

**Argyll and Bute Council
Development and Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling relating to application for consent to the Scottish Ministers under section 37 of the Electricity Act 1989 along with a request for a direction that planning permission be deemed to be granted under section 57 (2) of the Town and Country Planning (Scotland) Act 1997.

Reference No: 18/01700/S37

Planning Hierarchy: Major Application (Section 37 Consultation)

Applicant: Scottish Hydro Electric Transmission Plc

Proposal: Construction of approximately 81 km of 275 kV OHL from the existing Inveraray Switching Station to the existing Crossaig Substation and ancillary development including an additional section of Overhead Line as a tie in to Port Ann Substation

Site Address: Land Between Inveraray and Crossaig (route Via Environs of Lochgilphead and Tarbert)

DECISION ROUTE

(i) Section 37 of the Electricity Act 1989

(A) THE APPLICATION

Section 37 of the Electricity Act 1989

N/A – application for consent to construct and operate an 81 kilometre (km), 275 kilovolt (kV), overhead line (OHL), supported by lattice steel towers between Inveraray Switching Station and Crossaig Substation, Argyll, Scotland. The application for consent will be made to the Scottish Ministers under section 37 of the Electricity Act 1989 along with a request for a direction that planning permission be deemed to be granted under section 57 (2) of the Town and Country Planning (Scotland) Act 1997.

(ii) Other associated works

- Formation of new and upgraded vehicular access points to public roads
- Formation of new and upgrading of access tracks
- Construction of temporary and permanent water crossings
- Removal of existing 132kV OHL
- Formation of tower working areas
- Other ancillary operations

Members are requested to note that the applicant is the electricity transmission license holder in the north of Scotland and has the following duties under Section 9 of the Electricity Act 1989:

- to develop and maintain an efficient, co-ordinated and economical system of electricity transmission; and
- to facilitate competition in the supply and generation of electricity.

It is under these license obligations that the proposals have been brought forward.

(B) RECOMMENDATION:

It is recommended that no objection to the proposals be raised subject to the imposition of appropriate conditions.

(C) HISTORY: No. However pre application consultation and scoping request details submitted to Energy Consents Unit under S37 process set out below:

The applicant submitted a request for a Scoping Opinion from the Scottish Ministers on 31st July 2017. The request was accompanied by a Scoping Report, prepared by the applicant, which set out a summary of the proposals; identified the likely significant environmental effects, and summarised the proposed scope of the EIA. The Scoping Report was simultaneously issued to a list of statutory and non-statutory consultees.

A Scoping Opinion was received from the Scottish Ministers in December 2017. The contents of this and other consultation responses received are summarised in Technical Appendix 1.1: Consultation Register, along with a list of all bodies consulted during the scoping exercise.

In addition to seeking a Scoping Opinion, the applicant engaged with the local community and other stakeholders by holding drop-in public exhibitions and publishing a Consultation Document on the routeing process, inviting comments on the route and alignment selection process. Further detail on the key issues identified through the scoping and consultation process, and how they have influenced the route, alignment selection and consideration of alternative options are described in Chapter 3: Route Selection and Alternatives.

(D) CONSULTATIONS:

Members are requested to note that as this is a Section 37 proposal the consultation majority of the consultation responses have been to the Energy Consents Unit (ECU) and not to the Council. A link to the ECU website is set out below:

<https://www.energyconsents.scot/ApplicationDetails.aspx>

Scottish Natural Heritage (SNH) (Dated 2.10.18) – No Objection

SNH generally concur with the findings of the EIA Report in terms of the potential landscape and visual impacts of the proposed development. SNH note that particular sections of the proposed OHL line route are likely to give rise to significant adverse landscape and visual effects, including:

- Auchindrain area
- The Meadows / Crinan Canal area
- Lochgilphead – Ardrishaig - Inverneill area
- Kennacraig ferry area
- Tarbert area
- Part of northern Kintyre (including B8001 area, Crossaig area).
- Views and experience from the associated seascape, eg Lochranza- Claonaig ferry views/recreational watercraft, will also be compromised.

SNH agree with anticipated impacts of the proposed route and request from the applicants that should any opportunities for mitigation of these impacts become apparent, SNH would be happy to advise further.

Historic Environment Scotland (HES) (Dated 14.9.18) – No Objection

Do not wish to object to the application. Detailed comments on the application, EIA Report and mitigation are contained in the annex to their covering letter. HES view is that the proposals do not raise historic environment issues of national significance and therefore they do not object.

RSPB (Dated 2.10.18) – No Objection

RSPB Scotland have no objection to the proposal but recommend conditions and appropriate mitigation to minimise potential bird disturbance and collision.

Forestry Commission (Dated 1.10.18 and 31.1.19) - No Objection subject to conditions

Six separate areas of concern were outlined where objection was initially raised by the Forestry Commission by response dated 1.10.18. The main concern was the lack of detail or commitment to compensatory re-planting. By updated consultation response dated 31.1.19 the Forestry Commission have confirmed that:

In summary, FCS objections can all be removed assuming that suitably worded conditions are attached to the consent securing compensatory planting and Woodland Reports to an agreed scope.

It is further clarified in this updated response that total compensatory planting of approximately 272ha will be required to be brought forward through the submission of woodland reports to an agreed scope. The Forestry Commission request involvement in framing the wording of the appropriate condition.

SEPA (Dated 1.10.18) – Objection

Object on the grounds of a lack of information with which to identify impacts on Private Water Supplies (PWS). Commit to review this objection if an updated version of the submitted map showing the locations of all PWS sources in the vicinity of the proposed development. The applicant has made additional submissions to address this objection but at time of writing it has not been removed.

Transport Scotland (Dated 29.8.18) – No Objection

Note that a Traffic Management Plan will be provided, and that all construction traffic will be managed in consultation with Transport Scotland and the local roads authority. This is welcomed by Transport Scotland. Transport Scotland confirm that they are satisfied that the development will not give rise to any significant traffic or associated environmental impacts on the trunk road network.

Visit Scotland (Dated 30.8.18) – No Objection

Given the importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, Visit Scotland strongly recommend any potential detrimental impact of the proposed development on tourism - whether visually, environmentally and economically - be identified and considered in full.

Marine Scotland (Dated 3.9.18) – No Objection

MSS welcomes the appointment of an Environmental/Ecological Clerk of Works who will be responsible for the compliance of the CDEMP (in particular details relevant to a surface water management plan including the proposed water quality monitoring programme) and relevant conservation and wildlife legislation/ecological mitigation measures during construction.

Mountaineering Scotland (Dated 6.8.18) – No Objection

No comments to make on this proposal at this time.

AM Geomorphology (Dated September 2018) – Objection

(It should be noted that AM Morphology are consultants appointed by the Energy Consents Unit to advise them on the application and it will be a matter for them to address in considering the current S37 application).

On the basis of the review detailed in this checking report, the PLHRA requires resubmission due to shortcomings within the report. A summary of key issues is provided below:

- i) The desk study and field survey findings should be updated to include consideration of forestry, hydrology and slope throughout the site.
- ii) Figures in the report should be updated to show access tracks.
- iii) The likelihood approach should be reviewed to consider whether additional forestry and hydrology coefficients may better represent variation in site ground conditions and potential for peat instability than the current set of contributory factors.
- iv) The likelihood approach (whether revised or not) should consider tracks and not just towers.
- v) Receptors should be identified across the site, and if potential peat landslide impacts on these are not to be reported, justification should be provided as to why not.
- vi) Clear justification should be provided for the lack of consideration of engineering impacts on peat stability.

British Horse Society (Undated) - No Objection

Project is an excellent opportunity to improve connections in a community and hopefully resolve any problems in terms of, countryside access, transport and travel.

British Telecom (Dated 17.8.18) – No Objection

Confirm the Project indicated should not cause interference to BT's current and presently planned radio network.

Edinburgh Airport (Dated 31.8.18) – No Objection

The proposed development is outside of Edinburgh Airports Safeguarding zone, therefore we have no objections to this proposal.

Joint Radio Company (Dated 14.8.18) – No Objection

JRC does not foresee any potential problems based on known interference scenarios and the data you have provided.

NATS Safeguarding (Dated 13.8.18) – No Objection

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

A & B Biodiversity Officer (Dated 28.8.18 and 9.10.18) – No Objection

Has been involved in scoping request. Content with the findings of the surveys and the proposed mitigation. Welcomes the fact that an ECoW will be on site allied with overseeing the CDEMP.

Area Roads Engineer (Dated 28.8.18) - No Objection subject to conditions.

WOSAS (Dated 4.2.18) – No Objection subject to condition.

A & B Environmental Protection (Dated 6.2.19) – No Objection subject to conditions.

(E) PUBLICITY: N/A Section 37 Consultation

(F) REPRESENTATIONS: Yes

All representations in respect of S37 Consent applications require to be submitted to the ECU and not the Council.

Seven Individuals have submitted letters of Objection to the Energy Consent Unit who have clarified by e-mail dated 31.1.19 that:

Whilst we cannot provide you with specific addresses of the individuals who have made the representations, I can confirm that one is from Tarbert, two are from Lochgilphead and we do not have addresses for the others (only email addresses).

(i) Summary of issues raised by Objectors

- I. Failure to underground OHL at Crinan Canal contrary to Holforth approach
- II. Object to felling of 445 Ha of conifers with no compensatory planting
- III. Impact of huge pylons will be horrible.
- IV. Can see no reason to use pylons twice the size
- V. Freasdale and Escart allowed contrary to community views and landscape is becoming industrialised which will drive away tourists
- VI. Pylons would cause increased risk of cancer to children attending nursery and they would be a threat to the business as parents may not wish their children to attend a nursery in such close proximity to pylons.

These are matters for the Scottish Ministers to address in reaching a decision. One of the submissions is not considered to be a material planning consideration (VI).

In respect of matters relating to the appearance of the towers, their impact on the landscape, and the lack of undergrounding the cable at the Crinan Canal, and loss of woodland, these matters are addressed in the Officer report.

In respect of impact on tourism, there is currently no authoritative study which substantiates this stance and therefore this is not a matter which is addressed as a matter for detailed evaluation by Officers in respect of the current proposals. However Scottish Ministers will require to consider this representation and address it in coming to a decision on this application.

(G) SUPPORTING INFORMATION

Has the application been the subject of :

The EIA has sought to identify significant environmental effects resulting from the proposed development. Significant effects associated with the construction, operation and decommissioning of the proposed development are limited to potential effects on the following topics:

- (i) **Environmental Statement:** Yes
- Seascape/Landscape and Visual Amenity;
 - Ecology and Nature Conservation;
 - Ornithology;
 - Cultural Heritage;
 - Traffic and Transport;
 - Amenity and Health: Noise;
 - Amenity and Health - Residential Visual Amenity; and
 - Forestry.

Volume 2 of the EIA report evaluates potential impacts and proposed mitigation with reference made to a number of supporting technical appendices which provide further detail on all of the above matters.

- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes
- (iii) **A design or design/access statement:** Refer to EIA Report
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**
Refer to EIA Report

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** No

-
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
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(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
LDP 5 – Supporting the Sustainable Growth of Our Economy
LDP 6 - Supporting the Sustainable Growth of Renewables
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)
SG LDP ENV 13 –Development Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 14 –Landscape
SG LDP ENV 15 –Development Impact on Historic Gardens and Designed Landscapes
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 19 –Development Impact on Scheduled Ancient Monuments
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance

SG LDP REN 3 – Other (Non Wind) Forms of Renewable Energy Related Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 5 – Off-Site Highway Improvements

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

NPP3
Argyll and Bute Energy Action Plan
Argyll and Bute Landscape Wind Energy Capacity Study (Capacity Study 2017);
SNH (1996) Landscape Assessment of Argyll and the Firth of Clyde (Review No78)
SNH (2009) Loch Lomond and The Trossachs National Park Landscape Character Assessment.
Argyll and Bute Woodland and Forestry Strategy

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No. EIA submitted.

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing (PAN41 or other): No

(P) Assessment and summary of determining issues and material considerations

The primary considerations associated with the proposals are considered to be

- a) Are the potential landscape effects acceptable when considered against the criteria set out in the Electricity Act 1989 ?
- b) Is the increased skylining from Auchendrain, Ardrishaig, open water and the A83 acceptable?
- c) Is potential Impact upon the Crinan Canal, a Scheduled Ancient Monument and the approach to Lochgilphead considered acceptable
- d) Is compensatory woodland and forestry planting properly addressed as required by SG LDP ENV 6.

Other matters which are material to the decision by Scottish Ministers are addressed, by other consultees, and are material planning considerations. Officers however defer to the expert inputs of consultees in their specialist fields and note that neither SNH or HES have objected to the proposals and that the Forestry Commission have clarified that they do not object subject to the imposition of an appropriate condition to secure compensatory woodland planting. The SEPA objection is expected to be removed and in any event a condition can address private water supply identification.

However, it is the issues at (a) to (d) above which Officers consider are the determining issues in the consideration of the current proposals and in recommending to Members that no objection should be raised to the proposals in this instance.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why no objection to the proposal should be raised

The EIA submitted with the application examines landscape and other impacts associated with the proposals and concludes that some significant landscape impact will occur, these are however localised in nature and the overall development proposals will not have a significant landscape impact and is therefore acceptable.

It is agreed by Officers that the overall scheme is acceptable in terms of landscape impact. In respect of the localised significant impacts identified in the EIA, it is the opinion of Officers that these are not sufficiently harmful to justify objecting to the current proposals, and do not outweigh the economic and sustainability benefits associated with the delivery of this nationally important infrastructure project which will transfer renewably generated energy to the grid.

The development will also improve landscape appearance in locations such as Port Ann and Minard where the towers will be less prominent and at Badden where the removal of the existing transmission line tower in the middle of the residential development will significantly improve residential amenity at this point.

Although some significant localised landscape effects will take place as identified in the EIA, these are considered largely unavoidable with an infrastructure project of this scale. The Council is supportive of delivering this renewable energy related infrastructure upgrade within its Renewable Energy Action Plan under TC1 and the proposals represent important National Infrastructure supported in NPP3.

Importantly, SNH have not raised objection on landscape, ornithology or ecological grounds and have expressed that they are in general agreement with the EIA evaluation and conclusions. Officers can identify no reasons to depart from the findings and conclusions of the EIA, and therefore consider that the overall proposals are considered acceptable in respect of landscape, ornithology and ecological impacts.

In respect of potential impacts upon cultural and historic assets, including designed gardens (and Inveraray Castle and grounds in particular), HES have raised no objection to the proposals. Again Officers can identify no reason to depart from the views of the expert consultee on such matters.

Extensive tree felling is proposed within the designed garden of Inveraray Castle and the Forestry Commission have expressed concerns over the lack of information in respect of compensatory planting associated with the overall scheme. Substantial tree felling is proposed and Officers agree with the Forestry Commission that appropriate conditions require to be imposed to secure appropriate compensatory planting for the woodland to be felled to facilitate the current proposals.

The EIA identifies various mitigation measures to address negative effects associated with the construction and dismantling of the lines, and it will be important that these are adhered to if the magnitude of environmental effects identified is to be adhered to.

Officers have raised concerns in respect of the proposed locations of specific towers. Whilst the impact of these towers is not considered such as to warrant a formal objection to these sections of the route, it is considered appropriate to require additional mitigation in the form of tree planting, to ensure that appropriate screening is provided.

Officers consider that overall the landscape, ecological, historic environment and other effects have been minimised in defining the proposed route, where a balanced judgement on competing interests must be reached. Appropriate mitigation can be secured through the imposition of conditions by the Scottish Ministers in line with the proposals set out within the EIA, or within the consultation responses submitted to the ECU.

It is therefore recommended that no objection be raised to the current proposals subject to the imposition of appropriate conditions by the Scottish Ministers.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: David Moore

Date: 5.2.19

Reviewing Officer: Sandra Davies

Date: 5.2.19

Angus Gilmour
Head of Planning, Housing and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO S37 CONSULTATION REF. NO.18/01700/S37

Suggested Planning Conditions

1. The development shall be implemented in accordance with the details specified on the submitted Section 37 Application and associated Environmental Impact Assessment unless as otherwise agreed in writing by the Planning Authority.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. No development shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the company of an independent and suitably qualified environmental consultant to assist the planning authority in monitoring compliance with the terms of the deemed permission and conditions attached to this consent, The terms of appointment shall:
 - Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent
 - Require the environmental consultant to submit a monthly report to the planning authority summarising the works undertaken on site; and
 - Require the environmental consultant to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity

The environmental consultant shall be appointed on the approved terms throughout the period of commencement of development to completion of post construction restoration works.

Reason: To enable the development to be suitably monitored to ensure compliance with the consent issued.

3. There shall be no transmission of electricity through the 275kV line until a woodland planting scheme to compensate for the removal of existing woodland (“the Replanting Scheme”) has been submitted to and approved in writing by the Scottish Ministers in consultation with Forestry Commission Scotland and the Planning Authority.

The Replanting Scheme submitted for approval must include;

- a. details of the location of the area to be planted;
- b. details of land owners and occupiers of the land to be planted;
- c. the nature, design and specification of the proposed woodland to be planted;
- d. details of all Necessary Consents for the Replanting Scheme and timescales within which each shall be obtained;
- e. the phasing and associated timescales for implementing the Replanting Scheme;
- f. proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage; and
- g. proposals for reporting to the Scottish Ministers on compliance with timescales for obtaining the Necessary Consents and thereafter implementation of the

Replanting Scheme.

The approved Replanting Scheme (or, as the case may be, an amended Replanting Scheme as approved in accordance with paragraph 5) shall thereafter be implemented in full and in accordance with the phasing and timescales set out therein, unless otherwise agreed in writing by Scottish Ministers after consultation with Forestry Commission Scotland and the Planning Authority.

Reason: To ensure appropriate compensatory re-planting is secured in accordance with the requirements of SG LDP ENV 6

4. Unless otherwise agreed in writing by the Scottish Ministers, the development will not be commissioned to supply electricity on a commercial basis until all relevant Necessary consents for implementation of the Replanting Scheme in accordance with the phasing and timescales set out therein have been obtained. The Company may submit an amended Replanting Scheme to the Scottish Ministers for approval and in this case-
 - (a) the development will not be commissioned to supply electricity on a commercial basis until the Amended Replanting Scheme has been approved in writing by the Scottish Ministers in consultation with Forestry Commission Scotland and the Planning Authority; and
 - (b) Unless otherwise agreed in writing by the Scottish Ministers, the development will not be commissioned to supply electricity on a commercial basis until all Necessary Consents for the Amended Replanting Scheme have been obtained.

Reason: To ensure appropriate compensatory re-planting is secured in accordance with the requirements of SG LDP ENV 6

5. No development shall be commenced on site until an updated Species Protection Plan has been submitted to and has been approved in writing by the Council as Planning Authority in consultation with Scottish Natural Heritage. This shall provide for a pre-construction survey to identify any presence of European Protected Species on or adjacent to the construction site, shall detail any mitigation required in terms of the timing of construction works and shall detail any other avoidance or mitigation proposed in response to any protected species likely to be affected by construction activities. The development shall be implemented in accordance with the requirements of the duly approved Species Protection Plan.

Reason: in the interests of nature conservation and to ensure updated surveys are provided.

6. No development shall be commenced until a full site specific Construction Environmental Management Plan has been submitted to and has been approved in writing by the Council as Planning Authority in consultation with the Scottish Environment Protection Agency. This shall address requirements arising from the construction, dismantling and reinstatement phases of the development, shall inform the production of construction method statements, and shall specify the siting of working areas, soil management practices, measures to prevent pollution of watercourses, environmental site monitoring and noise mitigation measures where identified to be required. The development shall be implemented in accordance with the requirements of any approved Construction Procedures Handbook, copies of which shall be maintained available on site for the duration of construction works.

Reason: In the interests of pollution and noise control.

7. For the duration of construction and dismantling works, cultural heritage assets falling within the construction corridor, as identified within the Environmental Appraisal, shall be temporarily fenced off from construction activities. Where such assets are specifically protected by designation as Scheduled Ancient Monuments, the fencing in that event shall enclose a 20 metre buffer around the extent of the scheduled area. Details of such measures shall be submitted to the Planning Authority for approval in consultation with Historic Environment Scotland.

Reason: In order to prevent damage to the historic environment.

8. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service”.

Reason: In the interests of archaeology.

9. Prior to development commencing, a Traffic Management Plan shall be submitted for the written approval of the Council as Planning Authority in consultation with the Council’s roads engineers. This shall detail approved access routes, agreed operational practices (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, reporting of verge damage) and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. The development shall be implemented in accordance with the duly approved Traffic Management Plan.

Reason: In the interests of road safety.

10. Prior to development commencing details of the layout and construction of the access points proposed to facilitate access for construction on all roads shall be agreed with the Council’s roads engineers and Transport Scotland where the access is to a trunk road. All construction will require to be in accordance with the Council’s standard junction details; the required standard detail in each case being dictated by the proposed usage of the access point. Minor accesses where the existing roadside fence is closer to the carriageway than 2m will require a bound surface extending to a point 2m back from the carriageway edge. Where the existing roadside fence is 2m or further from the edge of the carriageway, the bound surface shall extend to 5m back from the edge of carriageway. All accesses will be a minimum of 3m wide. Where accesses are proposed to be used more extensively they shall be 4.5m wide, and for the main compounds and depots they shall be 6m wide. Accesses serving main compounds and depots shall be constructed in accordance with roads engineers drawing SD08/001a. All new and extended passing places will be constructed to a minimum standard of roads engineers drawing SD08/003a, and where longer passing places are necessary, SD08/003a will be used for extrapolation.

Reason: In the interests of road safety.

11. Details and/or compliance with the following matters/actions require to be submitted and approved in consultation with the Area Roads Engineer prior to the commencement of development or as otherwise may be agreed in writing with the planning authority through an approved Traffic Management Plan;
 - a. All bridges, culverts and walls along the route to be inspected and the condition recorded before and after the project.
 - b. The routes used to be inspected and the condition recorded prior to use. Video recording is required. Survey to be submitted to Roads & Amenity Services prior to any work starting on site.
 - c. Any use of temporary signage to be approved by Roads & Amenity Services.
 - d. All access points from the public road to be constructed in accordance with the Council's standard details. The required standard detail will be relevant to the proposed usage.
 - e. All accesses to be surfaced in a bound material.
 - f. Minor accesses where the roadside fence is closer to the public road than 2.00 metres the bound surface will extend to a point 2.00 metres back from the carriageway edge. Where the existing roadside fence is 2.00 metres or further from the edge of public road the bound surface will extend 5.00 metres from edge of public road.
 - g. All accesses will be 3.00 metres wide. Where accesses are used more extensively they will be 5.50 metres wide and for main compounds and depots they will be 6.00 metres wide. Main compounds and depots will be constructed in accordance with standard detail drawing ref: SD 08/001 Rev a.
 - h. All new and extended passing places shall be constructed to the required standard. The minimum required standard will be SD 08/003 Rev a. Where longer passing places are necessary SD 08/003 Rev a will be used for extrapolation.
 - i. Where it is necessary to culvert the roadside ditches the minimum pipe size will be 450 mm diameter. All roadside culverts to be agreed in writing with Roads & Amenity Services prior to installation. All pipes to be twin wall polypropylene or similar approved. Headwall details to be agreed with Roads & Amenity Services.
 - j. A code of practice for drivers both on the site and for delivery drivers. The code of practice will detail how drivers should proceed at passing places, how they should allow following traffic to pass, avoid running in convoy, keep away from verges, locations where turning is possible, report verge damage they have caused so that it can be repaired, no parking on verges which cause obstructions; these are the minimum contents of the code of practice, further development will be required. All deliveries to the site will have instruction provided to the drivers relating to the Code of Practice, specific routes to follow etc.
 - k. Should any Argyll & Bute Council road suffer unacceptable damage, the Council will consider imposing restrictions to preserve the route.

Reason: In the interests of road safety.

12. Details in respect of the location, construction methodology, appearance and any proposed landscape mitigation of all proposed new or upgraded access tracks to serve the development shall be submitted for the approval of the Planning Authority prior to the construction of the access track.

Reason : To both clarify the detail of and retain control over the visual impact of access tracks within the landscape.

13. Prior to the construction of Towers 123, 124 and 205, (as identified on Figure 2.6,1a Dated October 2018), details of proposed landscape mitigation in the form of tree planting shall be submitted to the Planning Authority for their approval or such alternative tree planting proposals as may otherwise be agreed in writing by the Planning Authority.

Reason: To mitigate local landscape impacts of the development.

14. The applicant shall demonstrate that the wholesomeness and sufficiency of the private water supplies in the vicinity of the development shall not be compromised by the proposed development prior to the commencement of the development.

If during, or on completion of the works, surrounding private water supplies are effected or deemed not suitable, it shall be the responsibility of the applicant to ensure that any damage to said water supplies is rectified and addressed to ensure that the water supplies to the properties meet at least the standards which were in place prior to works of this S37 consent being implemented.

Reason: In order to provide adequate protection of the private water supplies in the vicinity of the proposed development.

15. The applicant shall ensure that no rock breaking takes place during the construction stage of the proposed development between the hours of 18.00 and 08.00, 7 days per week, no matter what the distance from a Noise Sensitive Receptor (NSR) unless as may be approved as part of the Construction Environmental Management Plan.

Reason: In order to protect NSR's in the vicinity of the development from the noise distribution and annoyance from the activity of rock breaking.

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The proposals represent major and nationally important infrastructure proposals. The routing of the proposal substantially through countryside locations is in accordance with normal land-use associated with such proposals and therefore the location of the proposals substantially outside settlements is in accordance with the objectives of LDP STRAT 1, LDP DM1 and Policy LDP 11.

B. Location, Nature and Design of Proposed Development

The existing electricity transmission network serving eastern Argyll and the Kintyre Peninsula was originally designed to serve a rural area with low demand for electricity. Requests from renewable generation developers to connect to the electricity transmission network in this area exceed the capacity of the existing transmission network. As a result, a new overhead line OHL is required between Inveraray Switching Station, in the north, and Crossaig Substation. The new OHL would replace the existing 132 kV OHL.

The majority of the line goes through conifer plantations and Upland Forest Moore Mosaic Landscape Character Type, which are generally less sensitive and able to accommodate infrastructure of this type and scale. Importantly, the applicant has sought to keep the line away from residential properties and settlements wherever possible whilst still allowing sufficient separation from the existing line to allow it to operate whilst the new line is being constructed. Residential amenity at Badden, near Lochgilphead, will be significantly improved by the removal of the existing line and in particular the tower currently located within the residential development.

The development comprises 81km of a replacement 275kV overhead line mounted on some 271 No. lattice steel towers which generally vary between 43m and 57m in height. The existing 132kV towers would be dismantled on completion of the new line.

The route substantially runs close to that of the existing line, located in some instances on higher ground where the towers will be more visible. On much of the route separation between the lines has been provided to allow continuity of service and construction of the new line whilst the existing line continues to operate. Alternative routing on the approaches to Port Ann/Lochgilphead and Tarbert are proposed.

The proposed towers are designed to safely carry the necessary energy loadings and are of a similar design to those used throughout the UK for such a function. The new OHL will not only provide electricity to town and settlements in Argyll but also export electrical energy associated with the many renewable energy generators in the area.

The proposals include the formation of access tracks and some will require road/junction improvements. Temporary and permanent water crossings will also be required.

C. Natural Environment

The dominant habitats within the proposed development are coniferous woodland plantation, marshy grassland and broad-leaved semi-natural woodland. Potential Ground Water Dependant Terrestrial Ecosystems (GWDTE) were recorded throughout the survey area. Protected species surveys identified a potential otter couch and the presence of pine marten, badger and red squirrel.

There are five sites with an ecological statutory designation within 1 km of the proposed development:

- Inverneil Burn Site of Special Scientific Interest (SSSI);
- Artilligan and Abhainn Srathain Burns SSSI;
- Tarbert Woods Special Area of Conservation (SAC);
- Glen Ralloch to Baravalla Woods SSSI; and
- Claonaig Wood SSSI.

There are several areas of woodland identified as ancient woodland or included on the semi-natural woodland inventory (non-statutory designations). Without application of mitigation the EIA predicts, significant effects on Tarbert Woods SAC (including Artilligan and Abhainn Srathain Burns SSSI and Glen Ralloch to Baravalla Woods SSSI), bats and invasive non-native species. Following the application of mitigation, no residual effects are predicted on designated sites, protected species and non-invasive species.

Ornithological field surveys were carried out between 2015 and 2018 to collect information on bird flight activity in key locations where flight activity was predicted to coincide with the proposed development. This has informed route selection and SNH have undertaken detailed discussions with the applicants to address such matters.

There are 12 sites with a statutory designation for ornithological interest with potential connectivity to the proposed development. Bird species present include: black grouse, red-throated diver, black-throated diver, osprey, golden eagle, hen harrier, golden plover, white-tailed eagle, short-eared owl and merlin.

The EIA confirms that no significant adverse effects are predicted during the construction phase through habitat removal or nest destruction. Disturbance effects associated with construction activities are predicted during the construction phase on the Crossaig golden eagle territory, prior to the implementation of mitigation. However, once the proposed mitigation has been undertaken, no significant residual construction effects are predicted.

During operation, a risk of golden eagles, white-tailed eagles, and gulls/seabirds colliding with the OHL is predicted to be significant in the absence of mitigation. Line marking is proposed at six sections of the OHL to divert these species and to mitigate effects. The marking would involve placing attachments (known as bird diverters) on the thinner, less visible, earth wire of the proposed development making lines more obvious to birds. The use of line marking on targeted areas of the proposed development means no significant operational effects are predicted.

There are no significant effects predicted during the decommissioning phase of the 132kV OHL once mitigation has been undertaken.

Both SNH and the Councils Biodiversity officer offer no objection to the current proposals subject to the proposed mitigation set out within the EIA. It is considered that all ecological and biodiversity related considerations have been appropriately addressed within the submitted EIA and subject to the imposition of appropriate conditions by the Scottish Ministers on any grant of consent no objection on these grounds is offered.

E. Fresh Water and Marine Environment

Marine Scotland have raised no objections to the proposals. In their consultation response they have stated that they welcome the appointment of an Environmental/Ecological Clerk of Works (ECoW) who will be responsible for the compliance of the CDEMP (in particular details relevant to a surface water management plan including the proposed water quality monitoring programme) and relevant conservation and wildlife legislation/ecological mitigation measures during construction.

SEPA at time of writing have raised objection based upon potential impacts on private water supplies, but have indicated that this can be withdrawn if further information is provided by the applicant. It is understood that the applicants are currently seeking to provide the required information and have the objection withdrawn. This is not considered to be a defining issue and a condition could be imposed by the Scottish Ministers to adequately address this matter should they be minded to grant S37 Consent. (This approach has previously been taken in respect of S36 proposals where impacts on private water supplies have required to be considered).

F. Impact on Woodland

The forestry assessment undertaken for the EIA considered the potential for significant effects on the forest resource, forest management and access during construction and operation. The proposed development would pass through 56.6 km of woodland, and potentially impact on up to 459.08 ha of woodland.

The loss of predominately low sensitivity coniferous woodland (412.06 ha) equates to approximately 0.21% of the regional resource (Argyll & Bute area). The proposed development would result in an impact on up to 50.21 ha of more sensitive Ancient Woodland, of which 19.69 ha is categorised as semi-natural woodland or scrub.

The Forestry Commission have expressed concern in relation to the lack of commitment or detail in respect of compensatory planting provided by the applicant at this stage. Members should be aware that discussions on this matter have been ongoing between the Forestry Commission, Energy Consents Unit/Scottish Ministers and the applicants as wider issues than those associated with the current application have been raised by the applicants approach on these matters.

Notwithstanding this ongoing discussion, Officers are in agreement with the Forestry Commission and consider that compensatory planting is an essential requirement of any consent which may be granted for this proposal under the S37 consenting process.

Supplementary policy LDP ENV 6 clarifies that:

Argyll and Bute 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.

The combined operational corridor and access track corridor (assuming a 20 m buffer of the proposed new tracks) where they intersect with woodland habitats would be 459.08

ha. A potential further area of 314.77 ha has been identified for additional felling, outside of the operational corridor and access track corridor, to address wind throw risk.

The Forestry Commission have confirmed that they consider approximately 272 ha of compensatory planting will be required to make the proposals acceptable to them. It is considered that securing appropriate replanting of some 272 ha, in line with the Forestry Commission requirements, (set out in their consultation response of 31.1.19), is a substantive planning matter in respect of the current proposals in accordance with the requirements of SG LDP ENV 6 and Scottish Government Policy advice. Therefore a condition requiring 272 ha of compensatory planting is considered an essential requirement of any consent issued by ECU/Scottish Ministers.

Members are requested to note that the ECU have confirmed by e-mail dated 29.1.19 that they agree that compensatory planting will be required in the event that consent is granted. They have stated that it is their intention to place such a condition upon any approval under the terms of a S37 control over the development and not as a planning condition. This would entail responsibility for ensuring its terms are met would not be a matter for the Planning Authority to monitor and control. An advantage of this approach is that the condition cannot be subject to any application to vary or remove it under Section 42 procedures. Officers are content with this approach but have in any event suggested an appropriate planning condition.

G. Landscape Character and Potential Impact on Settlements

At 81 km in length the proposals are viewed within the context of a number of landscape designations as set out in the LWECs 2017 update. The constituent landscape and seascape character types (LCTs) within the study area that would be liable to residual effects as a result of the proposed development are listed and described in TA4.1, along with their sensitivity to the type of development proposed. The constituent LCTs and seascape Units comprise:

- Steep Ridgeland and Mountains (LCT 1);
- High Tops (LCT 2);
- Hidden Mountain Glens (LCTs 3 & 4);
- Upland Forest Moor Mosaic (LCT 6);
- Loch Fyne Upland Forest Moor Mosaic (LCT 6a);
- Knapdale Upland Forest Moor Mosaic (LCT 6b);
- Craggy Uplands (LCT 7);
- North Loch Awe Craggy Upland (LCT 7c);
- Upland Parallel Ridges (LCT 10);
- Rocky Mosaic (LCT 20);
- Open Hills (LCT LLT1);
- Forested Upland Glens (LCT LLT5);
- West Kintyre/South East Jura and South East Islay Seascape Unit; and
- Loch Fyne/Kilbrannan Sound Seascape Unit.

The location and geographical extent of these landscapes and seascapes are mapped in Figure 4.3a to 4.3d, and 4.4a to 4.4d of the EIA. The proposed development would be mainly located within the Upland Forest Moor Mosaic LCT, but would also cross an area of Rocky Mosaic north of Inveraray, another north of Lochgilphead, and at Tarbert and West Loch Tarbert, and terminates in the Mountain Glens LCT east of Inveraray.

Landscape Designations which have been considered as part of the submitted EIA include;

:

- Knapdale National Scenic Area (NSA);
- North Arran NSA;
- Bute and South Cowal Area of Panoramic Quality (APQ);
- East Loch Fyne APQ;
- Knapdale/Melfort APQ;
- West Loch Fyne APQ;
- West Kintyre APQ;

An APQ covers the western Strone Peninsula, Loch Striven and the western part of the peninsula that Dunoon is located on. Policy SG LDP ENV 13 makes clear that consideration must be given to proposals both within and that would potentially affect the special qualities of any APQ. The proposals will also be visible to varying degrees from a number of settlements: including:

- Inveraray;
- Furnace;
- Minard;
- Lochgilphead;
- Ardrishaig;
- Inverneil;
- Tarbert;
- Kennacraig; and
- Whitehouse.

Views from the following ferry routes were also considered within the EIA:

- Lochranza (Arran) to Tarbert Ferry;
- Kennacraig to Islay Ferry; and
- Lochranza (Arran) to Claonaig Ferry

The proposals will be visible within the landscape to a far greater degree than the existing 132Kv OHL (the towers of which generally range between 22-30m). The towers proposed are larger, mostly between 43-57m and as the existing line must be kept operational whilst the new line is constructed the larger towers cannot follow the existing route of the smaller towers. This has the inevitable consequence of increasing the visibility of the new OHL. Document TA4.3 within the EIA contains a detailed assessment of effects on landscape designations and classifications.

Following the detailed evaluation set out within the EIA documentation the applicants have identified significant effects on visual amenity were predicted at:

- Settlements: Lochgilphead, Ardrishaig and Tarbert;
- Roads: A83, A816, A842 and B8001;
- Ferries: Kennacraig to Islay Ferry and the Lochranza (Arran) to Claonaig Ferry; and
- Recreational Routes: NCR78 and at Kintyre Way.

However, the EIA concludes that: *...significant effects occurring in landscape character types and seascape units would be localised and should not be taken to represent an overall significant effect in the respective landscapes/seascapes.* Importantly, SNH have considered the EIA and its conclusions and have confirmed that:

We generally concur with the findings of the EIA Report in terms of the potential landscape and visual impacts of the proposed development.

Officers can identify no reason to deviate from the views of SNH on landscape effects given their expertise on such matters, and therefore accept the conclusions of the EIA that only localised significant impact, at the identified locations, will occur.

The EIA therefore concludes that although significant localised effects occur, the overall OHL will not have significant environmental or landscape effects which suggest that an objection should be raised on such matters. Officers are in agreement with this overall conclusion in considering the OHL proposal in its entirety.

Notwithstanding the above, in evaluating the proposals, and in considering the submissions within the EIA, officers considered that potential localised effects, which required further clarification/mitigation existed in the following areas:

1. Increased skylining from Auchendrain, Ardrishaig, open water and the A83 (Towers 53 to 57 and Towers 131 to 151)
2. The northerly approach to Lochgilphead (Towers 123 and 124)
3. The approach to South Tarbert (Tower 205)

A meeting with the applicants and ECU was held on 20.12.18 to discuss these concerns, and further information has been provided by the applicants. Further commentary on each of the above sections of OHL are set out below:

1. Increased skylining from Auchendrain, Ardrishaig, open water and the A83 (Towers 53 to 57 and Towers 131 to 151).

The applicants have confirmed that the routing of these towers was a balance of seeking to accommodate construction of the new OHL tower, avoiding /minimising impacts of other statutory ecological and/or Historic Environment designations and the fact that alternative routing also created potential issues in respect of landscape impact. No solution could successfully address all issues, and therefore a compromise was required in order to finalise the proposed route.

Officers requested that moving some of the towers further down the hill to reduce skylining was considered and to this effect the applicants commissioned some additional visualisations to illustrate this approach. Moving some of the towers closer to the A83 and by requiring an angle tower, has the consequence of increasing localised impact of the proposals on the landscape. It was the view of the applicants that no significant landscape benefit was afforded by the suggested alterations to the route made by officers.

Having considered the alternative tower configuration, and the updated information provided by the applicants in the form of new visualisations, Officers are in agreement that there would be no substantial landscape benefits associated with reconfiguring this section of the OHL. Therefore, on balance, the current proposals, are considered to represent an acceptable balance of addressing the competing issues which have imputed into route selection and it is not considered that a formal objection could be justified in respect of the increased skylining. However this will ultimately be a matter for the ECU/Scottish Ministers to consider and determine.

2. The northerly approach to Lochgilphead (Towers 123 and 124)

In response to a request that consideration be given to undergrounding this section of the line to remove potential impact upon the Crinan Canal the applicants clarified that this was not considered appropriate for the following reasons:

- a) Drilling under the canal (a Scheduled Ancient Monument) was a complex and difficult engineering solution given the need for high voltage cable separation distances and depth of drilling.
- b) There would still be a requirement for towers and substantial compound at either end of the underground section. It was also noted that there was unlikely to be a suitable location for a compound on the western side of the canal as the land begins to rise into the hills and therefore any compound would have to be very close to the canal even if a site could be identified. This could have more impact than the current proposals.
- c) The cost of undergrounding and the need for such additional costs would require to be agreed by Ofcom as part of the licensing requirements. This was considered to be potentially problematic as no clear justification was considered to exist for such undergrounding works.

Given the above, and proposed mitigation planting (set out below), officers have determined that requiring the undergrounding of this section of the OHL would not be a reasonable request.

In coming to this view, the benefits of the removal of the existing 132kV line and a tower located within the residential development at Meadows Road has also been considered material to the balance of this judgement.

Mitigation Proposals

Key views (i.e. those where the proposed towers would be particularly prominent) would occur on around a 1 km stretch of the A816 on the northern approach to the Achnabreach Cemetery, and a similar extent of the southern approach to the cemetery from the northernmost fringes of the Lochgilphead settlement.

The applicants have suggested additional mitigation in respect of these concerns and have provided the following clarification:

In order to avoid the establishment of anomalous vegetation and the foreshortening of views from the A816 the introduction of a combination of suitable locally native tree and shrub species (principally deciduous) is proposed on both sides of the carriageway along the identified stretches of this route (as indicated in the concept diagram in Figure 1a). This planting would not be continuous and would augment what is already present and strengthen the enclosure of the road, resulting in views of the towers becoming intermittent. This approach provides for the retention of important links with the landscape and visual context of the route whilst simultaneously enhancing the structure and condition of the local landscape. In addition to roadside planting the establishment of sub-canopy and shrubs species are proposed as riparian planting along the sides of the burn that bisects the field between Achnabreach Cemetery and Badden Farm in order to provide some screening of the base of Tower 123 in views from the A816, to the west. Selective sub-canopy, shrub and scrub planting is also proposed within the field within which Tower 124 would be located to aid the partial screening at the base of the tower. This field already contains similar vegetation and so the proposed mitigation planting would not be anomalous.

Officers are in general agreement with this approach which will require to be secured through the use of an appropriate condition.

3. The approach to South Tarbert (Tower 205)

Officers raised concerns over the scale and location of Tower 205 in particular given its potential prominence when viewed by southbound road users approaching Tarbert. The Applicants have proposed the following mitigation:

Mitigation Proposals

Tower 205 would affect southbound road users at the southern extents of the settlement from where the tower would occupy a prominent skyline position in views. Visibility from northbound vehicles within 1 km of the OHL would be far more restricted due to the incidence of structural vegetation along the southern side of this route which would screen part or all of the tower, the top of the tower being seen intermittently above such vegetation. Clearer views would be provided, however, close to the entrance of Stonefield Farm, where any felling associated with the construction of the OHL would expose views of the tower.

In order to reduce the visibility and prominence of the tower, the following measures are proposed (Ref. Figure LM2):

- *Retention, gapping and enrichment of all existing tree and shrub vegetation adjoining the tower to minimise disturbance and visual intrusion;*
- *Shrub underplanting around the tower to aid the screening of the base of the tower and aid the towers assimilation into the scarp slope landscape; and*
- *Off-site tree and shrub planting within the verge along the side of the A83 by Croft Park and Glen Park properties to interrupt and filter views of the tower from southbound vehicles leaving Tarbert.*

All planting would be of locally native species to match with established vegetation in the area. The planting alongside the A83 would be carefully designed to prevent obscuring current views of Tarbert Parish Church as this is a landmark feature and focal point in views from northbound vehicles on the A83.

Officers are in general agreement with this approach which will require to be secured through the use of an appropriate condition.

However it should be noted that the applicants have stated in submissions that:

The proposed planting would be located on land currently not within the Section 37 application and not under our control; therefore the detailed planting proposals will be subject to landowner agreement.

Given that no land is currently identified for mitigation or compensatory planting as part of the S37 proposals, and no details of proposed planting has been provided, it is considered that there will require to be a suspensive condition to ensure that the towers in question are not constructed until landscaping details, have been submitted to and approved by the Planning Authority. Otherwise there is no current planning controlled commitment to provide this necessary mitigation planting.

As well as the new OHL and the construction of the towers, the proposals also involved substantial works to create temporary access tracks, upgrade existing access tracks and form new permanent access tracks. Construction compounds will also have to be formed along the route to store materials appropriated with the construction of the OHL.

Limited detail of the exact construction methodologies and the final finish/appearance and routing of these tracks has been provided. No details of any proposed mitigation landscape planting for the access tracks have been submitted. It is therefore considered that an appropriate condition requiring further details to be provided, to allow further consideration of such matters should be required.

H Potential Visual and Noise impacts on Residential Properties

The residential visual amenity assessment within the EIA considered the effects the construction and operation of the proposed development would have on the visual amenity of individual properties in the vicinity of the proposed development.

The EIA identifies a total 89 properties are located within 500 m of the proposed development based on the proposed tower schedule. Based on the field survey carried out in November and December of 2017 a total of 10 properties were excluded from further assessment on the basis of either a lack of suitable access or on the grounds of their enclosed position which is likely to prevent visibility of the proposed development. The properties that were excluded are listed in Table 10.3 of the EIA, along with the reason for their omission.

With respect to impacts on individual properties the EIA concludes:

Whilst significant effects on the amenity of a number of residential properties is anticipated, the Residential Visual Amenity Assessment presented in Chapter 10 concludes that there would be no overbearing or overwhelming effects on properties within 0.5 km of the proposed development. Consequently, the effect on the amenity of these properties is not considered to be sufficient to represent a matter of public interest in planning terms.

Officers are in general agreement with this conclusion. Whilst the proximity of the towers to individual residential properties will undoubtedly detract from their local environment, no direct impacts on principle outlooks or views have been identified which would suggest that an objection on this ground should be raised.

In respect of potential noise impacts, the EIA concludes that:

Construction works have the greatest potential to generate noise. Noise sensitive receptors (NSRs) are classed as residential properties. The possibility of NSRs experiencing an effect due to noise was identified for those NSRs located within 300 m of the OHL. A total of 100 NSRs are located within this search radius. The noise assessment concluded that, with appropriate mitigation in place during construction and decommissioning, there would be no significant effects on NSRs. Noise level changes associated with construction traffic would not be significant. During operation of the proposed development, the noise level change is considered too small a change to be perceptible and therefore would not result in significant effects.

These conclusions are supported by detailed evaluation of such matters at Volume 2 Section 9 of the EIA. It is noted that the EIA acknowledges:

Final tower positions and access track routes would be subject to micrositing within their respective LODs on the basis of detailed ground investigation. At this stage, consideration would also be given to detailed local environmental sensitivities, including the proximity to NSRs. Towers and tracks would be microsited with the following limits:

- *Any towers located closer than 145 m from NSRs will result in significant impact and the use of a noise protection barrier is required (as specified below), with an absolute limit of 86 m from the tower to the nearest NSR;*
- *Any change to access tracks will retain at least 6 m separation distance to the closest NSR; and*
- *Any change to alignment will be such that no NSRs will be within 25 m from the OHL, thus ensuring any operational effect remains minor (not significant).*

It is considered that the use of appropriate noise conditions and mitigation measures can be used to ensure that no unacceptable impact would occur to sensitive receptors. These should be incorporated into the CEMP in respect of the details of construction and identified mitigation requirements within the vicinity of any identified sensitive receptor as identified in the EIA.

I. Historic Environment and Archaeological Matters

The EIA has identified a total of 192 heritage assets within the cultural heritage study area and 85 heritage assets have been identified within 100 m of the existing 132 kV OHL (which will be dismantled after the new OHL has been installed). These assets range in date from the prehistoric period to the post-medieval period, and consist principally of former medieval or later settlement remains and agricultural features.

The evaluation of the baseline data considered within the submitted EIA report included the potential effects of the proposed development on Scheduled Monuments and other archaeological features, Listed Buildings and other buildings of historic or architectural importance, Gardens, Designed Landscapes and Conservation Areas. It was concluded that no World Heritage Sites or Inventory Status Historic Battlefields would be affected by the proposed development.

The EIA clarifies that seventeen viewpoints, Figures 7.12-7.27, (see Technical Appendix 7.2 for details) were produced for cultural heritage assets within the Outer Study Area that were considered to be specifically sensitive to changes on their setting from the proposed development. The heritage assets were identified through consultation with HES and WoSAS (see Table 7.1 for summary of consultation responses) and from site visits. In addition, cross reference was made to Landscape and Visual (LVIA) viewpoints where appropriate (details of LVIA VPs cross-referenced within the following assessment are provided in Technical Appendix 7.2).

The EIA contends that the proposed development has been designed to reduce potential construction and operational effects on Inveraray Castle Garden and Designed landscape (GDL223); the proposed development alignment has been routed so as to avoid the majority of the heritage woodland within Inveraray Castle and to minimise woodland felling required along the route of the proposed development where it crosses the GDL. Officers are in agreement that sufficient distance and retained intervening tree screening will ensure no unacceptable impact on the setting of Inveraray castle.

The EIA also states that proposed development has also been designed so as to reduce the operational effects on Auchoish Cairn Scheduled Ancient Monument (SM173). In addition, the location of the proposed development where it crosses Crinan Canal (SM6501/CA461) was designed so as to provide the shortest and most direct route across the canal, while aiming to increase the distance between the proposed development and Lochgilphead town. The type of impacts on heritage assets identified within the EIA fall into two main categories:

- Direct, where there may be a physical effect on a heritage asset caused by the construction of the proposed development.
- Indirect, where elements of the proposed development would affect the setting of heritage assets present in the vicinity.

In the absence of mitigation, the EIA clarifies that there is potential for construction works for the proposed development to result in direct effects on 85 heritage assets, of which four are assessed as potential major adverse effects (classed as significant in EIA terms) and 20 are potential moderate adverse effects (classed as significant in EIA terms). Work to decommission the existing 132 kV OHL has the potential to directly impact 44 heritage assets located within 100 m of the existing OHL. The majority of which are of low heritage importance and sensitivity and most can be avoided during decommissioning works. Mitigation measures are proposed to offset the loss of the archaeological resource that could occur as a result of the construction of the 275 kV OHL and decommissioning of the 132 kV OHL.

During the operational phase indirect significant effects are predicted on the setting of Tarbert Castle which is a Scheduled Monument and also on Allt an Dubhair, a fort which is a Non- Statutory Register Site. All other indirect impacts from the operation of the proposed development are considered by the EIA evaluation to be not significant.

In respect of potential impacts upon Historic assets, HES has provided detailed consultation response on these matters. Importantly they have identified no impacts which they consider to be significance enough to object to the current proposals. In such circumstances Officers defer to the expertise of HES, and do not consider it would be appropriate to raise objection on such matters as the expert advisor has not.

Notwithstanding the conclusions of the EIA that :

Field surveys comprising site walkovers, indicated that extensive upstanding archaeological remains survive within open moorland and rough pasture areas and it is considered that there is a moderate/high potential for further buried archaeology to survive in these areas. However, given the limited land-take required by the proposed development the probability of undiscovered sites of archaeological importance during the construction work was assessed as unlikely.

However given the scale of the proposals, the length of the new OHL, and the extensive works to form access tracks, the Energy Consents Unit is requested to seek further input from WOSAS before making any favourable determination of this application to ensure Archaeological matters are properly addressed, and if considered necessary an appropriate condition is imposed.

WOSAS by consultation response dated 4.2.19 have endorsed this approach and therefore a general standard condition is suggested as part of this report but further more detailed consideration of the actual works required within specific locations will be necessary to ensure any requests for Archaeological access is proportionate and reasonable to the circumstances of the location. This will be informed by the CEMP, where details of the exact location, and construction details of the proposals will be clarified

J. Road Network, Core Paths and Associated Transport Matters.

The EIA acknowledges that during construction, and in the absence of mitigation, significant effects could arise for users of the B8001 road in relation to pedestrian delay. Significant effects could also arise for users of the B842 road in relation to severance, pedestrian delay, pedestrian amenity and fear and intimidation.

To mitigate for these effects the EIA confirms that, heavy good vehicle (HGV) traffic would not be permitted to use the B8001 or B842 to access the sections of alignment between Kennacraig and Crossaig, instead it would use the Freasdail wind farm access track which joins the A83 south west of Kennacraig or the forestry haul road from south of Tayinloan on the A83 to north of Grogport on the B842. Additionally, a Traffic Management Plan (TMP) would be produced which would include traffic management measures to avoid conflicts with general traffic, pedestrians using the Core Path network and cyclists using the NCN78.

Following the implementation of the proposed package of mitigation measures, the assessment of residual effects indicated that there would be no significant adverse effects associated with the construction of the proposed development. The consultation response from Transport Scotland, which raises no objection, welcomes the commitment to provide a detailed traffic management plan.

The Area Roads Engineer has requested a significant number of safeguards in his consultation response. These have been incorporated into a suggested condition. However it would seem possible that many of these matters could be incorporated into the proposed Traffic Management Plan and Officers would be content with this approach.

K. Other Key Policy Matters

It is considered material to note that the current proposal is not a planning application but an application under S37 of the 1989 Electricity Act. This is an important matter due to the fact that Schedule 9 of the Electricity Act makes clear that the following determining factors are paramount to the S37 determination and in determining whether objection should be raised by the Planning Authority.

The requirements when formulating Schedule 9 'relevant proposals' are that it:

“(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geographical or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what [it] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or any such flora, fauna, features, sites, buildings or objects.” (Electricity Act, 1989, Schedule 9 (1(1)).

Under Schedule 9 'relevant proposals', in the case of electricity distribution, mean any proposals:

“... b) for the installation (whether above or below ground) of an electric line; or (c) for the execution of any other works for or in connection with the transmission or supply of electricity.” (Schedule 9, 1(3))

The proposed development in facilitating the provision of a high voltage line to transmit energy created by renewable development is nationally important as recognised in NPPG 3 which clarifies that:

4. An Enhanced High Voltage Energy Transmission Network is needed to facilitate renewable electricity development and its export. The specific projects required for this network are set out in the Electricity Networks Strategy Group, and will continue to evolve as new opportunities emerge.Improvements to the distribution network are also important to many remote rural areas. We support the provision of new infrastructure, whilst acknowledging that full consideration of routes and development components will be required at the consenting stage.As part of this national development, we want to see planning enabling development of onshore links to support offshore renewable energy development. A strategy for the marine grid, connecting with the onshore network, will help to provide greater clarity on the offshore projects required.

In addition the Argyll and Bute Renewable Energy Action Plan clarifies that:

This Renewable Energy Action Plan has been developed to assist Argyll and Bute realise its vision for the development of renewable energy:....Argyll and the Islands will be at the heart of renewable energy development in Scotland by taking full advantage of its unique and significant mix of indigenous renewable resources and maximising the opportunities for sustainable economic growth for the benefits of its communities and Scotland.

More specifically the Action Plan under Ref TC1 specifically supports the current proposals and seeks to:

*Ensure the grid is fit for purpose to meet renewable energy opportunities – **Inveraray-Crossaig overhead line replacement**, Northern Argyll substation, overhead line to Taynuilt and submarine cable replacement programme*

Although none of the above would make an unacceptable development acceptable, it is recognised by officers that essential major infrastructure projects such as is proposed cannot be delivered without some impacts, including some significant localised impacts, for particular areas. However, in reaching a determination on such matters it is essential that the wider policy support for such proposals are taken into consideration and “weighed in the balance” in determining whether an objection to the current proposals is appropriate.

L. Conclusion

The EIA submitted with the application examines landscape and other impacts associated with the proposals and concludes that some significant landscape impact will occur, these are however localised in nature and the overall development proposals will not have a significant impact and is therefore acceptable.

Although some significant localised landscape effects will take place as identified in the EIA, these are considered largely unavoidable with an infrastructure project of this scale. The Council is supportive of delivering this renewable energy related infrastructure upgrade within its Renewable Energy Action Plan under TC1 and the proposals represent important National Infrastructure supported in NPP3.

Importantly, SNH have not raised objection on landscape, ornithology or ecological grounds and have expressed that they are in general agreement with the EIA evaluation and conclusions. Officers can identify no reasons to depart from the findings and conclusions of the EIA, and therefore consider that the overall proposals are considered acceptable in respect of landscape, ornithology and ecological impacts.

In respect of potential impacts upon cultural and historic assets, including designed gardens (and Inveraray Castle and grounds in particular), HES have raised no objection

to the proposals. Again Officers can identify no reason to depart from the views of the expert consultee on such matters.

However extensive tree felling is proposed within the designed garden of Inveraray Castle and the Forestry Commission have expressed concerns over the lack of information in respect of compensatory planting associated with the overall scheme. Substantial tree felling is proposed and Officers agree with the Forestry Commission that appropriate conditions require to be imposed to secure appropriate compensatory planting for the woodland to be felled to facilitate the current proposals.

The EIA identifies various mitigation measures to address negative effects associated with the construction and dismantling of the lines, and it will be important that these are adhered to if the magnitude of environmental effects identified is to be adhered to.

Officers have raised concerns in respect of the proposed location of specific towers. Whilst the impact of these towers is not considered such as to warrant a formal objection to these sections of the route, it is considered appropriate to require additional mitigation in the form of tree planting, to ensure that appropriate screening is provided.

Officers consider that overall the landscape, ecological, historic environment and other effects have been minimised in defining the proposed route, where a balanced judgement on competing interests must be reached. Appropriate mitigation can be secured through the imposition of conditions by the Scottish Ministers in line with the proposals set out within the EIA, or within the consultation responses submitted to the ECU.

It is therefore recommended that no objection be raised to the current proposals subject to the imposition of appropriate conditions by the Scottish Ministers.