APPENDIX 1.2: ELECTRICITY ACT (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017: SCREENING OPINION

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By email only to: tommy.hart@sse.com

Date: 21 July 2022

Our Reference: ECU00003422
Your Reference: LT121/ 122

Dear Mr Hart

ELECTRICITY ACT 1989

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

On 04 February 2022 the Scottish Ministers received a request under regulation 8(1) of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the EIA Regulations") from Scottish Hydro Electric Transmission Plc ("the Applicant") for an EIA screening opinion for a proposed 132 KV overhead line between Rothes III Wind Farm on-site substation, and Blackhillock substation at Keith, which will be known as Elchies (Rothes III) Wind Farm Grid Connection ("the proposed Development") within Moray Council planning authority area.

Under regulation 9 of the EIA Regulations, the Scottish Ministers are required to adopt a screening opinion for the proposed Development. This letter contains such a screening opinion.

Information Requirements

The EIA Regulations set out (at 8(2)) the information that must accompany any request for a screening opinion. The Applicant submitted a comprehensive description of the infrastructure to be installed and the works to be undertaken; a description of the location, surrounding area and of the area of land on which the proposed Development is proposed, and of environmental sensitivities of such areas; as well as a description of the aspects of the environment likely to be affected. A description of proposed mitigation measures were included in the screening request and taken into account by the Applicant's own conclusions regarding the potential for significant environmental effects. A plan was submitted outlining the route plan for the proposed Development, and plans were also submitted detailing the environmental constraints, forestry and peatland.

The proposed Development will comprise:

- Approximately 26km of new 132 kV overhead line (OHL) supported on trident wood poles between Rothes III Wind Farm on-site substation, and Blackhillock substation at Keith; and

- Two sections of underground cable (UGC) are anticipated, one at the western end of the connection for approximately 500 meters as it would leave Rothes III Wind Farm on-site substation. The second section of UGC is anticipated to be on the final approach to the connection point at Blackhillock substation in the east.

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Consultation

Regulation 8(5) of the EIA Regulations sets out that the Scottish Ministers must consult the planning authority as to the planning authority's views on whether the proposed Development is EIA development, unless the planning authority's views have already been conveyed to the Scottish Ministers. The Scottish Ministers consulted Moray Council on 01 March 2022. The planning authority responded on 24 May 2022, stating its view that the proposed Development does not constitute EIA development.

The planning authority advised in its consultation response that to prevent significant adverse effects on the environment they noted that the applicant has proposed various imbedded and proposed mitigation which should come forward with the S37 application. They also suggested that certain measures should be put in place to ensure effects are mitigated where the cable route crosses the River Spey Special Conservation Area, that some form of Landscape and Visual Impact Assessment inclusive of photomontages be prepared to ensure the most appropriate river crossing point is selected. They also stated the location of the development and characteristics of the proposed development are such that there will be no significant adverse environmental effects.

Scottish Ministers' Screening Opinion

EIA development is defined in the EIA Regulations, in respect of an application for consent under the Electricity Act 1989, as Schedule 1 development or Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

The proposed Development falls under Schedule 2 development.

In adopting a screening opinion as to whether the proposed Development is EIA development, the Scottish Ministers must in all cases take into account such of the selection criteria in Schedule 3 of the EIA Regulations as are relevant to the proposed Development, and the available results of any relevant assessment.

The Scottish Ministers have taken into account the selection criteria, all of the information submitted in respect of the request for a screening opinion, and the views of Moray Council, and adopt the opinion that **the proposed Development does not constitute EIA development and any forthcoming application for consent (under section 37 of the**

Electricity Act 1989) does not require to be accompanied by a full Environmental Impact Assessment report.

The planning authority's consultation response to the screening consultation is attached to this letter. In accordance with Regulation 7(2), this screening opinion is accompanied by the following written statement with reference to the selection criteria within Schedule 3 of the EIA Regulations as are relevant to the proposed Development. In accordance with the EIA Regulations, a copy of the screening opinion has been issued to the planning authority.

Written Statement

Characteristics of the Proposed Development

The project development is proposed as having a total length of 26km and will comprise of a new 132 kV single circuit OHL, the majority of which would be supported on trident wood poles. This is the most economical option which minimises access requirements and environmental impacts during construction due to reduced foundation and access requirements. The section of the connection that leaves Rothes III Wind Farm on-site substation and the final section of the connection into Blackhillock substation is anticipated to be underground cable.

Location of the Proposed Development

The proposed Development will be routed between the proposed Rothes III Wind Farm on-site substation, and Blackhillock substation at Keith, via Rothes, Boat O' Brig and Mulben. It would leave Rothes III Wind Farm on-site substation in an easterly direction and travel through commercial forestry before turning north-eastward to begin its descent towards Rothes. It will cross the A941 to circle around the northern edge of the settlement to Auchinroaths and then travels back down, southeast towards the Speyburn Distillery and Rothes. It will then travel east, through forestry to the northeast of Speyburn Distilleryand continue through the forest in a northeast direction on the northern side of the B9015 and the River Speybefore travelling southeast to cross the B9015 east of the River Spey's prominent northern meander but west of Dundurcas Farm. It will then continue in a generally north-eastward direction following arable field boundaries and the existing distribution OHL, before crossing the River Spey south of Boat o' Brig. It then turns in a generally eastward direction and stays south of the B9103 and Auchroisk Distillerybefore crossing the B9103 west of Mulben and stay to the north of the B9103 but to the south of the railway. Towards the crossroads at the Mains of Mulben the it would turn northeast, crossing the railway before turning east and crossing the minor road that goes north towards the Malcolmburn Bond Warehouses. This would take it to the north of the main cluster of properties at Mulben. It then crosses to the south of the railway and the A95 again between the Glentauchers Distillery and Rosarieand travels in a generally eastward direction continuing to follow the A95, railway and Burn of Mulben. Approximately 2 km from Keith, it turns to the southeast toward Blackhillock substation. It passes to the south of Wood of Maisley before crossing a minor road and the B9014 prior to reaching Blackhillock substation

Characteristics of the Potential Impact

Landscape Character and Visual Impact

Landscape

It is not likely that there would be any significant effects on landscape character. Effects on landscape character are likely to be localised, limited by the presence of other industrial landscape features, and mitigated by selection of an alignment consistent with other landscape features, such as woodland edges and existing infrastructure corridors. A Landscape Visual Impact Assessment (LVIA) will be carried out in line with GLVIA34. It would describe the key characteristics that make up the Landscape Character Types (LCT) and the extent to which the introduction of the proposed Development would influence these.

Visual

It is not likely there would be any significant effects on visual receptors. The proposed Development is likely to result in some localised visual effects for nearby receptors, such as those in nearby residential properties, on core paths, along the Speyside Way and along roads and at vantage points, largely in elevated locations. It would however be seen within the context of the existing distribution OHLs that run though the area. Whilst there may be some visual effects, these are likely to be relatively localised and mitigated in places by landform and forestry screening. Impacts associated with the installation of UGCs would be limited to the construction phase. A LVIA will be carried out in line with GLVIA36 and opportunities to mitigate effects would be considered in the form of appropriate landscape mitigation. Visualisation would be prepared from locations to be agreed with statutory consultees to inform and support the LVIA in line with NatureScot visualisation standards.

Ecology and Nature Conservation

It is not likely that there would be any significant effects on ecological designated sites. Subject to control measures and good practice it is unlikely that works associated with construction would compromise the qualifying interests of the River Spey Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Particularly as it is proposed to cross the River Spey with a wood pole OHL and there would be no direct impacts on the river itself. Any impacts upon the qualifying species of the SAC (e.g. freshwater pearl mussel or Atlantic Salmon) could be mitigated through suitable application of the Applicant's Species Protection Plans (SPPs) and Generic Environmental Management Plans (GEMPs). The proposed Development would seek to make best use of existing wayleaves and infrastructure corridors. A desk study and further field work would be undertaken to supplement and confirm existing baseline data about the site and the surrounding area, such as the location of designated sites or other natural features of potential ecological importance, would be undertaken. The study area is anticipated to be defined as a 1 km corridor around the proposed Development. As the proposed Development would cross the River Spey SAC, under the EU Habitats Directive, a Habitats Regulation Appraisal (HRA) is likely to be required to be carried out by the Competent Authority upon submission of a consent application. All relevant information to allow the competent authority to undertake this assessment will be provided.

Protected Species

It is not likely that there would be any significant effects on protected species. Any identified effects could be reduced or eliminated by adopting appropriate mitigation such as the use of the Applicant's SPPs and GEMPs. Walkover surveys for Protected Species, focussing on otter, bat potential roost features (PRFs), pine marten, badger, and also including surveys for red squirrel in accordance with best practice methodologies were undertaken at the route and alignment selection stages of the project. As well as surveys for the aforementioned species, any incidental records or signs of any other protected species or any features of particular importance have been recorded in accordance with best practice. The results of these surveys

will be used to inform an Ecological Impact Assessment (EcIA) of the proposed Development, carried out in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Ecological Impact Assessment (201823), and with due consideration of any other relevant legislation, policy or guidance.

Habitat

Subject to appropriate mitigation, it is anticipated that significant effects on habitats would not be likely. It is likely though, that there could be some effects arising from loss of habitat, though generally the proposed Development avoids irreplaceable habitats and habitats of high or very high distinctiveness. Given its extents in the area, it is not feasible to fully avoid woodland, but opportunities do exist in the form of areas of open ground and existing wayleaves to reduce felling requirements associated with creation of operational wayleaves. Some loss of native woodland would occur. However, identified effects could be reduced or eliminated by micro siting infrastructure and/or adopting appropriate mitigation. Scottish Hydro Electric Transmission also has a policy commitment to achieve at least No-net-loss of biodiversity on projects consented from 2020.

Ornithology

It is not likely that there would be any significant effects on protected bird species. The overall habitat is considered generally abundant in the local and wider area. NatureScot guidance has been used to inform initial survey design during the route and alignment stages of the project. These included a range of baseline ornithological surveys undertaken in 2021 targeted to key areas across the length of the proposed Development. Survey methods follow contemporary best practice guidance. At this stage, it is not recommended that further general breeding bird surveys are required to assess potential impacts of the proposed Development on ornithological interest within the area. However, breeding bird surveys should occur prior to any construction activity associated with the proposed Development as part of pre-construction checks. Specific vantage point watches will also be undertaken to establish the potential impacts on Osprey. These will be done across the breeding season. Whilst no significant effects are predicted, any identified effects could be reduced or eliminated by adopting appropriate mitigation to minimise disturbance, which would be outlined within the Applicant's SPPs, EcIA and GEMPs.

Aquatic Ecology

It is not likely that there would be any significant effects on aquatic ecology. It is unlikely that works associated with construction would impair water quality and compromise the qualifying interests of the River Moriston SAC. Appropriate site design and the application of best practice measures as part of the Construction and Environmental Management Plan (CEMP) such as the use of the Applicant's SPPs and GEMPs during construction and maintenance works would effectively reduce or eliminate any potential effects.

Forestry

It is not likely that there would be any significant effects on forestry. The proposed Development would result in the loss of some areas of woodland. However, subject to sufficient mitigation measures, including compensatory planting in line with the Scottish Government's Policy on Control of Woodland Removal, these are unlikely to be significant.

Cultural Heritage

It is unlikely that there would be any significant effects on designated heritage assets. No direct effects would occur on any designated heritage asset. Intervening topography, buildings and existing vegetation would serve to screen views and mitigate indirect effects for the majority of designated heritage assets in the wider area. Direct or indirect effects on archaeological remains for the proposed Development would be assessed, supported by the results of the desk-based study already undertaken and by further desk-based assessment of construction access requirements and by field survey along the route to verify the findings of the desk-based study and to inform mitigation proposals. The archaeological and cultural heritage assessment would be carried out with reference to best practice guidance. It is unlikely that there would be any significant effects on cultural heritage assets. The extent and sensitivity of these in relation to the likely construction footprint of the alignment means that few of the cultural heritage remains present are likely to be at risk of disturbance, and, subject to appropriate mitigation, no significant direct impacts are anticipated. An appropriate CEMP would be put into practice, including measures to safeguard any archaeological remains unearthed as part of excavation works.

Traffic and Transport

It is not likely that there would be any significant effects arising from traffic and transport in the long term, although there would be an increase in traffic on local roads during construction. Preference will be given to lower impact access solutions including the use of low pressure tracked personnel vehicles and temporary track solutions in boggy / soft ground areas to reduce any damage to, and compaction of, the ground. These journeys would be kept to a minimum to minimise disruption to habitats along the route. A traffic and transport assessment would be undertaken with reference to the IEMA guidelines for the Environmental Assessment of Road Traffic and other relevant guidelines and policy. An appropriate Construction Traffic Management Plan (CTMP) would be developed to ensure road safety for all other road users during construction works, and for suitable management of all abnormal loads involved. The CTMP would be developed in consultation with the local roads authority.

Hydrology, Hydrogeology and Soils.

Subject to control measures and good practice it is not likely that there would be any significant effects on designated sites. It is unlikely that works associated with construction would impair water quality and compromise the qualifying interests of the River Spey SSSI or SAC. No impact on the drinking water protection area (DWPA) sites are expected. An assessment of the potential impacts of the proposed Development on the water environment would be undertaken with reference to relevant legislation, polices and best practice guidance. Construction works would be carried out in line with the Applicant's GEMPs.

Water Environment

Subject to sufficient mitigation measures, no significant effects are likely on water environment as a result of the proposed Development. Construction works would be carried out in line with the Applicant's GEMPs. A site survey would be undertaken to confirm nearby private water supplies (PWS) infrastructure and ensure appropriate mitigation measures are put in place to protect PWS.

Geology, Peat and Soils

Subject to sufficient mitigation measures, no significant effects are likely on geology, peat and soils. The proposed Development would cross minimal peatland areas though some further survey and assessment work will be undertaken to ensure effects on peatland that is crosses are minimised. This would be undertaken with reference to relevant legislation, polices and best practice guidance including field survey. Superficial soils and bedrock geology are not otherwise considered to present any constraint to development. A watercourse crossing will be necessary within the River Spey floodplain, any permanent structures will need to be set back from the watercourse channel to protect against exposure from natural geomorphological processes of watercourse meandering and migration. Construction works would be carried out in line with the Applicant's GEMPs.

Noise and Vibration

Subject to sufficient mitigation measures, no significant effects are likely in relation to noise and vibration. Construction noise is considered to be short term and intermittent and can be controlled through the implementation of a noise management plan, which would include working hours agreed with Moray Council. At present it is assumed that an assessment of operational noise would be scoped out of assessment as operational noise impacts from an OHL development of this type are likely to be minimal.

Land Use and Amenity

It is not likely that there would be any significant effects on Land Use and Amenity as these agricultural land classifications are not considered to be particularly sensitive. The most sensitive agriculture land passed over would be Class 3.1, but the land take would be small and would be along field boundaries rather than directly through fields. For recreational interests, impacts are likely to be limited to disruption at the construction stage, which would be temporary and appropriately managed through the CEMP. An outdoor access plan would be prepared as part of the CEMP and signage would be erected at suitable locations to warn recreational users of construction traffic.

Air Quality and Climate

Subject to the adherence to best practice measures during construction of the proposed Development, and the implementation of a CEMP, it is unlikely that there would be any significant effects on air quality and climate. In relation to air quality; on-site plant, construction traffic and construction activities may have the potential to generate and disperse dust and airborne particulate matter. Though subject to the adherence to best practice measures it is not likely that there would be any significant effects on air quality. In relation to climate; it is anticipated that the loss of commercial or non-commercial woodland will be offset by the planting of new trees so there would be no permanent net loss of tree carbon. Loss of carbon from peat excavation as a result of the proposed Development will be avoided as far as possible through implementation of appropriate peat soils handling and storage techniques.

Radio and TV Interference

It is not likely that there would be significant effects on TV and radio interference as a result of the proposed Development.

Population and Human Health

Subject to the adherence to best practice measures and the implementation of a CEMP it is not considered likely that there would be any significant effects on human health arising from the construction or operation of the proposed Development. Potential air quality effects, water quality noise and / or vibration effects, Electromagnetic Interference (EMI) and visual amenity effects on nearby receptor are considered in the relevant sections above. It is not anticipated that there would be any likely significant effects in relation to Electric and Magnetic Fields (EMF) as a result of the proposed Development. EMFs tend to be highest directly below OHLs and no OHL will be directly above properties or recreational assets for any significant distance.

Major Accidents and Disasters

Given the nature of the proposed Development, the potential for effects related to the vulnerability to accidents and disasters are likely to be limited to those associated with unplanned power outages, due to extreme weather or structural damage. Crisis management and continuity plans are in place across the SSE Group. These are tested regularly and are designed for the management of, and recovery from, significant energy infrastructure failure events. Where there are material changes in infrastructure (or the management of it) additional plans are developed. Furthermore, the Principal Designer would fully assess risks and mitigate as appropriate during the construction stage as part of the requirements of the Construction (Design and Management) Regulations (2015).

Material Assets

It is not likely that there would be significant effects on material assets as a result of the proposed Development works. The construction of the proposed Development would result in the loss of a small, fairly low sensitivity area of land in terms of agriculture. The most sensitive agriculture land passed over would be Class 3.1, but the land take would be small and would be along field boundaries rather than directly through fields where possible. This loss is unlikely to be significant. Felling of commercial and non-commercial forestry is required to accommodate the construction of the proposed Development. This will be minimised as far as possible through the use of existing wayleaves and areas of open ground. The remaining loss is unlikely to be significant in the context of the wider area subject to mitigation measures, including compensatory planting in line with the Scottish Government's Policy on Control of Woodland Removal. The Applicant is the Transmission Network Owner (TNO) and operator of the grid infrastructure in this region. OHL sections would span roads and tracks, with supporting structures set back suitable distances to avoid any direct impacts or damage to roadways.

Proposed Mitigation Measures to Avoid or Prevent Significant Adverse Effects:

- Undertaking further environmental survey work to understand the potential for impacts and allow key issues to be taken into account during construction.

- Scottish Hydro Electric Transmission (SHET) has developed Species Protection Plans (SPPs) for construction works that may negatively impact upon protected species, including birds. The SPPs outline the procedures that must be followed where there is a potential for protected species to be present. Each SPP outlines the responsibilities of the Applicant and its Contractors, legislative protection for the protected species, best practice measures to follow and an approved methodology for carrying out certain mitigation activities. This suite of SPPs has been approved by NatureScot and would be adopted where relevant to the project.

- SHET has developed General Environmental Management Plans (GEMPs) relating to activities and issues likely to be encountered. These plans contain both generic and specific guidance and should be incorporated into Environmental Management Plans (EMPs) where appropriate.

- A Construction Environmental Management Plan (CEMP) would be developed by the appointed contractor during the pre-construction phase. The principal objective of this document is to provide information on the proposed infrastructure and to aid in avoiding, minimising and controlling adverse environmental impacts associated with the proposed Development. Furthermore, this document will aim to define good practice as well as specific actions required to implement mitigation identified in the Environmental Appraisal, the planning process and / or other licencing or consenting processes. Mitigation measures relevant to the overhead line will be incorporated into the relevant CEMP for the project. The CEMP would be updated during the pre-construction phase and would form part of the contract documents between SHET and the appointed construction contractor.

- Advice from an Environmental Clerk of Works (ECoW), as required, on site specific issues during the construction of the proposed Development;

- The timing of construction activities would in general be undertaken during daytime periods to limit disruption to the local residents.

- Site restoration measures specific to the proposal to ensure that disturbed ground is reinstated as quickly as possible on completion of the works.

Yours sincerely

Lee Crosbie

Energy Consents Unit
(A member of the staff of the Scottish Ministers)

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

SCHEDULE 3 SELECTION CRITERIA FOR SCREENING SCHEDULE 2 DEVELOPMENT

Develop approximately 26km of 132 kV overhead line supported upon a trident wooden pole line, undergrounded as it leaves Rothes windfarm, and again for a section as it enters Blackhillock electricity substation.

Characteristics of development

1. The characteristics of development must be considered having regard, in particular, to—

(a) the size and design of the development;

The proposal involves a 26km of overhead line from the substation (subject of the separate EIA process). The characteristics are of a linear development, with localised visual impact from the individual poles. The choice of timber poles will see relatively small mechanical intervention and foundations for the majority of the route. The trenched and undergrounded sections will be more intrusion, but again this will be linear in nature.

(b) cumulation with other existing development and/or approved development;

The presence of other electricity distribution lines in proximity to the proposed line may have some cumulative effects, and this would be most evident as the line approaches Blackhillock substation where other overhead lines congregate. The line is to be undergrounded for approximately 0.5km as it reaches Blackhillock which should reduce any cumulative effect. The first stretch of the cable from the windfarm substation being undergrounded will assist in avoiding any cumulative build up with windfarm infrastructure.

(c) the use of natural resources, in particular land, soil, water and biodiversity;

The use of timber poles, modest foundations and temporary tracks means the impact on natural resources would relatively limited. For the undergrounded sections, wayleaves may need to be left in place above which may limit the potential for use as woodland etc. Once operational, the overhead lines should not otherwise be a drain on resources.

(d) the production of waste;

It is not envisage that the proposal would generate waste.

(e) pollution and nuisances;

Beyond the construction phase, when there will be physical intervention in the landscape, there will be little or on pollution or nuisance caused by the overhead lines.

(f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;

None anticipated, separate legislation will govern and safeguard the transmission of electricity.

(g) the risks to human health (for example due to water contamination or air pollution).

There have long been allegations of electromagnetic or other effects from electricity lines, but it is not considered that these would be significant. The development would have to satisfy wider health

and safety legislation in relation to the transmission of electricity. The proposed route occupies a rural location, with limited proximity to residential receptors.

Location of development

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered having regard, in particular, to—

(a) the existing and approved land use;

The proposed overhead line would cross agricultural land, field margins and woodland. Again the linear nature of the proposal would limit the intervention and impact in any one location. Wayleave may be required which either restricts other uses or requires access be maintained for the upkeep of the overhead or underground lines. Agricultural use is the most likely to be affected where poles will be located, by necessity within fields. Forestry within wayleave corridors may also not be replanted beneath or close to the overhead line.

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;

Given the scale and nature of the development for the majority of the overhead powerlines, there will be little impediment to the regeneration and agricultural use of land beneath the development. The development should have no significant effects on soil, land, water and biodiversity.

(c) the absorption capacity of the natural environment, paying particular attention to the following areas—

(i) wetlands, riparian areas, river mouths;

As the overhead line crosses the River Spey and its flood plain, there may be some impact, and care needs to be taken about the construction phase, haul roads, temporary construction compounds within flood risk areas. Beyond the construction phase, there should be little impact put riparian areas from the overhead lines. It is not anticipated that any major watercourses would affected by the two sections of undergrounded cable at either end of the proposed development.

(ii) coastal zones and the marine environment;

N/A

(iii) mountain and forest areas;

It is noted from the screening submission that where areas of woodland will be removed or lost, compensatory planting in line with national policy on woodland removal and compensatory planting will be followed. It is likely that wayleaves or maintenance corridors preventing woodland planting would see the displacement of substantive areas of woodland. It is noted that the route will pass through ancient and native woodland.

(iv) nature reserves and parks;

N/A

(v)European sites and other areas classified or protected under national legislation;

The route selection has sought to avoid as many environmental designations where it crosses the River Spey, there will interaction with SSSI and SAC designations. The use of overhead lines will see no

direct impacts on the river and is anticipated that best practice in terms of construction of any nearby wooden poles will have to be adopted during any construction phase.

(vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;

N/A

(vii) densely populated areas;

N/A

(viii) landscapes and sites of historical, cultural or archaeological significance.

The overhead powerline route will pass many archaeological designations and close to one listed building and within 1km of a number of listed buildings and scheduled monuments. The final location of poles will be subject of a detailed archaeological assessment and the CEMP will include appropriate mitigation should any archaeological assets be uncovered. It is not considered there would be significant effects, and extra caution would have to be applied at the western and eastern ends of the powerline where it is undergrounded using trench excavation.

Characteristics of the potential impact

3. The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(3), taking into account—

(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);

Linear in nature and while passing through some areas of rural population and passed Rothes and south of Keith, it will not have any significant impact on any one location. Where the lines are undergrounded affects would be absent want installed.

(b) the nature of the impact;

Linear and low key given the nature of the development and use of wooden poles.

(c) the transboundary nature of the impact;

N/A

(d) the intensity and complexity of the impact;

Where the timber pole line is not complex or would result in any intensity of use once operational. Any impact is likely to be visual only, but given the nature and scale of the development, any impact are likely to very localised to sections of the pole line.

(e) the probability of the impact;

Likely to be only during construction phase in flood areas, and in the longer term on the visual impact upon the SAC designation. Visual impact easily predicted, and quantified.

(f) the expected onset, duration, frequency and reversibility of the impact;

Permanent development, but for the overhead sections in particular they development would not be too complicated to reverse if poles and lines were removed.

(g) the cumulation of the impact with the impact of other existing and/or approved development;

As the prospective applicant has intended to underground the line in certain sections it is unlikely to have too significant an impact cumulatively. The wooden pole lines being more discrete in the landscape that steel lattice pylons means its cumulative effect with other transmission or telephone lines is less likely. Much of the route is well away from other transmission lines. Being undergrounded on its approach to Keith would means the most likely location for cumulative visual effects is mitigated.

(h) the possibility of effectively reducing the impact.

It is difficult to see how possible impacts could be reduced other than undergrounding more of the transmission line to reduce it visual impact, but this would see an increase in different impacts and a more physical intervention below ground and in flood plains. Additional landscaping could be provided but the nature of the development is unlikely to warrant the need for visual screening.

Conclusion

Having had regard to the criteria set out in schedule 3 as are relevant to the development the characteristics of the development, the location of the development and characteristics of the proposed development are such that there will be no significant adverse environmental effects.

To prevent significant adverse effects on the environment that have led to this conclusion, it is noted that the applicant has proposed various imbedded and proposed mitigation which should come forward with the S37 application.

It is suggested to ensure effects are mitigated where the cable route crosses the River Spey Special Conservation Area , that some form of landscape and Visual Impact Assessment inclusive of photomontages be prepared to ensure the most appropriate river crossing point is selected.

Declaration

I have screened the application and determined that Environmental Impact Assessment is not required for this proposal in terms of the Regulations.

This determination constitutes an Opinion under Regulation 6-9 of the current EIA Regulations and will be placed on Part 1 of the planning register in accordance with Regulation 28 of the current EIA Regulations.

Please note that information associated with the Opinion will be published on the Council's website at http://publicaccess.moray.gov.uk/eplanning

Case Officer Neal MacPherson, Principal Planning Officer (Ba Hons, MSc, MRTPI)

24/5/2021