

File Note

Emmock 400 kV substation

Sender

LUC

Recipient(s)

SSEN Transmission

Project Number

12371

Date/Time

26 February 2025

Regarding comments received from NatureScot dated 31 January 2025, LUC's suggested response to SSEN Transmission's highlighted text is as follows:

Habitat Regulations Appraisal (HRA)

During pre-application consultation (refer **Table 10.2: Summary of Consultation** of the Emmock EIA Report), NatureScot confirmed (30th April 2024) that the Proposed Development was identified as not having a likely significant effect (LSE) capable of impacting the integrity of the listed SPAs. These sites were subsequently scoped out (Scoping Report, June 2024), on NatureScot's advice, with reference to the Habitats Regulations. NatureScot confirmed in their scoping response (12th July 2024) that they agreed with the proposed scope of the assessment.

The Scoping Report (June 2024) concluded that there was no likely impact pathway to the Firth of Tay and Eden Estuary SAC as the watercourse distance is 14.5 km from the Site to the SAC, and because the SAC is designated for marine habitats and harbour seal. NatureScot confirmed in their scoping response (12th July 2024) that they agreed with the proposed scope of the assessment. Furthermore, in their January 2025 response to the planning application for the Emmock substation, NatureScot concluded "*We agree that there are no adverse effects on any European sites and that an Appropriate Assessment is not required*".

We therefore consider it would be redundant and unnecessary to undertake HRA Screening at this stage as it does not change the assessment and NatureScot have confirmed that an Appropriate Assessment is not required, and they are satisfied that there are no LSE on any sites afforded protection under the Habitats Regulations.

Protected Species

The Applicant has a comprehensive suite of Species Protection Plans (SPPs) that details the process that will be implemented to ensure that construction is in accordance with all relevant policy and legislation with regard to the protection of notable species. It is of note that no protected features that are confirmed to require licensing have been identified at this stage.

As set out in the EIA Report and the Applicant's SPPs, pre-construction surveys will be undertaken which will confirm any requirement for mitigation or licencing should species, that have not been confirmed on site to date, be identified. We are

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confident that the licensing tests would be met subject to the proposed approach being implemented, which SSEN Transmission will discuss with NatureScot's licensing team as required.

As with HRAs, indirect effects of disturbance to protected species from construction lighting were scoped out in the Scoping Report and NatureScot agreed to the scope (12th July 2024).

In its response, NatureScot has also advised that the Applicant's mitigation hierarchy (embedded, applied, and additional) ensures compliance with the law and species licensing such that *"the effect on protected species will not be detrimental to the maintenance of the population of the species at a favourable conservation status."*

Bats, Otter and Beaver

SSEN Transmission agrees with the recommendation for a precautionary approach to other bridges. All bridges will be subject to update or pre-construction surveys, which will also be needed for otter and beaver in relation to Emmock Bridge, as part of a standard SPP/mitigation as detailed in the EIA Report.

Other Protected Species

Red squirrel, water vole and amphibians were scoped out in the Scoping Report and NatureScot agreed to the scope (12th July 2024). The Scoping Report assessed that habitats within the Site were unsuitable for red squirrel or water vole, and that the majority of the Site was unsuitable for amphibians including common toad, which is unlikely to be present in large numbers. This was based on field surveys that were completed within the Site during August 2023 and April 2024, with survey of the wider Ecology Survey Area (ESA) undertaken in July-September 2024.

Standard mitigation measures will be employed as detailed in the EIA Report, including pre-construction surveys in potentially sensitive habitats (such as in the vicinity of the Fithie Burn) with the involvement of an ECoW.

SSEN Transmission's SPPs cover the protected species that have limited potential to be encountered during works within the Site. The commitment to engage the services of an ECoW and to undertake pre-construction surveys is considered sufficient mitigation for any additional species within the Site that are not afforded specific legal protection.

Cumulative Assessment

We disagree with NatureScot that it cannot be assumed that each project would have standard embedded mitigation in place. We continue to be of the opinion that it is reasonable to expect nearby projects to implement best practice, both in terms of embedded mitigation (i.e. mitigation by design, such as restrictions to activities within watercourse buffers) and applied mitigation. The latter includes, but is not limited to, a CEMP, SPPs, and engagement of an ecologist/ECoW to advise on compliance with legislation, guidance and construction mitigation and to undertake pre-construction surveys. These represent industry-standard mitigation measures.

Ecology effects in the EIA Report are assessed post-mitigation. Cumulative projects are treated as employing standard mitigation (see discussion above), and each project is ultimately responsible for its own mitigation.

In addition, the Fithie Burn is heavily modified and the adjacent habitats within the Site and the cumulatively assessed BESS sites are dominated by intensive agriculture, and there were no confirmed signs of protected species recorded along the burn where it flows to the south of the Site, nor where it flows along the west of the existing Tealing substation, in proximity to the Balnuith BESS site. The Fithie Burn is therefore unlikely to be core territory for protected species such as otter, beaver and badger. The limited riparian habitat means the Fithie Burn offers only limited potential for foraging and commuting bats. As such, with industry-standard mitigation, the adjacent projects would be highly unlikely to affect the conservation status of any protected species at a level that is significant in terms of EIA.