



Creag Dhubh to Inveraray 275kV Overhead Line Connection

Planning Statement

October 2022

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1. Introduction & Overview

1.1 Background

- 1.1.1 Scottish Hydro Electric Transmission plc ('the Applicant') operating and known as Scottish and Southern Electricity Networks Transmission (SSEN Transmission), has submitted an application under section 37 of the Electricity Act 1989, along with a request that Ministers issue a direction that planning permission be deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997, for consent to construct and operate a 9.32 kilometre (km) double circuit 275 kV overhead line (OHL) supported by steel lattice towers between a proposed substation at Creag Dhubh and a connection point on the recently construction Inveraray to Crossaig 275kV capable OHL circuit, in Argyll ('the Proposed Development').
- 1.1.2 The scope of the application is limited to construction and operation of the OHL and ancillary works for the construction and maintenance of the OHL including, vegetation management including tree felling, temporary OHL diversions, undergrounding of existing infrastructure, formation of bellmouths at public roads access point, construction of new permanent and temporary access tracks and upgrading of existing, tower working areas and other ancillary works related to these core requirements. The Proposed Development would not have a fixed operational life, and as such the consent is sought on a permanent basis.
- 1.1.3 As the Transmission License holder in the North of Scotland, the Applicant has a duty under section 9 of the Electricity Act 1989 to facilitate competition in the generation and supply of electricity. The Applicant is obliged to offer non-discriminatory terms for connection to the Transmission system both for new generation and for new sources of electricity demand.
- 1.1.4 The project forms part of an overall strategy to reinforce the existing transmission network connections in the Argyll region, to enable renewable energy projects to connect to the GB transmission network and to ensure security of supply.
- 1.1.5 This Planning Statement outlines the case for approval in land use planning policy terms at the local (Argyll & Bute) level, and at the national policy level with particular emphasis on the national policy position in support of the delivery of electricity infrastructure that will assist in the delivery of the Government's legally binding 'net zero' commitments.

1.2 Approach

The Electricity Act 1989

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

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

- 1.2.4 The matters referred to in Schedule 9 sub-paragraph 3 (1) (a) and (b) of the Electricity Act apply to the Applicant as a license holder: the matters set out in Sub paragraph 3(1)(a) to which regard must be had are:
- “... the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; “*
- Sub Paragraph 3 (1) (b) requires relevant parties to:
- “.....do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects”*
- 1.2.5 At sub-paragraph 3(3), the Applicant is [required to...] *“avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.”*
- 1.2.6 The provisions of Schedule 9 of the Electricity Act set out a number of matters to which regard must be had by the Applicant and Scottish Ministers. The application is accompanied by an Environmental Impact Assessment Report that sets out what regard has been had to the matters outlined in Schedule 9 amongst other things.
- The Town & Country Planning (Scotland) Act 1997**
- 1.2.7 The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (as amended) (the Planning Act), amended by The Planning etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019.
- 1.2.8 Section 57(2) of the Planning Act provides:
- “On granting a consent under section 36 or 37 of the Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Scottish Ministers may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to any conditions (if any) as may be specified in the direction”.*
- 1.2.9 Section 25 of the Planning Act states that:
- “Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*
- 1.2.10 Section 57(2) of the Planning Act makes no reference to the provisions of section 25 which requires regard to be had to the provisions of the Development Plan. The Courts have confirmed that section 57(3) does not apply section 25 to a decision to make a direction to grant deemed planning permission pursuant to section 57(2)¹.
- 1.2.11 The Scottish Ministers will determine the application having regard to the statutory duties in Schedules 8 and 9 of the Electricity Act, and to material considerations. As outlined above, the statutory Development Plan is a material consideration in the determination of applications under Section 37 of the Electricity Act.
- 1.2.12 Accordingly, the purpose of this Planning Statement is to provide an assessment of the Proposed Development in the context of relevant national and local planning and energy policies and other material considerations.
- 1.2.13 As such it is important to establish:

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

- > What are the relevant national planning and energy policy considerations relevant to the Proposed Development?
- > What Development Plan policies are relevant to the proposal that give a local policy context for the consideration of environmental effects arising from the development?

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

- 1.2.14 The Proposed Development constitutes 'Schedule 2' development under the EIA Regulations and the application for section 37 consent is accompanied by an EIA Report.
- 1.2.15 A request for Scoping Opinion was made to Scottish Ministers under Regulation 12 of the EIA Regulations in March 2022, supported by a Scoping Report seeking the views from the Energy Consents Unit (ECU), statutory and non-statutory consultees regarding the scope of information to be provided within the EIA Report.
- 1.2.16 A Scoping Opinion was received from Scottish Ministers on 15th June 2022. The content of this has, insofar as possible, informed the EIA Report submitted in support of the application for the Proposed Development.

1.3 Key Facts

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

1.4 Structure of this Planning Statement

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

- > Chapter 5 sets out relevant Development Plan policies and provides an assessment of the Proposed Development against the most relevant policies.
- > Chapter 6 presents overall conclusions.

2. The Development and Routeing

2.1 Summary Route Description

- 2.1.1 The Proposed Development is located within the Argyll & Bute administrative area between the proposed Creag Dhubh substation, (located on the lower eastern slopes of Cruach na Gearrchoise within the River Aray catchment approximately 2.3km south west of Cladich), and a new proposed 'tie-in' approximately 3.5km north of Inveraray, to the recently constructed Inveraray – Crossaig circuit in Argyll.
- 2.1.2 A detailed description of the proposed OHL route alignment is provided at Chapter 2 of the EIA Report. The route is summarised as follows:
- 2.1.3 Starting from Inveraray the Proposed Development runs north through commercial forestry, followed by open rough grazed land, and then back into an area of commercial forestry.
- 2.1.4 The Proposed Development is located entirely within the River Aray catchment and crosses a number of tributaries of the River Aray. There are a number of farm steadings located along the route and the A819 runs parallel to the Proposed OHL.

2.2 Route Selection

- 2.2.1 A combined corridor and route selection exercise (Stage 1 and 2) was completed by the Applicant which identified an 'Original Preferred Route' between the proposed Creag Dhubh substation and a connection point on the recently constructed Inveraray-Crossing circuit. Public consultation was undertaken in June-July 2021.
- 2.2.2 Prior to consultation, the Applicant was aware of Unexploded Ordinance (UXO) concerns on the Ladyfield Plantations, along the original Preferred Route. Further engagement with the landowner, the MOD and a specialist UXO contractor gathered further information in this regard. It was concluded that the time and cost to mitigate the UXO risk was far in excess of those to change the route, therefore the route was moved to the west of the A819 and this became the 'New Proposed Route' for the project.
- 2.2.3 An alignment exercise (Stage 3) was completed in April 2022 identifying a Preferred Alignment, and consultation was undertaken May-June 2022. Thereafter this route was taken forward as the Proposed Alignment for which consent is being sought.

2.3 The Proposed Development

- 2.3.1 Chapter 2 of the EIA Report sets out a detailed description of the Proposed Development and its routeing and design. In summary, the Applicant is seeking consent to construct and operate a 275 kV capable OHL connection comprising:
- > An approximately 9 km double circuit 275 kV OHL, plus connections, supported by steel lattice towers between a proposed substation at Creag Dhubh (subject to a separate planning application) and the recently constructed Inveraray-Crossaig 275 kV capable OHL circuit.
 - > In addition to the above, there are ancillary works for the construction and maintenance of the OHL, including:
 - o vegetation management including tree felling to create a safe operational corridor for construction and operation;
 - o temporary OHL diversions to reduce circuit outages during the works;
 - o the formation and upgrading of bellmouths at public road access points;

- construction of new temporary and permanent construction (stone) access tracks and the upgrade of existing tracks;
- tower working areas, crane pads and winching positions; and
- road and other infrastructure (bridges, culverts etc.) alterations.

2.3.2 The Proposed Development will replace the existing 132 kV OHL asset which will be dismantled and removed as part of the project works.

2.3.3 The proposed Creag Dhubh substation is subject to a separate application for planning permission supported by standalone environmental information but is assessed as part of the cumulative assessment within the EIA Report supporting the Proposed Development for the OHL subject to this Section 37 application.

Indicative Design Summary

2.3.4 The indicative OHL design for the Proposed Development comprises the following key components:

- > Thirty-four (34) self-supporting fabricated galvanised steel lattice towers, L8(C) series that are on average 50 m high and separated by an average distance of 250-350 m. The spacing (span length) between towers and the tower height would vary depending on environment and engineering constraints with maximum height of approximately 60 m and maximum span length of 375 m.
- > An approximately 9 km (including connections at either end) double circuit 275 kV OHL supported by the towers. Each tower would carry two circuits, with three horizontal cross arms on each side of the tower, each carrying an insulator string and two conductors. An earth wire, containing an optical fibre ground wire (OPGW) would be strung between the tower peaks.

Limit of Deviation

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

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

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

Construction Programme

2.3.7 It is anticipated that construction will commence in 2024 with a provisional construction period of 43 months, with energisation scheduled for 2027.

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

- > Phase 1 - enabling works;

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

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

2.4 Alternatives

2.4.1 Chapter 3 of the EIA Report provides a detailed consideration of ‘alternatives’ and documents the design process. This is not repeated within this document.

2.4.2 In summary, ‘do nothing’ and the consideration of six alternative route options and three alternative alignment options informed the process to reach the final Proposed Development.

2.4.3 The ‘do nothing’ scenario is not considered a sustainable development option as it results in insufficient capacity in the network and fails to meet the identified and predicted generation and supply demands. It would be inconsistent with the Applicant’s licence obligations to development and maintain an efficient, coordinated and economic electricity system, which on balance causes the least disturbance to the environment and to the people who live and work within it.

2.4.4 An examination and assessment of viable route and alignment options to deliver the required infrastructure provision was therefore required.

2.4.5 It is important to note that the routeing process and final configuration as proposed has been informed throughout by the consideration of a balance of factors including engineering feasibility, environmental sensitivities, network resilience and cost factors, as well as landowner and wayleave considerations. The routeing process has been supported throughout by an ongoing process of consultation with statutory and non-statutory consultees, landowners and the local community.

3. Energy Policy and Needs Case

3.1 Introduction

- 3.1.1 This Chapter provides an assessment of the Proposed Development against a series of energy policy documents which are material to the determination of the Section 37 application.
- 3.1.2 The Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. This underpins what can be termed the need case for renewable energy from which the Proposed Development, as critical grid transmission infrastructure to support renewables, can draw a high level of support.
- 3.1.3 From a planning perspective, a key point is that much of the energy and climate policy and most of the key legislative provisions postdate the current in force national planning policy (i.e. Scottish Planning Policy and National Planning Framework 3). Energy and climate change related policy can, and should, be given substantial weight, noting in particular the legal obligations to attain interim targets in relation to Net Zero by 2045.
- 3.1.4 The Proposed Development requires to be considered against a background of UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice.
- 3.1.5 It is evident that there is clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally (including onshore wind) to combat the global heating crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets. It is essential therefore that the necessary infrastructure is put in place to enable that energy to be utilised.

3.2 International Commitments

The Paris Agreement (2016)

- 3.2.1 In December 2015, 195 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). The Paris Agreement sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2°C above pre-industrial levels, and to pursue efforts to limit global warming to 1.5°C.
- 3.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links through to the Committee on Climate Changes' (CCC) advice to both the UK and Scottish Governments on 'net zero' targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK).
- #### The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021 & 2022), related Press Release and Statements
- 3.2.3 The first part of the Inter-Governmental Panel on Climate Change (IPCC) 6th Assessment Report (2021) was published on 9th August 2021 (the AR6 Report). The first part of the AR6 Report, in short, provides new estimates of the chances of crossing the global warming level at 1.5°C in the next decade and reaches the sobering conclusion that, without immediate, rapid and large-scale reductions in greenhouse gas (GHG), limiting warming close to 1.5°C or

even 2°C will be beyond reach. For this and many other reasons the UN Secretary General² described the AR6 Report as a “*Code Red for humanity*”.

3.2.4 The second part of the AR6 report was recently published on 28th February 2022. It is, as described in the press release accompanying the second part of the AR6 report a “*dire warning about the consequences of inaction*”.

3.2.5 The third part of the IPCC’s AR6 Report ‘Mitigation of Climate Change³’ was published on 4th April 2022. In summary, the urgent message from this latest report is that it confirms the harmful and permanent consequences of the failure to limit the rise of global temperatures and that reducing emissions is a crucial near-term necessity. The report underlines the need to radically and rapidly scale up global climate action to reduce GHG emissions.

3.2.6 The timescale imperative set out in the IPCC report matches that of the Scottish Government - both are essentially saying through their policy documents that it is clear that the next decade can and must be transformative.

3.3 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

3.3.1 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared in Scotland in April 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

3.3.2 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.

3.3.3 The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.

3.3.4 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world’s most ambitious climate change target into law (by the Carbon Budget Order 2021⁴) to reduce emissions by 78% by 2035 compared to 1990 levels.

The UK Energy White Paper (December 2020)

3.3.5 The UK Government Energy White Paper ‘Powering our Net Zero Future’ (December 2020) sets out that: “*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050*”.

3.3.6 It adds a key objective is to “*accelerate the deployment of clean electricity generation through the 2020s*” (page 38). *Electricity demand is forecast to double out to 2050, which will “require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target”* (page 42).

² Statement by UN secretary general Antonio Guterres, 09 August, 2021.

³ IPCC, 2022: Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group 3 to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change.

⁴ The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

The UK Net Zero Strategy (October 2021)

- 3.3.7 The UK Government published the Net Zero strategy in October 2021. This sets out policies and proposals for keeping in the UK on track in relation to carbon budgets and the UK's nationally determined contribution (NDC)⁵ and establishes the long-term pathway to net zero by 2050.
- 3.3.8 The Net Zero Strategy sets out the Government's plans for reducing emissions from each sector of the UK economy, related to carbon budget and to the eventual target of net zero by 2050.
- 3.3.9 Page 19 addresses the power sector and sets out that the power system will be fully decarbonised by 2035.

3.4 Climate Change & Renewable Energy Policy: Scotland

The Climate Emergency

- 3.4.1 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019. Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency' and stated:
- "There is a global climate emergency. The evidence is irrefutable. The science is clear and people have been clear: they expect action. The Intergovernmental Panel on Climate Change issued a stark warning last year. The world must act now. By 2030 it will be too late to limit warming to 1.5 degrees...."*
- 3.4.2 The Minister also highlighted the important role of the planning system stating:
- "And subject to the passage of the Planning Bill at Stage 3, the next National Planning Framework and review of Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals."*
- The Scottish Government has therefore begun to act on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees – but there is much more to be done".*
- 3.4.3 The key issue in relation to these statements is that they acknowledge the very pressing need to achieve radical change and that by 2030 it will be too late to limit warming to 1.5 degrees. The Scottish Government therefore acted on the Climate Emergency in 2019 by bringing in legislation.
- 3.4.4 Furthermore, the declaration of the emergency is not simply a political declaration, it is now the key priority of Government at all levels. Indeed, defining the issue as an emergency is a reflection of both the seriousness of climate change, its potential effects and the need for urgent action to cut carbon dioxide and other GHG emissions.
- 3.4.5 The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable electricity generation by 2030.

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

- 3.4.6 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009 and sets even more ambitious targets for a net zero greenhouse

⁵ Every country that signed up to the Paris Agreement (2015) set out a target known as a nationally determined contribution for reducing greenhouse gas emissions by around 2030. For the UK the target was a 68% reduction on 1990 levels by 2030.

gas emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.

- 3.4.7 The 75% target required to be met by 2030 is especially challenging⁶. Indeed, when the matter was proceeding through Parliament, it was the Scottish Parliament that increased the requirement from a 70 to 75% reduction by 2030.
- 3.4.8 The Scottish Government publishes an annual report⁷ that sets out whether each annual emissions reduction target has been met. **Table 3.1** below sets out the annual targets for every year to net-zero. The report for the 2019 target year was published in June 2021. The Report states that the Greenhouse Gas Account reduced by only 51.5% between the baseline period and 2019. As noted, the 2019 Act specifies a 55% reduction over the same period – therefore the targets for 2018 and 2019 were not met.
- 3.4.9 The Scottish Greenhouse Gas Statistics for 2020 were released in June 2022. These show that the GHG account reduced by some 58.7% between the baseline period and 2020. However according to the report⁸, the drop in emissions between 2019 and 2020 was mainly down to lower emissions from domestic transport, international flights and shipping and energy supply. All other sectors demonstrated modest reductions over this period, except the housing sector.
- 3.4.10 Coronavirus restrictions were responsible for the large drop in emissions from transport, while residential emissions increased by 0.1 MtCO₂e as more people worked from home during the pandemic. However, there is expected to be a substantial rebound in emissions in the 2021 figures.
- 3.4.11 This demonstrates the scale of change required over the next decade to achieve the 2030 target. This also means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and the 2020s is a critical decade.
- 3.4.12 Delivering the necessary transmission infrastructure in Scotland will be critical to enabling the necessary increases in renewable capacity to drive the considerable increase in renewable electricity use which is forecast.

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

Year	% Reduction target	Actual Emissions Reduction %	Year	% Reduction Target
2018	54	50	2032	78
2019	55	51.5	2033	79.5
2020	56	58.7	2034	81
2021	57.9	-	2035	82.5
2022	59.8	-	2036	84
2023	61.7	-	2037	85.5
2024	63.6	-	2038	87
2025	65.5	-	2039	88.5
2026	67.4	-	2040	90 (Interim)

⁶ None of the five scenarios modelled by the CCC – even its most optimistic and stretching – suggests Scotland is close to achieving the 75% emissions reduction by 2030.

⁷ Scottish Government, Official Statistics, Scottish Greenhouse Gas Statistics 2019, (June 2021).

⁸ Scottish Government. Official Statistics, Scottish Greenhouse Gas Statistics 2020, (June 2022).

2027	69.3	-	2041	92
2028	71.2	-	2042	94
2029	73.1	-	2043	96
2030	75	Interim Target	2044	98
2031	76.5	-	2045	100% Net Zero

3.4.13 The targets set out in Table 3.1 clearly illustrate the speed and scale of change that is required, essentially prior to 2030. This also demonstrates that up to 2020 the annual percentage reduction that was required was 1% but this then increases each year from 2020 to 2030. It increases to 1.9% for each year between 2020 and 2030. This is the level of change that is required to achieve the 2030 target and represents a near doubling of the response.

3.4.14 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before. The 2020s is a critical decade.

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

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

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

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

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

3.4.17 In terms of electricity, the CCP update announces, “further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero-carbon electricity system”.

3.4.18 Page 18 refers to the “pathway to 2032” and sets out what the policies mean in practice. It states:

“our electricity system will have deepened its transformation for the better, with over 100% of Scotland’s electricity demand being met by renewable sources. More and more households, vehicles, businesses and industrial processes will be powered by renewable electricity, combined with green hydrogen production. There will also be a substantial increase in renewable generation, particularly through new offshore and on shore wind capacity” (page 18).

3.4.19 Annex A of the CCP contains policies and proposals. For the electricity sector, ‘outcome 1’ is that “the electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies”.

3.4.20 In terms of the coordinated approach needed, Section 2.5 refers to the planning system and the forthcoming NPF4. Planning is seen as a “key delivery mechanism for many of the policies within this climate change plan update, across all sectors”.

3.4.21 Key points from the Climate Change Plan Update include:

- > The need to invest in renewable generation and related infrastructure to reduce greenhouse gas emissions is critical to creating good, green jobs as part of the green recovery and longer-term energy transition (page 78).

Scottish Government & Scottish Green Party: Shared Policy Programme

3.4.22 The Scottish Government and the Scottish Green Party agreed a formal Cooperation Agreement for the next five years of Government on 20 August 2021. A shared policy programme entitled 'The Bute House Agreement' was published on 20 August 2021 which sets out areas of mutual policy interest including energy and planning. Key points of relevance from the document including the following.

3.4.23 In terms of energy, on page 12 of the document it is set out the parties:

"believe that the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system. While electricity has already been largely decarbonised, our plans will see a significant increase in electricity demand for heating and transport. To accommodate this, we will support the continued and accelerated deployment of renewable energy".

3.4.24 In order to do this the parties state that they will "set an ambition to deliver, subject to consultation, between 8 and 12GW of additional installed onshore wind by 2030... - this will be supported by the changes in the planning system needed to permit the growth of this essential zero carbon sector".

3.4.25 Electricity transmission infrastructure is a critical element to enable delivery of this additional renewable energy capacity.

3.4.26 In terms of planning, the Agreement (page 17) states that the parties will *inter alia*:

"agree to ensure approval and adoption of Scotland's Fourth National Planning Framework (NPF4) which will be vital in supporting the delivery of net zero by 2045 with significant progress by 2030;

actively enable renewable energy.... supporting repowering of existing windfarms and planning for the expansion of the grid". (underlining added)

3.4.27 This further insight into the Government's position further supports the strategic and nationally important need case for the proposed development. NPF3 and SPP provide strong support for renewables and energy infrastructure and it is clear that the support has intensified as time has passed and policy evolved.

The Programme for Government (2022)

3.4.28 The 'Programme for Government' 'a Stronger and More Resilient Scotland' was published in September 2022. It states that the climate emergency is becoming "more urgent" (page 4) and with reference to the current cost of living crisis, states "*our journey to net zero is not just part of the solution to this crisis: it is also critical to minimising the impending climate crisis, the impact of which will be even more significant than what we expect to see in the coming months*".

3.4.29 The Programme maintains the national focus on the transition to net zero and the significant economic opportunity it creates. The Programme therefore contains robust recommendations relating to achieving Net Zero and reducing greenhouse gas emissions.

3.5 Energy Policy and Needs Case Conclusions

3.5.1 Overall, the energy and climate change legislative and policy framework is a very important consideration and one that should attract substantial weight in the balance of factors in the

determination of the application for consent. As explained, there is also specific project need arising from the demand for connections and to improve security of supply.

- 3.5.2 It also needs to be acknowledged that the need case with regard to renewable generation and electricity infrastructure as set out in National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) was predicated on emissions reduction targets that are now superseded by more challenging targets, to be achieved sooner. The documents are under review and the targets referred to in them have been overtaken by new statutory greenhouse gas emission reduction targets. This is further referenced in the next Chapter.
- 3.5.3 The Needs Case should be afforded substantial weight in the planning balance. It is not an over-riding consideration; however, it must be acted on. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual renewable projects which will move Scotland towards where it needs to be. It is critical that the necessary transmission infrastructure is in place to enable the outputs from these projects to be realised.

4. National Planning Policy

4.1 Introduction

4.1.1 Relevant national planning policy guidance and advice is addressed in this Chapter. Reference is also made to the emerging new national planning policy by way of draft NPF4. National planning policy is a very important consideration: amongst other matters it sets the framework of development management factors.

4.2 National Planning Policy

National Planning Framework 3

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

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

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

4.2.4 Chapter 3 of NPF3 focuses on the promotion and achievement of a low carbon economy and the ambition to reduce greenhouse gas emission by 80% by 2050.

4.2.5 NPF3 acknowledges that:

- > *"electricity grid enhancements will facilitate increased renewable electricity generation across Scotland"* (para 3.28);
- > *"an updated national development focusing on enhancing the high voltage transmission network supports this"* (para 3.28); and
- > *"strengthening the electricity grid will be essential in unlocking renewable resources, both onshore and offshore"* (para 3.40).

4.2.6 The Proposed Development will provide secure and reliable electricity supplies to existing and future customers, improving resilience in the transmission network.

4.2.7 NPF3 also identifies that *"both terrestrial and marine planning have a key role to play in reaching these ambitious targets by facilitating development, linking generation with consumers and guiding new infrastructure to appropriate locations"* (para 3.12).

4.2.8 NPF3 identifies 14 national developments that are needed to help to deliver the Scottish Government's spatial strategy. The High Voltage Electricity Transmission Network is specifically referenced.

4.2.9 Paragraph (2) (a) of Annex A to NPF 3 contains the fourth development priority statement relates to national developments consisting of electricity transmission developments. It is in the following terms:

2 – Description of Classes of Development: Development consisting of: a) new and/or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts, and supporting pylons.”

- 4.2.10 An extract from NPF3 (Part 4) is provided below and clearly establishes the need for the enhanced transmission infrastructure and establishes the proposed development as ‘national development’.
- 4.2.11 An extract from NPF3 (Part 4) is provided below and clearly establishes the need for the enhanced transmission infrastructure and establishes the Proposed Development as ‘national development’.

Figure 4.1 – Extract from NPF3 Statement of Need

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

1 – Location: Throughout Scotland.

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

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

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

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

- 4.2.12 Paragraph 3.28 highlights further that “*The environmental impacts of this type of infrastructure require careful management*”.
- 4.2.13 The Applicant fully recognises that in order to deliver this essential infrastructure, they must fully assess and mitigate the impact of development on the environment. A full EIA has been undertaken and it is considered that the EIA Report demonstrates that with the necessary mitigation in place the Proposed Development can be implemented in a way that is acceptable with regard to environmental considerations.

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

- 4.2.14 Scotland’s Fourth National Planning Framework Consultative Draft (draft NPF4) was published in November 2021. It continues the status of electricity transmission infrastructure as having national development status in the Hierarchy of Developments in the planning system. 18 National Developments are proposed to support the delivery of the Government’s new Spatial Strategy including ‘**National Development**’ No.12 entitled ‘**Strategic Renewable Electricity Generation and Transmission Infrastructure**’.
- 4.2.15 Although the NPF4 document is in consultative draft form it is informative with regard to the intention to maintain the national status of certain aspects of development on the transmission network, including high voltage OHL works.

- 4.2.16 Page 44 of the draft addresses national developments and sets out that this designation means:
“that the principle of the development has no need to be agreed in later consenting processes, providing more certainty for communities, business and investors”.
- 4.2.17 This specific National Development is addressed in some detail at page 59 of the draft NPF4 where it states this National Development supports expansion of the electricity grid. It sets out that:
“The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions.”
- 4.2.18 In terms of ‘need’, the draft sets out the following:
“Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas.”
- 4.2.19 In terms of designation of development designated as National Development this includes:
“b. New and/or replacement high voltage electricity lines and interconnectors of 132kV or more”.
- 4.2.20 In terms of draft national planning policy, set out at page 69 in the draft NPF is draft Policy 2 entitled ‘Climate Emergency’: it states that when considering all development proposals *“significant weight should be given to the global climate emergency”.*
- 4.2.21 The Proposed Development is a ‘National Development’ in the draft NPF4. The need for the Proposed Development is established. It will play a key role in the objective to move to a ‘net zero economy and society’ and the technical justification for the project is supported by this objective of national planning policy.
- 4.2.22 NPF4 is likely to come into force during the determination period for the Proposed Development.
- Scottish Planning Policy**
- 4.2.23 Scottish Planning Policy (SPP) was published in June 2014 and is a statement of Scottish Government policy on nationally important development and land use planning. In general terms, SPP seeks to direct the right development to the right places and guide new infrastructure to appropriate locations.
- 4.2.24 Of relevance to the Proposed Development, SPP states that:
“Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector” (para 152).
“Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions” (para 153).
“The planning system should support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity” (para 154).
- 4.2.25 *“The planning system should:...*
> *guide development to appropriate locations...*

> *help to reduce emissions and energy use...from new infrastructure by enabling development at appropriate locations that contributes to:*

- *Energy efficiency;*
- *Heat recovery;*
- *Efficient energy supply and storage;*
- *Electricity and heat from renewable sources” (para 154).*

“Strategic development plans should support national priorities for the construction or improvement of strategic energy infrastructure, including generation, storage, transmission and distribution networks” (para 156)”.

4.2.26 With regard to the built and natural environment (cultural heritage, landscape, ground conditions, ecology, woodland/forestry, flooding and drainage), the SPP guidance detailed below is relevant for consideration in the assessment of Proposed Development and aligns with the policies considered at the local level through the Local Development Plan.

Principal Policies

4.2.27 SPP contains a number of principal policies, one of which expresses “*a presumption in favour of development that contributes to sustainable development*”. Paragraph 28 states that:

“the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”.

4.2.28 Paragraph 29 highlights a series of criteria which should guide decision-making in this regard and the following provisions are considered relevant to the Proposed Development:

- > Net economic benefit;
- > Economic issues, challenges and opportunities;
- > Good design and qualities of successful places;
- > Delivery of infrastructure;
- > Climate change mitigation and adaptation;
- > Principles of sustainable land use as set out in the land use strategy;
- > Protecting, enhancing and promoting cultural heritage;
- > Protecting, enhancing and promoting natural heritage and landscape;
- > Reducing waste; and
- > Over-development, amenity and effects on water, soil and air.

4.2.29 The proposed development has been assessed against the relevant principles and a summary appraisal is presented below in Table 4.1. The conclusion reached is that the proposed development would be one that contributes to sustainable development, and therefore there is a presumption in favour of development.

Table 4.1: SPP Paragraph 29 Principles

Policy Principle	Proposed Development
1 - Giving due weight to net economic benefit	There would be net positive socio-economic effects, as summarised in the EIA Report. The proposed development would deliver a wide range of benefits including job creation and wider stimulus through supply chain effects.
2 - Respond to economic issues, challenges and opportunities, outlined in local economic strategies	The proposed development is consistent with the policy to support infrastructure delivery in line with wider considerations of the LDP. LDP5 of the ABLDP which also supports sustainable growth of the economy.
3 - Supporting good design and the six qualities of successful places	Limited relevance as the six qualities are framed with conventional built form in mind. In the context of OHL infrastructure development, the proposed development represents good design as a satisfactory route has been achieved, with regard to landscape character and local context while meeting functionality requirements - without unacceptable effects arising.
4 - Supporting delivery of infrastructure, for example transport, education, energy, digital and water	The proposed development would deliver necessary energy infrastructure and would also contribute to the delivery of contracted renewable capacity.
5 - Supporting climate change mitigation and adaptation including taking account of flood risk	This is of particular relevance. The proposed development would help to support climate change mitigation through the provision of necessary infrastructure, thereby helping to reducing emissions of climate changing gases. Flood risk has been considered and no issues arise.
6 - Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation	Not relevant to the proposed development.
7 - Having regard to the principles for sustainable land use set out in the Land Use Strategy	The Land Use Strategy (2016-21) is a key commitment in the Climate Change (Scotland) Act 2009. While the 2016-21 Strategy has now been replaced by the 2021-26 Strategy, the principles set out in the 2016-21 Strategy remain relevant to SPP. The Strategy cross refers to Development Plans and their policies such as landscape protection, biodiversity, and renewable energy development which, through planning decision making will help deliver the Strategy and the principles for sustainable land use. The proposed development would contribute positively to climate change action.
8 - Protecting, enhancing and promoting access to cultural heritage, including the historic environment	The proposal would not hinder access to cultural heritage and the design and proposed mitigation has ensured that cultural heritage is protected.
9 - Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment	The proposed development would not hinder access to the surrounding area and whilst there would be some localised significant visual amenity effects (which are inevitable), the landscape has the capacity for the scale and nature of the proposal.
010 - Avoiding over-development, protecting the amenity of new and existing development and considering the implications	These matters have been addressed through the EIA process. There would be no conflict with this policy principle.

Policy Principle	Proposed Development
of development for water, air and soil quality	

4.2.30 The proposed development would be consistent with the relevant principles set out at paragraph 29 of SPP. It would also assist in delivering SPP Outcomes, in particular Outcomes 1 and 2 (namely a successful sustainable and low carbon place) – indicating that overall, the proposal is sustainable development.

A Low Carbon Place

4.2.31 SPP sets out at paragraph 154 that to support in achieving the outcome of making Scotland a low carbon place, the planning system should support the change to a low carbon economy, including deriving the equivalent of 100% of electricity demand from renewable sources by 2020. It should support the development of electricity generation from a diverse range of renewable sources. It should guide development to appropriate locations and advise on the issues that should be taken into account when specific proposals are being assessed.

Cultural Heritage

4.2.32 The following SPP guidance is relevant for consideration in the cultural heritage assessment of the Proposed Development and aligns with the policies considered at the Local level through the LDP:

“The siting and design of development should take account of all aspects of the historic environment” (SPP, para 140).

“Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest.” (para 141).

“Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances” (para 145).

“There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are however, an important part of Scotland’s heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible” (para 151).

Landscape

4.2.33 The following text from SPP is relevant for consideration with regard to the LVIA and aligns with the policies considered at the local level through the LDP:

“The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement” (para 202).

“Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development” (para 203).

Hydrology, Hydrogeology and Water Resources and Peat

4.2.34

The following text from SPP is relevant in the context of the assessment of potential effects on hydrology, hydrogeology, water resources and peat, and aligns with the policies considered at the local level through the LDP:

“Where peat and other carbon rich soils are present, applicants should 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 should aim to minimise this release” (para 205).

“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” (para 243).

“Flood Risk Assessments (FRA) should be required for development in the medium to high category of flood risk, and may be required in the low to medium category in the circumstances described in the framework above, or where other factors indicate heightened risk. FRA will generally be required for applications within areas identified at high or medium likelihood of flooding/flood risk in SEPA’s flood maps” (para 266).

“Drainage Assessments, proportionate to the development proposal and covering both surface and foul water, will be required for areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects” (para 267).

“Proposed arrangements for Sustainable Drainage System (SuDS) should be adequate for the development and appropriate long-term maintenance arrangements should be put in place” (para 268).

Ecology and Ornithology

4.2.35

The following text from SPP is relevant for consideration in the ecological and ornithological assessments and aligns with the policies considered at the local level through the LDP:

“Where non-native species are present onsite, or where planting is planned as part of a development, developers should take into account the provisions of the Wildlife and Countryside Act 1981 relating to non-native species” (para 206).

“Sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 network of protected areas. Any development plan or proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an “appropriate assessment” of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an “appropriate assessment” that there will be no adverse effect on the integrity of the site” (para 207).

“All Ramsar sites are also Natura 2000 sites and/or Sites of Special Scientific Interest (SSSI) and are protected under the relevant statutory regimes” (para 211).

“Development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve should only be permitted where:

- > the objectives of designation and the overall integrity of the area will not be compromised;*
or
- > any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance”* (para 212).

4.2.36

When making a decision which affects a SSSI, the Scottish Ministers must consult and have regard to the advice of NatureScot. Additionally, they have to take reasonable steps to further the conservation and enhancement of the features specified in the SSSI notifications.

Forestry and Woodland

- 4.2.37 The following text from paragraph 218 of SPP is relevant for consideration in the assessment of effects on forestry and woodland and aligns with the policies considered at the local level through the LDP:

“The Scottish Government’s Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications” (para 218).

- 4.2.38 In February 2019, Scottish Forestry published guidance on implementing the Scottish Government’s policy on control of woodland removal⁹.

Traffic and Transport

- 4.2.39 The following text from SPP is relevant for consideration in the traffic and transport assessment and aligns with the policies considered at the local level through the LDP:

“Consideration should be given to appropriate planning restrictions on construction and operation related transport modes when granting planning permission, especially where bulk material movements are expected” (para 291).

4.3 Conclusions on National Planning Policy & Guidance

- 4.3.1 Both NPF3 and SPP set out a strong position of support in relation to electricity infrastructure and also renewable energy and renewable energy targets. NPF3 clearly sets out the need for the enhanced transmission infrastructure and establishes the Proposed Development as ‘national development’. The Proposed Development is also a ‘national development’ in the draft NPF4.
- 4.3.2 The strategic nature of the Proposed Development within the wider Argyll Reinforcement Strategy, reinforcing existing supply connections and increasing connection capacity is critical to the local and national transmission network. The project team has designed an optimal routing for the proposed OHL, taking into account environmental effects and conditions and ensuring the OHL links the key areas of connection need. It is considered that the Proposed Development can be considered to be *“the right development in the right place”*.
- 4.3.3 With regard to national planning policy, it has to be acknowledged that the need case with regard to renewable generation and emissions reduction targets as set out in NPF3 and SPP is both out of date and out of step with current targets set out in emissions reduction law (as explored in Chapter 3). These documents are under review and have to a large extent been overtaken by new legal and policy renewable energy targets and statutory provisions on greenhouse gas emissions reductions which have been explained.
- 4.3.4 The Applicant’s position is that the planning balance clearly needs to take into account SPP and NPF3 since they remain important material considerations unless and until replaced. However, as noted, other legislative interventions and statements of Government policy such as described above are also material considerations of relevance that should be afforded weight, and indeed increasingly greater weight.
- 4.3.5 SPP remains the main statement of national policy at this time. The Proposed Development would be consistent with the principles set out at paragraph 29 of SPP and it would also assist in delivering SPP Outcomes in particular Outcomes 1 and 2 (namely a successful

⁹ Scottish Government's Policy on Control of Woodland Removal: Implementation Guidance

sustainable and low carbon place) – indicating that overall, the proposal is sustainable development.

5. Development Plan Appraisal & Local Policy

5.1 Introduction

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

5.2 The Development Plan

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

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

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

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

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

5.2.5 In addition, as referenced in the previous Chapter, when it comes into force, NPF4 will become part of the statutory Development Plan. This change is scheduled to occur during the determination period of this application. It is important to note that the Planning Act states that where NPF4 and the LDP differ, the later of the two documents will have greater weight – e.g., NPF4 will hold greater weight as it will represent the latest policy position.

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

5.2.7 A summary of key LDP policies is provided with commentary on an assessment of the Proposed Development.

5.3 Key LDP Policy Provisions

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

- > LDP STRAT 1 – ‘Sustainable Development’;
- > LDP DM1 – ‘Development within the Development Management Zones’;
- > LDP3 – ‘Supporting the Protection, Conservation and Enhancement of our Environment’;

- > LDP6 – ‘Supporting the Sustainable Growth of Renewables’;
- > LDP10 – ‘Maximising our Resources and Reducing our Consumption’;

5.3.2 In addition, the following policies are also relevant:

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

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

Key Policy Summaries

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

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

5.3.5 **Policy LDP DM1** establishes the acceptable scales of development in each of the development management zones as set by the LDP Proposals Map. The policy is silent on electricity infrastructure. It is noted that within ‘Very Sensitive Countryside’ (F) that encouragement will only be given to specific categories of sustainable forms of development on appropriate sites and that such categories *include “(i) renewable energy related development”*.

5.3.6 The Proposed Development’s route alignment falls within three zones – Countryside and Very Sensitive Countryside and also within an areas designated as a Rural Opportunity Area.
Support for the principle of the establishment of electricity infrastructure in

environmentally appropriate locations is established in these locations subject to the ability to mitigate potential impacts. (note the rural opportunity areas relates to potential capacity for small scale housing).

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

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

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

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

Additional Key Policies

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

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

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

5.4 Other Policies

5.4.1 The core Supplementary Guidance policies of relevance are set out in Table 5.1 below.

Table 5.1: Other Supplementary Guidance Policies (SG1 & SG2)

ABLDP SG Policy	Policy Summary
SG LDP ENV1	Additional detail to LDP3 guiding assessment of development impact on habitats, species and biodiversity. Requires habitat surveys and mitigation for national and local interest.
SG LDP ENV 2	Supports LDP3 in regard to protection of European designations with support not being given to development giving rise to adverse impact unless there is no alternative and there are imperative reasons of over-riding public interest.
SG LDP ENV 4	Policy with presumption against development which affects SSSIs and NNRs unless the objectives of designation and overall integrity will not be compromised and/or any significant adverse effects on the qualities of designation are outweighed by social, environmental or economic benefits of national importance and no other less ecologically damaging locations can be reasonably utilised.
SG LDP ENV 6	Supports LDP 3 via presumption to protect trees, groups of trees and areas of woodland. Resisting development likely to have an adverse impact on trees and ensuring adequate provision is made for preservation and where appropriate planting of new including compensatory planning and management agreements.
SG LDP ENV 7	Supporting policy regarding water quality providing protection for water quality and quantity alongside ecological status with a presumption against development that have a significant detrimental impact which cannot be satisfactorily mitigated to requirements of EU Water Framework Directive
SG LDP ENV11	<p>Policy presumption regarding protection of soil and peat resources with development only supported where appropriate measures are taken to maintain soil resources and functions relevant and proportionate to scale of development.</p> <p>Development with potential significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it is demonstrated:</p> <ul style="list-style-type: none"> • Adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from proposals, AND • A soil or peatland management plan is submitted which clearly demonstrates how unnecessary disturbance, degradation or erosion will be avoided and how any impacts will be mitigated as much as possible. Evidence of best practise in movement, storage, management and reinstatement of soils must be submitted with planning application.
SG LDP ENV12	Provides that ABC will resist any development in or affecting an NSA which would have adverse effect on integrity or would undermine its Special Qualities unless it can be demonstrated there is no significant adverse effects on the landscape quality for which it is designated, or that this is outweighed by social, environmental or economic benefits of national importance.
SG LDP ENV13	Resists development in or affected and Area of Panoramic Quality (APQ) where there will be significant adverse impact on character of the landscape unless it can be demonstrated that this is outweighed

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

5.5 LDP2 – Proposed Plan

- 5.5.1 As noted, LDP2 is submitted to Ministers for Examination with targeted adoption in Autumn 2022. ABC has indicated that proposals will be dual assessed against the LDP2 Proposed Plan and the adopted LDP.
- 5.5.2 Critically, it has been noted to the Applicant within wider consultation on projects within the Argyll and Bute area, that the general LDP policy support for necessary infrastructure to facilitate sustainable development benefits in the area has not materially altered in LDP2.

5.5.3 In terms of supporting renewable energy, LDP2 recognises the diverse mix of potential renewable energy generation opportunities within their area and acknowledges the significant contribution ABC can make towards meeting the Scottish Government's targets for renewable generation. The written statement notes *"These targets are important given the compelling need to secure more sustainable forms of energy production in order to reduce our carbon footprint"*. The main aim of planning policy in this regard is therefore to *"ensure that renewable energy projects are delivered in an all-round sustainable manner"*.

5.5.4 LDP2 does not introduce specific consideration of electricity transmission within the written statement, nor is specific policy on the matter introduced, and as such maintains the status quo within the LDP in that transmission infrastructure is presumed to be integral to the wider aims of the policy approach regarding renewable energy generation.

5.6 Policy Appraisal

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

Strategic Importance of the Proposal

5.6.2 The national importance of the proposed delivery of new and upgraded transmission infrastructure to support renewable energy generation, and the drive to net zero is established and clearly set out in the foregoing sections and should be afforded substantial weight in the balanced assessment of the proposals having regard for environmental and other material impacts.

5.6.3 The proposed route alignment has been chosen following detailed option assessments within the wider search area based upon the Applicant's Guidance document: 'Procedures for Routing Overhead Lines and Underground Cables of 132kV and above, PR-NET-ENV-501', taking account of environmental constraints and assessing these against the implications of alternative routing options for the proposed new OHL. Key drivers include the wider network needs in terms of siting of new and existing associated infrastructure, including the proposed new substation at Creag Dhubh, the new OHL to which it will link, and known generation connections.

5.6.4 Policy LDP DM1 encourages sustainable forms of development and classifies the region into broad development management zones. **The Policy LDP DM1 recognises that proposals which "directly support the provision of essential infrastructure" will accord with policy.** The **strategic importance of the proposed development is essential to delivering the transmission of electricity from renewable generation and is therefore considered to be wholly consistent with this policy position.** Furthermore, policy recognises that **'Renewable Energy Related Development' can also be considered an appropriate use in sensitive countryside locations.** The Proposed Development would facilitate the transmission of energy from a renewable source and is therefore directly related to renewable energy development.

5.6.5 It is important to note the social, economic and environmental importance of the proposals to the local and regional community, and the wider UK, in that the Proposed Development delivers a critical upgrade and increased capacity to the UK transmission network to support renewable energy generation and transmission and enhance security of supply. These issues are of local, regional and national importance and are a priority in policy in all these areas. Whilst the effects of such development cannot over-ride the need for development as a whole, it is an important consideration quoted within supplementary policy and enables the application of a balanced decision making where significant adverse effects on key protected features or assets is identified.

Impact on the Environment

- 5.6.6 Policy **LDP3 supported by SG provides the lead policy on the assessment of environmental impacts** and recognises that where locations are sensitive, mitigation may help to address concerns and should be considered as part of the proposals. Applications will be assessed with the aim of protecting, conserving and where possible enhancing the built, human and natural environment and proposals will not be supported when they do not do that in respect of:
- A –biodiversity, geodiversity, soils and peat, woodland, green networks, wild land, water environment and the marine environment.
- B –the established character and local distinctiveness of the landscape and seascape in terms of its location, scale, form and design.
- C – the established character of the built environment in terms of its location, scale, form and design;
- Further, proposals will not be supported where:
- D - it has not been ascertained that it will avoid adverse effects, including cumulative effects, on the integrity or special qualities of international or nationally designated natural and built environment sites (further detail provided in SG).
- E – it has significant adverse effects, including cumulative, on the special qualities or integrity of locally designated natural and built environment sites.
- 5.6.7 In addition to LDP3, Policy **LDP10** supports all development proposals which seek to maximise the areas resources and reduce consumption where they accord with a series of criteria including the settlement strategy, sustainable design principles and minimising the impact on the environment. Policy **STRAT 1 sets clear guidance on the sustainable development principles** the Council expects all development to follow and includes clarification on environmental considerations and the need to demonstrate effects and impacts thereof.
- 5.6.8 The Proposed Development has been subject to a full EIA and has been designed in consultation with key stakeholders and taking account of community and stakeholder feedback from consultation exercises and discussions with Council Officers. Indeed, such exercises have resulted in a number of significant design and routing changes not least the re-routing to avoid UXOs as explained earlier.
- 5.6.9 The key areas of environmental impact have been fully assessed and appropriate mitigation designed into the Proposed Development. Residual significant adverse effects are identified in relation to Ancient Woodland, specific local landscape character areas, areas of Annex 1 habitat and local effects on the locally designated Area of Panoramic Quality (APQ). Taking account of the wider need and benefits of the Proposed Development – nationally, regionally and locally in so far as delivering energy security and increase capacity to capture renewable energy – are important considerations in balancing various matters and arriving at a judgment on the acceptability of the Proposed Development.
- 5.6.10 In the overall balance, whilst these effects are recognised as adverse, mitigation has the potential to further limit the extent of potential effects and the overall effects are considered acceptable when considered against the wider benefits of the Proposed Development.
- 5.6.11 The EIA Report submitted as part of the application submission provides a full assessment of the likely significant environmental impacts that could arise. That content is not repeated; however, it is important to consider the key planning considerations arising from the EIA Report such that an assessment of the proposals against LDP3 and associated SG policies can be presented.

5.6.12 A summary of the key environmental considerations by topic assessed against LDP3 and associated SG policy is provided below:

Siting and Design

5.6.13 The proposals have sought to present an optimal routeing the design solution which balances the need for the required infrastructure against potential environmental and social harm. Chapter 3 of the EIAR provides a detailed account of the routeing process and alternatives and the rationale for the indicate proposed alignment that forms the Proposed Development. In doing so the route design has sought to avoid UXO, national designated sites, to utilise existing topography, landform and existing vegetation to maximise screening and minimise visual impact. The tower design has enabled lengthened span widths in order to minimise potential for birds to perch or strike infrastructure. The lengthened spans also minimise visual impact and reduce tower numbers required minimising ground disturbance for foundations and associated access track works.

5.6.14 The Proposed Development routeing reacted to early consultation and sought a design solution to minimise potential effects on communities and identified areas of risk to protect amenity and minimise associated adverse environmental and safety effects.

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

Ecology

5.6.16 Chapter 8 of the EIA Report considers the potential impacts and effects on ecological features, such as designated nature conservation sites, habitats and protected species.

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

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

5.6.19 No statutory designated nature conservation sites for ecological features occur within the assessed Field Survey Area. The statutory designated nature conservation sites for ecological features that occur in the Desk Study Area and that may have potential connectivity with the Proposed Development are listed within Table 8.2 of Chapter 8 in the EIA Report as Loch Etive Woods Special Area of Conservation (SAC) located 6.6 km to the north and Glen Nany SSSI and National Nature Reserve, located 10.25 km to the north west. Both are considered to have no direct or indirect impacts.

5.6.20 One area of woodland identified as Ancient Woodland and eight areas of woodland included in the semi-natural woodland inventory area located within the Ecology Study Area and crossed by the Proposed Development. These features are non-statutory designated conservation sites.

5.6.21 A series of other predicted significant adverse effects on ecological features and habitats are reported as Potential Effects of construction. These are:

- > Loss of Ancient Woodland (0.34 ha);

- > Loss or degradation of blanket bog (Annex 1 Habitat Type);
- > Loss of degradation of wet dwarf shrub heath (Annex 1 Habitat Type);
- > Pollution from potential accidental release of fuels of chemicals on water vole and otter.

- 5.6.22 Specific mitigation for these features or the habitats that support them is provided within Chapter 8, Section 8.5. No specific mitigation is required for other ecological features, however a suit of standard good practice measures would be implemented to provide additional protection.
- 5.6.23 No significant residual effects are predicted on habitats after mitigation. The majority of habitats would be reinstated following completion of the Proposed Development results in an adverse effect for the short to medium term until re-establishment. Permanent habitat loss would occur in peatlands and potential GWDTEs due to excavation of access tracks but this effect is considered to be of low magnitude providing the successful and adequate habitat restoration and reinstatement measures are completed appropriately.
- 5.6.24 Following completion of the development, including reinstatement, residual adverse effects are anticipated, long-term, until woodland has re-established. Woodland planting for Ancient Woodland is not a like for like replacement as Ancient Woodland is considered an irreplaceable resource. Compensatory planting areas are likely to establish and become functional young woodland over at least 50 years. As a result, a long-term significant adverse residual effect would remain for the loss of Ancient Woodland until replacement woodland is established – circa 100 years. The applicant will seek to retain woodland features in areas where existing tree cover does not breach safety clearances and construction activities however for the purposes of this assessment, following the Precautionary Principle, the conclusion is that the effect is significant.
- 5.6.25 SG LDP ENV 6 'Development Impact on Trees / Woodland' states that the Council "will also resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland / trees including compensatory planting and management agreements".
- 5.6.26 So, while it is accepted there would be an adverse effect on woodland, compensatory planting is proposed which the policy expressly allows for, and this should be taken into account in the development management process. Thus, while there is some non accordance with this policy (and Policy LDP 3), the SG policy allows for the compensatory approach adopted within Proposals.
- 5.6.27 Cumulative effects on Ancient Woodland are also identified as potentially significant between the surrounding cumulative development and the Proposed Development.
- 5.6.28 The implementation of the proposed project Construction Environmental Management plan (CEMP) would avoid likely adverse effects from pollution on habitats, water vole and otter and no residual effects are identified.
- 5.6.29 There would be no significant effects pre-mitigation for operation of the OHL and consequently there are no residual effects associated with this element of the project.

Ornithology

- 5.6.30 Chapter 9 of the EIA Report examines the potential effects on ornithology associated with the Proposed Development. The scope of the assessment was informed by EIA Scoping and subsequent consultation.
- 5.6.31 A programme of desk studies and field surveys were undertaken between 2018 and 2022 to determine the baseline of route and inform the assessment. One of the key ornithological constraints to the Proposed Development is the Glen Etive and Glen Fyne SPA which lies 45 m east of the Proposed Development as its closest point and is classified for breeding golden

eagle. Surveys recorded only low levels of flight activity at CRH across the Development area with very little of it attributable to birds from the only SPA territory near to the development. As such, not significant impacts on the species or the SPA are predicted.

- 5.6.32 Field surveys recorded a black grouse lek within the Field Survey Area and territories were identified of white-tailed eagle, merlin and hen harrier as well as a likely goshawk territory. All of these features are assessed to be too far from the Proposed Development to be impacted and no significant collision risk impacts are predicted.
- 5.6.33 No significant residual impacts or cumulative effects on ornithological features are predicted.
- 5.6.34 The assessments and surveys have been undertaken in line with best practice guidelines and have considered fully mitigation for national and local interests, as required by LDP 3 and SG LDP ENV1. Full consideration has been given to the potential impacts on the qualifying features of the SPA and assessment of impact provided. Where appropriate mitigation has been designed into the Proposed Development, and / or provided for within Species Protection Plans (SPPs) and General Environmental Management Plans (GEMPs) and the CEMP such that species that are known to be present within the study area will be adequately protected from potential effects of construction and operation. The Proposed Development is fully consistent with LDP policy as regards protection and safeguarding of relevant ornithological interests and features.

Landscape & Visual

- 5.6.35 Chapter 6 of the EIA Report examines effects on seascape and landscape receptors and visual amenity associated with the construction and operation of the Proposed Development.
- 5.6.36 Consideration of cumulative effects arising from the addition of the Proposed Development to the existing baseline of existing/operational, consented and 'in planning' is also undertaken and impacts are assessed for both construction and operation.

Landscape Fabric

- 5.6.37 The Proposed Development is assessed as having a limited effect on the topography and has been designed to minimise effects on substrates during construction. The key residual effect on landscape fabric would be permanent removal of existing plantation woodland within the operational corridor and replace with grassland and / or scrub habitat.
- 5.6.38 The creation of access tracks to facilitate construction and operational maintenance would also require additional woodland removal in some locations. The effects on this woodland would be long term until trees, shrubs and / or grassland vegetation can regenerate where tracks are removed. Effects would be permanent where tracks are retained. The permanent loss is considered to be of modest scale in the context of the geographical extent of existing forestry cover in the Study Area.
- 5.6.39 The routing process purposely sought to avoid woodland where possible, while taking account of other environmental, technical and cost constraints. The Proposed Development is assessed as potentially impacting on up to 41.7 ha of woodland of which 24.21 ha of low sensitivity coniferous woodland would be lost. 2.6 ha of more sensitive broadleaved woodland would be impacted. This is broadly consistent with similar features elsewhere in connection with grid infrastructure development. Felling is not uncharacteristic in the landscape which contains commercial forestry and would be accompanied by notable diversification of forest habitats where reinstatement is implemented. As a result, the magnitude of impact would be slight and the residual impact on landscape fabric is assessed as moderate/minor and not significant.
- 5.6.40 No additional effects on landscape fabric would occur during operation. Reinstated ground within the Site would gradually recover and mature, re-establishing a vegetated land cover.

Seascape and Landscape Character

- 5.6.41 The assessment identifies significant construction effects in the following landscape character types (LCTs):
- > Loch Fyne Upland Forest Moor Mosaic (6a) – major / moderate (significant) within Glen Array and open slopes;
 - > North Loch Awe Craggy Upland (7c) – major / moderate (significant) but localised effects;
 - > Rocky Mosaic (20) River Array unit – major (significant) within the Array Valley.

5.6.42 Major/moderate (significant) effects on the Loch Fyne Upland Forest Moor Mosaic (6c) and localised impacts on Rocky Mosaic (20) River Array unit remain on operation, albeit these are localised effects. Whilst grid infrastructure is an established feature of the existing landscape in the Loch Fyne Forest Moor LCT, the introduction of larger towers is considered to have an adverse effect on the perceived scale of the Glen and would interrupt areas of coniferous forestry. Within the River Array unit of the Rocky Mosaic LCT there would be glimpsed views of towers and access tracks which are considered to alter the perception of the characteristic scale of the glen.

Landscape Designations

- 5.6.43 The assessment concludes that there would be significant construction effects on the North Argyll APQ. These effects would concern a localised effect within the area surrounding the northernmost towers where adverse effects on the small-scale pattern of loch fringes, the scenic quality of landscape would detract from the contrasts in scale associated with this APQ. The localised residual effects would change over time, ranging from major (significant) to moderate/minor (not significant) upon cessation of construction works.
- 5.6.44 Upon operation, the Proposed Development would introduce large-scale transmission infrastructure that would be prominent within the small scale pattern of land use along loch fringes. Felling would represent a partial loss to the baseline condition of the APQ and the localised residual effect would be major (significant) in the vicinity of Creag Dhubh, whilst the majority of the APQ would be subject to moderate (non-significant) effects.
- 5.6.45 Temporary significant (major/moderate) effects (during construction) would be experienced at Inveraray Castle Garden and Designed Landscape (GDL) but this would be confined to the tower at Dun na Cuiache.

Visual Amenity

5.6.46 Theoretical visibility is only predicted at Inveraray and Loch Awe. The magnitude of impact on the amenity on both settlements would be negligible, equated to a moderate/minor (non-significant) residual effect. No significant effects on scattered individual properties in terms of visual amenity are identified. No significant operational effects are identified.

Transport Routes

5.6.47 No significant effects on the key routes assessed are identified during construction or operation.

Recreational Receptors – Visual Amenity

- 5.6.48 No significant effects are identified on key routes or receptors during construction or operation.
- 5.6.49 A number of temporary significant effects on Core Paths are identified during construction in terms of visual amenity to users. These are retained during operation due to the proximity and prominence of the development on routes C200(b) and C201.

Cumulative Effects

5.6.50 Table 6-9 of Chapter 6 of the EIA Report provides a summary of potentially significant cumulative effects of the Proposed Development along with a number of cumulative developments on key seascape, landscape and visual receptors.

Summary

5.6.51 LDP3 criteria 3 requires the due consideration of landscape and visual considerations and SG ENV 12, 13 and 14 provide further specific guidance thereof. Policy ENV13 resists development in or affecting APQs where there will be significant adverse impact on landscape character. Whilst some significant effects on APQ and other landscape character types and views are identified, these are categorised in the main as 'locally' significant features. The Proposed Development is of National importance and overall has been designed and routed to avoid the most sensitive areas with potential for adverse environmental effects.

5.6.52 The existence of OHLs in the existing landscapes helps to limit the overall impact of development. When the effects arising are assessed overall, against the important public benefits of delivering the development, the impacts are considered acceptable within the terms of LDP SG Policies ENV13 and 14, and LDP Policy 3. There are critically important economic and environmental benefits that would result from the delivery of the OHL in terms of climate change and enhanced transmission capacity.

Cultural Heritage and Archaeology

5.6.53 Chapter 7 of the EIA Report considers the assessment of the potential effects of construction and operation of the Proposed Development on archaeology and cultural heritage interests (heritage assets).

5.6.54 A total of 47 heritage assets were identified within the Inner Study Area. The majority of these are associated with medieval or later settlement and agricultural activities, although it is noted that potential prehistoric remains (burial cairns) were recorded within recently felled commercial forestry just north of Kilmun Farm. Within the Inner Study area rough pasture existing with no evidence of recent agricultural improvement, along with small areas of 20th century commercial forestry plantation. As such it is considered that where the development crosses modern commercial plantation the survival of both the historic character of the landscape and any hitherto unknown features in these areas would have been compromised and likely undiscovered remains to have survived remains negligible. In those areas where little modification or development has occurred since the 19th century, it is considered that there is a low to moderate potential for buried archaeology to survive.

5.6.55 There is considered potential for direct effects on nine heritage assets during construction works. 22 heritage assets lie within the LOD and could be affected by micro-siting of towers or tracks. Without mitigation these effects could be significant. However, a series of mitigation measures have been set out, and are summarised below. It is predicted that with these measures in place the residual construction effects will be of no more than minor significance.

5.6.56 Key mitigation measures identified during construction include:

- > Preservation in Situ – exclusion of assets from construction working areas as far as reasonably practicable as advised by the ACoW and managing works and routeing in micro-siting such that assets are protected in place and effects minimised.
- > Watching Briefs – scope to be agreed with WoSAS with Written Scheme of Investigation (WSI) approved prior to commencement of development. A number of key locations where existing tracks require upgrade that follow old drove road / military roads. have been identified within Chapter 9 where this method would be appropriate to identify and record and surviving remains encountered.

- > Post Felling Survey – surveys to be carried out at the site of former sheiling huts in order to record any additional remains that may survive within the current commercial forestry and which was not visible in dense vegetation / woodland during field survey. If additional remains are identified these should be marked off and avoided during construction works.
- > Archaeological Investigations – to be undertaken on the sites of two heritage assets – Former Military Road and an identified Building with the purpose being to investigate and record the method of construction of the assets and recover any material that may help date the assets.
- > Post excavation Assessment and Reporting – to be utilised if new archaeological significant discoveries are made during monitoring and it is not possible to preserve remains in-situ.
- > Construction guidelines – written guidelines set out in the WSI outlining the need to avoid causing unnecessary damage to known heritage assets and guidelines for utilising professional support should issues arise or discoveries be made during construction. Guidelines will clearly establish the legal responsibilities placed upon those who disturb artefacts or human remains.
- > Monitoring of micro-siting – detailed review of proposed micro-siting to ensure protection of heritage assets and establishing the limits such exclusions will have on the ability to micro-site as arises within the construction / design process.

- 5.6.57 Within the Outer Study Area a series of assets are identified where potential effects may arise. The assessment has resulted in the identification of a moderate significant effect on the setting of on NSR Site (Kilmun Chapel and Burial Ground). The Proposed Development would result in changes to the surroundings of this heritage asset, although the monument would not be isolated from its surroundings and its setting would not be appreciably fragmented. As such the integrity of the monument and its capacity to inform and convey its cultural significance would not be compromised. The effect would last for the duration of the operation but would be removed following decommissioning.
- 5.6.58 The cumulative effects of the Proposed Development in combination with other cumulative developments in the vicinity is fully assessed and reported and is not considered to be significant.
- 5.6.59 Policy LDP3 recognises the role of mitigation to help address potential identified environmental impacts where locations are sensitive and provides that assessments will be undertaken with an aim of protecting, conserving and where possible enhancing assets. The assessments undertaken in regard to cultural heritage and archaeological assets fully establish and identify the relevant assets and set out clearly appropriate mitigation, guided by best practice, to avoid adverse effects and protect the special qualities of nationally designated sites, along with protection of undiscovered artefacts and remains as appropriate. This approach is consistent with Policies LDP3 and SG LDP ENV20 which provide specific guidance on appropriate assessment and mitigation relative to archaeological interests.
- 5.6.60 SG LDP19 sets a presumption in favour of retaining, protecting and preserving Scheduled Monuments and the integrity of their settings. Detailed consideration of the identified effect on three Scheduled Monuments has been undertaken and the effect on the integrity and setting has been established as acceptable and reversible. The delivery of this nationally important development to strengthen the transmission network is material to the overall consideration of the effect thereof. The Proposed Development is not considered to compromise the cultural significance of these assets.

Peat and Carbon Rich Soils

- 5.6.61 Potential effects on geology, and soils is addressed in Chapter 10 of the EIA Report and assesses the potential effects resulting from the Proposed Development on geology and soils, particularly impacts on peat and carbon rich soils.
- 5.6.62 The proposed impacts on geology and geological receptors were scoped out on the basis of no likely significant effects identified. Potential effects from UXO were also scoped out but the findings of desk study and surveys undertaken to support the Proposed Development, were used to inform the peatland survey for health and safety reasons.
- 5.6.63 A series of design measures have been developed as built in mitigation including avoiding areas of deep peat (>0.5 m) where practicable. Where this is not possible it has been assumed that industry standard construction techniques and methodologies can be used to minimise effects and disturbance on peat and carbon rich soils, through the Applicant's own GEMP and CEMP.
- 5.6.64 Access track design will be progressed in line with best practice measures and detailed within a CEMP which will be prepared by the Contractor to ensure that access track construction will not significantly effect peat and carbon rich soils.
- 5.6.65 Changes to local soils and peat habitats could occur as an effect of construction as a result of:
- > Compaction of soils;
 - > Potential for increase erosion of peat soils through disturbance; and
 - > Loss of peatland habitats and carbon rich soils through excavation for infrastructure.
- 5.6.66 An outline Peat Management Plan (PMP) has been prepared (**Technical Appendix 10.2, EIAR Volume 4**) which documents measures to mitigate potential impacts in the construction phase. The PMP seeks to ensure that any impacts on these resources are reduced to Low or Negligible magnitude, particularly with regard to any areas of deeper peat, such that no significant effects are predicated.
- 5.6.67 Potential impacts on Groundwater Dependent Terrestrial Ecosystems (GWTDEs) and hydrological effects are assessed in Chapter 11 of the EIA and considered in the following section of this Statement.
- 5.6.68 No potential operational phase impacts on peat and carbon rich soils are anticipated.
- 5.6.69 No significant residual effects to geology and soils as a result of construction and operation of the Proposed Development have been identified. On this basis, no further mitigation beyond the good practice measures and detailed through the CEMP and PMP are required.
- 5.6.70 Cumulative impacts are not considered relevant to the assessment of geology and soils as these are limited to the footprint of the Proposed Development.
- 5.6.71 SG LDP ENV11 provides a presumption regarding protection of soil and peat resources with development only supported where appropriate measures are taken to maintain soil resources and functions relevant and proportionate to the scale of development. Development which has a potential significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it can be demonstrated the effects are outweighed by social, environmental or economic benefits to the community as a whole, and a soil or peatland management plan is submitted. Evidence of best practice must be shown in movement, storage, management and reinstatement.
- 5.6.72 The appropriate treatment and carbon rich soils is fully addressed and subject to the appropriate mitigation to significant adverse effects is identified. An outline Peat Management

Plan (PMP) is provided within **Technical Appendix 10.2** of the EIA Report and as such the Proposed Development is wholly consistent with LDP policy.

Hydrology and Hydrogeology

- 5.6.73 The potential effects of the Proposed Development on hydrology and hydrogeology are assessed in **Chapter 11** of the EIA Report.
- 5.6.74 The potential for impacts on the water environment through release of pollutants during construction is identified as a risk and is proposed to be managed via the implement of a CEMP. This will incorporate measures to ensure that the release of pollutants to the surrounding environment is avoided and will also ensure compliance with SEPA's Pollution Protection Guidance (PPGs) and General Binding Rules. Through the implementation of mitigation the potential impacts on surface waters, GWDTEs and groundwater (receptors of Medium sensitivity) with respect to chemical pollution are anticipated to be not significant.
- 5.6.75 The potential for adverse impact on surface water has been assessed and the use of design and SuDS would ensure the capture of any additional sediment load released during construction phases. Where access tracks are proposed within 50m of watercourses, additional sediment control measures would be implemented and overseen by a ECoW. No significant residual effects are predicted.
- 5.6.76 Consideration of surface water flows and runoff, and alteration of groundwater flows has been undertaken and no residual significant effects are identified. Through the implementation of the CEMP to maintain water quality and quantity to sensitive habitats not considered groundwater dependent, any potential impacts to the GWDTE habituates are not assessed as significant.
- 5.6.77 No significant effects, post mitigation due to tree felling or watercourse crossing, or to Private Water Supplies are identified within the assessment.
- 5.6.78 As such, following appropriate design and provided suitable maintenance schedules are developed and adhered to, residual adverse effects on surface water, groundwater, GWDTE and PWS receptors during the operational phase would be not significant.
- 5.6.79 No significant residual cumulative effects are identified.
- 5.6.80 SG LDP ENV7 provides policy protecting water quality and quantity alongside ecological status. The assessment demonstrates that subject to proposed mitigation and best practice, no significant detrimental impacts are predicted such that the Proposed Development can not be supported.

Forestry

- 5.6.81 An assessment on the likely impacts of the Proposed Development on forestry is reported in Chapter 14 of the EIA Report. The assessment addresses the operational corridor for the OHL only recognising the impact over the broader forest management as a whole from the Proposed Development but does not address the overall Long Term Forest Plans (LTFPs). Felling undertaken outwith the operational corridor would be solely under the control of the landowner. Consequently, the assessment is limited to consideration of the effects of the Proposed Development on the present forest composition and yield.
- 5.6.82 LDP3, supported by SG LDP ENV 6 provides a presumption in favour of protecting trees, groups of trees and areas of woodland. Development with an adverse impact on trees will be resisted and where it is deemed acceptable and necessary, policy requires that adequate provision is made for preservation, and compensatory planting and associated management agreements. Compensatory planting is provided for within the Proposed Development.
- 5.6.83 The forestry assessment acknowledges that the scope of woodland removal included as part of the Proposed Development (for consenting purposes) has been limited to the woodland

removal required to create the proposed operational corridor and required access tracks. It is acknowledged that the creation of the operational corridor would result in wider potential indirect effects on the surrounding woodland areas. These areas would be subject to potential increased risk of damage. As a result the Applicant has produced three separate OHL Woodland Reports (**Technical Appendix 14.1**) to ensure that the proposed development is incorporated within ongoing forest management activities.

- 5.6.84 Potential effects during construction and operation are assessed and reported within **Chapter 14**. In terms of mitigation good practice measures have been incorporated into the environmental management controls such as adhering to Forestry Commission Guidelines and implementation of tree harvesting and extraction methods to ensure minimisation of soil disturbance and compaction.
- 5.6.85 The routing process sought to avoid woodland where possible, while taking account of other environmental, technical and cost constraints. The loss of 41.68 ha of predominantly low sensitivity coniferous woodland equates to approximately 0.023% of the regional resource. The Proposed Development would result in an impact on up to 2.6 ha of more sensitive broadleaved woodland within the 41.68 ha.
- 5.6.86 The effects of woodland removal, in forestry terms, are assessed as not significant on the basis of the relatively low magnitude of change in the context of the regional resource and the low to medium sensitivity of the types of woodland present in the Study Area. The effects on the broadleaved woodland of predominantly oak classification were assessed as moderate significant based on the impact of a noticeable change over a limited area. No mitigation is deemed to be required to address the direct woodland loss in forestry terms, however the Applicant is committed to seeking to reduce ecological (biodiversity) effects through sensitive management of the operational corridor and compensatory planting is proposed to offset woodland loss.
- 5.6.87 The assessment identifies the potential for significant effects (pre-mitigation) on forest management due to the requirement for forest managers to amend current objectives, plans and techniques for their forest. One mitigation is applied as per the 'OHL Woodland Reports' the mitigation is deemed sufficient to reduce the residual effect to not significant.
- 5.6.88 The development of compensatory planting scheme agreements will be progressed in order to mitigate the woodland removal, meeting the no net loss of woodland requirement (**Appendix 14.3**). As such the Applicant will replant 41.68 ha of woodland.
- 5.6.89 This approach is consistent with the provisions of adopting and emerging LDP Policy.

Noise and Vibration

- 5.6.90 **Chapter 13** of the EIA Report provides an assessment of potential effects on noise sensitive receptors (NSRs) associated with the construction, operation and decommissioning of the Proposed Development. The assessment has taken account of applicable planning policy and current guidance.
- 5.6.91 The level of construction noise is predicted to be below BS5228-1 daytime limits for Category A. The effect of construction noise at NSRs is rated as a minor significance. The nature of the construction activities is localised, short term and intermittent. No specific mitigation has been identified as required, however it is best practice to implement a Construction Noise Management Plan (CNMP). Potential control measures have been outlined including defining a clear construction schedule and identifying equipment, detailed plans showing permitted working hours and how these will be adhered to, reassessing noise levels at key work stages, attenuation of noise propagation, providing advanced notice to residents on high noise level activities and keeping a detailed plan on community relations and engagements.
- 5.6.92 The CNMP will be revisited by the appointed Contractor when a schedule is available. Should the final works programme include potential noisy activities such as rock breaking, the

Applicant will assess potential impacts and agree a mitigation plan in consultation with the Council Environmental Health Office (EHO) in advance of works.

- 5.6.93 For all receptors, the TR(T) assessment predicts no observable reaction with the maximum excess of 1 dB in wet conditions. The assessment is therefore assessed as Minor significance.
- 5.6.94 The proposals will not therefore give rise to negative impacts on amenity or recreation and are thus consistent with LDP policy.

Traffic and Transport

- 5.6.95 **Chapter 12** of the EIA Report addresses traffic and transportation and provides a full assessment of the potential environmental effects of the construction period for the Proposed Development. The assessments concluded that the impact to the road links within the Study Area are not significant. Furthermore, cumulative impacts with neighbouring developments are also considered as not significant.
- 5.6.96 The Proposed Development will lead to increase traffic volumes on the A819 and A83(T) in the vicinity of the site during construction. This will be of a temporary timescale and transitory nature. Existing traffic data established a base point for determining the impact during construction and was factored to future levels to determine the effect on the local road network. The maximum traffic effect is an additional 40 car and LGV movements and 74 HGV movements per day. An assessment of likely effects using IEMA guidelines was undertaken and determined that minor non-significant effects could be expected along the A819 and for Inveraray users.
- 5.6.97 With the implementation of appropriate mitigation, no significant residual effects are anticipated in respect of traffic and transport issues. The residual effects are presented in **Table 12-10 of Chapter 12** and are all assessed as not significant, and they will occur during construction phases only. As such, they are temporary and reversible.
- 5.6.98 The assessment and design of routeing and construction operation is consistent with the provisions of LDP SG TRAN 4 such that adequate consideration and assessment of potential effects on road safety and impact on public road network has been assessed. A CTMP will be prepared as part of the CEMP to help to further control and manage and effects and can be adapted as construction progresses to ensure continued protection of the road network is achieved including public road improvements if required.

Cumulative Effects

- 5.6.99 The consideration of the cumulative effects of the Proposed Development has been assessed through the EIA Report on a chapter by chapter basis. This is consistent with the requirements of Policy LDP 3, STRAT 1 and DM1 which require this wider consideration of the effects of development on the environment and amenity of the community in order to assess the sustainability of the proposals and the long term effects. Chapter 15 of the EIA Report provides a focused consideration of Cumulative effects.

5.7 Argyll & Bute Renewable Energy Action Plan

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

5.8 Development Plan Conclusion

- 5.8.1 The strategic importance of the proposed development is essential to delivering the transmission of electricity from renewable generation and is therefore considered to be wholly consistent with the LDP position as set within STRAT 1. Furthermore, policy DM1 recognises that 'Renewable Energy Related Development' can also be considered an appropriate use in sensitive countryside locations. The Proposed Development would facilitate the transmission of energy from a renewable source and is therefore directly related to renewable energy development.
- 5.8.2 Policy LDP DM1 recognises that proposals which "*directly support the provision of essential infrastructure*" will accord with policy. The Proposed Development is essential infrastructure of national importance. This policy can be read as the 'lead policy' in setting the overall acceptance of the principle of development.
- 5.8.3 The environmental impact of the development has been fully assessed against the provisions of lead environmental policy ENV3 and associated SG policy and whilst significant effects are identified the majority of these effects are assessed as 'localised' or can be mitigated long term.
- 5.8.4 Whilst the proposal will introduce new transmission infrastructure to the countryside, it will link into existing OHL infrastructure and as such it does not amount to a new or unusual element in the wider landscape and visual terms. In short it is in many ways an 'expected' and typical form of development in a rural area.
- 5.8.5 Mitigation through design and routeing has fully considered environmental factors and has resulted in the proposed alignment which whilst having an effect on the locally designated APQ, avoids national designations and areas of most sensitivity and delivers essential infrastructure.
- 5.8.6 The Proposed Development would not conflict with the wider aims of the Development Plan, in so far as it is a material consideration that provides local context for the assessment of environmental impacts arising from the proposed development that is subject of the section 37 application.
- 5.8.7 The delivery of the Proposed Development is of national importance and is identified as such within NPF3. Delivering the transmission network to support the growth in renewables and ensure security of supply is critical to address the climate emergency. Significant efforts have been made through design and mitigation to promote an OHL route that has the least environmental impact and which on balance represents the optimal solution for all environmental, social and economic interests associated with the proposals.
- 5.8.8 No statutory designations are impacted by the Proposed Development and good design practise and routeing has ensured where possible, the direct and indirect effects on non-statutory designations is minimised. The Proposed Development delivers critical energy transmission enhancement and capacity to the local, regional and national community and is a key step in the national drive to net zero. The balance of this, against the adverse residual effects identified – alongside the real potential to minimise the impact recorded via adopting the Precautionary Principle, is such that, it is considered that the proposals can be considered consistent with Policy LDP3 and related SG policy.

6. Conclusions

6.1 Conclusions

The Electricity Act 1989

- 6.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Applicant and Scottish Ministers to have regard to various matters when considering development proposals for consent under section 37 of the 1989 Act.
- 6.1.2 The information that is contained within the individual topic sections of the EIA Report enables Scottish Ministers to be satisfied that the Applicant has discharged its obligations under Schedule 9 and has identified suitable mitigation. It is also considered that the detailed work undertaken in the formulation of the EIA and in the policy appraisal set out in this Planning Statement has confirmed and provides confidence that the proposed development would be undertaken in an environmentally acceptable manner.

National Energy Policy

- 6.1.3 The application for Section 37 consent for a new 8.9 km OHL to enable the transmission of increased renewable energy generation capacity via the Applicant's existing Argyll network onto SPEN's OHL in order that it can be transmitted into the wider GB network would contribute to delivering the Government's Net Zero legislative and policy objectives. The key determining factors relate to the potential environmental effects of delivering the OHL and this planning appraisal has considered these effects in the context of national and local planning policy and in relation to Government energy policy.
- 6.1.4 **The proposed development is required to strengthen the existing main transmission system and to facilitate connection of new low carbon generation capacity into the wider transmission system. This will support obligations to deliver an economic, efficient and coordinated transmission system for Net Zero.**

National Planning Policy

- 6.1.5 The Proposed Development falls under the description of 'national development' as defined in NPF3, Part 4, Section 2a of Annex A "*Development consisting of: a, new and/or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts, and supporting pylons*".
- 6.1.6 The NPF4 Consultative Draft (2021) seeks to rebalance the planning system, so as to recognise the climate and nature crises. Draft NPF4 gives a strong indication that the delivery of this rebalanced approach means that all decision makers will have to recalibrate their decision-making considerations "*so that climate change is a guiding principle for all plans and decisions*".
- 6.1.7 While the NPF4 is of limited weight in the decision-making process at this time, once approved, it will become a component of the Development Plan. Importantly the draft NPF4 maintains the national development status of transmission infrastructure which supports the expansion of the electricity grid and continues its delivery as a strategic priority at a national level.
- 6.1.8 The development is a strategically important national transmission project essential to transmit the energy production of renewable energy generators in the Argyll & Bute area and to reinforce existing critical transmission infrastructure to serve the immediate and wider area – this is consistent with Policies STRAT 1, LDP DM1. The reinforcement and extension of infrastructure to facilitate this, as well as ensuring security of existing supply is an important material consideration.

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

The Development Plan

- 6.1.12 As explained, with applications for section 37 consent and deemed planning permission there is no 'primacy' of the Development Plan. The provisions of section 25 of the 1997 Act do not apply. However, the Development Plan is a relevant consideration to the decisions along with considerations such as those identified under Schedule 9 of the 1989 Act, national policy, the environmental effects of proposals and in due course the views of consultees once these have been received.
- 6.1.13 The development is a strategically important national transmission site essential to capture the energy production of renewable energy generators in the Argyll & Bute area and to reinforce existing critical transmission infrastructure to serve the immediate and wider area and this is consistent with Policies STRAT 1 and LDP DM1. Where residual effects of significance remain, these are considered on balance, relative to the importance of the Proposed Development both nationally and locally, to be acceptable.
- 6.1.14 The reinforcement and extension of existing established infrastructure to facilitate the transmission of generated energy, as well as ensuring security of existing supply is an important material consideration.
- 6.1.15 **The Proposed Development has been demonstrated as being in accordance with key policies, and with the Development Plan when read as a whole, along with associated local guidance insofar as these are material considerations for a consent application under section 37 of the Electricity Act.**

Overall Conclusion

- 6.1.16 Consideration of the application will involve striking a balance between the need for the proposed development, technical and economic considerations and the mitigation of likely environmental effects. It is not considered that the benefits of the proposed development are outweighed by its adverse effects.
- 6.1.17 The overall conclusion is that when all the relevant considerations have been properly taken into account, the balance strongly favours the granting of consent. On this basis, it is recommended that Section 37 consent and deemed planning permission should be granted, for the Proposed Development, subject to appropriate conditions.

David Bell Planning Ltd

26 Alva Street
Edinburgh
EH2 4PY

dbplanning.co.uk

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