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By email only to:
Cara.Peers-Smallwood@sse.com

Date: 6 June 2024

Our Reference: ECU00005064
Your Reference: 123006-R-SCR-1.0.0

Dear Ms Peers-Smallwood,

ELECTRICITY ACT 1989

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

SCREENING OPINION

On 5 March 2024 the Scottish Ministers received a request under regulation 8(1) of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the EIA Regulations”) from Scottish Hydro Electric Transmission plc (“the Applicant”) for an EIA screening opinion to install and operate 132 kV downleads, and 2 new Towers being proposed under The Overhead Lines (Exemption) (Scotland) Regulations 2013 from the existing Tealing to Arbroath Overhead Line (“OHL”) to connect to a separately proposed substation. The proposed Development is located on land close to Towers 20 and 21 at Braeside of Gagie, Kellas within the planning authority area of Angus Council.

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

Information Requirements

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

plan for the proposed Development and plans were also submitted detailing environmental constraints.

The proposed Development will comprise:

- Replacement of two existing steel Towers;
- Installation of downloads from Tower 20 to a new proposed substation, with the substation subject to separate application mechanism; and
- Construction of temporary site compound

Consultation

Regulation 8(5) of the EIA Regulations sets out that the Scottish Ministers must consult the planning authority as to the planning authority's views on whether the proposed Development is EIA development, unless the planning authority's views have already been conveyed to the Scottish Ministers. The Scottish Ministers consulted Angus Council on 12 March 2024. The planning authority submitted a response stating its view that the proposed Development does not constitute EIA development.

Scottish Ministers' Screening Opinion

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

The proposed Development falls under Schedule 2 development.

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

The Scottish Ministers have taken into account the selection criteria, all of the information submitted in respect of the request for a screening opinion as well as the views Angus Council and adopt the opinion that **the proposed Development does not constitute EIA development and any forthcoming application for consent (under section 37 of the Electricity Act 1989) does not require to be accompanied by a full Environmental Impact Assessment report.**

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

Written Statement

Characteristics of the Proposed Development

The proposed Development is as described above which involves the replacement of two existing steel lattice Towers (Towers 20 and 21) from the existing Tealing to Arbroath 132 kV

OHL proposed to be carried out under the Overhead Lines (Exemption) (Scotland) Regulations 2013 due to being of similar height, design and location of the existing Towers and installation of new 132 kV downloads from Tower 20 to a separately proposed new Substation. The proposed Development would further involve the construction of a temporary site compound. The proposed Development would facilitate the connection of a proposed solar farm and battery energy storage system ("BESS") to the national grid.

The proposed Development is anticipated to take place over a period of 4 to 8 weeks. There shall be cumulative impact with a number of other proposed energy infrastructure Developments in the area and shall be some soil and land excavation.

The production of waste is anticipated to be of low volume, pollution and nuisances beyond emissions associated with construction can be controlled through applied mitigation. The risk of major accidents and disasters along with risk to human health are considered to be low.

Location of the Proposed Development

The proposed Development is located in a rural area within agricultural land classed as 3.1 being land capable of producing consistently high yields of a narrow range of crops. The Gagie Marsh (floodplain Fen) Site of Special Scientific Interest ("SSSI") is located approximately 1.3 km south of the proposed Development.

There are not any densely populated areas around the proposed Development with some scattered properties and farms in the area with the closest being approximately 200 m away. There are existing tracks which pass in close proximity including one Core Path 202: Brightly to West Wellbank. A number of other paths are located within 1 km of the proposed Development. There is the potential for protected species including badger, red squirrel, pine marten and bat to be within the area.

There are no areas of forestry within the proximity but an area of woodland classed as Long Established of Plantation Origin ("LEPO") identified on The Ancient Woodland Inventory named "Big Latch" is located approximately 130 m from the proposed Development.

The closest heritage asset is a Roman temporary camp and a site of crop marks located approximately 0.5 km away. The Craig Hill, Fort and Broch Scheduled monument is located approximately 3 km to the south west of the proposed Development.

There are no watercourses within 100 m of the proposed Development with the closest being Sweet Burn approximately 580 m to the south west. SEPA's indicative flood risk mapping suggests there is no risk of flooding within the immediate vicinity of the proposed Development. There is not believed to be peatland habitat in the area of the proposed Development.

Characteristics of the Potential Impact

The spatial extent of likely impacts is contained within the nature and scale of the proposed Development and shall be located adjacent to the existing OHL infrastructure.

There shall be no requirement for woodland removal with no forestry, watercourses or peat impacted as a result of the proposed Development.

There is no direct connectivity to the Gagie Marsh (floodplain Fen) SSSI due to its location in proximity of the proposed Development and as noted above, no water courses within 100 m of the proposed Development that could result in any indirect effects.

The proposed development would form part of the existing Tealing to Arbroath 132 kV OHL and adjacent to the proposed new substation. There are further proposed energy infrastructure Developments within the area including Solar and BESS. The proposed Development assessed in this screening opinion is unlikely to provide any significant contribution in terms of cumulative impact.

There would be associated temporary impacts with the construction phase of the proposed Development including associated noise and traffic. Mitigation would be put in place in terms of working hours in agreement with Angus Council and a Construction Traffic Management Plan ("CTMP") would be implemented. The works are anticipated to be short term and take place over a 4 to 8 week period.

The proposed Development is considered to have an unlikely significant impact on any cultural heritage assets, protected species with the implementation of mitigation including Species Protection Plans ("SPPs") or hydrology. There are not likely to be significant effects on human health, production of waste or pollution

The Scottish Ministers therefore conclude that the effects of the proposed Development are not likely to be significant and that an Environmental Impact Assessment report shall not be required.

Proposed Mitigation Measures to Avoid or Prevent Significant Adverse Effects:

The Company have proposed the following mitigation measures in order to prevent or avoid any significant adverse effects:

- Pre-construction environmental surveys;
- Species Protection Plans ("SPPs");
- General Environmental Management Plan ("GEMP");
- Construction Environmental Management Plan ("CEMP");
- Environmental Clerk of Works ("ECoW");
- Set working hours to limit disruption to local residents;
- Restoration measures; and
- Construction Traffic Management Plan ("CTMP")

This screening opinion does not constitute pre-application advice and is provided without prejudice to the assessment of any future application under Section 37 of the Electricity Act 1989.

Yours sincerely

Lee Stirrat

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

Your Ref: EC00005064
Our Ref: 24/00163/EIASCR

20 March 2024

Lee Stirrat
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Chief Executive
Kathryn Lindsay

By email only to: - Lee.Stirrat@gov.scot

Dear Sir,

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

**RESPONSE OF ANGUS COUNCIL TO REQUEST BY SCOTTISH MINISTERS FOR
CONSULTATION COMMENTS FOR A SCREENING OPINION FOR PROPOSED
TEALING TO ARBROATH 132KV OVERHEAD LINE TIE IN**

Angus Council has been consulted by Scottish Ministers under Regulation 8 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and asked to express their view on whether the installation of 2 replacement steel lattice towers and the installation of 132kV downloads on land close to Towers 20 and 21 at Braeside of Gagie, Kellas is EIA development or not.

The proposal falls within Schedule 2 Category 2(a), an electric line installed above ground with a voltage of 132 kilovolts or more, of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

In screening the development, it is necessary to consider the characteristics of the proposed development in combination with its proposed location to identify the potential for interactions between it and its environment and therefore determine whether the proposed development is likely to have significant effects on the environment. In determining whether a particular development is likely to have such effects, this authority has taken account of the selection criteria in Schedule 3 to the Regulations. Three categories of criteria are listed:

1. Characteristics of the development
2. Location of the development
3. Characteristics of the potential impact

The council is mindful that regulation 8 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 requires a request for a screening opinion to be accompanied by amongst other things, a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected; a description of the aspects of the environment likely to be significantly affected by the proposed development; and, a

description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment.

Available information indicates that there are no designated built, cultural or natural heritage designations within the site but there are within 5km of the site; the site is in proximity to the 'Brightly to west Wellbank' Core Path (no. 202) and Big Latch woodland which is within the NatureScot ancient woodland inventory; much of the site comprises prime quality agricultural land and the wider area is interspersed with residential property and other formal recreational routes.

The main issues which have emerged during the consideration of the proposal are: -

- Although precise details relating to the appearance of the replacement towers have not been provided, but on the basis the towers are described as 'of a similar height (current height 33m) and design and located adjacent to the existing tower locations', the landscape and visual impacts associated with the development are considered likely to be similar to those experienced as a result of the existing Towers 20 and 21. Any minor changes in appearance/location is unlikely to significantly alter the existing landscape. There would be no significant transboundary impacts. For clarity this Angus Council consultation response has been provided on the presumption that once works on the proposed replacement towers have been completed the existing Towers 20 and 21 are to be removed and the area of ground at those sites restored.
- There are no natural heritage designations within the site, but the Gagie Marsh Site of Special Scientific Interest (SSSI) is approximately 1.3 km to the south of the site, the Big Latch area of ancient woodland is to the west and in proximity to the site and the development is within areas of prime quality agricultural land. That being said, it is noted that the submissions suggest that there is no direct connectivity between the proposal and the SSSI, and there are no watercourses within the immediate vicinity (100 m) of the proposed works that would lead to any potential indirect effect on the SSSI; there would be no requirement to fell any trees in the adjacent woodland as a result of the works; and a suite of Species Protection Plans (SPPs) would be implemented during construction to mitigate any effects on protected species. The submission of further/revised supplementary information as part of any subsequent consenting process and the inclusion of appropriate mitigation measures could ensure impacts would be appropriately considered/controlled. On that provision it is unlikely that any impacts upon protected species or sites or areas of natural value would be significant in terms of environmental impact assessment.
- In terms of amenity impacts, noise, vibration and traffic associated with the construction of the development is one of the main concerns, no detailed information has been provided in this regard, but given the scale of the development and as the submitted information suggests construction is only anticipated to last for up to 8 weeks, it is unlikely that impacts upon amenity arising from construction activities would be significant in terms of environmental impact assessment. Any impacts could be suitably considered/regulated through the consenting process.
- The proposal has the potential to directly impact upon the 'Brightly to west Wellbank' Core Path (no. 202) if this is used by construction traffic. However similar to the above bullet, it is unlikely these temporary impacts would be significant and impacts could be suitably considered/regulated through the consenting process.

In summary, whilst the development would give rise to environmental impacts those impacts are not considered to be significant in terms of environmental impact assessment. While limited information is provided with the screening request, the nature of the development proposed is not particularly complex and the development would mostly replace existing infrastructure of a similar height (current height 33m) and design and in a similar location. Landscape and visual changes would be relatively localised, and any construction impacts would be short lived. Furthermore, some impacts could potentially be mitigated, and others could be considered through the consenting process with the provision and consideration of relevant supporting information. Angus Council concludes that on the basis of available information they are satisfied that the proposed development is unlikely to have significant environmental effects. Accordingly, the Council is of the opinion that the proposal does not constitute Environmental Impact Assessment development and therefore does not require the submission of an Environmental Impact Assessment Report.

The above response focuses on the screening request made for the replacement of 2 steel lattice towers and the installation of 132kV downleads and provides no comment on the acceptability of the referenced 100MW solar array forming part of the Tealing Solar Energy Park development. Comments in relation to this proposal do not prejudice the council's consideration of any proposal for other development in the area.

The council has not undertaken consultation with external bodies in relation to the screening request.

If calling or telephoning, please ask for Stephanie Porter on 01307 492378 or e-mail PorterSG@angus.gov.uk

Yours sincerely

Stephanie Porter
Planning Team Leader – Development Standards