-natural woodland (ASNW), ancient woodlands planted with native species, long-established woodlands of plantation origin (LEPO) with significant biodiversity interest, or well established semi-natural priority woodland types.

The Scoping Report, P 62 -12.5 proposes the development of OHL Woodland Reports for each forest ownership impacted by the Proposed Development. The OHL Woodland Reports will identify all areas of felling required to form the operational corridor and access corridors. In addition, the OHL Woodland Reports would aim to reduce the risk of future wind throw by identifying felling to stable forest edges (outside of the operational corridor). The timing for provision of these reports is not stated and SF assume that they will be available with the EIA report consultation.

The topic chapters should describe and recognise the social, economic and environmental values of the forest and the woodland habitat and take into account the fact that, once mature, the forest would have been managed into a subsequent rotation, often through a restructuring (re-designing) proposal, according to the UK Forestry Standard, that would have increased the diversity of tree species and the landscape design of the forest.

The topic chapters should describe the baseline conditions of the forest, including its ownership. This will include information on species composition, age class structure, yield class and other relevant crop information. The chapter should describe the changes to the forest structure, the woodland composition and describe the work programme:

- the proposed areas of woodland for felling to accommodate the proposed infrastructures, including access roads, tracks, underground pipes and cables and any ancillary structures. Details of the area to be cleared around those structures should also be provided, along with evidence to support the proposed scale and phasing of felling;
- trees felled must be replanted on-site or compensated for (off-site planting) and these areas must be clearly identified in the plan. On-site replanting must always be considered first. The replanting operations must be appropriately described, including changes to the species composition, age class structure, timber production and traffic movements. Tree/shrub species must be suited to the site and the objectives of management;
- areas of open ground in the forest that are designed for biodiversity or landscape enhancement or for recreation opportunities should not be considered for on-site replanting (to compensate for woodland removal in other parts of the forest).

The applicant should consider the potential cumulative impact of existing and the proposed development on the forest resource in respect to the local and regional context. In particular consideration must be given to the implication of felling operations on such things as habitat connectivity, biodiversity, water management, landscape impact, impact on timber transport network and forestry policies included in the local and regional Forestry and Woodland Strategies and local development plans.

UK Forestry Standard

The [UK Forestry Standard](#) is the Government's reference standard for sustainable forest management in the UK and provides a basis for regulation and monitoring. The Scottish Government expects all forestry plans and operations in Scotland to comply with the standards. Both felling operations and on and off-site compensatory planting must be carried out in accordance to good forestry practice- the EIA Report must clearly state that the project will be developed and implemented in accordance with the standard. A key component of this is to ensure that even-age woodlands are progressively restructured in a sustainable manner: felling coupes should be phased to meet adjacency requirements and their size should be of a scale which is appropriate in the context of the surrounding woodland environment.

Scottish Forestry

Scottish Forestry is an agency of Scottish Government, responsible for forestry policy, support and regulation.

Scottish Forestry is the main forestry consultee and should be consulted throughout the development of the proposal to ensure that proposed changes to the woodland are appropriate and address the requirements of policy on control of woodland removal and the principles of sustainable forest management.

It is important that pre-application discussions takes place with the local Scottish Forestry Conservancy office, the planning authority and other relevant key agencies, at the earliest possible stage of the project, to ensure all parties have a shared understanding of the nature of the proposed development, information requirements and the likely timescale for determination. This collaborative approach will ensure that all forestry issues are identified and mitigated at the earliest opportunity. The applicant should allow sufficient time in their project plan to accommodate such advice.

*Elaine Jamieson
Operations and Development Officer
Perth & Argyll Conservancy
30.3.22*

Marine Scotland Science advice on freshwater and diadromous fish and fisheries in relation to the installation of overhead line developments.

March 2022

Marine Scotland Science (MSS) provides internal, non-statutory, advice in relation to freshwater and diadromous fish and fisheries to the Scottish Government's Energy Consents Unit (ECU) for the installation and maintenance of overhead line (OHL) developments in Scotland.

Atlantic salmon (*Salmo salar*), sea trout and brown trout (*Salmo trutta*) are of high economic value and conservation interest in Scotland and for which MSS has in-house expertise. The route of OHLs often cross watercourses which support important salmon and trout populations. MSS aims, through our provision of advice to ECU, to ensure that the installation and maintenance of these OHLs do not have a detrimental impact on the fish habitat and populations.

The Electricity Works (Environmental Impact Assessment) (EIA) (Scotland) Regulations (2017) state that the EIA must assess the direct and indirect significant effects of the proposed development on water and biodiversity, and in particular species (such as Atlantic salmon) and habitats protected under the EU Habitats Directive. Salmon and trout are listed as priority species of high conservation interest in the Scottish Biodiversity List and support valuable recreational fisheries.

A good working relationship has been developed over the years between ECU and MSS, which ensures that these fish species are considered by ECU during all stages of the application process of OHL developments and are similarly considered during the installation and maintenance of future transmission lines. It is important that matters relating to freshwater and diadromous fish and fisheries, particularly salmon and trout, continue to be considered during the installation and maintenance of future OHLs.

In the current document, MSS sets out a revised, more efficient approach to the provision of our advice, which utilises our generic scoping and monitoring programme guidelines (<https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren>). This standing advice provides regulators (e.g. ECU, local planning authorities), developers and consultants with the information required at all stages of the application process for OHL projects, such that matters relating to freshwater and diadromous fish and fisheries are addressed in the same rigorous manner as is currently being carried out and continue to be fully in line with EIA regulations. At the request of ECU, MSS will still be able to provide further and/or bespoke advice relevant to freshwater and diadromous fish and fisheries e.g. site specific advice, at any stage of the application process for a proposed development, particularly where a development may be considered sensitive or contentious in nature.

MSS will continue undertaking research, identifying additional research requirements, and keep up to date with the latest published knowledge relating to the

impacts of onshore wind farms on freshwater and diadromous fish populations. This will be used to ensure that our guidelines and standing advice are based on the best available evidence and also to continue the publication of the relevant findings and knowledge to all stakeholders including regulators, developers and consultants.

MSS provision of advice to ECU

- MSS should not be asked for advice on pre application and application consultations (including screening, scoping, gate checks and EIA applications). Instead, the MSS scoping guidelines and standing advice (outlined below) should be provided to the developer as they set out what information should be included in the EIA report;
- if new issues arise which are not dealt with in our guidance or in our previous responses relating to respective developments, MSS can be asked to provide advice in relation to proposed mitigation measures and monitoring programmes which should be outlined in the EIA Report (further details below);
- if new issues arise which are not dealt with in our guidance or in our previous responses, MSS can be asked to provide advice on suitable wording, within a planning condition, to secure proposed monitoring programmes, should the development be granted consent;
- MSS cannot provide advice to developers or consultants, our advice is to ECU and/or other regulatory bodies.
- if ECU has identified specific issues during any part of the application process that the standing advice does not address, MSS should be contacted.

MSS Standing Advice for each stage of the EIA process

Scoping

MSS issued generic scoping guidelines

(<https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren>) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm and transmission line developments and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

In addition to identifying the main watercourses and waterbodies within and downstream of the proposed development area, developers should identify and consider, at this early stage, any areas of Special Areas of Conservation where fish are a qualifying feature and proposed felling operations particularly in acid sensitive areas.

If a developer identifies new issues or has a technical query in respect of MSS generic scoping guidelines then ECU should be informed who will then co-ordinate a response from MSS.

Gate check

The detail within the generic scoping guidelines already provides sufficient information relating to water quality and salmon and trout populations for developers at this stage of the application.

Developers will be required to provide a completed gate check checklist (annex 1) in advance of their application submission which should signpost ECU to where all matters relevant to freshwater and diadromous fish and fisheries have been presented in the EIA report. Where matters have not been addressed or a different approach, to that specified in the advice, has been adopted the developer will be required to set out why.

EIA Report

MSS will focus on those developments which may be more sensitive and/or where there are known existing pressures on fish populations (<https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/fishreform/licence/status/Pressures>). The generic scoping guidelines should ensure that the developer has addressed all matters relevant to freshwater and diadromous fish and fisheries and presented them in the appropriate chapters of the EIA report. Use of the gate check checklist should ensure that the EIA report contains the required information; the absence of such information may necessitate requesting additional information which may delay the process:

Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:

- any designated area, for which fish is a qualifying feature, within and/or downstream of the proposed development area;
- the presence of a large density of watercourses;
- the presence of large areas of deep peat deposits;
- known acidification problems and/or other existing pressures on fish populations in the area; and
- proposed felling operations.

Post-Consent Monitoring

MSS recommends that regular visual inspections are carried out by the appointed Ecological Clerk of Works (ECoW) on all watercourses paying particular attention to watercourses during and after periods of prolonged precipitation, during the fish migration/spawning period and on watercourses which are downstream of watercourse crossings, where construction is carried out and where vehicular traffic is frequenting. All observations should be carefully recorded and monthly reports submitted to the Planning Authority. An action plan should be established which outlines proposed remediation procedures, should any changes occur. The developer should consider a water quality and/or fish population monitoring

programme particularly if the proposed development area is in a sensitive location e.g. includes a designated area for which fish are a qualifying feature. All proposed mitigation measures should be implemented and reviewed throughout the course of the development.

MSS has published guidance on survey/monitoring programmes associated with onshore wind farm developments (<https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren>) which developers should follow when drawing up survey and/or monitoring programmes.

If a developer considers that such a monitoring programme is not required then a clear justification should be provided.

Planning Conditions

MSS advises that planning conditions are drawn up to ensure appropriate provision for mitigation measures and monitoring programmes, should the development be given consent. We recommend that the appointment of an ECoW in overseeing the implementation of the proposed mitigation measures, the regular visual inspections of all watercourses and reporting of all observations is outlined within these conditions and that MSS is consulted on this.

Wording suggested by MSS in relation to the appointment of an ECoW for incorporation into planning consents:

1. No development shall commence unless the terms of appointment by the Company of suitably qualified (or equivalent) Ecological Clerk of Works (ECoW), in writing, to the Planning Authority for their written approval. Such approval may only be granted following consultation with Marine Scotland Science and any other advisors or organisations. The terms of appointment shall be to:
 - a. carry out regular visual inspections of all watercourses in line with Marine Scotland Science guidelines;
 - b. monitor compliance to all proposed site specific mitigation measures detailed in the Environmental Impact Assessment and in agreement with the Planning Authority and Marine Scotland Science; and
 - c. submit monthly reports to the Planning Authority and report to the Company's nominated construction project manager and consenting body any incidences of non-compliance with the ECoW works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from prior to commencement of the development (including enabling works), throughout the installation/maintenance period and during any period of restoration works.

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

Sources of further information

NatureScot (previously “SNH”) guidance on wind farm developments - <https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/renewable-energy-development/onshore-wind-energy/advice-wind-farm>

Scottish Environment Protection Agency (SEPA) guidance on wind farm developments – <https://www.sepa.org.uk/environment/energy/renewable/#wind>

A joint publication by Scottish Renewables, SNH, SEPA, Forestry Commission Scotland, Historic Environment Scotland, MSS and Association of Environmental and Ecological Clerks of Works (2019) Good Practice during Wind Farm Construction - <https://www.nature.scot/guidance-good-practice-during-wind-farm-construction>.

From: Mark Chapman <mark.chapman@ironsidefarrar.com>
Sent: 07 April 2022 12:16
To: Young R (Rebecca) <Rebecca.Young@gov.scot>
Cc: McKenzie JR (James) <James.McKenzie@gov.scot>
Subject: Creag Dhubh to Inveraray 275KV OHL - PLHRA Scoping Comments

Rebecca

I've reviewed the information on the portal relative to the Creag Dhubh to Inveraray 275KV OHL .

Relative to the scoping opinion, I'd propose the following text:

As part of our term commission for the ECU for provision of advice regarding PLHRA, we have reviewed the Creag Dhubh to Inveraray 275KV OHL Environmental Impact Assessment: Scoping Report March 2022 relative to the potential for risks posed by peat slides. This includes the drawings of the Superficial and Bedrock geology as well as the Nature Scot Carbon and Peatland Maps, for the route.

The Peatland mapping shows sections of the route in the north and central/southern area comprise Class 5 soils, which includes carbon soils with deep peat. Smaller areas of Class 2 soils, which are defined as supporting nationally important carbon-rich soils, deep peat and priority peatland habitat, are shown present in the northern and central part of the Proposed Development. Smaller areas mapped as Class 3 soils are shown to be present in the central area. Class 3 soils are predominantly peaty soils with some heath vegetation. Mineral soils are shown elsewhere along the route. British Geological Society mapping does not identify peat along the route. OS mapping confirms that slopes of greater than 2 degrees are present along the line of the development. These factors confirm that a Peat Landslide Risk Assessment for the works will be required.

The ECU Best Practice Guide 2017 is clear that the principles of the guidance apply to Section 37 applications for above ground overhead lines which pass through peatland environments and that detailed peat landslide risk assessment will be required. On behalf of the ECU, we would review any PLHRA submitted in accordance with the Best Practice Guidelines. As per the ECUBPB, we would anticipate that the PLHRA would include fieldworks and probing, at appropriate frequencies, of towers, tracks, U/G cabling and associated infrastructure including construction related facilities in areas where peat might be present. If there are any areas where detailed probing is not proposed due to peat not being present, these would require to be robustly justified by review of mapping, walkovers by qualified professionals and the primary 100m probing grid proposed (Section 8.5). The fieldworks would form part of the risk assessment for the route together with desk study, likelihood/consequence assessments and mitigation as required. The PLHRA would be submitted as a self-explanatory standalone document and would be closely linked to both the Geology and Soils and Water Environment chapters and any Peat Management Plan.

The information provided in Section 8.5 of the Scoping Document " Assessment Scope and Methodology of" identifies a proposed approach which includes and is consistent with the above. It records specifically that a Peat Landslide Hazard Risk Assessment will be completed. If these works are undertaken as proposed, it is considered that this approach would be appropriate for the scheme.

I hope this is of use, let me know if you have any comments.

Regards

Mark

Mark Chapman
Director

Ironsides Farrar Ltd, 111 McDonald Road, Edinburgh, EH7 4NW
T: 0131 550 6500, M 07716741983, www.ironsidefarrar.com