

APPENDIX 4.4: SCOPING OPINION – MARCH 2024



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**The Scottish Government
Energy Consents Unit**

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

**Melgarve Cluster Project - Cloiche and Dell Wind Farm Connections
Scottish Hydro Electric Transmission PLC**

1 March 2024

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1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit ('ECU') on behalf of the Scottish Ministers to Scottish Hydro Electric Transmission PLC a company incorporated under the Companies Acts with company number SC213461 and having its registered office at Inveralmond House, 200 Dunkeld Road, Perth, PH1 3AQ ("the Company") in response to a request dated 31 October 2023 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Melgarve Cluster Project - Cloiche and Dell Wind Farm Connections ("the proposed development"). The request was accompanied by a scoping report.

1.2 The proposed development would be located approximately 1.5 km southeast of the proposed Cloiche Wind Farm substation. From the Cable Sealing End ("CSE"), the proposed OHL would continue to travel to the southeast for approximately 2.5 km, crossing Allt Creag Chomaich, passing to the northeast of Lochan Iain and Dubh Lochan. Approximately 1.5 km to the west of Meall na h-Aisre, the Proposed Development would turn in a generally more southerly direction for approximately 4.5 km. It would pass between Meall nan Ruadhag and Sherramore Forest and cross the Allt Gilbe. It would pass to the east of the Meall a Ghiubhais and approximately 0.7 km northeast of Melgarve substation, it would then terminate at another CSE. The connection point at Melgarve substation is located to the south of the proposed wind farms and is located adjacent to the Beauly to Denny 400 kV OHL. The boundary of the Cairngorms National Park lies to the east of the proposed connection, and Laggan, the nearest village to Melgarve substation, is located approximately 11 km to the east.

1.3 The Proposed Development is needed to connect the proposed Dell and Cloiche wind farms, located in the Monadhliath mountain range approximately 10 km to the east of Fort Augustus. The proposed wind farms, as well as the existing Stronelairg Wind Farm and its grid connection to Melgarve substation (UGC) and the operational Glendoe Hydroelectric Scheme, all these proposed connection solutions require to be considered.

1.4 The elements of the Proposed Development subject to consent under Section 37 of the Electricity Act 1989, comprise:

- Approximately 7.0 km of 132 kV OHL double circuit lattice towers carrying both connections.

1.5 In addition to the overhead line the applicant is also seeking deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 for certain elements of the project, or ancillary works required to facilitate its construction and operation. These ancillary works (which also form part of the Scoping Report) are likely to include:

- Two Cable Sealing End (CSE) compounds or two towers with a cable sealing end platform (TBC) to facilitate the transition between OHL and UGC. The indicative locations of these are shown on Figure 1;
- Approximately 7.4 km of 132 kV UGC commencing from the proposed Dell Wind Farm on-site substation;

- Approximately 1.6 km of 132 kV UGC commencing from the proposed Cloiche Wind Farm on-site substation;
- Approximately 0.7 km of two 132 kV UGC running parallel to each other upon final approach into Melgarve substation;
- Access tracks to facilitate construction and on-going maintenance where required; and
- Any tree and vegetation clearance (if required).

1.6 The Company states that the Proposed Development would not have a fixed operational life assuming that the proposed development will be operational for 40 years or more. The effects associated with the construction phase can be considered to be representative of worst-case decommissioning effects, and therefore no separate assessment is proposed as part of the EIA report.

1.7 The proposed development is solely within the planning authority of The Highland Council.

2. Consultation

21 Following the scoping opinion request a list of consultees was agreed between the applicant and the ECU. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 31 October 2023. The consultation closed on 21 November 2023. Extensions to this deadline were granted to The Highland Council. The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry. Standing advice from Marine Directorate – Science Evidence Data and Digital (MD-SEDD) has also been provided with requirements to complete a checklist prior to the submission of the application for consent under section 37 of the Electricity Act 1989. All consultation responses received, and the standing advice from MD-SEDD, are attached in **ANNEX A Consultation responses**.

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

23 Unless stated to the contrary in this scoping opinion, Scottish Ministers expect the EIA report to include all matters raised in responses from the consultees and advisors. No responses were received from: Transport Scotland, Civil Aviation Authority – Airspace, Crown Estate Scotland, Ness District Salmon Fisheries Board, Spey District Salmon Fisheries Board, Fisheries Management Scotland, Ness & Beaulieu Fisheries Trust, Spey Foundation, John Muir Trust, Mountaineering Scotland, RSPB Scotland, ScotWays, Scottish Wildlife Trust, Scottish Wild Land Group, Visit Scotland, Fort Augustus & Glenmoriston Community Council, Fort Augustus & Glenmoriston Community Company, Glengarry Community Council, Glengarry Community Woodland and Laggan Forest trust, Glengarry Trust, Spean Bridge, Roy Bridge and Achnacarry Community Council, Strathdearn Community Council, Stratherrick and Foyers Community Council, Stratherrick and Foyers Community Trust.

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

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

3. The Scoping Opinion

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

3.2 Scottish Ministers adopt this scoping opinion having considered the information provided by the applicant in its request dated 31 October 2023 and information available at today’s date in respect of the specific characteristics of the proposed development and responses received to the consultation undertaken. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have considered the specific characteristics of the proposed development, the specific characteristics of that type of development and the environmental features likely to be affected.

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

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

3.5 Scottish Ministers are broadly content with the EIA set out at Chapter 3 of the Scoping Report.

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

3.7 Scottish Ministers note the detailed comments provided by NatureScot and agree with all their comments and requests.

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

3.9 Scottish Ministers request that the Company investigates the presence of any private water supplies which may be impacted by the development. The EIA report should include details of any supplies identified by this investigation, and if any supplies are identified, the Company should provide an assessment of the potential impacts, risks, and any mitigation which would be provided.

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

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

3.12 MD-SEDD also provide standing advice for overhead line development (which has been appended at Annex A) which outlines what information, relating to freshwater and diadromous fish and fisheries, is expected in the EIA report. Use of the checklist provided, should ensure that the EIA report contains the required information; the absence of such information may necessitate requesting additional information which may delay the process. Developers are required to submit the completed checklist in advance of their application submission.

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

3.14 The scoping report identified visualisations at chapter 5 section 5.5.14 that will be prepared to inform and support the Landscape and Visual Impact Assessment ('LVIA'). Highland Council have identified that no viewpoints have been included within the supporting information provided and that the LVIA should provide Zone of Theoretical Visibility analysis and identify key viewpoints to represent the most sensitive surrounding visual receptors. Please note NatureScot's detailed comments and requests in regard to the assessment of Landscape and Visual Impacts including viewpoint locations and the Special Landscape Qualities (SLQs).

3.15 Scottish Ministers advise the applicant to take note and address the detailed comments made by NatureScot regarding Landscape and visual impacts including the potential for significant effects on some of the Special Landscape Qualities (SLQ's) of the Cairngorms National Park, the potential for impacts to protected areas in particular the River Spey Special Area of Conservation (SAC), the potential for impacts, including cumulative impacts, to birds such as golden eagles and the potential impacts to priority peatland habitats and provide the appropriate mitigation measures.

3.16 Ministers expect Company's to carry out adequate pre-application consultation and to demonstrate what alternatives to the proposal were considered before arriving

at the design they apply for. Ministers agree with the Planning Authority that the EIA should include a description of the main development alternatives which are relevant to the proposal and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

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

4. Mitigation Measures

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

5. Conclusion

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

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

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

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

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

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

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

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



Energy Consents Unit

01 March 2024

ANNEX A – Consultation Responses

List of consultees

- The Highland Council
- Historic Environment Scotland
- NatureScot
- SEPA
- BT
- Cairngorms National Park Authority
- Civil Aviation Authority – Airspace*
- Crown Estate Scotland*
- Defence Infrastructure Organisation
- Fisheries Management Scotland*
- Fort Augustus & Glenmoriston Community Company*
- Fort Augustus & Glenmoriston Community Council*
- Glengarry Community Council*
- Glengarry Community Woodland and Laggan Forest trust*
- Glengarry Trust*
- Highland and Islands Airports Limited (HIAL)
- JRC – requested further information from applicant.
- Laggan Community Council
- Mountaineering Scotland*
- NATS Safeguarding
- Ness & Beaully Fisheries Trust*
- Ness District Salmon Fisheries Board*
- RSPB Scotland*
- Scottish Water
- Scottish Wild Land Group*
- Scottish Wildlife Trust*
- ScotWays*
- Spean Bridge, Roy Bridge and Achnacarry Community Council*
- Spey District Salmon Fisheries Board*
- Spey Foundation*
- Strathdearn Community Council*
- Stratherrick and Foyers Community Council*
- Stratherrick and Foyers Community Trust*
- Visit Scotland*

*No response was received.

Internal advice from areas of the Scottish Government was provided by officials from Marine Directorate – Science Evidence Data and Digital (in the form of standing advice from Marine Directorate – Science Evidence Data and Digital), Scottish Forestry.

Transport Scotland did not respond.

From: [REDACTED]
Sent: 01 November 2023 14:55
To: Carolanne Brown
Cc: Econsents Admin
Subject: Request for Scoping Opinion for Melgarve Cluster Project - Cloiche and Dell Wind Farm Connections WID12073
Attachments: MELGARVE CLUSTER PROJECT.pdf

OUR REF:- WID12073

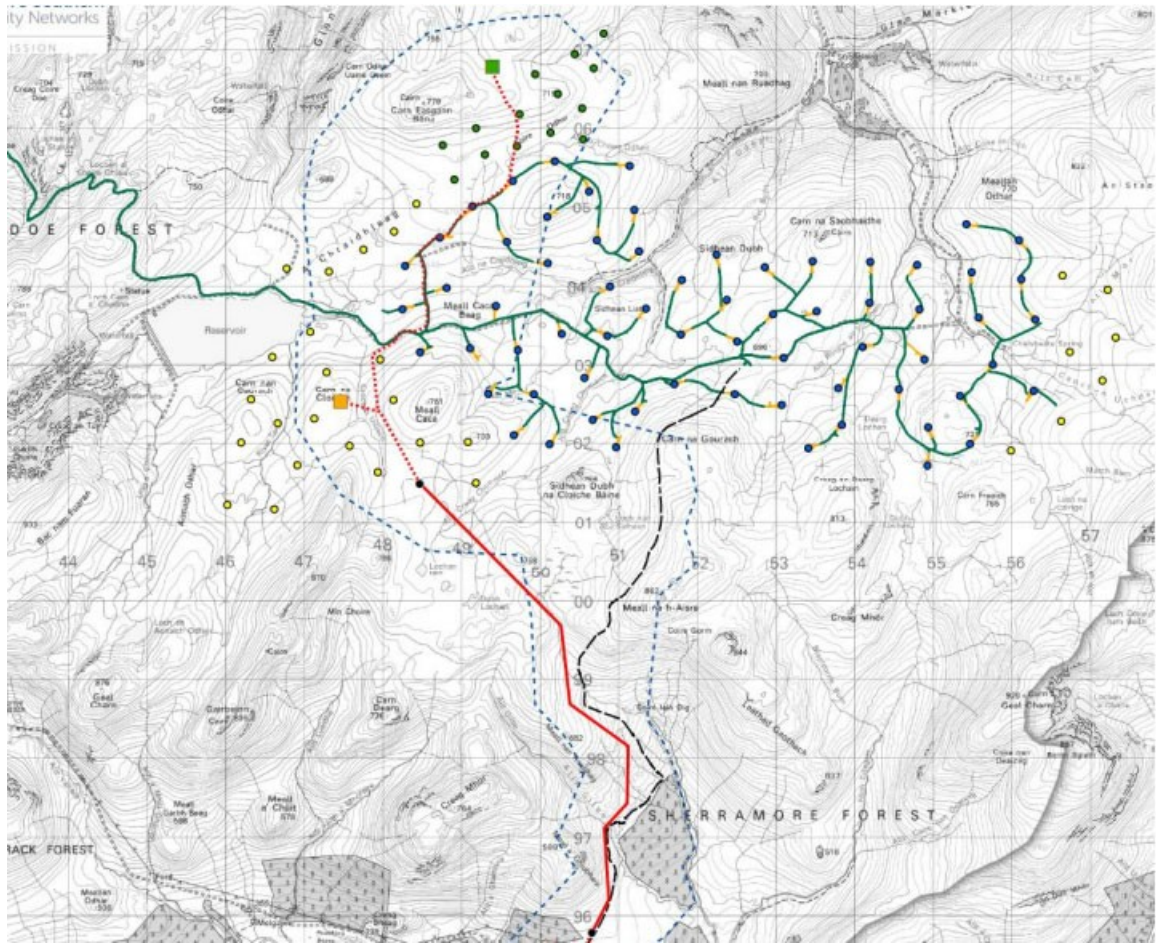
Good afternoon Carolanne

We have studied the proposed development for 132 kV Over Head Line, with respect to EMC and related problems to BT point-to-point microwave radio links.

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

If/when there's any location details for proposed Cloiche and Dell turbines please inform us so we can assess.

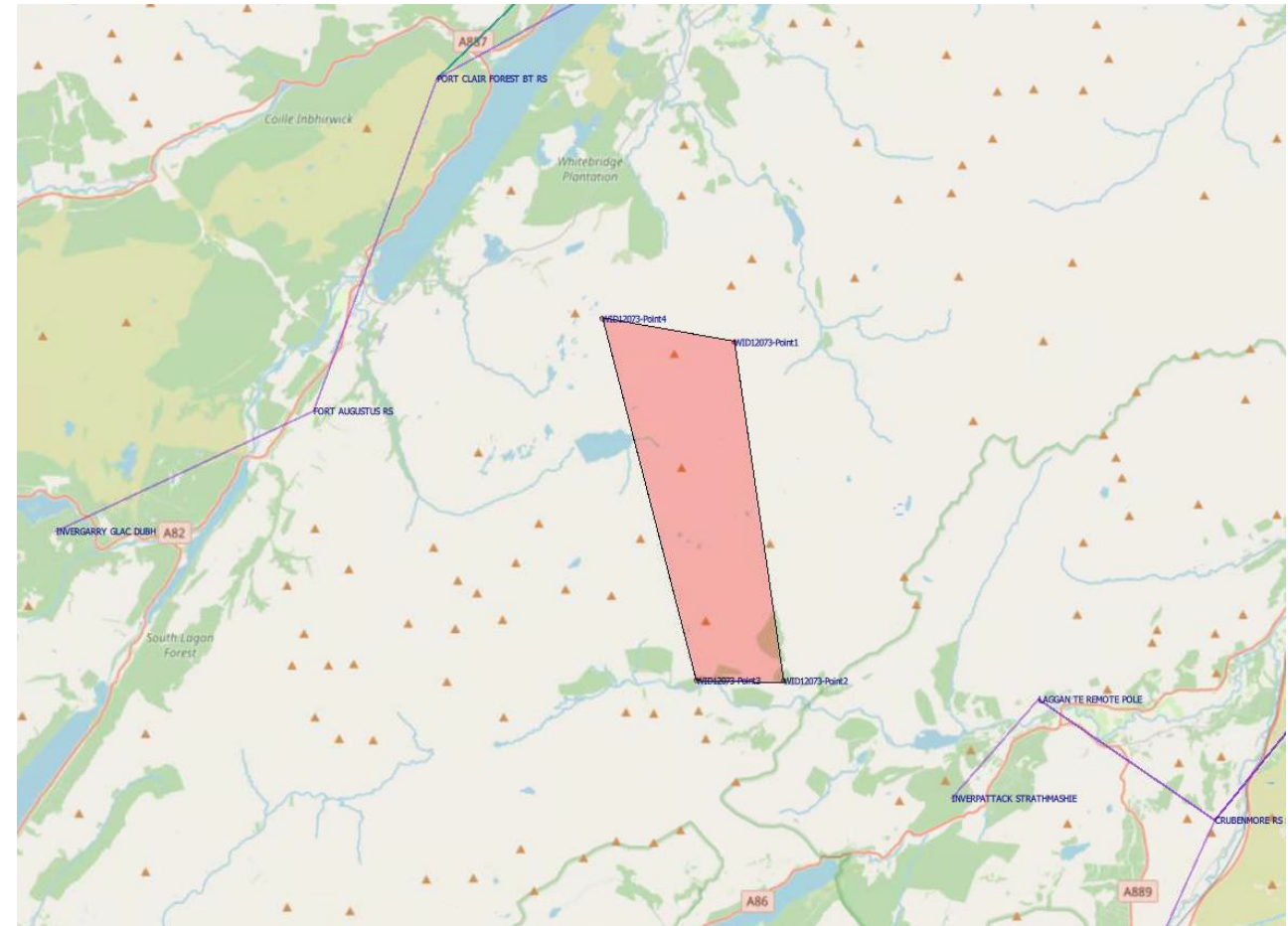
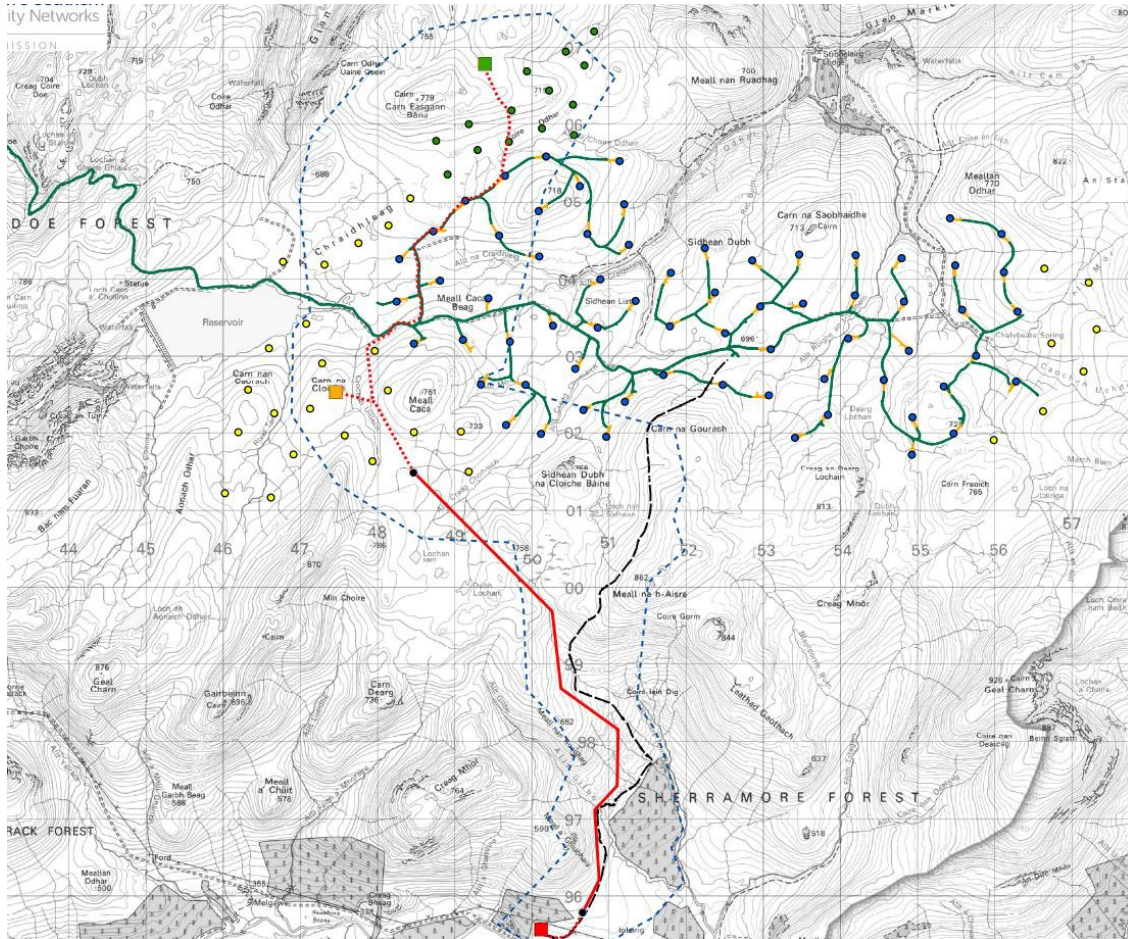
Kind Regards
Chris



OUR REF:- WID12073

We have studied the proposed development for 132 kV Over Head Line, with respect to EMC and related problems to BT point-to-point microwave radio links.

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



From: Sarah Fletcher <[REDACTED]>
Sent: 06 November 2023 10:42
To: Carolanne Brown
Cc: SOUTH_HIGHLAND; NatureScot Landscape Advisers ; Planning
Subject: Melgarve Wind Energy Cluster Project - Grid Transmission

Good Morning Carolanne,

Ref: ECU00004850

REQUEST FOR SCOPING OPINION FOR THE MELGARVE CLUSTER PROJECT:CLOICHE AND DELL WIND FARM CONNECTIONS

The proposed development is located outwith the Cairngorms National Park boundary. Policy A4 of the current Cairngorms National Park Partnership Plan 2022 – 27 (Partnership Plan) is therefore relevant in relation to the potential for effects on the Special Landscape Qualities (SLQs) of the National Park from wind farm development outwith the National Park. The NPPP is available via [Cairngorms Partnership Plan 2022 - 2027](#)

In accordance with our casework agreement with NatureScot, available via <https://www.nature.scot/agreement-roles-advisory-casework-between-scottish-natural-heritage-and-scottish-national-park>, NatureScot lead on providing advice on the potential effects of development outside the National Park on the SLQs of the National Park. We would expect the applicant to include consideration of potential effects on the SLQs as part of the EIA process, and where effects are predicted, to seek advice on how to assess them following the draft joint National Park/NatureScot guidance (Assessing the Effects on Special Landscape Qualities – AESLQ).

Any further correspondence should be sent to [REDACTED] and copied to myself.

Regards, Sarah

[REDACTED]
[REDACTED]
[REDACTED]

T: [REDACTED] | M: [REDACTED]
E: [REDACTED]

Usual working hours: Monday to Friday, 8.00am to 4.30pm



**Cairngorms National Park Authority /
Ùghdarras Pàirc Nàiseanta a' Mhonaidh Ruaidh**

[REDACTED]

Read our plan for the future: cairngorms.co.uk/PartnershipPlan





By email to: [REDACTED]

Carolanne Brown,
Case Officer,
Onshore Electricity, Strategy and Consents
Directorate for Energy and Climate Change
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
Enquiry Line: [REDACTED]

Our case ID: 300054679
Your ref: ECU00004850

20 November 2023

Dear Energy Consents Unit

[Electricity Act 1989](#)

[The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#)
[Request for Scoping Opinion for proposed Section 37 Application for Melgarve Cluster](#)
[Project – Cloiche and Dell Wind Farm Connections - 132 kV Overhead Line and Ancillary](#)
[Development](#)
[\(Scoping Report\)](#)

Thank you for your consultation which we received on 31 October 2023 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

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

Proposed Development

We understand that the proposed development is for 132 kV Overhead Line and ancillary development comprising:

- two cable sealing end compounds or two towers with a cable sealing end platform, approximately 7.4 km of 132 kV underground cable (UGC) commencing from the proposed Dell Wind Farm on site substation,
- approximately 1.6 km of 132 kV UGC commencing from the proposed Cloiche Wind Farm on site substation,
- approximately 0.7 km of two 132 kV UGC running parallel to each other upon final approach into Melgarve substation,
- access tracks and tree and vegetation clearance.



The total length of the new transmission connection would be approximately 16.7 km in length (which includes approximately 9.7 km of UGC).

Scope of assessment

We consider that the proposal is unlikely to have significant adverse impacts on heritage assets within our remit. We would therefore be content for our historic environment interests to be scoped out of EIA.

Further information

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

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupszynska and they can be contacted by phone on [REDACTED] or by email on [REDACTED]

Yours faithfully

Historic Environment Scotland

From: Safeguarding <[REDACTED]>
Sent: 16 November 2023 15:53
To: Carolanne Brown
Cc: Safeguarding
Subject: RE: Request for Scoping Opinion for Melgarve Cluster Project - Cloiche and Dell Wind Farm Connections

Your Ref: ECU00004850

Our Ref: 2023/314/INV

Dear Sir/Madam,

Proposal: REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 37 APPLICATION FOR MELGARVE CLUSTER PROJECT –

Location: CLOICHE AND DELL WIND FARM CONNECTIONS

With reference to the above proposal, our preliminary assessment shows that, at the given position and height, this development would not infringe the safeguarding criteria and operation of Inverness Airport.

Therefore, Highlands and Islands Airports Limited has no objections to the proposal.

Kind regards,

Nyree

Nyree Millar-Bell
Aerodrome Safeguarding and Operations Support Officer
Highlands and Islands Airports Limited

3rd December 2023

Laggan Community Council

Request for Scoping opinion for proposed section 37 application for Melgarve Cluster project – Cloiche & Dell wind farm connections.

Ref : ECU00004850

On behalf of the **Laggan Community** we are providing our Scoping Opinion for the above.

We remain opposed to the current proposal due to its permanent actual & cumulative visual impacts on the area.

1. **The universal objection of Laggan residents** to the construction of more pylons has not been considered in the scoping document with the proposal largely unchanged from that presented at the Laggan public consultation event in February. At that time SSE representatives were made aware of our opposition to further pylons in the area with the opposition formalised in writing on the 21st February 2023. That opposition has evidently been ignored.
2. We note the scoping document proposes approx. 9km of cabling is installed underground, all in a location which is invisible to anyone visiting the glen. The cabling then changes to overground at precisely the point where it would become visible as it descends to Melgarve substation. That only makes sense **if cost alone** is considered & we maintain **far greater importance should be given to the visual impact** of the proposal.
3. In support of the above we do not consider sufficient consideration has been given to the close proximity of Wild Land area 19, the Cairngorm National Park, the Upper Spey river catchment area & the very popular mountains of Geal Charn & Carn Liath all of which **lie within 3 miles of the proposed development**.
4. When considering alternatives to the current proposal we believe the scoping document should be based on **an amended proposal** of either:
 - Fully undergrounding throughout the length of the connection
 - Alternative routing west through Glen Doe which already contains multiple developments.

We fully recognise that both of the above options would likely be more costly but suggest the additional costs would be relatively minor expressed as a % of the total project cost involved in developing the Cloiche & Dell Wind Farms. Moreover, the additional costs would be insignificant in comparison to the lifetime revenue stream once Cloiche & Dell wind farms start supplying electricity.

5. The scoping document should include **due consideration to previous planning decisions** relating to the Stronelairg Windfarm & separately the refusal to permit the proposed Glen Shirra windfarm. In both instances the visual impact on what is a wild

remote Highland glen were causative reasons for design mitigations & in the case of Glen Shirra for its eventual refusal.

6. We are particularly concerned that should more pylons be erected in the same general area as the Beaully Denny line, the cumulative effects will be to further erode the visual attraction of the glen which is much loved by tourists & local residents alike. The scoping document should therefore give consideration to the locally important **economic driver of tourism** which will inevitably be negatively impacted by the proposal.
7. In terms of visual reference points the Scoping Document should **include additional visualisations** not just those from the Garva Bridge car park, which lies below the sightline of much of the proposal, or from the rarely climbed summit of Meall na h-Aisre, where the 360 deg view is already much blighted by the proximity of existing windfarm infrastructure. Additional visualisations should therefore be created for all the high points along the road between Sherrabeg to a point immediately before reaching Melgarve. Additionally, the ascent of the Munro, Geal Charn, (Grid ref NN562987) is extremely popular & a major reason for visitors to Garva Bridge. Hence visualisations are necessary from a number of points on the ascent track to the summit. Similarly, Carn Dubh (NN513925) is also a popular hill often used on the ascent of the Munro Carn Liath & so should have a visualisation created from its summit.
8. Finally, we note the landowner for the area, **Jahama Estates, is opposed** to further above ground pylons. This should also be considered within the Scoping Document.

Yours faithfully

Karen Thew
Chair, Laggan Community Council

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) advice on freshwater and diadromous fish and fisheries in relation to the installation of overhead line developments.

Updated September 2023

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) provides internal, non-statutory, advice in relation to freshwater and diadromous fish and fisheries to the Scottish Government’s Energy Consents Unit (ECU) for the installation and maintenance of overhead line (OHL) developments in Scotland.

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

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

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

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

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

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

MD-SEDD provision of advice to ECU

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

MD-SEDD Standing Advice for each stage of the EIA process

Scoping

MD-SEDD issued generic scoping guidelines

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

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

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

Gate check

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

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

EIA Report

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

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

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

Post-Consent Monitoring

MD-SEDD recommends that a water quality and fish population monitoring programme is carried out to ensure that the proposed mitigation measures are effective. A robust, strategically designed and site specific monitoring programme conducted before, during and after construction can help to identify any changes, should they occur, and assist in implementing rapid remediation before long term ecological impacts occur.

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

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

Planning Conditions

MD-SEDD advises that planning conditions are drawn up to ensure appropriate provision for mitigation measures and monitoring programmes, should the development be given consent. We recommend, where required, that a Water Quality Monitoring Programme, Fisheries Monitoring Programme and the appointment of an Ecological Clerk of Works, specifically in overseeing the above monitoring programmes, is outlined within these conditions and that MD-SEDD is consulted on these programmes.

Wording suggested by MD-SEDD in relation to water quality, fish populations and fisheries for incorporation into planning consents:

1. No development shall commence unless a Water Quality and Fish Monitoring Plan (WQFMP) has been submitted to and approved in writing by the Planning Authority in consultation with Marine Directorate – Science Evidence Data and Digital (MD-SEDD) and any such other advisors or organisations.
2. The WQFMP must take account of the Scottish Government’s MD-SEDD guidelines and standing advice and shall include:
 - a) water quality sampling should be carried out at least 12 months prior to construction commencing, during construction and for at least 12 months after construction is complete. The water quality monitoring plan should include key hydrochemical parameters, turbidity, and flow data, the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting etc.;
 - b) the fish monitoring plan should include fully quantitative electrofishing surveys at sites potentially impacted and at control sites for at least 12 months before construction commences, during construction and for at least 12 months after construction is completed to detect any changes in fish populations; and
 - c) appropriate site specific mitigation measures detailed in the Environmental Impact Assessment and in agreement with the Planning Authority and MD-SEDD
3. Thereafter, the WQFMP shall be implemented within the timescales set out to the satisfaction of the Planning Authority in consultation with MD-SEDD and the results of such monitoring shall be submitted to the Planning Authority on a 6 monthly basis or on request.

Reason: *To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area.*

Sources of further information

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

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

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

Annex 1 (revised June 2023)

MD-SEDD – EIA Checklist

The generic scoping guidelines should ensure that all matters relevant to freshwater and diadromous fish and fisheries have been addressed and presented in the appropriate chapters of the EIA report. Use of the checklist below should ensure that the EIA report contains the following information; the absence of such information **may necessitate requesting additional information** which could delay the process:

MD-SEDD Standard EIA Report Requirements	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to MD-SEDD advice, please set out reasons.
<p>1. A map outlining the proposed development area and the proposed location of:</p> <ul style="list-style-type: none"> ○ the towers/poles, ○ permanent and temporary access tracks, including watercourse crossings; ○ buildings including substations; ○ permanent and temporary construction compounds; ○ all watercourses; and contour lines; 			
<p>2. A description and results of the site characterisation surveys for fish (including fully quantitative electrofishing surveys) and water quality including the location of the electrofishing and fish habitat survey sites and water quality sampling sites on the map outlining the proposed turbines and associated infrastructure.</p> <p>This should be carried out where a Special Area of Conservation (SAC) is present and where salmon are a qualifying feature, and in exceptional</p>			

MD-SEDD Standard EIA Report Requirements	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to MD-SEDD advice, please set out reasons.
<p>cases when required in the scoping advice for other reasons. In other cases, developers can assume that fish populations are present;</p>			
<p>3. An outline of the potential impacts on fish populations and water quality within and downstream of the proposed development area;</p>			
<p>4. Any potential cumulative impacts on the water quality and fish populations associated with adjacent (operational and consented) developments including wind farms, hydro schemes, aquaculture and mining;</p>			
<p>5. Any proposed site specific mitigation measures as outlined in MD-SEDD generic scoping guidelines and the joint publication “Good Practice during Wind Farm Construction” (https://www.nature.scot/guidance-good-practice-during-wind-farm-construction);</p>			
<p>6. Full details of proposed monitoring programmes using guidelines issued by MD-SEDD and accompanied by a map outlining the proposed sampling and control sites in addition to the location of all turbines and associated infrastructure.</p> <p>At least 12 months of baseline pre-construction data should be included. The monitoring programme can be secured using suitable wording in a condition.</p>			

MD-SEDD Standard EIA Report Requirements	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to MD-SECC advice, please set out reasons.
<p>7. A decommissioning and restoration plan outlining proposed mitigation/monitoring for water quality and fish populations.</p> <p>This can be secured using suitable wording in a condition.</p>			

Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to MD-SEDD advice, please set out reasons.
1. Any designated area (e.g. SAC), for which fish is a qualifying feature, within and/or downstream of the proposed development area;			
2. The presence of a large density of watercourses;			
3. The presence of large areas of deep peat deposits;			
4. Known acidification problems and/or other existing pressures on fish populations in the area; and			
5. Proposed felling operations.			



Defence
Infrastructure
Organisation

Christopher Waldron
Ministry of Defence
Safeguarding Department
DIO Head Office

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Your reference:
ECU00004850
Our reference:
DIO/10054100_Rev2/2023

Mobile: [REDACTED]

E-mail: [REDACTED]
[REDACTED]

[REDACTED]

Carolanne Brown
Case Officer
Energy Consents

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

23rd November 2023

Dear Carolanne,

MOD Safeguarding –SITE OUTSIDE SAFEGUARDING AREA (SOSA)

Proposal: Scoping opinion from the Scottish Ministers for the proposed section 37 application for the Melgarve Cluster Project - Cloiche and Dell Wind Farm Connections. The proposed development is for 132 kV Over Head Line and ancillary development comprising two cable sealing end compounds or two towers with a cable sealing end platform, approx. 7.4 km of 132 kV underground cable (UGC) commencing from the proposed Dell Wind Farm on site substation, approx. 1.6 km of 132 kV UGC commencing from the proposed Cloiche Wind Farm on site substation, approx. 0.7 km of two 132 kV UGC running parallel to each other upon final approach into Melgarve substation, access tracks and tree and vegetation clearance.

Location: Route between Cloiche, Dell Windfarms to the National Grid at Melgarve Substation.

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on the 31/10/2023.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the UK Military Low Flying System.

The applicant has submitted a request for a scoping opinion in relation to S37 application for the installation of 132 kV Over Head Line and ancillary development comprising two cable sealing end compounds or two towers with a cable sealing end platform, approx 7.4 km of 132 kV underground cable (UGC) commencing from the proposed Dell Wind Farm on site substation, approx 1.6 km of 132 kV UGC commencing from the proposed Cloiche Wind Farm on site substation, approx. 0.7 km of two 132 kV UGC running parallel to each other upon final approach into Melgarve substation, access tracks and tree and vegetation clearance.

This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding concerns to this proposal.

The documentation states that it is currently anticipated that the steel lattice structures would be of the L7 suite of towers. The span length (distance between towers) would vary slightly depending on topography and land usage. The span lengths for the Proposed Development would be between approximately 124 m and 308 m. Tower heights would also vary, depending on local topography, but would typically be in the region of 25 m to 37 m in height.

The MOD will need to assess any structures, including the use of cranes, piling rigs or other tall plant or equipment to implement development, with a maximum height of, or exceeding, a height of 50m above ground level to ensure there is no physical obstacle to low flying aircraft. In some cases, impacts may be addressed through the use of aviation safety lighting and the provision of data for charting.

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed within the developer's document, submitted in support of application ECU00004850 referred to in the consultation letter dated 31st October 2023, received from Scottish Government, Energy Consents Unit.

Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely



Mr Chris Waldron
DIO Assistant Safeguarding Manager

From: NATS Safeguarding <[REDACTED]>
Sent: 01 November 2023 10:24
To: Carolanne Brown
Cc: Econsents Admin
Subject: RE: [SG23106/SG26930] Request for Scoping Opinion for Melgarve Cluster Project - Cloiche and Dell Wind Farm Connections [SG36393]

Our Ref: SG36393

Dear Sir/ Madam

NATS anticipates no impact from the proposal and has no comments to make on the Scoping Opinion.

Yours faithfully

[REDACTED]

[REDACTED]

E: [REDACTED]

[REDACTED]

www.nats.co.uk



NATS Public



NatureScot NàdarAlba

Scotland's Nature Agency
Buidheann Nàdair na h-Alba

Carolanne Brown
Energy Consents Unit
Response by email to [REDACTED]

21 November 2023

Our ref: CEA173014

Dear Ms Brown

**ELECTRICITY ACT 1989; THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2017
REQUEST FOR SCOPING OPINION FOR PROPOSED S37 APPLICATION FOR MELGARVE CLUSTER
PROJECT – CLOICHE AND DELL WIND FARM CONNECTIONS**

Thank you for your consultation on the above proposal dated 31 October 2023.

1. Key issues

We are grateful to the applicants for providing a thorough scoping report. Based on currently available information we advise that the proposal raises the following key issues relevant to our interests:

- Landscape and visual impacts including the potential for significant effects on some of the Special Landscape Qualities (SLQ's) of the Cairngorms National Park.
- Potential for impacts to protected areas in particular the River Spey Special Area of Conservation (SAC).
- Potential for impacts, including cumulative impacts, to birds such as golden eagles.
- Potential impacts to priority peatland habitats.

The assessment of these issues and the resultant impacts will determine our position on any application which comes forward. We provide more detailed comments on these and other site-specific issues in Annex 1 to this letter. We recommend the results of survey and assessment are used to inform the route and design of this proposal, seeking to avoid impacts to the sensitivities outlined in Annex 1 and in the scoping report. If avoidance of impacts is not possible, we advise any impacts are minimised through appropriate mitigation, details of which should be provided in the EIA Report (EIAR).

2. General pre-application and scoping advice

The scoping report broadly covers the topics that we would expect to see included in the EIA. Our website includes a wide range of standing advice and guidance documents which we recommend the applicants follow, see: <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and->

[REDACTED]

[REDACTED] nature.scot

guidance-documents. This includes our recently updated guidance “NatureScot pre-application guidance for onshore wind farms” (see <https://www.nature.scot/doc/naturescot-pre-application-guidance-onshore-wind-farms>). The guidance covers some more general issues which may not be addressed in this letter. Although aimed at wind farm developments the principles are also useful for other development types.

The Fourth National Planning Framework (NPF4) sets out a new requirement for developments to deliver positive effects for biodiversity, primarily under Policy 3. For national and major developments, or those subject to EIA, Policy 3b notes that proposals will only be supported where it can be demonstrated that they will conserve, restore and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention. The Policy requires that significant biodiversity enhancements are provided, in addition to any proposed mitigation. We recommend these requirements are adopted as part of any future application. The above guidance provides further advice on this.

At this stage we have not seen the detailed methodology, survey results or assessments for this proposal, so our comments are based on the initial information provided. Please note that our advice is given without prejudice to a full and detailed consideration of the impacts of the proposal if submitted for formal consultation as part of the EIA or planning process.

Please let me know if you or the applicants require any further information or advice from us in relation to this proposal. The advice in this letter is provided by NatureScot, the operating name of Scottish Natural Heritage.

Yours sincerely

Karen Reid
Operations Officer, Central Highland

[Redacted signature]

[Redacted signature]

[Redacted] nature.scot

Annex 1 – details to assist with the EIA for the Melgarve Cluster S37 application

1. Landscape and visual impacts

The proposal is close to the Cairngorms National Park and the Braeroy - Glenshirra - Creag Meagaidh Wild Land Area 19.

In accordance with the Agreement on roles in advisory casework between NatureScot and Scottish National Park Authorities¹, we will lead on the provision of advice concerning the effects of the proposal on the Cairngorms National Park Special Landscape Qualities (SLQs). The potential for this development to affect the SLQs of the Park means that we will liaise closely with the Park Authority throughout the consultation process.

The proposed development is around 2.5km from the Park at the closest point. The EIAR helpfully includes a ZTV which illustrates a relatively narrow, but continuous area of visibility along Strath Spey into the Park at Garvamore. We consider there is potential for this to introduce significant effects on the SLQs within this area of the Park. The ZTV also suggests visibility from higher ground on the Park boundary. We recommend that the LVIA includes an assessment of the likely effects of the proposed development on the SLQs of the National Park. This should focus on the SLQs that are most likely to be affected and inform any opportunities for mitigation of effects. Given the proximity to Wild Land Area 19 we would suggest that *Wildness* is likely to be one of the SLQs requiring consideration. We would be happy to comment on the list of SLQs the applicants propose to scope in for assessment, and suggest that the requirement for any additional viewpoint locations is considered once the relevant SLQs have been identified.

The applicants suggest that a detailed SLQ assessment may not be required, instead proposing a review of effects in relation to the SLQs to be included in the LVIA chapter. We would be happy to provide further advice on the need or otherwise for a more detailed assessment of impacts². To help with this the applicants may wish to provide some sample wirelines from key viewpoints.

We advise that the cumulative impact assessment considers not just landscape and visual effects but any cumulative impacts on the SLQs of the National Park. For further advice see: <https://www.nature.scot/doc/guidance-assessing-cumulativelandscape-andvisual-impact-onshore-wind-energy-developments>.

2. Protected areas

Further information on the following sites can be found at: <https://sitelink.nature.scot/home>.

a. European sites

The sites' status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Further information on the legislative

¹ See: <https://www.nature.scot/doc/agreement-roles-advisory-casework-between-naturescot-and-scottish-national-park-authorities>.

² Guidance on this methodology is set out in the draft 'Guidance for Assessing the Effects on Special Landscape Qualities' (2018), a copy of which is attached.

requirements of European sites can be found at: <https://www.nature.scot/doc/legislative-requirements-european-sites>.

River Spey Special Area of Conservation (SAC)

The SAC lies to the south of the route corridor and close to the connection point at Melgarve. The site is protected for salmon, freshwater pearl mussel, sea lamprey and otter. We welcome the applicant's proposal to provide a shadow Habitats Regulations Appraisal (HRA). The proposed development is partly within the SAC catchment and crosses a number of watercourses which drain to the Spey. There is potential for a likely significant effect, in particular from the risk of silt, peat and pollutant release to watercourses during construction. We recommend the HRA also considers the potential for disturbance, and direct and indirect impacts to habitats. We would expect the EIAR to show that a high standard of pollution prevention and silt control measures would be in place to protect water quality during construction and operation, as well as any other necessary mitigation.

The scoping report includes useful information on the likely presence of salmonids within the development site and associated watercourses which would be helpful to include in the EIAR along with any further survey information. We recommend consideration of freshwater pearl mussels in line with our guidance at: <https://www.nature.scot/doc/standing-advice-planning-consultations-freshwater-pearlmussels>.

The scoping report also notes that otter surveys have followed our guidance, and we advise that these details are included in the EIAR. We recommend that the CEMP includes a commitment to pre-construction surveys and the other standard mitigation measures included in our guidance at: <https://www.nature.scot/doc/standing-advice-planningconsultations-otters>.

The Conservation Advice Package for this SAC has recently been published and contains useful background information. It is available on SiteLink.

Creag Meagaigh Special Protection Area (SPA)

The scoping report states no dotterel were recorded during survey work. Although this SPA appears unlikely to be affected we would look to the EIA to confirm that there will be no direct or indirect impacts.

Loch Knockie and nearby Lochs SPA

We note that no Slavonian grebes were recorded during survey work. We would expect the EIA to confirm there will be no direct or indirect impacts.

b. Sites of Special Scientific Interest (SSSIs)

Glendoe Lochans SSSI

We recommend the EIAR considers the potential for disturbance to common scoters connected to the SSSI during access for construction work, and includes details of any mitigation requirements.

Creag Meagaigh SSSI, Monadhliath SSSI

These sites are protected in part for their breeding bird interests. Survey and assessment will allow any potential impacts to be considered.

Based on the information provided to date it seems unlikely that any other protected areas would be directly affected by the proposal but we would look to the EIAR to confirm this. We do however recommend that the potential for deer displacement to indirectly affect protected areas (and peatland habitats) is considered in line with our guidance, see:

<https://www.nature.scot/doc/guidance-planning-and-development-what-consider-and-include-deer-assessment-and-management>.

3. Ornithology

We have welcomed pre-application discussion with the applicant's consultants on the scope of ornithology survey and assessment and this advice remains valid. We have not yet seen full details of the survey methods, results and assessment, so cannot comment on the likely impacts of the proposal at this stage.

Prior to submission of any future application we advise that the applicants ensure survey methods have followed our guidance at: <https://www.nature.scot/recommended-birdsurvey-methods-inform-impact-assessment-onshore-windfarms>, and that the approach to assessment and mitigation also follows the recommendations at: <https://www.nature.scot/doc/guidance-assessment-and-mitigation-impacts-power-lines-and-guyed-meteorological-masts-birds>.

We recommend survey and assessment also considers the access routes that would be used during construction and relevant buffers around these. This is to allow the potential for disturbance and displacement to be assessed, and any mitigation requirements to be identified (e.g. for Schedule 1 birds).

We recommend that collision risk to golden eagles and other relevant species is scoped in for assessment, and that the EIAR also considers potential impacts through habitat loss/change, disturbance and/or displacement, for SPA and wider countryside bird populations, both for the proposal on its own and in combination with other projects. We recommend that assessments for wider countryside birds follow our guidance at: <https://www.nature.scot/guidance-assessing-significance-impacts-bird-populationsonshore-wind-farms-do-not-affect-protected>. GET (Golden Eagle Topographical) modelling may also help with the assessment of impacts to golden eagles, see: <https://www.nature.scot/doc/naturescot-statement-modelling-support-assessment-forestryand-wind-farm-impacts-golden-eagles>).

4. Habitats

We advise that NVC surveys cover the whole development site. Target notes should be used to identify the presence of any notable plants including any nationally rare/scarce species. We recommend that survey results are used to inform the design and layout process, so that the development avoids, where possible, sensitive habitats such as blanket bog and montane heath. Where this is not possible, impacts should be minimised and suitable mitigation, restoration and/or compensation measures be proposed. Assessment should consider the extent of habitat loss and damage, both direct and indirect, temporary and permanent, and suitable mitigation and/or restoration measures be presented in an Outline Habitat Management Plan and Peat Management Plan.

Priority peatland habitats

The scoping report references our updated peatland guidance available at: <https://www.nature.scot/doc/advising-peatland-carbon-rich-soils-and-priority-peatland-habitatsdevelopment-management>. This guidance includes advice on survey and assessment and mitigation and enhancement, including peatland restoration techniques, Habitat Management Plans and the level of information recommended to be included with a future application. We appreciate that some of the survey work for this proposal was completed in advance of this guidance being published, but would still encourage the applicants to follow it as far as possible. We therefore recommend that, in addition to NVC data, the EIAR includes an assessment of peatland condition in line with the template provided in Annex 1 of this guidance.

NPF4 Policy 5 (Soils) provides protection for carbon-rich soils and peatlands. NPF4 Policy 5d requires that 'where development on peatland, carbon-rich soils or priority peatland is proposed, a detailed site specific assessment will be required'. Development proposals on peat should be supported by a site-specific and detailed peat survey and a Peat Landslide Hazard Risk Assessment (PLHRA). Policy 3 (Biodiversity) also applies to all development proposals, so any proposal affecting carbon-rich soils and peatlands must also take into account the requirements to conserve, restore and enhance biodiversity, including priority peatland habitats.

Figure 7 of the scoping report shows areas of mapped Class 1 peatland within the development site and Figure 8 demonstrates areas of deep peat. Although the scoping report notes that some of the peatland habitat is degraded to some extent Figure 6 indicates areas of M17 and M19 (recognised as likely to be considered priority peatland habitats). We would encourage the applicants to include a description of habitat condition (see above). The Figures indicate that parts of the development would be located above 600m. The possibility that these areas include montane bog should therefore be considered. Our guidance recommends that impacts to this habitat type are avoided, as it is particularly sensitive to damage and difficult to restore. The applicants may find the advice contained in our consultation response to Cloiche Wind Farm useful in this respect.

We advise that these site-specific assessments and surveys inform the project design and siting to ensure compliance with the mitigation hierarchy, avoiding impacts to priority peatland habitats as far as possible. Where impacts cannot be avoided, we recommend that restoration to achieve offsetting (i.e. compensation rather than biodiversity enhancement) should be in the order of 1:10 (lost:restored), i.e. 1ha loss of peatland should result in measures to restore 10ha of peatland.

Our guidance includes further information on where impacts to peatland habitats could raise issues of national interest and the implications of this for our advice. Where a proposal raises issues of national interest NatureScot may object to an application.

5. Protected species

We recommend that all survey, assessment and mitigation follows our standing advice at: <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents>. Surveys are also recommended to cover access routes. Our more recent guidance on mountain hares may be relevant to this site, see: <https://www.nature.scot/doc/standing-advice-planning-consultations-mountain-hare>.

Glèidhteachais a | **Highland and Islands**
Gàidhealtachd's nan | **Conservancy**
Eilean | "Woodlands"
"Fearann – coilleach" [REDACTED]
Rathad Fodderty [REDACTED]
Inbhir Pheofharain [REDACTED]
[REDACTED]
Tel: [REDACTED]

Conservator
Neach Dion Arainneachd
Neil Murray

09 November 2023

Carolanne Brown
Onshore Electricity, Strategy and Consents
Scottish Government
by email: [REDACTED]

Dear Carolanne

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 37 APPLICATION FOR
MELGARVE CLUSTER PROJECT – CLOICHE AND DELL WIND FARM CONNECTIONS

Thank you for consulting Scottish Forestry on the Scoping Report for the proposed Melgarve Cluster Project (proposed development). Scottish Forestry is the Scottish Government agency responsible for policy, support and regulation of the forestry sector in Scotland. As such we comment on the potential impact of development proposals on forests and woodlands.

The Scoping Report and Figure 1 - Site Context and Location Plan indicate that the route selected for the proposed development does not affect forests or woodland, as such we have no comments on this application.

Yours sincerely

Martin MacKinnon
Senior Operations Manager

Highland and Islands Conservancy



Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation

Is e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd

BRAVE values and behaviours are the roots that underpin our work.



Wednesday, 22 November 2023



Local Planner
Energy Consents Unit
[Redacted]
[Redacted]

Development Operations
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Development Operations
Freephone Number - [Redacted]
E-Mail - [Redacted]
www.scottishwater.co.uk



Dear Customer,

Melgarve Cluster Project, Cloiche and Dell Wind Farm Connections, Fort Augustus, PH32 4BZ
Planning Ref: ECU00004850
Our Ref: DSCAS-0097590-MYJ
Proposal: EIA Scoping Report - Approx 7.0 km of 132 kV OHL double circuit L7 towers carrying both connections and ancillary development comprising two cable sealing end compounds or two towers with a cable sealing end platform (TBC), approx 7.4 km of 132 kV underground cable (UGC) commencing from the proposed Dell Wind Farm on site substation, approx 1.6 km of 132 kV UGC commencing from the proposed Cloiche Wind Farm on site substation, approx. 0.7 km of two 132 kV UGC running parallel to each other upon final approach into Melgarve substation, access tracks and tree and vegetation clearance (if required). The total length of the new transmission connection would be approximately 16.7 km in length (which includes approximately 9.7 km of UGC)

Please quote our reference in all future correspondence

Audit of Proposal

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

Drinking Water Protected Areas

Many thanks for sending through the requested Shapefiles

A review of our records indicates that the proposed activity falls partly and wholly within drinking water catchments where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive.

The towers and tower alignment fall partly within the Loch Ness drinking water catchment which supplies Invermoriston WTW.

The Cloiche cable alignment also falls wholly within the Loch Ness catchment which supplies Invermoriston WTW.

Cloiche and Dell cable alignment falls out of catchment so no concerns from us as is the case with the Cloiche and Dell indicative buffers.

The other buffers also fall within the Loch Ness catchment which supplies Invermoriston WTW.

The Melgarve access tracks fall partly within the Loch Ness drinking water catchment which supplies Invermoriston WTW and also fall within the Laggan Bridge Borehole catchment which supplies Laggan Bridge WTW and this is a small catchment so great care will need to be taken and the appropriate mitigations must be in place to protect water quality and the borehole. In particular attention must be paid to any site run off during wet weather events and the risks of hydrocarbon leaks and spills as if these contaminants were to reach our borehole we would not easily be able to remove them and this would be catastrophic for both parties.

The permanent access tracks fall partly within the partly within the Loch Ness drinking water catchment which supplies Invermoriston WTW.

The temporary access tracks fall partly within the Loch Ness drinking water catchment which supplies Invermoriston WTW.

The Cloiche and Dell Substations fall within partly within the Loch Ness drinking water catchment which supplies Invermoriston WTW.

The Melgarve Substation is out of catchment and is of no concern to us.

Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. In the event of an incident occurring that could affect Scottish Water we should be notified without delay using the Customer Helpline number [REDACTED].

We welcome receipt of this notification and would request to be further involved as this project progresses.

Although it is likely this project will be of low risk to the Loch Ness catchment due to its size and the areas in the catchment where these activities are taking place care must be taken and water quality in the site area must be protected. Any work in the Laggan Bridge

Borehole catchment is of greater risk as it is a ground water zone of influence and the catchment size is small so any risk from a pollution event is much greater.

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

The fact that the activity falls within drinking water catchments should be noted in all documentation. Also anyone working on site should be made aware of this during site inductions.

Surface Water


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

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

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

General notes:

 Scottish Water asset plans can be obtained from our appointed asset plan providers:

-  Site Investigation Services (UK) Ltd
-  Tel: [REDACTED]
-  Email: [REDACTED]
-  www.sisplan.co.uk

I trust the above is acceptable however if you require any further information regarding this matter please contact me on [REDACTED] or via the e-mail address below or at [REDACTED].

Yours sincerely,

Ruth Kerr.

Development Services Analyst


Scottish Water Disclaimer:

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

Carolanne Brown
Strategy and Consenting
Scottish Government

Our Ref: 10975
Your Ref: ECU00004850

SEPA Email Contact:

By email only to: [REDACTED]

[REDACTED]

16 November 2023

Dear Carolanne Brown

ELECTRICITY ACT 1989

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

**REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 37 APPLICATION FOR
MELGARVE CLUSTER PROJECT – CLOICHE AND DELL WIND FARM CONNECTIONS**

Thank you for consulting SEPA for an Environmental Impact Assessment (EIA) scoping opinion in relation to the above development on 31 October 2023.

National Planning Framework 4 (NPF4) has recently been published. The guidance referenced in this response is being reviewed and updated to reflect the new policies. It will still provide useful and relevant information but some parts may be updated further in the future.

We would welcome further pre-application engagement from the developer once further peat probing has been completed and the layout developed further in relation to the location of towers and supporting infrastructure.

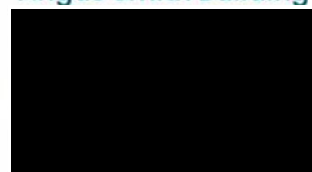
Advice for the determining authority

To **avoid delay and potential objection** the EIA submission must contain a scaled plans of

Angus Smith Building



Chairman
Bob Downes



OFFICIAL **CEO**
Nicole Paterson

Tel: [REDACTED]
www.sepa.org.uk

sensitivities, for example peat, GWDTE, proximity to watercourses, overlain with proposed development. This is necessary to ensure the EIA process has informed the layout of the development to firstly avoid, and then reduce then mitigate significant impacts on the environment.

Appendix 1 is our generic scoping advice for windfarm developments, nearly all of which is also relevant to a project such as this. We have however supplemented it with the following more specific advice.

1. Site specific comments

- 1.1 From our perspective demonstrating that the proposals meet the requirements of Policy 5 of NPF4 will be of most significance and in this regard we refer the developer to section 3 of the appendix. Further peat probing information should be provided so that it is ensured that there is depth information available for all locations where infrastructure – including all temporary construction infrastructure – is proposed. It should be clearly demonstrated that the cable route corridor (which we note will be 30 m wide), location of individual tower hardstandings and supporting infrastructure such as tracks avoids the areas of deepest peat and near natural condition habitat, if there are any on the site.
- 1.2 Please make sure that drawings are submitted at a scale that allows the relationship between baseline information - such as buffers to watercourses, habitat type and peat depth - and infrastructure to be clearly understood. An overarching plan followed by a series of more detailed drawings such as has been provided for Figure 6 of the scoping report works well, but the final version needs to show the actual location of the poles and all the supporting infrastructure.
- 1.3 The development will have an impact on habitats that are potentially groundwater dependant. The final submission should provide an assessment of whether the habitats are actually considered groundwater dependant and mitigation measures to maintain local hydrology where necessary.
- 1.4 Please ensure that clear information is provided on the type of access proposed to be used in each area e.g. boards, temporary floating tracks, temporary cut tracks, permanent floating tracks, permanent cut tracks. When there is any doubt the impact should be assessed based on the poorest environmentally option. Proposals to use existing tracks, or

previously disturbed routes is welcome and should be marked on the plans.

2. Regulatory advice for the applicant

2.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: [REDACTED]

If you have queries relating to this letter, please contact us at the email above including our reference number in the email subject.

Susan Halam
Senior Planning Officer
Planning Service

Ecopy to: [REDACTED]; [REDACTED]

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

Appendix 1: Detailed scoping requirements

This appendix sets out our minimum information requirements and we would welcome receipt and discussion around these prior to formal submission to avoid delays. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site to **avoid delay and potential objection**. If there is a significant length of time between scoping and application submission the developer should check whether our advice has changed.

1. Site layout

1.1 All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed upgraded, temporary and permanent infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded where possible. The layout should be designed to minimise the extent of new works on previously undisturbed ground. For example, a layout which makes use of lots of spurs or loops is unlikely to be acceptable. Cabling must be laid in ground already disturbed such as verges. A comparison of the environmental effects of alternative locations of infrastructure elements, such as tracks, may be required.

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

- 2.1 The site layout should be designed to minimise watercourse crossings and avoid other direct impacts on water features. The submission must include a map showing:
- a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
 - b) A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works. Measures should be put in place to protect any downstream sensitive receptors.

2.2 Further advice and our best practice guidance are available within the water [engineering](#) section of our website. Guidance on the design of water crossings can be found in our [Construction of River Crossings Good Practice Guide](#).

2.3 Refer to our [Flood Risk Standing Advice](#) for advice on flood risk. Crossings must be designed to accommodate the 0.5% Annual Exceedance Probability flows (with an appropriate allowance for climate change), or information provided to justify smaller structures. If it is considered the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment (FRA) must be submitted. Our [Technical flood risk guidance for stakeholders](#) outlines the information we require to be submitted in an FRA. Please also refer to [Controlled Activities Regulations \(CAR\) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities](#).

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

3.1 Where proposals are on peatland or carbon rich soils the following should be submitted to address the requirements of NPF4 Policy 5:

- a) layout plans showing all permanent and temporary infrastructure, with extent of excavation required, which clearly demonstrates how the mitigation hierarchy outlined in NPF4 has been applied. These plans should be overlaid on:
 - i. peat depth survey (showing peat probe locations, colour coded using distinct colours for each depth category and annotated at a usable scale)
 - ii. peat depth survey showing interpolated peat depths
 - iii. peatland condition mapping
 - iv. National Vegetation Classification survey (NVC) habitat mapping.
- b) an outline Peat Management Plan (PMP).
- c) an outline Habitat Management Plan (HMP)

Detailed advice on (a) above - Development design in line with the mitigation hierarchy

3.2 In order to protect peatland and limit carbon emissions from carbon rich soils, the submission should demonstrate that proposals:

- Avoid peatland in near natural condition, as this has the lowest greenhouse gas emissions of all peatland condition categories;

- Minimise the total area and volume of peat disturbance. Clearly demonstrate how the infrastructure layout design has targeted areas where carbon rich soils are absent or the shallowest peat reasonably practicable. Avoid peat > 1m depth;
- Minimise impact on local hydrology; and
- Include adequate peat probing information to inform the site layout and demonstrate that the above has been achieved. As a minimum this should follow the requirements of the [Peatland Survey – Guidance on Developments on Peatland \(2017\)](#).

3.3 [The Peatland Condition Assessment](#) photographic guide lists the criteria for each condition category and illustrates how to identify each condition category. This should be used to identify peatland in near natural condition and can be helpful in identifying areas where peatland restoration could be carried out.

3.4 In line with the requirements of Policy 5d of NPF4, the development proposal should include plans to restore and/or enhance the site into a functioning peatland system capable of achieving carbon sequestration.

Detailed advice on (b) above - The outline PMP should also include:

- Information on peatland condition.
- Information demonstrating avoidance and minimisation of peat disturbance.
- Excavation volumes of acrotelmic, catotelmic and amorphous peat. These should include a contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes.
- Proposals for temporary storage and handling.
- Reuse volumes in different elements of site reinstatement and restoration.

3.5 Handling and temporary storage of peat should be minimised. Catotelmic peat should be kept wet, covered by vegetated turves and re-used in its final location immediately after excavation. It is not suitable for use in verge reinstatement, re-profiling/ landscaping, spreading, mixing with mineral soils or use in bunds.

3.6 Disposal of peat is not acceptable. It should be clearly demonstrated that all peat disturbed by the development can be used in site reinstatement (making good areas which have been disturbed by the development) or peatland restoration (using disturbed peat for habitat restoration or improvement works in areas not directly impacted by the

development, which may need to include locations outwith the development boundary).

- 3.7 The faces of cut batters, especially in peat over 1m, should be sealed to reduce water loss of the surrounding peat habitats, which will lead to indirect loss of habitat and release of greenhouse gases. This may be achieved by compression of the peat to create an impermeable subsurface barrier, or where slope angle is sufficiently low, by revegetation of the cut surface.

Detailed advice on (c) above - The outline HMP should include:

- Proposals for reuse of disturbed peat in habitat restoration, if relevant.
 - Details of restoration to compensate for the area of peatland habitat directly and indirectly impacted by the development.
 - Outline proposals for peatland enhancement in other areas of the site.
 - Monitoring proposals.
- 3.8 To support the principle of peat reuse in restoration the applicant should demonstrate that they have identified locations where the addition of excavated peat will enhance the wider site into a functional peatland system capable of achieving carbon sequestration. The following information is required:
- Location plan of the proposed peatland re-use restoration area(s), clearly showing the size of individual areas and the total area to be restored.
 - Photographs, aerial imagery, or surveys to demonstrate that the area identified is appropriate for peat re-use and can support carbon sequestration. This should include consideration of an appropriate hydrological setting and baseline peatland condition.
- 3.9 In addition, if any proposed re-use restoration areas are outwith the ownership of the applicant, information should be provided to demonstrate agreement in principle with the landowner, including agreed timescales for commencement of the works, and proposed management measures to ensure the restored areas can be safeguarded in perpetuity as a peatland.
- 3.10 NatureScot's [technical compendium of peatland restoration techniques](#) provides a useful overview of the procedural and technical requirements for peatland restoration.

4. Disruption to GWDTE and existing groundwater abstractions

4.1 Groundwater Dependent Terrestrial Ecosystems (GWDTE) are protected under the Water Framework Directive. Excavations and other construction works can disrupt groundwater flow and impact on GWDTE and existing groundwater abstractions. The layout and design of the development must avoid impacts on such areas. A National Vegetation Classification survey which includes the following information should be submitted:

- a) A map demonstrating all GWDTE and existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. The survey needs to extend beyond the site boundary where the distances require it.
- b) If the minimum buffers cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice and the minimum information we require to be submitted.

5. Forest removal and forest waste

5.1 If forestry is present on the site, we prefer a site layout which avoids large scale felling as this can result in large amounts of waste material and a peak in release of nutrients which can affect local water quality. The submission must include a map with the boundaries of where felling will take place and a description of what is proposed for this timber in accordance with [Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS](#).

6. Borrow pits

6.1 The following information should also be submitted for each borrow pit:

- a) A map showing the location, size, depths and dimensions.
- b) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250m. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks.

- c) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.

7. Pollution prevention and environmental management

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

Energy Consents Unit
Per: Carolanne Brown

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Contact: Roddy Dowell
E-mail: [REDACTED]
Our Ref: 23/05350/SCOP
Date: 29 February 2024

Issued via Email Only to: [REDACTED]
[REDACTED]

PLANNING REFERENCE: 23/05350/SCOP

DEVELOPMENT: INSTALLATION OF 132KV OVERHEAD LINE, TWO CABLE SEALING COMPOUNDS OR TWO TOWERS, 7.4KM UNDERGROUND CABLE FROM THE PROPOSED DELL WIND FARM ON SITE SUBSTATION, 1.6 KM OF 132 KV UNDERGROUND CABLE FROM CLOICHE WIND FARM ON SITE SUBSTATION, 0.7 KM OF 132 KV UNDERGROUND CABLES ON APPROACH INTO MELGARVE SUBSTATION, ACCESS TRACKS AND TREE AND VEGETATION CLEARANCE, TOTAL LENGTH OF APPROXIMATELY 16.7 KM IN LENGTH (WHICH INCLUDES APPROXIMATELY 9.7 KM OF UGC)

LOCATION: LAND 6900M NW OF SSE, GARVAMORE, LAGGAN

Thank you for requesting an Environmental Impact Assessment (EIA) Scoping Response for the above project. This letter constitutes The Highland Council's (THC) Scoping Response in relation to the development as described above and supplements advice previously given to the applicant in the Pre-Application Advice Pack 21/04745/PREMAJ issued on 1 December 2021. That response should be considered alongside this Scoping response to help inform the content of the forthcoming EIAR.

This Scoping Response remains valid for 12 months. Should a planning application not be forthcoming within this period it is advised that you obtain an updated response.

We trust that this helps inform the scope of the EIAR and is helpful to the applicant when formalising any forthcoming application.

SCOPING RESPONSE

Applicant: Scottish Hydro Electric Transmission Plc
Project: Installation of 132kV overhead line, two cable sealing compounds or two towers, 7.4km underground cable from the proposed Dell Wind Farm on site substation, 1.6 km of 132 kV underground cable from Cloiche Wind Farm on site substation, 0.7 km of 132 kV underground cables on approach into Melgarve substation, access tracks and tree and vegetation clearance, total length of approximately 16.7 km in length (which includes approximately 9.7 km of UGC)
Project Address: Land 6900m NW of SSE, Garvamore, Laggan
Our Reference 23/05350/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 THC.

THC request that any EIAR submitted in support of an application for the above development takes the comments below into account; many of which are already acknowledged within the EIA Scoping Report. 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 consultees, these responses have been incorporated within this response. Copies of consultee responses are also available to view online. 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 the EIAR must include:

- a description of the physical characteristics of the whole development and the full land-use requirements during the operational and construction phases;
- a description of the main characteristics of the construction 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 operation development.
- a detailed schedule of mitigation.

2.0 Alternatives

2.1 A statement is required which 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 range of technologies that may have been considered;
- locational criteria and economic parameters used in site selection;
- options for access; including construction laydown areas and staff / contractors accommodation compounds;
- design and locational options for all elements of the proposed development (including grid connection); and
- the environmental effects of the different options examined.

Such assessment should also highlight sustainable development attributes including for example assessment of carbon emissions.

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. The EIAR should fully utilise this understanding to ensure that information provided is relevant and robustly grounded.

Land Use and Policy

3.2 The EIAR should recognise the existing land uses affected by the development having particular regard for THC's Development Plan inclusive of all statutorily adopted Supplementary Guidance (SG). This is not instead of but in addition to the expectation of receiving a Planning Statement in support of the application itself which, in addition to exploring compliance with the Development Plan, should look at Scottish Planning Policy, Planning Advice Notes and which identify the issues that should be taken into account. The purpose of this chapter is to highlight relevant policies not to assess the compatibility of the proposal with policy.

3.3 The Council's Development Plans Team have made the following comments:

The Development Plan comprises the:

- [National Planning Framework 4 \(NPF4\) adopted in 2023](#)
- [Highland-wide Local Development Plan \(HwLDP\) adopted in 2012](#)
- [West Highland and Islands Local Development Plan \(WestPlan\) adopted in 2019](#)
- [Inner Moray Firth Local Development Plan \(IMFLDP\) adopted 2015](#)
- [Proposed Inner Moray Firth Local Development Plan \(IMFLDP2\) and](#)
- [Associated Supplementary Guidance](#)

A range of policies will apply to this scheme from all the above development plan documents. The scope of an EIA should address all the relevant issues covered in NPF4 and HwLDP. WestPlan, IMFLDP and IMFLDP2 have limited relevance to this type of proposal as their 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.

- 3.4 WestPlan and IMFLDP established 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. Ben Alder, Laggan and Glen Banchor SLA sits to the south of the proposal.
- 3.5 Whilst not yet part of the adopted development plan, the Council has been preparing the Inner Moray Firth proposed Local Development Plan 2 (IMFpLDP2) 2022. This was submitted to Scottish Ministers for Examination, with the process commencing on 22 May 2023. Applicants are advised to monitor the [DPEA webpage](#) as this provides the most up to date position of the LDP examination.
- 3.6 Given the advanced stage of IMFpLDP2, it is considered the 'settled view' of the Council and therefore carries some weight in the decision-making process. Like IMFLDP its focus is mainly on regional and settlement strategies and identifying specific site allocations. However, Policy 2 (Nature Protection, Preservation & Enhancement) is relevant to all forms of developments and requires national developments to include appropriate measures to integrate nature-based solutions and enhance biodiversity, in proportion to the nature and scale of the proposed development. Nevertheless, as Policy 2 is similar in terms and scope to NPF4 Policy 3, the satisfaction of NPF4 Policy 3 would also likely fulfil the requirements of IMFpLDP2 Policy 2.
- 3.7 The Council began a review of HwLDP, with the publication of the Main Issues Report in September 2015 and subsequent consideration of the comments received in 2016. In December 2017, the Scottish Government published the Planning Bill outlining changes to the Scottish planning system. The Council took the decision to halt the HwLDP Review until more was known about the changes. The Planning (Scotland) Act 2019 was subsequently made. Following the finalisation and adoption of NPF4 in February 2023, Regulations and Guidance for Local Development Planning have been finalised, bringing the new provisions for plan preparation into force.
- 3.8 Applicants are advised to monitor the annual Development Plans Newsletter as this provides a timetable of work on the Highland development plan. The [March 2023 Development Plans Newsletter](#) is now available on the Council's website. The annual update of the work programme (draft 2024 Newsletter) is expected to be reported to Committee in February 2024. It is the Council's intention to undertake the evidence gathering stage of the new LDP throughout 2023 and into 2024, with the tentative programme including an Evidence Report towards the end of 2024 and subsequent Gate Check, with Proposed Plan stage towards the end of 2025. The HLDP will, once adopted, replace all our current LDPs. As part of this programme of work, the Council will review 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.

- 3.9 The Council recognises the importance of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, as the legislative tool for addressing Scotland's Climate & Ecological Emergency, which the Council committed to under its own Climate and Ecological Emergency declaration in May 2019. This includes the acceptance that given Highland's land mass and geography make up, the area has enormous potential to significantly contribute to the production and supply of renewable energy. However, this commitment must be taken in balance along with all other considerations of a particular site/route. The proposal would add to the security of the national grid; however, such developments should be located, sited, and designed appropriately and thus assessed against the wider development plan policies.
- 3.10 Developer Contribution, Community Benefit & Community Wealth Building will all need to be considered as the scheme develops. With Developer Contributions sought towards Transport (including Active Travel), Green Infrastructure, Water & Waste and Public Art/Realm in compliance with NPF4 Policy 18 (Infrastructure first), HwLDP Policy 31 (Developer Contributions) and Developer Contributions Supplementary Guidance (2018).
- 3.11 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.
- 3.12 A Committee 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.
- 3.13 The following observations are made in respect of the EIA Scoping report:
- The identification of NPF4 as a key planning consideration and outline of policies is welcomed. In particular Policy 3 Biodiversity requires all forms of development to include appropriate measures to conserve, restore and enhance biodiversity proportionate to the nature and scale of development. It is worth noting that Highland Council Draft Biodiversity Planning Guidance (BPG) was taken to the meeting of the [Economy and Infrastructure Committee](#) on 16 November 2023 where it was agreed that it would be subject to public consultation. The BPG is intended for use by the Planning Authority, applicants and agents to ensure the consistent and proportionate implementation and interpretation of National Planning Framework 4 (NPF4) Policy 3. The BPG aims to provide certainty and clarity for applicants and agents and sets out what supporting information is required to be submitted to demonstrate the conservation, restoration and enhancement of biodiversity as required by NPF4 Policy 3. The Draft Biodiversity Guidance consultation is currently out on consultation [consultation](#). It is recommended that the applicant keep abreast of the progress of this document. Scottish Government has also recently published [draft biodiversity planning guidance](#) setting out the Scottish Ministers' expectations for implementing NPF4 policies which support the cross-cutting NPF4 outcome 'improving biodiversity'.

- The identification of HwLDP and the policies therein is again welcomed and appropriate and whilst NPF4 is now adopted, HwLDP will continue to be used alongside it, until it is replaced by a new style LDP. The Council notes that legislation and planning law indicates that if there is incompatibility between the LDP and the NPF, whichever is the more recent shall prevail. That requirement does not take away from the fact that the HwLDP must, whilst still part of the adopted Development Plan, be part of the consideration.
- Reference is made to the WestPlan however it should be noted that a small section of the proposed overhead line at the northern end of the site sits within the Inner Moray Firth LDP area. Please refer to the information above regarding the plan role in establishing the SLAs boundaries.
- Reference is made to Biodiversity Net Gain (BNG) and it is noted that SSEN Transmission has developed a BNG toolkit based upon the Natural England Biodiversity Metric which would be used for this proposal. The use of this metric is welcomed.
- Whilst the proposal does not sit within a Wild Land Area, the following are in proximity: WLA 20 Monadhliath and WLA 19 Braeroy-Glenshirra-Creag Meagaidh. The Scoping Report states it is intended to scope out WLA 19 from the EIA. Whilst NPF4 does not require a Wild Land Assessment to be carried out if a proposal sits outwith a Wild Land Area, it is recommended that regard still be given to Wild Land considerations. It should be noted that NatureScot has published (September 2020) guidance on Wild Land Assessments which is relevant to large scale developments in the vicinity of Wild Land Areas.
- It is noted that some investigation of peat depth has already happened and the applicant should ensure that the final route selection should avoid areas of Carbon Rich Soils, Deep Peat and Priority Peatland Habitat (CPP). CPP is a nationally important mapped environmental asset that indicates where the resource is likely to be found and that detailed peat assessment will be required to guide development away from the most sensitive areas and to help inform potential mitigation. The CPP mapping is a starting point, identifying likely presence of nationally important resource; the developer should undertake a specific peat assessment to inform the siting, design, or other mitigation in order to at least substantially overcome significant effects on CPP.
- The discussion of landscape character is noted and welcomed. Whilst this proposed development in itself is not an onshore wind development, the developer should review the Loch Ness Landscape Sensitivity Appraisal which can be found as part of the Council's adopted Onshore Wind Energy Supplementary Guidance (2016) [Onshore wind energy supplementary guidance \(2016\)](#). The landscape character types associated with the proposal are Uplands Glens and Moors and Rolling Uplands. The Council has worked with consultants and NatureScot in a pilot, to update and extend coverage of studies in the Dava, Nairn and Monadhliath areas up to the CNPA boundary. The consultant's final report [final report](#) of December 2021 is available on the Council's website. The next steps will be the preparation of accompanying planning guidance which, with the consultant's report, will be subject to public consultation. In the study the proposal is within the Rolling Uplands Assessment Unit and Upland Glen Assessment Unit

Sustainability

- 3.14 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.

Landscape and Visual

- 3.15 The Council expects the EIAR to consider the landscape and visual context of the development. The Council makes a distinction between the two. While not mutually exclusive, these elements require separate assessment and therefore presentation of visual material in different ways. It is the Council's position that it is not possible to use panoramic images for the purposes of visual impact assessment.
- 3.16 No viewpoints have been included within the supporting information provided. 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](#):
- 3.17 Assessments should cover impacts of all elements of the development, including grid connection, 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.
- 3.18 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.
- 3.19 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.

- 3.20 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.
- 3.21 A landscaping, management and maintenance scheme for the site is required and as this will have wider habitat and biodiversity interest. Using planting material sourced locally should be explored and there may be scope to replicate this in a controlled manner in landscaping for the new sites and in restoration of the old.
- 3.22 The Council's Landscape Officer provided site specific comments at the PREAPP stage, which should be considered carefully in the project design and incorporated within the LVIA section of the EIAR, including the split between the underground cable/overhead line solution.
- 3.23 Additionally, NatureScot provided site specific comments at the PREAPP stage, which should also be considered carefully in the project design and incorporated within the LVIA section of the EIAR. These included issues they consider may be of national interest, in this case being the effects on the Special Landscape Qualities (SLQ's) of the Cairngorms National Park and on Wild Land Area (WLA) 19 - Braeroy - Glenshirra - Creag Meagaidh (approximately 1km to the south at the closest point) and WLA 20 - Monadhliath (approximately 4.5km to the east). A Wild Land Assessment will be required to assess the effects of the proposal, on its own and cumulatively, on the special qualities of WLA 19 and 20 in accordance with NatureScot's guidance ([Assessing Impacts on Wild Land Areas](#)). In order to assess these impacts visualisations from key viewpoints are expected to include the Cairngorms National Park, local road network and surrounding recreational routes.

Ecology, Habitats and Ornithology

- 3.24 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 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.
- 3.25 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 by the EC.
- 3.26 The EIAR should address the likely impacts on the nature conservation interests 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 SAC's and SPA's 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. NatureScot provided advice on the impact on designated sites at the PREAPP stage.

- 3.27 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.
- 3.28 Ecological concerns of international importance relevant to the development include, but is not exclusive to, the designated features in the: River Spey Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), as well as other Special Protection Areas (SPAs) and underpinning SSSIs. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply with further information on the legislative requirements of European sites here ([Habitats Directive and Habitats Regulations](#)).
- 3.29 NatureScot will advise further regarding ecological concerns and HRA considerations. If an Appropriate Assessment is likely to be required and based on NatureScot's advice, the Planning Authority would encourage the applicant to provide a Shadow Habitats Regulation Appraisal and Appropriate Assessment with their application

Protected Areas – European Sites

River Spey SAC

- 3.30 This SAC lies to the south close to the connection point at Melgarve. The SAC is protected for salmon, freshwater pearl mussel, sea lamprey and otter, all of which could be adversely affected by release of silt or pollutants to the SAC or watercourses connected to it. Any future proposal would require a high standard of pollution prevention and silt control measures to ensure water quality is maintained. As greater ground disturbance may be predicted from underground connections these aspects of the proposals would require particular care. An otter survey is to be undertaken in suitable areas of habitat within 200m of the proposals, in accordance NatureScot guidance ([Otters](#)). Additionally, further consideration of freshwater pearl mussels is required, in accordance with NatureScot guidance ([Freshwater Pearl Mussel](#)). NatureScot advise that any future application includes sufficient information to inform a Habitats Regulations Appraisal (HRA). There is potential for a likely significant effect, most likely through release of silt and pollutants during construction, from any of the proposed options. Where there is a likely significant effect on a European site permitted development rights are suspended.

Loch Knockie and nearby Lochs SPA

- 3.31 The site lies approximately 3km east of this SPA. The SPA is protected for breeding Slavonian grebe. Assessment will be required of collision risk through survey work and desk study of known Slavonian grebe breeding sites in order that likely flight lines can be established with information available from the RSPB.

Creag Meagaidh SPA

- 3.32 This SPA is protected for breeding dotterel. Should dotterel be recorded during survey work, connectivity with the proposed development site and the need for a HRA should be considered.

Monadhliath SAC and Creag Meagaidh SAC

- 3.33 These SAC's are protected for upland habitats. Whilst it appears unlikely that they would be affected by the proposed development this should be confirmed.

Glendoe Lochans SSSI The SSSI

- 3.34 The SSSI's reinforces the Loch Knockie and nearby Lochs SPA and is protected for breeding common scoter and Slavonian grebe. An assessment of potential impacts through survey and desk study assessment will be required.

Monadhliath SSSI and Creag Meagaidh SSSI

- 3.35 Both SSSI's are protected for a range of upland features. Whilst it appears unlikely that they would be affected by the proposed development this should be confirmed.
- 3.36 Surveys for other protected species will be required, including badger and pine marten. Should any mature trees require work to facilitate this proposal, red squirrel and bats should be considered with further details on NatureScot guidance here ([Protected Species A-Z Guide](#)). Additionally, potential impacts to wider countryside birds should be assessed against the relevant Natural Heritage Zone (NHZ) population (NHZ10 Central Highlands for this proposal) with further details on NatureScot guidance here, ([Impacts on Bird Populations](#)). Whilst the proposed development is not for wind energy the guidance is still relevant.

Geology, Hydrology, Hydrogeology, Surface Water and Flood Risk

- 3.37 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.
- 3.38 The Carbon and Peatland map 2016 ([Carbon and Peatland Map](#)) indicates extensive areas of Class 1 and Class 2 peatland within the landscape, particularly across the higher altitude plateaux areas in the north. Habitat maps also suggest significant areas of blanket bog. Given the higher altitude these areas are particularly sensitive. Scottish Planning Policy affords "significant protection" to carbon-rich soils, deep peat and priority peatland habitat. It should be demonstrated that any significant effects can be substantially overcome by siting, design or other mitigation with the routing informed by habitat survey, hydrological assessment and peat probing results, so that it avoids direct and indirect impacts to priority peatland habitats. Where impacts cannot be avoided, they should be minimised. Full details of mapped information on peatland habitats to NVC level together with a detailed description

of current condition will be required. Habitat loss and damage, both direct and indirect, should be determined with suitable mitigation and/or restoration measures presented in peat and habitat management plans. Peatland surveys will be required and carried out in accordance with the NatureScot's Peatland Survey 2017 "Guidance on Developments on Peatland". A Peat Slide Risk Assessment may also be required and should follow NatureScot's latest 2017 guidance "Peat landslide hazard and risk assessments: best practice guide for proposed electricity generation developments" here ([NatureScot Advice and Guidance](#)).

- 3.39 The application should be supported by a detailed peat survey report and calculations showing how much peat will be disturbed by the different elements of the development (broken down into acrotelmic and catotelmic layer) and how and where disturbed peat will be reused on site or elsewhere. The finalised layout plans should be demonstrated to (1) avoid the areas of deepest peat and best quality habitat (2) keep the footprint of each aspect of the development as small as possible and (3) use construction methods, such as floating or piling to reduce impact on peat as much as possible. Specific care will need to be taken to determine the location of construction works which if poorly located and designed could disturb more peat than the final development.
- 3.40 It is noted that there are Annex 1 habitat types within the route corridor, including blanket bog and alpine heath. The route selection process shall be informed by survey and assessment, so that the development avoids, where possible, sensitive habitats such as blanket bog and alpine/montane habitats. Where this is not possible, suitable restoration and/or compensation measures should be proposed. Habitat loss and damage, both direct and indirect, should be determined and suitable mitigation and/or restoration measures presented in a Habitat Management Plan.

Ground Water Dependant Terrestrial Ecosystems

- 3.41 An NVC survey should be carried out of the sites and within 250m from any proposed infrastructure. The development should avoid direct impacts on any rare groundwater dependant habitats and protect their water supply. If relevant, the mitigation measures required to protect surrounding GWDTE habitats from the impacts of development (such as drying out) should be outlined.

Water Environment

- 3.42 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, 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.
- 3.43 The applicant is strongly advised at an early stage to consult Scottish Environment Protection Agency (SEPA) as the regulatory body responsible for the implementation of the Controlled Activities (Scotland) Regulations 2005 (CAR), however it is likely that a map and assessment of all engineering activities in or impacting on the water environment including proposed buffers, details of any flood risk assessment, and details of any related CAR

applications will be required to be included with the EIA—SEPA will identify whether a CAR license is necessary and the extent of information required to assess any license application.

- 3.44 If culverting should be proposed, either in relation to new or upgraded tracks, then it should be noted that SEPA has a general presumption against modification, diversion or culverting of watercourses. Schemes should be designed to avoid crossing watercourses, and to bridge watercourses where this cannot be avoided. The EIA will be expected to identify all water crossings and include a systematic table of watercourse crossings or channelising, with detailed justification for any such elements and design to minimise impact. The table should be accompanied by photography of each watercourse affected and include dimensions of the watercourse. It may be useful for the applicant to demonstrate choice of watercourse crossing by means of a decision tree, taking into account factors including catchment size (resultant flows), natural habitat and environmental concerns. Further guidance on the design and implementation of crossings can be found on SEPA's Construction of River Crossings Good Practice Guide.

Private Water Supplies

- 3.45 The need for, and information on, abstractions of water supplies for concrete works or other operations should also be identified. The EIA should identify whether a public or private source is to be utilised. If a private source is to be utilised, full details on the source and details of abstraction need to be provided.
- 3.46 An investigation will be required 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. This information should be in the form of a map and assessment of impacts upon groundwater abstractions and buffers. Highland Council has some information on known supplies, but it is not definitive. An on-site survey will be required.

Flood Risk and Surface Water Drainage

- 3.47 The Council's Flood Risk Management Team has no comment to make. However, there are a number of watercourses on the site therefore the following applies:
- A minimum of a buffer of all watercourses/bodies from buildings, accesses, paths etc. which should be shown on a suitably scaled drawing;
 - Access tracks not acting as preferential pathways for runoff and efforts being made to retain existing natural drainage wherever possible;
 - Natural flood management techniques should be applied to reduce the rate of runoff where possible; use of SuDS to achieve pre-development runoff rates and to minimise erosion on existing watercourses;
 - Water crossings in the form of culverts or bridges, or upgrades to existing crossings must be designed to accommodate to 1 in 200 year flood event, plus climate change;
 - Land rising within any floodplain to be avoided; if ultimately required, compensatory storage must be provided; and,

The EIA should be informed by the Council's Flood Risk and Drainage Impact Assessment SG.

- 3.48 The drainage strategy for the site should divide up the area into different catchments depending on the risks identified. Drainage from areas of highest risk will be considered as a trade effluent and will need to be contained, treated and disposed of appropriately. Areas of less risk should be provided with SUDS. Proposals must meet the treatment requirements of the Ciria SuDS Manual C753. A site plan showing the proposed SUDS treatment train should be submitted. The Simple Index Approach calculation (Section 26.7.1 of the guidance) must also be submitted in support of the site plan, and the online tool may be used to assist in this.
- 3.49 Please note, SEPA does not consider the water quantity aspects of surface water drainage schemes. Therefore, comments from the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the drainage strategy in terms of water quantity/flooding and adoption issues.

Pollution Prevention and Environmental Management

- 3.50 A schedule of mitigation should be submitted at the application stage and must include reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils at any one time) and regulatory requirements. It should set out the daily responsibilities of Ecological Clerk of Works, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer.
- 3.51 A schedule of mitigation should be submitted. It should bring together all the mitigation measures outlined in the EIA report and include reference to best practice pollution prevention and construction techniques and regulatory requirements. Please refer to [Guidance for Pollution Prevention \(GPPs\)](#).

Air Quality, Dust and Noise

Construction Noise

- 3.52 Highland Council's Environmental Health Team note that 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. Generally, people are tolerant of construction noise during typical working hours which are taken to be 8am to 7pm Monday to Friday and 8am to 1pm on Saturdays. Works for which noise is inaudible at the curtilage of any noise sensitive property could still be carried out out-with these times. Given the separation distances involved, construction work at the site is unlikely to cause any issues. Similarly, the understanding is that access will be via existing wind farm access tracks. The Environmental Health Team are satisfied that construction noise can be scoped out of any further assessment but it is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities.

Operational Noise

- 3.53 Operational noise can be scoped out of further assessment.

Private Water Supplies

- 3.54 The applicant will be required to carry out an investigation to identify any private water supplies, including pipework, which may be adversely affected by the development.

Contaminated Land

- 3.55 Having checked their database, historical Ordnance Survey maps and aerial photos, the Contaminated Land Team note there does not appear to be a potential source of contamination onsite. Therefore, further information is not required to support the application.

Cultural Heritage

- 3.56 The Council's Historic Environment Team has not provided further comments. The closest scheduled monument to the site is SM 6129 Corrieyairack Pass, military road, Melgarve to Allt Ruadh. Additionally, several features of interest are recorded within or close to the proposed route. These mostly consist of the remains of historic land use such as areas of shieling settlement. There remains the potential for further features or remains to be present, however, direct impacts to cultural heritage are not envisaged to be a significant constraint across this landscape. Careful design and siting will allow direct impacts to be avoided, where this is not possible, mitigation will be required. An assessment will be required to consider the potential indirect impacts, particularly to the scheduled Corrieyairick Pass route. The indirect impact assessment must include a study of cumulative impacts and where indirect impacts are predicted, these will be illustrated using photomontages. Where impacts are unavoidable, methods to mitigate this impact shall be considered, including both physical (i.e. re-design) and where appropriate, compensatory/off-setting.

Traffic and Transport

- 3.57 The Council's Transport Planning Team has not provided further comments. Access to the site will be from the A86 Trunk Road to the south and the B862 local public road to the north. With regards to possible construction access from the north, it should be recognised that the B862 is a substandard route, as is the B851 that it comes off and the B852 that connects with it. Therefore, construction access proposing to use any of these routes will need to agree appropriate improvement/investment measures towards mitigating impacts from those access requirements. Such mitigation should be developed in accordance with the current South Loch Ness Road Improvement Strategy and be agreed with The Council who are leading on the development and delivery of that strategy.

Transport Statement

- 3.58 A Transport Statement (TS) will be required. The TS should identify the number and type of vehicles that will be generated during both operation and construction of the development, the Council maintained roads that will be affected, and consider in detail the impact of development traffic on these roads. Where necessary, the TS should consider and propose measures necessary to mitigate the impact of development traffic.
- 3.59 Cumulative impact with any other developments in operation or committed should be considered in the TS.
- 3.60 Proposals for the access to the site should be provided on suitable dimensioned drawings and include details of junction radii, surfacing, drainage and visibility splays. It will need to

be clearly demonstrated that junction and forward visibility splays commensurate with the assessed speed of main road traffic can be provided and maintained. It will need to be clearly demonstrated that junction and forward visibility splays commensurate with the assessed speed of main road traffic can be provided and maintained.

- 3.61 Swept path analysis should be carried out, as required, to demonstrate that the largest vehicles requiring access will be able to safely and efficiently enter and leave the site.
- 3.62 The Council's public road network being considered as sensitive is where traffic flows are predicted to increase by 10% or more. A **High** National Road Traffic Forecast should be used when assessing the Council's public road network.
- 3.63 It is important to recognise that the public roads serving this site are heavily influenced by tourist traffic during the busier summer season. Any submission should recognise this and clearly set out how this has been recognised in the assessment process.
- 3.64 Prior to preparation of the TS, it is recommended that the applicant undertake a detailed scoping exercise in consultation with the Council's Transport Planning Team.
- 3.65 The TS should comply with the requirements of the Transport Scotland document, Transport Assessment Guidance.

Travel Plan

- 3.66 The inclusion of a framework Travel Plan (TP) is recommended to encourage more sustainable travel modes and, as far as possible, discourage single occupancy car journeys to and from the development.

External Lighting

- 3.67 Any external lighting provided shall be to the satisfaction of the Council.

Construction Traffic Management Plan

- 3.68 The construction phase of development is likely to have the most significant impact on the local road network. A Framework Construction Traffic Management Plan (CTMP) shall be included in the TS, to be developed into an operational CTMP when a contractor for the works has been appointed. The CTMP shall include measures to ensure that construction traffic adheres to approved routes and propose measures to mitigate the impact of such traffic. Depending on the level of traffic to be generated, consultation with stakeholders, including local community representatives, may be necessary regarding the detailed content and implementation of the CTMP.

Abnormal Load Routing (AIL)

- 3.69 Any requirements for abnormal loads associated with this development will need to be identified in the submission, including clarifying the routing of those AIL's to and from the development site. A review of the preferred routing should also include consideration of any structures along the proposed route. Transport Planning previously noted the existing Spey Dam public bridge is deemed unsuitable for abnormal load vehicles. Additionally, the AIL shall identify key pinch points on the trunk road network. Swept path analysis should be

undertaken and details provided with regard to any required changes to street furniture or structures along the route. Any proposed changes to the trunk road network must be discussed and approved with Transport Scotland.

Section 96 Agreement

- 3.70 Notwithstanding the above requirements, there could remain a risk of damage to Council maintained roads from development related traffic. To protect the interests of the Council, as roads authority, a suitable agreement relating to Section 96 of the Roads (Scotland) Act and appropriate planning legislation may be required.

Site Compound

- 3.71 The intended location of site compounds/offices, material stores, loading and unloading areas, workforce parking areas and the routes connecting them to the public road network should be clearly identified. Off-road access routes that will be used to access the site, clearly defining which routes are intended to be left in-place and which will be removed when no longer required shall be defined. The finished form of any routes being left in-place should be clarified with justification why they will be needed in that form going forward.

Waste Management

- 3.72 Details of arrangements for the storage and collection of waste and recyclable materials shall be provided in accordance with the Council's supplementary planning guidance, Managing Waste in New Developments.

Socio-Economic, Tourism and Recreation

- 3.73 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.
- 3.74 The EIAR must also assess the potential impact on, and mitigation for, public access incorporating core paths, public rights of way, long distance routes, other paths and wider access rights across the site.

Access and Tourism

- 3.75 The Council's Access Officer has no comment to make. An access management plan is required that comprehensively assesses the impact of the proposed development on outdoor access and identifies adequate mitigation measures which will form the basis of that plan. The access management plan should seek to minimise any negative impacts on outdoor access, including the construction phase, and look to maximise any benefits. The assessment should include an investigation into the proposal's effects on the quality of the settings where recreation takes place with safeguards and enhancements to long distance routes and their settings.

- 3.76 The nearby General Wade's Military Road forms part of coast to coast and Highland wide cycling trails and is also a candidate core path. There are other public rights of way across the site along with parts of the wider paths network, popular routes up hills along with a growing awareness of the potential for local windfarm tracks for recreation. If tracks are to be installed for the project that are likely to be permanent it is strongly recommended that any gates erected across them include pass gates for walkers, cyclists and horse riders at the outset with an internal width of at least 1.5m - kissing gates are inappropriate. The access to and from the site along the track to the Melgarve substation is the de facto line of a public right of way from Spey Dam. Access should be accommodated during and on completion of the proposed development.
- 3.77 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.

Health and Safety

General Health and Safety at Work

- 3.78 EIAs are not expected to include general health and safety at work however they take this opportunity to point out that it may be beneficial for employer(s) to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet requirements of relevant health and safety legislation as the project progresses.
- 3.79 A number of the aforementioned matters could be addressed by a Construction Environmental Management Document (CEMD) for the proposal. While acceptable in principle we would request that an Outline CEMD is included with the EIAR.

Forestry

- 3.80 The Council's Forestry Officer has noted the proposed underground cable leaves the substation and passes through relatively recently planted broadleaf tree planting which was required as a condition of the planning permission amendments to the substation (17/03830/FUL). They note there do not appear to be any other trees or woodland that would be affected by the proposed development. As such, a full Forestry Chapter in the EIA will not be required, but an assessment of the impact on the recently planted woodland will be required as a result of the proposed development with details of compensatory planting proposals.
- 3.81 A full Forestry Chapter is not required in the EIA, but the applicant will need to provide an assessment of the impact on the recently planted woodland as a result of the proposed development and they will need to provide detailed compensatory planting proposals to fully compensate.

Laggan Community Council

- 3.82 Laggan Community Council submitted comments with regards to the Scoping Opinion which are attached separately.

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, reduce and where possible offset any significant adverse effects on the environment must be set out within the EIAR 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). Further guidance can be obtained here ([Construction Environmental Management](#)).
- This is currently under review by a working party led by SEPA working through Heads of Planning Scotland but for the time being remains relevant.

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. 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.

If you would like to discuss this scoping response please contact the undersigned.

Yours sincerely

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