

SSEN Transmission
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Our Ref: 24/00833/SCOP
Your Ref:
Date: 9 May 2024

By email to: Shona.Dow@sse.com

Dear Shona,

PLANNING REFERENCE: 24/00833/SCOP

DEVELOPMENT: LOCH BUIDHE 400KV SUBSTATION

LOCATION: LAND 1800M NE OF SLEASTRAY, BONAR BRIDGE

Thank you for requesting this Environmental Impact Assessment (EIA) Scoping Request for the above project. We received the consultation on 29 February 2024 by email.

Our view on the scope of the assessment may be subject to change on a number of topics within the EIAR if the scale of development, changes.

The remainder of this letter constitutes THC's Scoping Response. Throughout the response we have sought to address the questions posed in the Scoping Report. We trust this response is helpful when formalising any forthcoming application.

SCOPING RESPONSE

Applicant: SSEN Transmission
Project: Loch Buidhe 400kV Substation -EIA Scoping Request
Project Address: Land 1800M NE Of Sleastray, Bonar Bridge
Our Reference: 24/00833/SCOP

This response is given without prejudice to the Planning Authority's right to request information in connection with any statement, whether Environmental Impact Assessment Report (EIAR) or not, submitted in support of any future application. These views are also given without prejudice to the future consideration of, and decision on, any planning application received by The Highland Council (THC).

THC request that any EIAR submitted in support of an application for the above development take the comments highlighted below into account; many of which are already acknowledged within the Supporting Information. In particular, the elements of this report as highlighted in parts 3, 4 and 5 should be presented as three distinct elements.

Where responses have been received by internal consultees these are available to view online and should be taken as forming part of the scoping response from THC. If any further responses are received these will be forwarded on in due course.

1.0 Description of the Development

1.1 The description of development for an EIAR is often much more than would be set out in any planning application. An EIAR must include:

- a description of the physical characteristics of the whole development and the full land-use requirements during the operational, construction and decommissioning phases. These might include requirements for borrow pits, local road improvements, infrastructural connections (i.e., connections to the grid), off site conservation measures, etc. A plan with eight figure OS Grid co-ordinates for all main elements of the proposal should be supplied;
- a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
- the risk of accidents, having regard in particular to substances or technologies used;
- an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light / flicker, heat, radiation, etc.) resulting from the operation of the development; and,
- the estimated cumulative impact of the project with other consented or operational developments.

2.0 Alternatives

2.1 A statement is required that outlines the main development alternatives studied by the applicant and an indication of the main reasons for the final project choice. This is expected to highlight the following:

- the design chapter should clearly set out the design evolution of the scheme including constraints to the delivery of that scheme;
- the range of technologies that may have been considered – we note that the ‘Project Background’ statement within the Scoping Report advises that one turbine company has discontinued turbine models as justification for new applications however does not appear to advise that the applicant has attempted to source turbines of approved dimensions from any other source.
- locational criteria and economic parameters used in the initial site selection;
- options for access;
- design and locational options for all elements of the proposed development (including grid connection); and,
- the environmental effects of the different options examined.

The assessment should also highlight sustainable development attributes including, for example, an assessment of carbon emissions / carbon savings.

3.0 Environmental Elements Affected

3.1 The EIAR must provide a description of the aspects of the environment likely to be significantly affected by the development. The following paragraphs highlight some principal considerations. There are a number of wind energy developments in the area, and you are encouraged to use your understanding of these in assessing your development and the potential for cumulative effects to arise. The EIAR should fully utilise this understanding to ensure that information provided is relevant and robustly grounded. It will be most important in this case, to consider the potential cumulative impacts of the proposals, in combination with the proposed new substations and infrastructure for the West of Orkney and Ayre Windfarm grid connections, which will also be in the general area of Spittal, for all chapters in the EIAR.

Land Use and Policy

3.2 The current Development Plan comprises the:

- Fourth National Planning Framework (NPF4) adopted in 2023
- Highland-wide Local Development Plan (HwLDP) adopted 2012
- Caithness and Sutherland Local Development Plan (CaSPlan) adopted 2018
- Associated Supplementary Guidance (SG), with particular regard to the Onshore Wind Energy Supplementary Guidance (OWESG) (2016) and Part 2b (2017)

A large number of policies will apply to this proposal from the above development plan documents. This response does not attempt to detail all which may be relevant, as such, it is recommended that the applicant/agent reviews all these plans and documents prior to submission to establish the planning policy context for the EIA. The scope of the EIA should, however, address all the relevant issues covered within NPF4, HwLDP, CaSPlan and the Council Supplementary Guidance. Of particular relevance will be NPF4 & HwLDP and the associated SG documents. CaSPlan will have limited relevance to this proposal, as its focus is mainly on regional and settlement strategies and identifying specific site allocations. However, certain aspects of the strategies for the local area and settlements may help to inform plans for community engagement and/or community benefit. CaSPlan does however establish boundaries (including any refinements) of the Special Landscape Areas (SLAs) across the plan area. The SLA citations webpage summarise key characteristics, qualities, sensitivities, and measures for enhancement and must be used to assess the potential impacts of the proposed development.

3.3 The Council has recently commenced the preparation of a new-style Highland Local Development Plan (HLDP), with the intention to undertake the evidence-gathering stage of the new LDP throughout 2024, with the tentative programme including an Evidence Report in 2024 and subsequent Gate Check, with Proposed Plan stage in 2025. Once adopted this new style HLDP will supersede and replace HwLDP and the Council 'area' LDP. The programme of work includes the review of the coverage and content of its current suite of Supplementary Guidance, to establish which aspects should be covered within the new Local Development Plan itself, which aspects should be covered within non-statutory planning guidance and any aspects no longer required. Applicants are advised to monitor the Council's annual Development Plans Newsletter, as this provides the most up to date timetable for this work. The latest version was approved by the Council's Economy and

Infrastructure Committee on the 2 February 2023 (Item 15) and is available on the Council Development Plans webpage.

- 3.4 Community Wealth Building is intended to encourage, promote, and facilitate a new strategic approach to economic development as set out in NPF4 Policy 25. This Policy indicates examples of what contributions by development proposals to community wealth building could include: improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets. However, that is not an exhaustive list. A report to the meeting of The Highland Council on 29 June 2023 provided an introduction to: the background and principles of Community Wealth Building; the work already being undertaken which contributes towards community wealth building; and an update on the proposed approach being taken to develop a Community Wealth Building Strategy for Highland Council.

https://www.highland.gov.uk/download/meetings/id/81834/item_11_developing_a_community_wealth_building_strategy

- 3.5 Identification of the Caithness and Sutherland Local Development Plan (CaSPlan) as part of the Development Plan covering this location is missing from the Scoping Report and it is recommended to refer to the plan; whilst its relevance is limited for this type of proposal in this sort of location, it should be considered. Further detailed policy comments are available in the accompanying consultation response from the Development Plans Team.

Sustainability

- 3.6 The Council's Sustainable Design Guide SG provides advice and guidance on a range of sustainability topics, including design, building materials, and minimising environmental impacts of development. A Sustainable Design Statement is required. The application should include a statement on how the development is likely to contribute to the Scottish Government Energy Efficient Scotland roadmap and provide the Highlands with secure and clean electricity supplies.

Landscape and Visual

- 3.7 The Council expects the EIAR to consider the landscape and visual context of the development and a full Landscape and Visual Impact Assessment (LVIA) forming part of the EIAR is required. This must consider the mitigation inherent in the original substation's design and consider the long term masterplanning of the substation, including scope for further expansion and what form this may take. The designers should investigate where roadside planting and other measures may be included within the proposals or indeed, if advanced planting could take place ahead of determination of the application.
- 3.8 The LVIA should provide Zone of Theoretical Visibility analysis and identify key viewpoints to represent the most sensitive surrounding visual receptors with a series of single frame images with different focal lengths taken with a 35mm format full frame sensor camera – not an 'equivalent.' The focal lengths should be 50mm and 75mm. The former gives an indication of field of view and the latter best represents the scale and distance in the landscape i.e. a more realistic impression of what we see from the viewpoint. This imagery should be used to provide existing and proposed photomontages to assist with the assessment and determination of the application. The timing of the visualisation

photography should reflect the worst case scenario when existing deciduous trees and vegetation is not in full leaf. Similarly, should any additional planting be proposed, visualisations should represent the development at the point of completion, and with 10 years of landscape planting growth. Whilst this proposal is not for a wind farm, the photomontages should follow the Council's Visualisation Standards:

https://www.highland.gov.uk/downloads/file/12880/visualisation_standards_for_wind_energy_developments

- 3.9 Assessments should cover impacts of all elements of the development, including the substation building, replacement substation infrastructure, any likely new or re-located overhead line infrastructure, any security fencing, any tree felling and any lighting. Visualisations should be prepared to Highland Council Standards. These should be provided in hard copy in a A3 lever arch ring bound folder for ease of use. The finalised list of viewpoints for the assessment should be agreed in advance of preparation with input from the Council's Landscape Officer (Anne Cowling), who is yet to respond to this scoping consultation.
- 3.10 We acknowledge that there will be some micro-siting of the viewpoints to avoid intervening screening of vegetation boundary treatments etc. We would recommend that the photographer has in their mind whether the viewpoint is representative or specific and also who the receptors are when they are taking the photos it would be helpful. We have also found that if the photographer has a 3D model on a laptop when they go out on site it helps the orientation of the photography.
- 3.11 The purpose of the selected and agreed viewpoints should be clearly identified and stated in the supporting information. For example, it should be clear that the viewpoint has been chosen for landscape assessment, or visual impact assessment, or cumulative assessment, or sequential assessment, or to show a representative view or for assessment of impact on designated sites, communities or individual properties.
- 3.12 When considering the impact on recreational routes please ensure that all core paths, the national cycle network, long distance trails are assessed. It should be noted that these routes are used by a range of receptors.
- 3.13 A landscaping, management and maintenance scheme for the site is required and as this will have wider habitat and biodiversity interest, this must form part of the EIAR.

Ecology, Habitats and Ornithology

- 3.14 An EIAR chapter covering ecology, habitats and ornithology will be required. This must provide a baseline survey of the bird and animals (mammals, reptiles, amphibians, etc) interest on site. It needs to be categorically established which species are present on the site, and where, before a future application is submitted. Further, the EIAR should provide an account of the habitats present on the proposed development site. It should identify rare and threatened habitats, and those protected by European or UK legislation, or identified in national or local Biodiversity Action Plans. Habitat enhancement and mitigation measures should be detailed, in the contexts of both biodiversity and conservation. Details of any habitat enhancement programme (such as native-tree planting, stock exclusion, etc) for the proposed site should be provided. It is expected that the EIAR will address whether or not

the development could assist or impede delivery of elements of relevant Biodiversity Action Plans.

- 3.15 An Ecological Impact Assessment for the site and should be considered alongside the development of the EIAR. This should follow the CIEEM guidance on Ecological Impact Assessment and be proportionate to the scale of development. It should cover the ecological resources of the site including protected species and species within the Highland Nature Biodiversity Action plan. It is expected that the proposals shall demonstrate compliance with NPF4 Policy 3b and that using the DEFRA metric, a minimum of 10% of biodiversity enhancement overall, can be brought about.
- 3.16 The presence of protected species such as Schedule 1 Birds or European Protected Species must be included and considered as part of the application process, not as an issue which can be considered at a later stage. Any consent given without due consideration to these species may breach European Directives with the possibility of consequential delays or the project being halted.
- 3.17 The EIAR should address the likely impacts on the nature conservation interests of all the designated sites in the vicinity of the proposed development. It should provide proposals for any mitigation that is required to avoid these impacts or to reduce them to a level where they are not significant. NatureScot can also provide specific advice in respect of the designated site boundaries for SACs and SPAs and on protected species and habitats within those sites. The potential impact of the development proposals on other designated areas such as SSSI's should be carefully and thoroughly considered and, where possible, appropriate mitigation measures outlined in the EIAR.
- 3.18 The EIAR needs to address the aquatic interests within local watercourses, including downstream interests that may be affected by the development, for example increases in silt and sediment loads resulting from construction works; pollution risk / incidents during construction; obstruction to upstream and downstream migration both during and after construction; disturbance of spawning beds / timing of works; and other drainage issues.
- 3.19 NatureScot notes that the development has the potential to result in significant impacts to nationally and internationally important sites for nature conservation.
- 3.20 The proposed substation and land identified within the red line boundary falls within Strath Carnaig and Strath Fleet Moors Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) for hen harrier. Some small watercourses within the 'development boundary' flow into Loch an Lagain heading into the River Evelix Special Area of Conservation (SAC) for freshwater pearl mussel. The Environmental Impact Assessment Report (EIAR) will need to provide sufficient information to enable the competent authority, Highland Council, to carry out a Habitats Regulations Appraisal or 'HRA'.

Strath Carnaig & Strath Fleet Moors SPA/SSSI

- 3.21 This Protected Area is currently in unfavourable condition, mainly due to widescale 'open ground' habitat loss through woodland planting schemes. Monitoring work undertaken by Nature Scot also shows that the SPA/SSSI hen harrier population is also in decline. Therefore, the resilience of this Protected Area to accept further adverse impacts is diminished. The substation development will directly affect habitats within the SSSI/SPA, but they include areas of commercial forestry, standing and clear-felled, which currently are

unlikely to offer suitable nesting habitat for hen harriers, but may offer suitable foraging habitat through time if managed as 'open ground'. Within the EIA there will need to be a full assessment of potential impacts against the SPA Conservation Objectives which include, but may not be limited to, the following:

- Displacement (in-direct loss of habitat) and disturbance risks from in-combination impacts with the powerline element of the same project and other projects
- Direct loss of any potential foraging habitat within the Protected Area
- Displacement (in-direct loss of habitat) from areas used for nesting and foraging
- Poorly conceived biodiversity net gain (BNG) options which further impacts on hen harrier habitat loss, for example new planting on open ground (see comments below).
- Disturbance to breeding harriers from construction related activity on and off site.

3.22 Positive opportunities exist to enhance land management for hen harrier as part of any BNG. For example, the red line boundary for this proposal now includes ground within the SPA where there may be potential to carry out habitat management that could expand open-ground habitats required by hen harrier for foraging. This could also have potential to enhance habitats for other open-ground upland birds (also in decline), such as skylark & whinchat, etc. The EIA/HRA process must also consider cumulative effects. Impacts will have to be assessed in combination with other proposals that could affect the SPA, including the new 400 kV overhead line.

River Evelix SAC

3.23 This Protected Area is also in unfavourable condition due to low mussel recruitment. The site is also being adversely affected by late summer droughts, resulting in over-heating of shallow riverine habitats which mussels often use. Therefore, restoration Conservation Objectives have been identified for this SAC, see: <https://apps.snh.gov.uk/sitelink-api/v1/sites/8358/documents/66> The extended red line boundary has drawn the project closer, and within hydrological connectivity to this Protected Area. Good construction practices will be required to ensure the risk to the water environment can be successfully managed. The operational site and any associated activity (BNG for example) should also ensure that negative impacts to the water environment area avoided. Small-scale riparian planting close to the watercourse could help this Protected Area, especially if focused on the south side, providing much-needed riverine shade during hotter summers.

3.24 SSE has a target for all projects gaining consent to achieve a 10 % net gain for biodiversity. NatureScot's Developing with Nature guidance has been prepared, in discussion with Scottish Government, to support local development applications. It sets out a number of common measures to enhance biodiversity. For national, major and EIA developments, more detailed assessment and more ambitious measures are likely to be required. The applicant should explore and identify opportunities for biodiversity enhancement as early as possible, including through discussion with key stakeholders. Within the EIA report, information on predicted losses, proposed compensation and delivery of additional positive effects should be clearly summarised. The information must be sufficient to allow the consenting authority and relevant stakeholders to see clearly how effects will be addressed, and compensation and enhancement delivered. Developers may wish to consider the simple template at Annex C of the Developing with Nature guidance.

- 3.25 RSPB Scotland has provided comments on the proposals. They are concerned to see that the proposed development site is located entirely within the Strath Carnaig and Strath Fleet Moors Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI), as is the existing substation. Both the SPA and SSSI are designated for their breeding population of Hen Harriers (12 breeding pairs which constitutes 2.5% of the GB population¹). This SPA population is also important in a UK context as Hen Harrier numbers are in serious decline. The National Hen Harrier Survey undertaken in 2016 found numbers of pairs had decreased across the UK by 13% since 2004. The Hen Harrier is listed in Annex 1 of the Birds Directive as well as Schedules 1 and 1A of the Wildlife and Countryside Act which means that they may not be intentionally or recklessly harassed at any time. The SPAs Conservation Objective is to avoid deterioration of the habitats or significant disturbance to Hen Harriers and thus ensuring that the integrity of the site is maintained.
- 3.26 To avoid negatively impacting the designation of the SPA, careful consideration must be taken at this site concerning Hen Harrier. The Lairg and Strath Brora Lochs SPA is less than 9km from the proposed development, this is within foraging distance of the SPAs designated feature, the Black-throated Diver. Although it is stated in section 5.6.5 that breeding diver surveys will be conducted, Lairg and Strath Brora SPA is not included in table 5.1: Designated Sites relevant to the Proposed Development, this must be considered. Due to the proposed development's location within Strath Carnaig and Strath Fleet Moors SPA it is clear that there would be likely significant effects on this SPA. From the information available at this stage, it appears that there would also be likely significant effects on Black throated Divers as a qualifying feature of Strath Brora Lochs SPA. Therefore, the EIA Report must include sufficient information to inform an Appropriate Assessment by the competent authority, as required by the Conservation (Natural Habitats, &c.) Regulations 1994. Further comments may be viewed within the full consultation response.

Hydrology, Hydrogeology Geology, Soils and Contaminated Land

- 3.27 The EIAR should fully describe the likely significant effects of the development on the local geology including aspects such as earthworks, site restoration and the soil generally including direct effects and any indirect. Proposals should demonstrate construction practices that help to minimise the use of raw materials and maximise the use of secondary aggregates and recycled or renewable materials. EIAR should include a table detailing the volumes of soil and sand being excavated and where and how this will be reused within the site. The soils balance calculation should demonstrate whether additional material will be required or will be generated.
- 3.28 The EIAR needs to address the nature of the hydrology and hydrogeology of the site, and of the potential impacts on water courses, water supplies including private supplies, water quality, water quantity and on aquatic flora and fauna. Impacts on watercourses, lochs, groundwater, other water features and sensitive receptors, such as water supplies, need to be assessed. Measures to prevent erosion, sedimentation or discolouration will be required, along with monitoring proposals and contingency plans. Assessment will need to recognise periods of high rainfall which will impact on any calculations of run-off, high flow in watercourses and hydrogeological matters. In this respect, you are directed to the detail of SEPA's consultation response on the Scoping Report.
- 3.29 SEPA drew attention to their comments in the major pre application response, 23/04004/PREMAJ. SEPA confirms that their comments and requirements still apply with

regards to peat, protection of the water environment, GWDTE, PWS, pollution prevention and forest waste and you are directed to their further comments in respect of this Scoping Request.

- 3.30 For your information, since the pre application response, SEPA has now mapped all watercourses in Scotland and identified potential for riparian planting along them. The Allt Garbh-airigh has been identified as 'Medium' priority and may provide an off-site opportunity for a bio-diversity net gain measure close to the site.
- 3.31 SEPA do not agree with the details of any potential off-site peat restoration required to mitigate the effects of the proposed development not being included in the EIA. If off-site peat restoration is required as a mitigation measure, SEPA needs to be able to assess whether this mitigation is in fact both possible and acceptable otherwise the assessment of the impact on carbon rich soils cannot be accurately assessed. An Outline Habitat Management Plan will also be required to be included within the EIAR which should detail the use of any excavated peat, as detailed in SEPA's major pre application response.
- 3.32 The applicant will require to carry out an investigation to identify any private water supplies, including pipework, which may be adversely affected by the development and to submit details of the measures proposed to prevent contamination or physical disruption. Highland Council has some information on known supplies but it is not definitive. An on-site survey will be required.

Noise

Construction Noise

- 3.33 Planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. However, where there is potential for disturbance from construction noise the application will need to include a noise assessment. A construction noise assessment will be required in the following circumstances: -

- Where it is proposed to undertake work which is audible at the curtilage of any noise sensitive receptor, out with the hours Mon-Fri 8am to 7pm; Sat 8am to 1pm

OR

- Where noise levels during the above periods are likely to exceed 75dB(A) for short term works or 55dB(A) for long term works. Both measurements to be taken as a 1hr LAeq at the curtilage of any noise sensitive receptor. (Generally, long term work is taken to be more than 6 months)

If an assessment is submitted it should be carried out in accordance with BS 5228-1:2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise". Details of any mitigation measures should be provided including proposed hours of operation. Regardless of whether a construction noise assessment is required, it is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities. Attention should be given to construction traffic and the use of tonal reversing alarms.

Noise Generating Activities

- 3.34 You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended). Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action. If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Dust

- 3.35 Depending on the proximity to houses etc. the applicant may require to submit a scheme for the suppression of dust during construction including traffic movements.

Traffic and Transport

- 3.36 The Transport Planning Teams' interest relates mainly to the impact of construction traffic on the A949 and the U3521 which may include damage to the public road, verges and associated structures, the impact on road users and adjacent communities. Transport Scotland's interest will relate to the impact of development on the trunk road network.
- 3.37 In addition to the Policy, Guidance and Legislation documents listed, we recommend that reference is made to the following documents:
- Roads and Transport Guidelines for New Developments
 - Guidance on the Preparation of Transport Assessments
- 3.38 The applicant will be required to provide a Transport Assessment (TA) with any future planning application. The TA will need to identify the number and type of vehicle movements that will be generated during the construction phase of the development, the Council maintained roads that will be affected and consider in detail the impact of development on these roads. Where necessary, the TA should consider and propose measures necessary to mitigate the impact of construction traffic. The operational traffic associated with the development should also be quantified in the TA.
- 3.39 The cumulative transport impact of any other developments in progress or committed in the area should also be considered, especially impacts from any other renewable energy projects. The TA will also need to include an initial swept path analysis for HGVs and abnormal loads to determine the impact on roads, verges, street furniture and structures within Council control. It is recommended that the applicant liaises with the Council Structures Team regarding the presence of any Council maintained structures along the route that may require upgrading and/or replacing to facilitate traffic movements associated

with this development. This is especially important with regards to abnormal loads. Prior to the preparation of the of the TA, the applicant must undertake a detailed scoping exercise with the Transport Planning Team and Transport Scotland to agree the extents of the study. Failure to agree the scope of the TA may cause delays during the planning process.

- 3.40 A construction Traffic Management Plan (CTMP) to control and reduce the impact of construction traffic will be required prior to the commencement of development. A Framework CTMP should be included with the TA as part of the supporting information for a subsequent planning application. Consultation with stakeholders, including community representatives will be necessary regarding the detailed content and implementation of the CTMP.
- 3.41 Mitigation required may include: new or improved infrastructure, road safety measures and traffic management. Traffic management shall include measures to ensure that development traffic adheres to approved routes.
- 3.42 Any proposals for new junctions/access points onto the public road must be clearly shown on dimensioned drawings and include the details of geometry, construction and drainage as well as the required visibility splays. For design guidance, the applicant should refer to the Council document 'Roads and Transport Guidelines for New Developments' which is available on the Council website.
- 3.43 Notwithstanding the above requirements, there may remain a risk of damage to Council maintained roads from development related traffic. In order to protect the interests of the Council, a suitable agreement relating to Section 96 of the Roads (Scotland) Act and appropriate planning legislation will be required. The agreement shall include the provision of a Road Bond or similar security.

Forestry

- 3.44 The Scoping Report notes that tree removal would be required. The EIAR should indicate all the areas of woodland / trees that would be felled to accommodate the development, including any off site works / mitigation. Compensatory woodland is a clear expectation of any proposals for felling, and thereby such mitigation needs to be considered within any assessment. If so minded, permission is only likely to be granted on the basis that compensatory planting proposals are identified in advance. Compensatory planting should be within the Highland area and not form part of an already approved forestry plan/proposal that has gained FC funding. Any proposed compensatory planting areas will be the subject of the Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017, and therefore a separate application will be required to be submitted to SF for a formal opinion on whether consent is required. For more information please see: <https://forestry.gov.scot/support-regulations/environmental-impact-assessment>. Areas of retained forestry or tree groups should be clearly indicated and methods for their protection during construction and beyond clearly described. If timber is to be disposed of, further details of the methodology for this should be submitted.

Cultural Heritage

- 3.45 The scope of this assessment needs to identify all designated sites which may be affected by the development either directly or indirectly. This will require you to identify:

- the architectural heritage (Conservation Areas, Listed Buildings);
- the archaeological heritage (Scheduled Monuments);
- the landscape (including designations such as National Parks, National Scenic Areas, Areas of Great Landscape Value, Gardens and Designed Landscapes and general setting of the development; and
- the inter-relationship between the above factors.

3.46 We would expect any assessment to contain a full appreciation of the setting of these historic environment assets and the likely impact on their settings. It would be helpful if, where the assessment finds that significant impacts are likely, appropriate visualisations such as photomontage and wireframe views of the development in relation to the sites and their settings could be provided. Visualisations illustrating views both from the asset towards the proposed development and views towards the asset with the development in the background would be helpful.

3.47 The Council's Historic Environment Team (Archaeology) are satisfied that the information presented in the scoping report will adequately address an impact assessment for this proposal. The scoped-out effects are reasonable. Although no sites are currently recorded on the HER within the application boundary, this may not be an accurate representation of what survives in this area. Upstanding remains should be identified by survey and the potential for buried features or deposits to be present should be stated in the report. Where impacts are unavoidable, HET expect methods to mitigate this impact to be discussed in detail.

3.48 Historic Environment Scotland confirms that there are no World Heritage Sites, scheduled monuments, category A listed buildings or gardens and designed landscapes within the proposed development site boundary. There is therefore no potential for significant direct impacts on assets within Historic Environment Scotland's remit. Further details of HES's concerns are noted on their detailed consultation response which is available on the record on the Council's Planning Portal.

Socio-Economic, Recreation and Tourism

3.49 A Socio-Economic, Tourism and Recreation EIAR chapter is required. The EIAR should estimate who may be affected by the development, in all or in part, which may require individual households to be identified, local communities or a wider socio economic groupings such as tourists and tourist related businesses, recreational groups, economically active, etc. The application should include relevant economic information connected with the project, including the potential number of jobs, and economic activity associated with the procurement, construction and operation of the development.

3.50 Forms of mitigation will include the accommodation and management of public access across the site in order to minimise any potential negative impacts and maximise benefits to outdoor access. While the Scoping Report and an eventual EIAR may include impacts on elements of outdoor access assessed under other headings it is considered that all the impacts on outdoor access should all be brought together here in a comprehensive assessment of the proposals visual and physical impacts on outdoor access during the preparatory, construction and operational phase.

Public Access

- 3.51 The EIAR should include an Access Management Plan to be developed in consultation with the Highland Council as Access Authority and other relevant stakeholder groups including neighbouring Community Councils, Companies, and Development Trusts. The AMP should accord with NPF4 Policies 11 (Energy) and 20 (Blue and Green Infrastructure) as well as HwLDP Policy 77 for Outdoor Access. The AMP should cover existing access and how that will be dealt with during the development, and future access provision within and linking to the development. The AMP should be clearly referred to in the EIAR Contents so that the Council's Access Officer can readily find it.
- 3.52 As a point of note, any vehicular gates that may be locked for security purposes, must have access compliant bypass gates alongside them at the time of installation.
- 3.53 The Council's Access Officer would welcome further discussion to assist you with your Access Management Plan.

Miscellaneous:

- 3.54 The EIAR needs to address all relevant climatic factors which can greatly influence the impact range of many of the preceding factors on account of seasonal changes affecting, rainfall, sunlight, prevailing wind direction etc. From this base data information on the expected impacts of any development can then be founded recognising likely impacts for each phases of development including construction, operation, and decommissioning. Issues such as dust, air borne pollution and / or vapours, noise, light, shadow-flicker can then be highlighted. Consideration must also be given to the potential health and safety risks associated with lightning strikes and ice throw given the proximity of recreational routes through the site.

4.0 Significant Effects on the Environment

- 4.1 Leading from the assessment of the environmental elements the EIAR needs to describe the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium, and long-term, permanent and temporary, positive and negative effects of the development, resulting from:
- the existence of the development;
 - the use of natural resources; and,
 - the emission of pollutants, the creation of nuisances and the elimination of waste.
- 4.2 The potential significant effects of development must have regard to:
- the extent of the impact (geographical area and size of the affected population);
 - the trans-frontier nature of the impact;
 - the magnitude and complexity of the impact;
 - the probability of the impact; and,

- the duration, frequency, and reversibility of the impact.

- 4.3 The effects of development upon baseline data should be provided in clear summary points.
- 4.4 The Council requests that when measuring the positive and negative effects of the development a four point scale is used advising any effect to be either strong positive, positive, negative, or strong negative.
- 4.5 The applicant should provide a description of the forecasting methods used to assess the effects on the environment.

5.0 Mitigation

- 5.1 Consideration of the significance of any adverse impacts of a development will of course be balanced against the projected benefits of the proposal. Valid concerns can be overcome or minimised by mitigation by design, approach, or the offer of additional features, both on and off site. A description of the measures envisaged to prevent, reducing and where possible offset any significant adverse effects on the environment must be set out within the EIAR statement and be followed through within the application for development.
- 5.2 The mitigation being tabled in respect of a single development proposal can be manifold. Consequently, the EIAR should present a clear summary table of all mitigation measures associated with the development proposal. This table should be entitled draft Schedule of Mitigation. As the development progresses to procurement and then implementation this carries forward to a requirement for a Construction Environmental Management Document (CEMD) and then Plan (CEMP), which in turn will set the framework for individual Construction Method Statements (CMS).
- 5.3 The implementation of mitigation can often involve a number of parties other than the developer. In particular local liaison groups involving the local community are often deployed to assist with phasing of construction works – abnormal load deliveries, construction works to the road network, borrow pit blasting. It should be made clear within the EIAR or supporting information accompanying a planning application exactly which groups are being involved in such liaison, the remit of the group and the management and resourcing of the required effort.

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