



Jones Lang LaSalle

East Coast 400 kV Overhead Line Upgrade

Application for Section 37 Consent: The Electricity Act 1989

Planning Statement

January 2021

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1. Introduction

1.1. Background

- 1.1.1. JLL are instructed by Scottish Hydro Electric Transmission plc (SHE Transmission) to provide planning consultancy advice with respect to upgrading approximately 168km of the existing 275 kV overhead line (OHL) connecting existing substations at Kintore, Fetteresso, Alyth T-Junction and the Applicant's licence boundary with Scottish Power Transmission (SPT) to enable operation at 400 kV (hereby referred to as the Proposed Development). The Location Plan is shown in Appendix 4 to this Planning Statement.
- 1.1.2. The transmission reinforcement is necessary due to planned significant increase in electricity generation capabilities in the north-east of Scotland as a result of growth in renewable electricity generation. The proposed upgrade of the existing OHL is essential to transmit the increased electricity from this growth. The Proposed Development would link three substations as summarised in Chapter 2 of this Planning Statement and in full detail within Chapter 3 of the Environmental Impact Assessment Report (EIA Report) that accompanies the application.
- 1.1.3. SHE Transmission is applying to The Scottish Ministers under section 37 of the Electricity Act 1989 (1989 Act) for consent for upgrading the East Coast OHL to enable operation at 400 kV.
- 1.1.4. Associated works required to facilitate the construction and operation of the Proposed Development would include vegetation clearance, access track upgrades, temporary site compounds, and temporary measures to protect the road, rail and water crossings. Deemed planning permission is also sought for these works under Section 57 of the Town and Country Planning (Scotland) Act 1997, as amended (the 1997 Act).

1.2. SHE Transmission, Duties

- 1.2.1. SHE Transmission is a wholly owned subsidiary of the SSE plc group of companies. SHE Transmission owns and maintains the electricity transmission network across the north of Scotland and holds a license under the 1989 Act. It has the following duties under Section 9 of the 1989 Act, which are relevant to the needs case:
 - to develop and maintain an efficient, co-ordinated, and economical system of electricity transmission; and
 - to facilitate competition in the supply and generation of electricity.
- 1.2.2. It has separate duties in relation to the environment when developing a transmission project for which section 37 consent is required and these are referred to in section 1.4 below.
- 1.2.3. SHE Transmission also has obligations to offer non-discriminatory terms for connection to the electricity transmission system. As such, SHE Transmission has a legal duty to provide connections for new electricity generators wishing to connect to the transmission network in its licence area

under the terms of its statutory and licence obligations. SHE Transmission is obliged to make its electricity transmission network available for these purposes and ensure the system is fit for purpose through appropriate reinforcements to accommodate the contracted capacity.

1.3. Application Approach and Content

Electricity Act 1989

- 1.3.1. The application for consent will be made to the Scottish Ministers under section 37 of the 1989 Act along with a request for a direction that planning permission be deemed to be granted under section 57 (2) of the 1997 Act.
- 1.3.2. Accordingly, the purpose of this Planning Statement is to provide an assessment of the Proposed Development against the relevant national and local planning and energy policies and any other material considerations. The Planning Statement should be read alongside the accompanying Development Plan Policy Schedules (Appendix 1 ,2 & 3).

Environmental Impact Assessment

- 1.3.3. The Proposed Development is classified as Schedule 1 development under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, hereafter referred to as the 'EIA Regulations':

"The carrying out of development to provide any of the following – ...

(3) construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.

(4) any change to or extension (including a change in the manner or period of operation) of development listed in paragraph 1 to 3 of this schedule where such a change or extension in itself meets the thresholds, if any, or description of development set out in this schedule."

- 1.3.4. Prior to a request for Scoping Opinion, a Scoping Briefing Note (SBN) was prepared to initiate discussion on the proposed scope of the EIA with stakeholders comprising the Scottish Government Energy Consents Unit (ECU), Aberdeenshire Council, Perth and Kinross Council, Angus Council, Scottish Natural Heritage (SNH), Scottish Environment Protection Agency (SEPA) and Historic Environment Scotland (HES). Feedback obtained through this consultation process has informed the preparation of the request for a Scoping Opinion.
- 1.3.5. A request for a Scoping Opinion was made to the Scottish Ministers under Regulation 12 of the EIA Regulations in May 2020, to seek advice on the scope and content of the EIA Report. A Scoping Report was submitted to support the request, which sought input from the Scottish Government Energy Consents Unit (ECU), statutory and non-statutory consultees regarding the information to be provided within the EIA Report. Additional consultation with statutory consultees took place to agree the EIA approach for subsequent design changes.
- 1.3.6. A Scoping Opinion was received from the Scottish Ministers in August 2020 and is included in Appendix 4.3 of the accompanying EIA Report.

- 1.3.7. An EIA Report has been commissioned by SHE Transmission and submitted alongside this Planning Statement in support of the application for the Proposed Development to Scottish Ministers.
- 1.3.8. The EIA Report comprises of four volumes:
- Volume 1 – Non-Technical Summary;
 - Volume 2 – Written Statement;
 - Volume 3 – Figures; and
 - Volume 4 – Technical Appendices.

1.4. Purpose of Planning Statement

- 1.4.1. The Proposed Development requires to be considered under the terms of the 1989 Act, and in particular the Schedule 9 duties require to be addressed.
- 1.4.2. Paragraph 3 (1) to the 1989 Act requires that in formulating development proposals, licence holders (i.e. the Applicant)
- “(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and*
- (b) do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects”. (Paragraph 3 (1)(a) & (b)*
- 1.4.3. Paragraph 3(2) of Schedule 9 provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals. These matters are those set out in Paragraph 3 (1)(a) above.
- 1.4.4. In addition, the Secretary of State shall have regard to *“(b)the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that subparagraph.”*
- 1.4.5. Moreover Paragraph 3(3) states that in exercising any relevant functions a licence holder shall avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any waters.
- 1.4.6. The information that is contained within the individual topic sections of the EIA Report for the Proposed Development addresses the environmental receptors identified in Schedule 9, to assist Scottish Ministers in their duties.
- 1.4.7. Chapter 13 of EIA Report titled ‘Schedule of Environmental Mitigation’ identifies necessary mitigation measures that would be implemented to address any potential effects of the Proposed Development on the natural and historical environment, in accordance with Paragraph 3 (1)(b) to Schedule 9 of the 1989 Act.

- 1.4.8. These duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be. Therefore, the approach required in this case is fundamentally different to the conventional approach for planning decisions under section 25 of the 1997 Act. There is no primacy of the Development Plan in an application for an electricity consent under the 1989 Act. Development Plan policies are relevant to understanding in a local context, the generic duties under Schedule 9 to the 1989 Act and are also material considerations in the decision-making process.

2. Location & Description of the Proposed Development

2.1. Site Location and Description

- 2.1.1. The Proposed Development involves upgrading approximately 168km of the existing 275 kV OHL connecting existing substations at Kintore, Fetteresso, Alyth T-Junction and the Applicant's licence boundary with Scottish Power Transmission (SPT) to enable operation at 400Kv as illustrated in Appendix 4 of this Planning Statement. The Proposed Development is located within the Aberdeenshire Council, Angus Council and Perth and Kinross Council local authority areas.
- 2.1.2. The OHL route is shown in Figure 1.1 of the EIA Report and is comprised of approximately (from north to south):
- 32 km between Kintore substation and Fetteresso substation (within Aberdeenshire Council area);
 - 67 km between Fetteresso substation and Alyth T-junction (Aberdeenshire, Angus and Perth and Kinross Council areas); and
 - 69 km between Alyth T-junction and the Applicant's licence boundary with SPT (hereafter referred to as mid-span between towers 33 and 34), near Blairingone (within Perth and Kinross Council area)
- 2.1.3. Land use in the Study Area comprises arable land, as well as a combination of heathland and moorland or rough hill pasture and forest and woodland.
- 2.1.4. The Proposed Development interfaces with the following existing and proposed substations as shown in Figure 1.1 and also Figure 5.1: Cumulative Developments of the EIA Report:
- The proposed Kintore 400 kV substation extension, Aberdeenshire, and tie-in of the existing Kintore to Fetteresso double-circuit 275 kV OHL Route into this new substation extension. Consent was granted by Aberdeenshire Council in 2015 (Application reference: APP/2015/2520). However, due to a change in the site layout, a revised application is currently being progressed in parallel to the Proposed Development and is the subject of a separate planning application submitted by the Applicant in July 2020 which was approved by Aberdeenshire Council 14 January 2021.(Application reference: APP/2020/1437). Tie-in of the existing Kintore to Fetteresso double-circuit 275 kV OHL Route into this new substation extension is also the subject of a separate application under s37 of the Electricity Act, submitted in July 2020 and granted consent in December 2020 (Application reference: ECU00002100). The substation is due for energisation in 2023 and will run at 275kV until after all the OHL diversions into Kintore 400 kV substation extension have taken place and having been connected into this East Coast 400kV reinforcement project by end of 2026, after which the substation will operate at 400 kV.
 - The existing Fetteresso 132 / 275 kV substation, Aberdeenshire. Minor works will be required at this substation to replace the existing 132 / 275 kV transformers with 132 / 400 kV transformers as part of the wider East Coast 400 kV upgrade and thereafter will be able to operate at 400 kV following completion of the Proposed works there; and

- The proposed Alyth 275 / 400 kV substation in Perth and Kinross. Consent was granted by Perth and Kinross Council in July 2020 (Application reference: 19/01747/FLN). The tie-in of the existing double-circuit 275 kV OHLs into this substation was the subject of a separate application (Application reference: ECU00001952) and was approved by Scottish Ministers in April 2020. The substation is due for energisation in October 2023 and will run at 275kV from then until 2026 when the 400 kV transformers will be brought into the substation and allow the substation to be run at 400kV,

2.1.5. The proposed substations and associated OHL tie-ins do not form part of the Proposed Development and therefore do not generally fall within the scope of the EIA Report, however cumulative effects are considered, where appropriate.

2.2. Proposed Development

2.2.1. Chapter 3 of the EIA Report sets out a detailed description of the Proposed Development.

2.2.2. In summary, the Proposed Development comprises the following:

- Replacement of conductors, insulators and fittings on the existing steel lattice towers;
- Re-sagging of the existing Optical Ground Wire (OPGW) (i.e. the ‘earthwire’ on top of the tower);
- Where required, tower condition works including steelwork and tower leg foundation work to strengthen the existing steel lattice towers; and
- Height extensions to a maximum of 73 existing steel lattice towers to maintain the required operational ground clearances following the replacement of conductors and insulators. Extensions would be up to 10% of the existing height of the towers.

2.2.3. Other associated works would include vegetation clearance, access track upgrades, temporary site compounds, and temporary measures to protect the road, rail and water crossings.

2.2.4. Deemed planning permission is also sought for these works under Section 57 of the Town and Country Planning (Scotland) Act 1997, as amended (the 1997 Act).

2.2.5. Consent for tree felling within the existing operational corridor is already in place **in line with Forestry Industry Safety Accord (FISA) Safety Guide 804 – Electricity at work: Forestry¹ guidance**. The increase in OHL voltage as a result of the Proposed Development will require an increase in clearance to vegetation of approximately 1m either side of the OHL, resulting in an increased operational corridor. Any additional felling, outwith this new operational corridor, for example to account for wind throw, would be undertaken through the application of a tree felling licence.

¹FISA (2020) FISA Safety Guide 804 Electricity at work: Forestry

- 2.2.6. Existing tower access routes would be used wherever possible and can be mostly accessed via public roads and farm tracks. Where this is not possible, accesses would be upgraded, or temporary protection measures would be undertaken such as laying of temporary tracks.

2.3.Limits of Deviation (LOD)

- 2.3.1. A Limit of Deviation (LOD) defines the maximum extent within which a development can be built. As the majority of the Proposed Development comprises replacement of the conductors, earthwire, insulators and fittings, a LOD is not required for these aspects of the work as the existing tower positions remain unchanged.
- 2.3.2. A vertical LOD is however required in the case of the towers with required height extensions to maintain operational ground clearances. The proposed tower height increases have been determined on the basis of technical considerations including engineering analysis of conductor performance under different operating conditions and weather conditions. A vertical LOD parameter is sought to allow a height increase of up to 10% of the existing tower heights. The LOD is detailed in Table 3.1 of the EIA Report.

2.4.Construction Operations

- 2.4.1. Construction works have also been considered in chapter 3 of the EIA Report. It is anticipated that construction works will take place over three outage seasons (April to October), with works programmed to start in April 2023 subject to approvals being granted, with completion anticipated in October 2026.
- 2.4.2. During construction it is estimated that there will a number of separate teams working at the same time at different locations of the Proposed Development. Resource levels will be dependent on the final construction sequence and will be determined by the successful Principal Contractor(s).
- 2.4.3. Construction activities would in general be undertaken during daytime periods only. For weekdays, this would involve work between approximately 07:00 to 19:00 in the summer and 07:30 to 17:00 (or as daylight allows) in the winter. At weekends the working hours would be approximately 07:00 to 17:00 in the summer and 07:30 to 17:00 (or as daylight allows) in the winter.
- 2.4.4. Any variation in these working hours would be agreed in advance with the appropriate local authorities on an as-required basis.
- 2.4.5. A contractual management requirement of the Principal Contractor would be the development and implementation of a Construction Environmental Management Plan (CEMP). This document would detail how the Principal Contractor would manage the site in accordance with all commitments and mitigation detailed in the EIA Report, statutory consents and authorisations and industry best practice and guidance.

3. National Planning & Energy Policy

3.1. Introduction

- 3.1.1. This section of the Planning Statement provides an assessment of the Proposed Development against the following key material considerations of relevance:
- National Planning Framework 3;
 - Emerging National Planning Framework 4;
 - Scottish Planning Policy;
 - Scottish Energy Strategy: The future of energy in Scotland; and
 - Scotland's Electricity and Gas Networks: Vision to 2030.

3.2. National Planning Framework 3

- 3.2.1. The Scottish Government published the NPF 3 on 23rd June 2014. NPF3 is a long-term strategy for Scotland and is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Together, NPF3 and Scottish Planning Policy (considered below) applied at the strategic and local levels, are intended to help the planning system deliver the Government's vision and outcomes for Scotland.
- 3.2.2. The Proposed Development is most closely related to the NPF's vision for Scotland to be a 'A Low Carbon Place' due to its importance in supporting an increased capacity electricity network related to the increase in renewable energy. The Proposed Development will also assist in ensuring security of supply and is identified as a National development in NPF 3 as discussed below.
- 3.2.3. NPF3 supports the maintenance and enhancement of the electricity grid network. Paragraph 3.28 states that:
- "Electricity grid enhancements will facilitate increased renewable electricity generation across Scotland. An updated national development focusing on enhancing the high voltage transmission network supports this, and will help to facilitate offshore renewable energy developments."*
- 3.2.4. The Proposed Development is directly related to this objective as it will facilitate increased renewable electricity generation in the north-east of Scotland. NPF3 notes that strengthening the electricity grid will be essential in unlocking renewable resources, both onshore and offshore. The importance of the Proposed Development is therefore recognised in NPF3.
- 3.2.5. Paragraph 3.28 continues noting that *"The environmental impacts of this type of infrastructure require careful management."* Mitigation is identified as an important part in the delivery of these necessary pieces of infrastructure. The Applicant recognises the importance of mitigating the impact of a development of this scale as much as practically possible and the section 37 consent is accompanied by an EIA Report which assesses the Proposed Development on a range of

environmental receptors. The EIA Report demonstrates that with the necessary mitigation in place the Proposed Development is acceptable in environmental terms.

Delivery: National Developments - Outcomes

- 3.2.6. As part of the Low Carbon Place strategy the Scottish Government recognises the need for a range of infrastructure, including new developments and refurbishment or enhancement of existing facilities. Delivery in this regard will be assisted by **three** national developments **one** of which is ‘**A High Voltage Energy Transmission Network**’. The Proposed Development would fall within this category and under the following class of National development:

“Development consisting of a. new and/or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts, and supporting pylons.”

- 3.2.7. In terms of the specific needs case for this type of development NPF states that *“these classes of development are needed to support the delivery of an enhanced high voltage electricity transmission grid which is vital in meeting national targets for electricity generation, statutory climate change targets, and security of energy supplies”*.
- 3.2.8. The Proposed Development has a direct relationship with achieving this aim and as such can draw significant support from NPF3.

3.3. Emerging National Planning Framework 4

- 3.3.1. The Position Statement for the National Planning Framework 4 (NPF4) was published in November 2020. The Scottish Government expect to lay the draft NPF4 to the Scottish Parliament in autumn 2021 and will consult publicly on fuller proposals at that stage.
- 3.3.2. A key theme within the Position Statement is the Scottish Government’s ambitious target of meeting net zero emissions by 2045 and consequently, the need to rebalance the planning system to prioritise climate change at all levels of decision making. Furthermore Page 2 states that. *“We will need to focus our efforts on actively encouraging all developments that help to reduce emissions”*.
- 3.3.3. Key opportunities to achieve net zero carbon targets are set out on Page 3 and includes, *“Supporting renewable energy developments, including...new and replacement grid infrastructure*. The Proposed Development is directly related to this objective as it involves replacing grid infrastructure in order to facilitate increased renewable electricity generation.
- 3.3.4. The document sets out a new spatial strategy which seeks to ‘Deliver infrastructure to reduce emissions’, amongst other aims. This section recognises Scotland as a net exporter of electricity and states that further investment will be needed to continue to advance this sector. Page 9 states that,

“As a priority, our strategy will need to facilitate the roll-out of renewable electricity and renewable and zero emissions heat technologies. We will need to switch to low and zero carbon fuel sources, and support the delivery of associated infrastructure, such as grid networks.”

- 3.3.5. As an upgrade to the transmission network which will improve and facilitate increased renewable energy generation in the north-east of Scotland, the Proposed Development draws significant and direct support from the Position Statement of NPF4 which provides an early indication of the nature of the Proposed NPF4.
- 3.3.6. It is important to note that NPF4 is not approved policy, therefore, NPF3 and SPP will remain in force as the extant policy guidance until NPF4 is formally adopted by Scottish Ministers which is expected in 2022. Therefore, whilst the Proposed Development aligns with the proposed aims and objectives of the emerging NPF4, this has limited weight in the assessment of the Proposed Development until it is formally adopted.

3.4.Scottish Planning Policy

- 3.4.1. Scottish Planning Policy (SPP) was published on 23rd June 2014. An erratum was published on the 18th December 2020 as a result of changes to paragraphs 28, 29,30, 32, 33 and 125 of SPP. The changes relate to sustainable development and housing land supply.
- 3.4.2. SPP sets out national planning policies which reflect Scottish Government Ministers' priorities for the operation of the planning system and for the development and use of land. SPP is relevant to understanding the national context, the generic duties under Schedule 9 to the 1989 Act and is a material consideration in the decision-making process.

Presumption in Favour of Sustainable Development

- 3.4.3. SPP “introduces a presumption in favour of sustainable development” and states that:
- “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the cost and benefits of the proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”* (paragraph 28).
- 3.4.4. As has been set out above, the Proposed Development forms part of a strategically important category of national development which is recognised in NPF3. It is a national priority which will contribute to the Scottish Government’s central purpose and national outcomes.

Planning Outcomes

- 3.4.5. Outcome 2 ‘A Low Carbon Place: Delivering Heat and Electricity’ is of most relevance to the Proposed Development. The Proposed Development will facilitate the transmission of electricity across Scotland from the sources of generation to centres of demand and will support the increase in renewable energy generation by enabling increased capacity to the grid.
- 3.4.6. SPP notes that the planning system should support the transformational change to a low carbon economy and support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity. The Proposed Development would contribute to this aim.

- 3.4.7. SPP also seeks to protect the natural environment and notes that the environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation, and sustainable economic activity.
- 3.4.8. The Proposed Development has been designed to avoid and minimise environmental impacts and mitigate the likely significant environmental effects that are predicted, wherever possible. This is achieved in a number of ways, one of which is due to the ability of the upgrades to be undertaken utilising the existing tower assets, with no new towers required which therefore avoids the potential environmental impacts of rebuilding sections of the OHL route. Moreover, existing access routes will be used where possible to minimise environmental impacts. No significant landscape and visual effects are anticipated as a result of the Proposed Development and this has been scoped out of the EIA Assessment. Following mitigation, no significant residual effects are predicted on ecology or ornithology interests.
- 3.4.9. SPP also recognises that *“the historic environment is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places.”* The siting and design of development should take into account all aspects of the historic environment. Chapter 8 of the EIA Report considers Cultural Heritage and confirms that, subject to the proposed mitigation, no residual significant adverse effects are likely.
- 3.4.10. The Proposed Development would enhance the high voltage energy transmission network meeting NPF objectives. The national importance of the Proposed Development is a significant material consideration in the determination of the section 37 application and for Scottish Ministers in meeting their schedule 9 duties.

3.5. Scottish Energy Strategy: The future of energy in Scotland

- 3.5.1. Scotland's first Energy Strategy, published in December 2017, sets out the Scottish Government's vision for the future energy system in Scotland. The document's energy strategies of most relevance to the Proposed Development include system security and flexibility, and renewable and low carbon solutions.
- 3.5.2. The Energy Strategy notes that *“Scotland should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of our homes and businesses as our energy transition takes place”*. The Proposed Development will directly contribute towards this aim through supporting the generation of renewable electricity and enhancing the wider network, and therefore can draw significant support from the Scottish Energy Strategy.

3.6. A vision for Scotland's Electricity and Gas Networks

- 3.6.1. The Scottish Government's 'Vision for Scotland's Electricity and Gas Networks' document was published in March 2019. The vision statement highlights that, *“By 2030 Scotland's energy system will have changed dramatically in order to deliver Scotland's Energy Strategy targets for renewable energy and energy productivity...Our electricity and gas networks will be fundamental to this progress across Scotland, and there will be new ways of designing, operating and regulating them to ensure that they are used efficiently.”*
- 3.6.2. With regards to electricity transmission, the document supports (page. 5):

- *“A secure and resilient transmission network for Scotland, engineered to reflect the changing dynamics of the electricity system, and with a System Operator able to access the technical services needed to maintain stability.*
- *New transmission infrastructure that ensures we can meet Scotland’s renewable energy ambitions”*

3.6.3. The Proposed Development draws significant support from the Vision for Scotland's Electricity and Gas Networks to 2030. The Proposed Development involves a significant investment in the electricity network in the East Coast of Scotland involving the upgrade of an existing OHL which will facilitate increased generation capacity to the grid, support the continued growth of renewable electricity generation and support Scotland’s renewable energy targets. The Proposed Development is also required to maintain the Applicant’s licence obligations to develop and maintain an efficient, coordinated and economic electricity system in Scotland. This document is of significant importance to the consideration of the Proposed Development and provides overwhelming support for the development.

3.7. Conclusions

- 3.7.1. In summary, the Proposed Development has been considered against the terms of the most relevant national, planning and energy policy. The Proposed Development is identified as a strategically important National Development within NPF3 as part of the Scottish Government’s strategy to Achieve a Low Carbon Economy. The proposal would support the security of energy supply and enhancement of the electricity grid infrastructure. Hence there is significant support for the Proposed Development at a national level.
- 3.7.2. The Applicant has undertaken an EIA to assess the impact of the Proposed Development on various receptors. No unacceptable environmental effects have been identified and the Proposed Development is considered to be acceptable subject to proposed mitigation measures. Due regard has been given to the preservation of natural heritage, cultural heritage, ecology, ornithology and features of special interest, and mitigation measures have been designed to reduce, avoid or minimise likely significant effects. No long term significant residual effects in relation to natural heritage, cultural heritage, ecology, ornithology and features of special interest are predicted.
- 3.7.3. In designing the Proposed Development, the Applicant has had regard to the Schedule 9 duties. The outcome of this is set out in the information that is contained within the individual topic sections of the EIA Report. The Applicant has committed to the identified and recommended mitigation measures, which will avoid significant adverse effects on the environment.
- 3.7.4. Finally, the Proposed Development can draw significant backing from the Scottish Energy Strategy and the Scottish Government’s ‘Vision for Scotland’s Electricity and Gas Networks’ which support the development and enhancement of electricity transmission infrastructure.

4. Local Planning Policy

4.1. Introduction

- 4.1.1. This Chapter assesses the Proposed Development against the statutory Development Plan applicable to the areas in which the site is located. The Proposed Development is located within the Local Authority areas of Aberdeenshire Council, Angus Council and Perth and Kinross Council.
- 4.1.2. The Development Plan applicable to the Proposed Development therefore comprises of:
- Aberdeen City and Shire Strategic Development Plan (Approved August 2020);
 - Aberdeenshire Local Development Plan (Adopted April 2017);
 - TAYplan Strategic Development Plan (Approved October 2017) (Covers both Angus and Perth & Kinross local authority areas);
 - Angus Local Development Plan (Adopted September 2016); and
 - Perth and Kinross Local Development Plan (Adopted November 2019).
- 4.1.3. Supplementary Guidance relevant to the Proposed Development is also outlined below and discussed in further detail in Section 4.13. It is noted that Angus Council do not have any supplementary guidance which is relevant to the Proposed Development.

Aberdeenshire Local Development Plan

- SG 8 Aberdeenshire Forestry and Woodland Strategy (adopted April 2017)

Perth and Kinross Local Development Plan

- Flood Risk and Flood Risk Assessments Supplementary Guidance (adopted June 2014)
- Forest and Woodland Strategy Supplementary Guidance (adopted March 2020).

- 4.1.4. Scoping responses from Aberdeenshire Council, Angus Council and Perth and Kinross Council are included in Appendix 4.3 of the EIA Report.

4.2. Strategic Development Plans

Aberdeen City and Shire Strategic Development Plan (2020)

- 4.2.1. The Aberdeen City and Shire Strategic Development Plan (ASDP) was recently Approved in August 2020 and is a visionary document setting out how they wish the City Region area (including Aberdeenshire Council) to grow across a twenty-year period to 2040.
- 4.2.2. The ASDP continues to support the delivery of high voltage energy transmission infrastructure. The site is partially located within an identified Strategic Growth Area on Figure 4 Strategic Growth Area – Aberdeen to Huntly, where high voltage energy transmission infrastructure is recognised.

- 4.2.3. Chapter 6 – Our Resources, states, “A more diverse mix of renewable energy sources, along with storage, will be needed if we are to meet Scottish Government renewables targets, make best use of the resources available, and ensure continuity of supply to serve communities and businesses across the City Region. This will mean upgrading key North-East and East Coast electricity transmission lines from 275 kilovolts to 400 kilovolts.” The ASDP directly supports the Proposed Development and acknowledges its importance to the city region.
- 4.2.4. Chapter 7 also directly references the Proposed Development in relation to improving connections states that “With energy continuing to play a significant role to the economy, energy connections to and from the City Region are important...” including specific reference to the upgrading of the North-East and East Coast electricity transmission lines.
- 4.2.5. The Proposed Development will contribute towards achieving the vision and aims as set out in the plan. Support is directly provided for the Proposed Development in the ASDP which recognises the importance in the upgrade of the East Coast electricity transmission network to diversify renewable energy resources, meet renewable energy targets, utilising existing resources and maintain continuity of supply for all within the City Region and beyond. Given, the above context, it is considered that the development can draw significant support from the approved ASDP.

TAYplan Strategic Development Plan (2017)

- 4.2.6. The TAYplan Strategic Development Plan (TSDP) sets out the overall planning vision for the region over the next twenty years covering both Angus and Perth and Kinross Council areas in addition to Fife and Dundee City Councils. TSDP looks to identify key areas for growth and sets out an overarching spatial strategy for the region.
- 4.2.7. The policy of most relevance to the Proposed Development is ‘Policy 7 – Energy, Waste and Resources’ which aims to deliver a low/zero carbon future and contribute to meeting Scottish Government energy targets Under Policy 7 of the TSPD the Proposed Development is identified as a strategically significant development as it will significantly affect the operation and capacity of energy infrastructure including regional grid connections and storage networks. The Proposed Development is a strategic investment in both the Angus and Perth and Kinross local authority areas and forms an integral part of the reinforcements to the transmission network in East Scotland, required to enable new energy generation to link to the main transmission system and centres of demand. The Proposed Development forms a crucial part in the provision of a connection into the transmission network as well as providing increased network capacity to accommodate an increase in the generation capability of the area.
- 4.2.8. Policy 9: Managing TAYplans Assets states that land should be identified through Local Development Plans to ensure responsible management of TAYplan’s environmental and historical assets. With regard to the Proposed Development, following the implementation of mitigation no significant adverse impacts are predicted to natural or historical assets. The accompanying EIA sets out the careful design, mitigation measures and management of the Proposed Development to ensure limited impact on the local area. The Proposed Development is considered to comply with Policy 9.

4.2.9. The Proposed Development can draw significant support from the policies and objectives of the TSDP.

4.3. Local Development Plan

4.3.1. The Aberdeenshire Local Development Plan, Angus Local Development Plan and Perth and Kinross Local Development Plans provide the local context for assessing development proposals. The relevant policies of the three separate LDPs are included in full at **Appendices 1-3** to this Planning Statement.

4.3.2. Table 4.1 sets out the policies considered to be of relevance to the Proposed Development and which it has been assessed against.

Table 4.1: Relevant Development Plan Policies

Topic	Aberdeenshire LDP Policies	Angus LDP Policies	Perth & Kinross LDP Policies
Siting and Design			Policy 2 Design Statements
Natural Heritage	E1 Natural Heritage Policy P2 Open Space and Access in New Development	Policy PV1 Green Infrastructure and Green Networks Policy PV4 Sites Designated for Natural Heritage & Biodiversity Value Policy PV5 Protected Species	Policy 38 Environment and Conservation Policy 41 Biodiversity Policy 42 Green Infrastructure
Landscape	E2 Landscape	Policy PV6 Development in the Landscape	Policy 39 Landscape
Built Heritage	HE1 Protecting historic buildings, sites, and monuments HE2 Protecting historic and cultural areas	Policy PV8 Built and Cultural Heritage	Policy 26 Scheduled Monuments & Archaeology Policy 27 Listed Buildings Policy 29 Gardens and Designed Landscapes Policy 30 Protection, Promotion and Interpretation of Historic Battlefields Policy 31 Other Historic Environment Assets
Hydrology, Hydrogeology, Geology and Soils	C4 Flooding	Policy PV12 Managing Flood Risk Policy PV13 Resilience and Adaptation Policy PV14 Water Quality Policy PV15 Drainage Infrastructure	Policy 51 Soils Policy 52 New Development and Flooding Policy 53 Water Environment and Drainage

Topic	Aberdeenshire LDP Policies	Angus LDP Policies	Perth & Kinross LDP Policies
		Policy PV20 Soils and Geodiversity	
Resources	Policy PR1 Protecting important resources Policy PR2 Protecting Important Development Sites	Policy PV7 Woodland Trees and Hedges	Policy 40 Forestry, Woodland and Trees Policy 50 Prime Agricultural Land
Climate Change	Policy C2 – Renewable Energy	Policy PV9 Renewable and Low Carbon Energy Development	Policy 33 Renewable and Low-Carbon Energy Policy 35 Electricity Transmission Infrastructure
Amenity	Policy P4 Hazardous and potentially polluting developments and contaminated land	Policy DS4 Amenity	Policy 15 Public Access Policy 55 Nuisance from Artificial Light and Light Pollution Policy 56 Noise Pollution Policy 58 Contaminated Land and Unstable Land
Transport	Policy RD1 - Providing suitable services	Policy DS2 Accessible Development	Policy 60 Transport Standards and Accessibility Requirements

4.4. Siting and Design

- 4.4.1. Perth and Kinross Council’s LDP includes **Policy 2: Design Statements** which states that design statements will normally be required to accompany planning applications for non-residential uses over 0.5 ha or developments impacting upon heritage assets. An EIA Report is submitted alongside this Planning Statement, which contains detailed information and drawings on the design of the Proposed Development relative to impact on heritage assets. Chapter 3 of the EIA Report sets out the principles of the approach to the design of the Proposed Development. The proposal is therefore deemed to accord with Policy 2.

4.5. Natural Heritage

- 4.5.1. Natural Heritage is covered by **Policy E1 Natural Heritage** of the Aberdeenshire LDP. Within Angus LDP the key policies of relevance include **Policy PV4 Sites Designated for Natural Heritage & Biodiversity Value** and **Policy PV5 Protected Species**. Within Perth and Kinross LDP, Natural Heritage is addressed in **Policy 38: Environment and Conservation** and **Policy 41: Biodiversity**.
- 4.5.2. In all three cases the policies above seek to prevent development that will have significant adverse effects on nature conservation interests including protected species.
- 4.5.3. Green infrastructure is also included in **Policy PV1 Green Infrastructure and Green Networks** of Angus LDP and **Policy 42: Green Infrastructure** of Perth and Kinross LDP and will be addressed below.

- 4.5.4. The majority of the re-conductoring and re-insulation works involve upgrading of existing infrastructure, using existing access tracks to service the existing towers. No new towers are required for the OHL works within the study area and therefore following the below assessment it is concluded that there will be no significant adverse effects on nature conservation interests.
- 4.5.5. Chapter 7 of the EIA Report titled 'Biodiversity' details the findings for the EIA in relation to ecology and ornithology.

Nature conservation sites

- 4.5.6. The EIA Report identifies that there are four SACs of international conservation value within the study area namely Pitkeathly Mires SAC / SSSI, River Tay SAC, River Dee SAC / LNCS and River South Esk SAC.
- 4.5.7. Four SSSI's of national conservation value are located along the OHL route including Pitkeathly Mires SAC/SSSI, Devon Gorge SSSI, Gannochy Gorge SSSI and Hare Myre, Monk Myre and Stormont Loch SSSI.
- 4.5.8. Four non-statutory designated Local Nature Conservation Sites (LNCS) are also located within the Study Area namely; River Dee LNCS, Strathifinella LNCS, Loch of Park LNCS and Candyglirach LNCS. The EIA Report notes that there are no specific species associated with the LNCSs.
- 4.5.9. The EIA Report identifies the following four habitat types within the study area; running water and ancient woodland of county level of conservation value, non-designated broadleaved and mixed woodland, and heath of local level value.
- 4.5.10. The Proposed Development requires tree felling of approximately 1m of woodland habitat either side of the OHL to achieve an operational corridor. A Tree Resilience Survey is being conducted to assess the full extent of tree felling and this will be submitted as an addendum to the EIA Report. The EIA Report states that all impacts on designated sites as a result of felling would be permanent, but of a low spatial impact which would represent an impact of low magnitude of minor adverse significance.
- 4.5.11. The EIA Report notes that access routes through Pitkeathly Mires SAC and SSSI within Perth and Kinross have potential to cause indirect disturbance to the SAC's sensitive basin fen and rare bryophyte qualifying interests, by degrading the habitat upon which it relies. Impacts are predicted to be short-term but of medium magnitude, resulting in a Moderate Adverse significance of effect due to the International level value of the SAC.
- 4.5.12. It is noted that the Habitats Regulations Appraisal (HRA) which accompanies the EIA Report (Appendix A) states that following adhering to the working practices detailed in the Pitkeathly Mires SAC Method Statement, any negative effects on Pitkeathly Mires SAC and its qualifying interests will either be avoided or reduced to a minimal level. The HRA concludes that there will not be an adverse effect on site integrity in light of Pitkeathly Mires SAC's Conservation Objectives.
- 4.5.13. The EIA Report finds that there is a low risk of greylag geese roosting at Hare Myre, Monk Myre and Stormont Loch SSSI being disturbed by construction activities. Such impacts are predicted to be of

low magnitude; however, the effects could be of Moderate Adverse significance due to the National level value of the SSSI and its notified interests.

- 4.5.14. Other possible effects on conservation sites identified within the EIA Report include habitat loss, habitat degradation and fragmentation, species loss/disturbance and species mortality/injury.
- 4.5.15. Proposed mitigation includes the implementation of a General Environmental Management Plan (GEMP) in addition to specific mitigation measures which are detailed in Table 7-9 of Chapter 7 of the EIA Report and includes retaining woodland where possible, no site compounds would be located within designated sites and adhering to the Pitkeathly Mires SAC/SSSI Method Statement, among other measures.
- 4.5.16. The EIA Report concludes that following mitigation the proposed development would not result in a significant residual effect on any statutory or non-statutory conservation sites including Pitkeathly Mires SAC and SSSI, nor any habitats within the study area.

Protected Species

- 4.5.17. Protected species and habitat surveys recorded signs of badger, otter, beaver, water vole, bats, pine marten, red squirrel and fish in the study area (Appendix 7.1 of the EIA Report).
- 4.5.18. The EIA Report notes that there is potential for disturbance of badger setts along the OHL due to the Proposed Development. This is predicted to be of low spatial magnitude as the extent of works will pass through multiple territories over a short-term period. However, the potential for temporary infrastructure to directly interfere with setts is of relatively greater impact and is assessed as a moderate adverse significance.
- 4.5.19. The EIA Report states that approximately 10% of the woodland assessed along the OHL Route is of high suitability to support roosting bats, with 30% considered to be of moderate suitability. In the absence of mitigation, felling due to the Proposed Development would be permanent and of medium spatial magnitude, which could have a moderate adverse significance of effect on bats.
- 4.5.20. The EIA Report notes that whilst no red squirrel dreys or pine marten dens have been identified in the study area, undetected or newly established sites could occur along the OHL route in which case felling could result in the loss or disturbance of such habitats. In the absence of mitigation, this is assessed as a Moderate Adverse significance of effect to arboreal species such as red squirrels or pine martens.
- 4.5.21. Other potential adverse effects on protected species includes loss of foraging habitats, habitat degradation, and mortality or injury of species.
- 4.5.22. The EIA Report notes that in some areas the removal of woodland may open areas for colonisation by a more diverse range of plants, leading to improved foraging opportunities for locally occurring species which would provide a minor beneficial effect.
- 4.5.23. With regards to bats, specific mitigation proposed includes pre-construction surveys of trees to be felled within areas suited to support roosting bats. Where potential roost features are identified,

inspections will be undertaken by a licenced bat surveyor to categorise roosts and identify any licencing and further mitigation requirements for bats.

- 4.5.24. Mitigation relevant to other identified receptors includes the implementation of species protection plans, pre-construction surveys for various species including badgers red squirrel and pine marten, exclusion zones around all badger setts, retention of felled tree stems to create new habitats and foraging opportunities, and the employment of an Ecological Clerk of Works (ECoW) to provide onsite environmental guidance and monitoring throughout the course of the construction period.
- 4.5.25. Subject to the appropriate mitigation as set out within the EIA Report, no significant adverse residual effects on protected species are predicted and therefore we do not conflict with the principles of Policy PV5 Protected Species, E1 Natural Heritage and Policy 41: Biodiversity insofar as they relate to protected species.

Ornithology

- 4.5.26. Chapter 7 of the EIA Report also considers potential ornithological effects. The following ornithological features are identified within the study area:
- **Rare and vulnerable breeding raptors: osprey, marsh harrier, red kite, goshawk, peregrine and barn owl.**
 - **Declining breeding waders: curlew and lapwing**
- 4.5.27. All rare and vulnerable breeding raptor species noted above are Schedule 1 species of the Wildlife and Countryside Act 1981, while red kite is further protected under Schedule 1A. Osprey, red kite, and peregrine are also Annex I Birds species. Declining breeding wader species as above are red-listed on the Birds of Conservation Concern (BoCC).
- 4.5.28. The EIA Report notes that the proposed construction works are not anticipated to significantly affect birds through habitat degradation and fragmentation due to the pre-existence of the OHL Route and the discrete nature and short duration of the works.
- 4.5.29. The EIA Report finds that several tower extensions in the northern half of the OHL are in areas where larger species of rare and vulnerable breeding raptor occur, and although the risk of collision is low, the conservation value of such species results in a moderate adverse significance of effect.
- 4.5.30. Works associated with the Proposed Development could also impact upon the nests of rare and vulnerable breeding raptors and declining breeding waders through damage, destruction of disturbance of nests. Although the number of nests which may be affected is small, the conservation value of such species results in a moderate adverse significance of effect.
- 4.5.31. It is noted that in some areas, the removal of woodland may provide a broader range of nesting and foraging opportunities for locally occurring birds, thus potentially representing a Minor Beneficial effect.
- 4.5.32. Specific mitigation proposed includes pre-construction surveys for nesting birds, conducting surveys in areas of suitable habitat in the year prior to construction for rare and vulnerable

breeding raptors, and fitting all temporary masts in ornithologically sensitive areas with bird diverters to increase their visibility to birds and thereby reduce the risk of collision.

- 4.5.33. Following the implementation of mitigation measures, no residual significant effects on ornithological features are anticipated as a result of the Proposed Development and therefore we do not conflict with the principles of Policies PV5 Protected Species, E1 Natural Heritage and Policy 41: Biodiversity insofar as they relate to ornithology.

Green Infrastructure

- 4.5.34. Green infrastructure is addressed in **Policy P2 Open Space and Access in New Development of Aberdeenshire LDP, Policy PV1 Green Infrastructure and Green Networks of Angus LDP and Policy 42: Green Infrastructure of Perth and Kinross LDP.**
- 4.5.35. All three policies noted above have limited relevance to the Proposed Development however the proposal can draw support in that it incorporates high standards of environmental design which seeks to protect and minimise impacts to the local environment. Given the nature of the Proposed Development, access is not encouraged by the public nor is it appropriate to provide open space and access as part of the development. The Proposed Development utilises existing tower infrastructure and therefore the OHL upgrade is not considered to impact on existing green networks along the OHL route. The Scoping Report notes that several core paths are crossed or in proximity to the OHL route. Any disruption to core paths would be temporary during construction. Any disruption to footpaths or cycle paths would be signposted and, if appropriate, a safe diversion would be put in place and discussed with the relevant Local Authority. The CEMP would contain an Outdoor Access Plan, which would identify where any public and private accesses would be impacted by the construction works and set out appropriate mitigation, such as appropriate signage and detailing diversion routes. No likely significant effects on core paths are anticipated and the impacts on core paths have been scoped out of the EIA. Other aspects of Policy PV1 have been considered elsewhere in this Planning Statement and the Proposed Development would not result in any residual significant effects upon wildlife, landscape or flood management.
- 4.5.36. Insofar as Policies P2, PV1 and 42 are relevant to the Proposed Development, the proposal is considered to accord with them.

Natural Heritage Conclusion

- 4.5.37. Subject to appropriate mitigation where applicable, the construction of the Proposed Development would not result in any residual significant effects upon natural heritage interests. No operational impacts upon biodiversity are anticipated.
- 4.5.38. Given the circumstances noted above, the Proposed Development is considered to comply with the relevant natural heritage aspects of Aberdeenshire, Angus and Perth and Kinross LDP policies.

4.6. Landscape and Visual Impact

- 4.6.1. **Policies E2 Landscape of the Aberdeenshire LDP, Policy PV6 Development in the Landscape of Angus LDP, and Policy 39 Landscape of Perth and Kinross LDP** seek to prevent development that introduces unacceptable significant adverse on landscape character.

- 4.6.2. Due to the nature of the works relating to the Proposed Development, the upgrades can be undertaken utilising the existing towers, with no new additional towers proposed. The Proposed Development uses the same OHL alignment as existing and does not introduce new infrastructure into the landscape. The upgraded conductors, insulators and associated fittings will be visually similar to those already in place. Height extensions to a maximum of 73 towers are required, of up to 10% of the existing height of the towers. However, this is not considered to significantly change the landscape which is characterised by the existing transmission infrastructure. It is noted that landscape and visual impacts due to the construction works would be localised and temporary and given the typical plant and equipment and methods involved, would be minimal.
- 4.6.3. Access arrangements will predominantly make use of existing tracks to minimise impacts. All compounds and any temporary accesses required would be reinstated upon completion and are deemed unlikely to significantly change the landscape character.
- 4.6.4. Given the above, the impact of the Proposed Development on landscape and visual receptors was formally scoped out of the EIA Report. No objections to this approach were raised by Aberdeenshire, Angus and Perth and Kinross Councils and SNH accepted this approach. Consequently, the Proposed Development is considered to be in accordance with the relevant policies of Aberdeenshire, Angus and Perth and Kinross Development Plan.

4.7. Built Heritage

- 4.7.1. Policies HE1 Protecting historic buildings, sites, and monuments and Policy HE2 Protecting historic and cultural areas of the Aberdeenshire LDP, Policy PV8 Built and Cultural Heritage of the Angus LDP and Policies 26 Scheduled Monuments & Archaeology, Policy 27 Listed Buildings, Policy 29 Gardens and Designed Landscapes, Policy 30 Protection, Promotion and Interpretation of Historic Battlefields and Policy 31 Other Historic Environment Assets of the Perth and Kinross LDP address cultural and built heritage and provide policy guidance to ensure that historic sites, monuments and cultural areas are protected.
- 4.7.2. Cultural heritage is considered in Chapter 8 of the EIA Report. The EIA Report identifies 402 cultural heritage assets within the 200m study area of the Proposed Development alignment which consist of; 28 Scheduled Monuments, 13 Listed Buildings, 4 Gardens and Designed Landscapes, one Registered Battlefield, and 356 undesignated assets. The location of these cultural assets is shown in Figure 8.1: Heritage Assets of the EIA Report.
- 4.7.3. With respect to archaeology, the EIA Report notes that the study area has a high probability of containing as yet unknown heritage assets due to the quantity of known heritage assets along the OHL route, the length of the Proposed Development and the rural undeveloped location.
- 4.7.4. All indirect effects on the settings of designated and undesignated heritage assets arising from the operation of the Proposed Development were scoped out of the EIA due to the fact that the OHL reinforcement works will not introduce any new significant elements of infrastructure and the existing towers are being retained. The EIA also confirms that the assessment of impacts to listed buildings has been scoped out as there will be no direct or indirect impacts on any listed buildings as a result of the Proposed Development.

- 4.7.5. The EIA Report finds that seven assets have the potential to experience significant impacts through direct impacts from the Proposed Development.
- 4.7.6. The OHL passes over Scheduled Monuments of Dalbog house, fields and cairns within Angus (Site 124), and Haughend enclosure within Perth and Kinross (Site 228). The following four Scheduled Monuments are all sited within Perth and Kinross and lie within 300 m of the OHL Route; Hallhole Ring Ditch (Site 248) Hallhole enclosures and trackways (Site 251), Gallowhill Stone Circle (Site 262), and Loanhead Standing Stones (Site 278). The Proposed Development works may require construction vehicles to enter and track through these scheduled areas to access various towers. The impact on the Scheduled Monument of Hallhole enclosures and trackways is anticipated to be minor adverse, with the overall significance assessed as Moderate Adverse. The magnitude of impact of the other Scheduled Monuments noted above is expected to be moderate adverse, with the significant of effect assessed as large adverse, and therefore significant, due to the national significance and high value of the Scheduled Monuments.
- 4.7.7. The OHL Route passes through the Registered Battlefield of the Battle of Tippermuir within Perth and Kinross (site 344). As above, the proposed works may require vehicles to enter and track through the battlefield in order to access towers. The magnitude of impact is anticipated to be minor adverse, with the significance of effect assessed as moderate adverse, and therefore significant, given the asset's national significance.
- 4.7.8. The EIA Report also assesses the significance of effect on unknown archaeological remains as moderate adverse due to the required excavation of the assets to preserve them by record.
- 4.7.9. Proposed mitigation is set out in Table 8-6 of Chapter 8 of the EIA Report and includes demarcation of heritage sites prior to works, protective matting over previously undisturbed ground to minimise disturbance, and a programme of archaeological works prior to construction for works impacting known assets. The contractor will consult with relevant authorities should any heritage discoveries be made during construction. Specific mitigation is also outlined for Dalbog House and the Battlefield of the Battle of Tippermuir involving proactive consultation with relevant authorities to agree construction methods that minimise ground disturbance within the boundaries of these assets.
- 4.7.10. The EIA Report concludes that following mitigation there will be no residual significant adverse effects on any cultural heritage assets as a result of the Proposed Development.

Built Heritage Conclusion

- 4.7.11. Various mitigation measures are outlined within the EIA Report relevant to scheduled monuments including specific mitigation for Dalbog House which will mitigate any adverse impacts identified and help to preserve the integrity of the scheduled monuments in question. Moreover, in relation to Policy 26, the Proposed Development is an infrastructure project of national importance which facilitates increased renewable energy generation which can be considered an 'exceptional circumstance'.
- 4.7.12. Perth and Kinross Policy 30 states that the Council will seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of those battlefields listed on the Inventory of Historic Battlefields. The EIA Report sets out specific mitigation for the

Battlefield of Tippermuir involving consultation with relevant authorities to agree appropriate and sensitive construction methods that will minimise impacts to the key characteristics and special qualities of the Battlefield of the Battle of Tippermuir within Perth and Kinross.

- 4.7.13. The Proposed Development has the potential to directly impact seven heritage assets including 6 scheduled monuments and a registered battlefield. Following the implementation of mitigation measures there would be no significant residual effect on any heritage assets, arising from the Proposed Development. The Proposed Development involves the upgrading of existing OHLs which are established features in the landscape and will not require any new towers or infrastructure and therefore any impacts on the assets are temporary during construction and can be managed accordingly.
- 4.7.14. The Applicant will continue to engage with Historic Environment Scotland (HES) throughout the process. HES have raised no objections to the proposals within their Scoping Opinion response (Appendix 4.3 of the EIA Report) subject to mitigation measures and further engagement between the Applicant and HES should consent be granted. Given the circumstances noted above, the Proposed Development is considered to be in accordance with the relevant cultural heritage policies of Aberdeenshire, Angus and Perth and Kinross.

4.8. Hydrology, Hydrogeology, Geology and Soils

- 4.8.1. The Policies of relevance to Hydrology, Hydrogeology, Geology and Soils within the three LDPs are as follows; **Policy C4 Flooding** of Aberdeenshire LDP, **Policies PV12 Managing Flood Risk, PV13 Resilience and Adaptation, PV14 Water Quality, PV15 Drainage Infrastructure and PV20 Soils and Geodiversity** of Angus LDP, and **Policies 51 Soils, 52 New Development and Flooding and Policy 53 Water Environment and Drainage** of Perth and Kinross LDP.
- 4.8.2. Assessing the Proposed Development in the context of the relevant policies, it is of note that the development utilises the existing towers and therefore the effects of the development are limited and largely related to the construction works which will be temporary in nature. Chapter 6 of the EIA Report addresses the relevant matters.
- 4.8.3. No operational effects on hydrology, geology and soils are anticipated from the Proposed Development and have been scoped out of the assessment.

Soils and Geology

- 4.8.4. Chapter 6 of the EIA Report states that local soils along the OHL route are assessed as medium sensitivity as the OHL crosses two Nitrate Vulnerable Zones; Aberdeenshire, Banff, Buchan; and, Moray, Strathmore and Fife.
- 4.8.5. The EIA Report identifies areas of peat located along the OHL route specifically around Towers 469 - 479, and 509 - 511 all within Aberdeenshire. These sites are considered to be of a high sensitivity as deep peat may be present in these localities.
- 4.8.6. The effect of the Proposed Development on local soils is likely to be of low magnitude due to the minimal excavations required which are limited to tower foot locations or for temporary crane pads for the 73 towers requiring extension. Following design and embedded mitigation including

watercourse crossings and soil management GEMPs, the significance of effect of the erosion, compaction and excavation losses of local soils is assessed as negligible, and therefore not significant.

- 4.8.7. With regards to loss of peat soils, the magnitude of impact is assessed as low as of the 73 towers requiring extension only four are indicated to be located in areas of peat, with an overall significance of minor adverse (not significant).
- 4.8.8. The magnitude of effect of potential loss of peat soils on Pitkeathly Mires SAC/SSSI Groundwater Dependent Terrestrial Ecosystem (GWDTE) is considered high, giving a significance of Moderate Adverse (significant).
- 4.8.9. The EIA Report outlines proposed mitigation to minimise the impacts of the loss of peat soils due to construction activities and access track formation including watercourse crossings, soil management GEMPs and sensitive habitats GEMPs.
- 4.8.10. Following the implementation of mitigation measures, no significant adverse residual effects are anticipated from the loss of peat soils on Pitkeathly Mires SAC / SSSI GWDTE.
- 4.8.11. A formal Peat Landslide Hazard and Risk Assessment has been scoped out of the EIA as significant effects upon peat are considered unlikely with the proposed mitigation in place. This approach was accepted by SNH.

Surface Water and Groundwater

- 4.8.12. Chapter 6 of the EIA Report states that the OHL route crosses 13 key river catchments which have been assessed as high sensitivity receptors.
- 4.8.13. The OHL crosses numerous groundwater bodies which includes Drinking Water Protected Areas (DWPAs), hence these are also classed as sensitive receptors.
- 4.8.14. Chapter 6 of the EIA Report outlines various design and embedded mitigation measures to minimise the effects on both surface and ground water bodies from the Proposed Development including the implementation of various GEMPs; working in or near water, watercourse crossings, private water supplies, soil management, oil storage and refuelling, and bad weather GEMPs.
- 4.8.15. Following mitigation, the magnitude of effect of pollution and on water resource availability to surface watercourses and groundwater bodies from the Proposed Development is considered low, and therefore not significant.
- 4.8.16. The EIA Report identifies a GWDTE within Pitkeathly Mires SAC / SSSI of a high sensitivity. Potential impacts to the GWDTE from the Proposed Development include the interruption of groundwater flow which could potentially reduce the supply of groundwater to GWDTEs and the potential contamination of groundwater could also cause physical or chemical contamination of the GWDTE. Taking into account design and embedded mitigation, the magnitude of the impact on Pitkeathly Mires SAC / SSSI GWDTE is considered high and of low probability to occur, giving an overall significance of Moderate Adverse (significant).

- 4.8.17. The EIA Report outlines secondary mitigation measures which are required to minimise potential effects to the Pitkeathly Mires SAC / SSSI GWDTE, including adherence to the Pitkeathly Mires Access Method Statement which was prepared by the Applicant and includes mitigation measures to ensure the Proposed Development complies with nature conservation legislation and to prevent an adverse effect on the integrity of Pitkeathly Mires SAC/ SSSI GWDTE (within Appendix 7.3: Pitkeathly Mires National Vegetation Classification Survey Report, of the EIA Report). Following mitigation, the magnitude of impacts to GWDTE on Pitkeathly Mires SAC / SSSI GWDTE are considered not significant. No residual effects are anticipated on GWDTE as a result of the Proposed Development.
- 4.8.18. The EIA Report also concludes that following the implementation of mitigation, specifically the working in or near water, watercourse crossings, soil management, oil storage and refuelling and bad weather GEMPs, there will be no significant adverse effects of pollution on fisheries as a result of the Proposed Development

Flood Risk

- 4.8.19. Flood Risk is considered in Chapter 6 of the EIA Report. The OHL has been recorded to pass over areas subject to flooding, based on SEPA mapping including several tower locations in floodplains of the River Dee, River Tay and River Earn. Towers 493, 494 and 495 are located in the floodplain of the River Dee within Aberdeenshire Council. Areas of flood risk are considered highly sensitive.
- 4.8.20. The EIA Report outlines mitigation measures relevant to flood risk including the implementation of GEMPs specifically for working in or near water GEMP, Watercourse crossings GEMP and Bad Weather GEMP.
- 4.8.21. The EIA Report concludes that the magnitude of impact of a short-term increase in flood risk on third parties and nearby developments is low, and the resultant significance of effect is minor adverse (not significant).
- 4.8.22. The EIA assesses the magnitude of impact of a short-term increase in flood risk on construction workers undertaking works in floodplains as high, as there may be works in areas of flood risk. The overall significance of effect is considered moderate adverse and therefore significant. To reduce these potential impacts, the EIA Report outlines additional mitigation with regards to areas with a 'high likelihood' of flooding which include construction works not taking place during extreme flood conditions or in floodplain areas that are inundated, or where such conditions are forecast. In addition, careful consideration will be given to any earthwork activities scheduled during the winter period or other periods where saturated soils are likely to occur.
- 4.8.23. After the implementation of mitigation, the magnitude of a short-term increase in flood risk on construction workers is considered low and of low probability to occur, giving overall significance of Minor Adverse (not significant). No residual adverse effects are anticipated on flood risk due to the Proposed Development.
- 4.8.24. It is noted that development on the function floodplain is not accepted within the relevant flooding policies of the three LDPs. The Proposed Development utilises existing infrastructure and does not involve erecting any new towers, therefore the proposed works would not result in the loss of floodplain land. The extent of the effects on the floodplain is limited to the construction phase

whereby specific mitigation is proposed to address any impacts. Moreover, in relation to Aberdeenshire 'Policy C4 Flooding', works within floodplains are accepted in certain circumstances including for essential infrastructure which is directly relevant to the Proposed Development. At the national level SPP also allows for essential infrastructure to be located within areas at risk of flooding.

Private Water Supplies

- 4.8.25. The EIA Report finds that within a 2 km distance of the OHL Route, there are 16 abstractions, three of which are located within 250 m of the indicative construction access routes, with one of these within 250 m of one of the towers to be extended.
- 4.8.26. There are several private water supplies (PWS) located within 250m of the Proposed Development including; approximately 19 supplies within this distance in Perth and Kinross Council, six within Angus Council and 67 within Aberdeenshire Council. Four supplies in Aberdeenshire Council are located within 250 m of one of the 73 towers requiring extension. Details of the PWS within 250m of the Proposed Development are provided in Table 6-6 of Chapter 6 of the EIA Report. Water supplies are considered a highly sensitive receptor.
- 4.8.27. Impacts on PWS from the Proposed Development include pollution and impacts on water resource availability. The magnitude of impact of pollution and water resource availability on PWS is considered low and of minor adverse significance.
- 4.8.28. The EIA notes that proposed mitigation in relation to PWS will involve further investigation prior to construction in order to verify indicative locations of supply sources, the supply type, properties supplied and their uses in line with the PWS GEMP. This process will also involve consultation with property owners prior to construction. The EIA Report concludes that if any PWS are identified which require protection, specific mitigation will be developed through the CEMP, which will be agreed in consultation with SEPA.

Hydrology, Hydrogeology, Geology and Soils; Conclusion

- 4.8.29. Best practice construction techniques that would safeguard soils, geology and the water environment and would be incorporated in the detailed design of the works and during the construction works have been identified. Subject to the adoption of the best practice, no significant residual effects on soils, geology and the water environment are likely.
- 4.8.30. The Proposed Development can be considered to comply with the relevant policies of the Local Development Plans for Aberdeenshire, Angus and Perth and Kinross with respect to Hydrology, Hydrogeology, Geology and Soils

4.9. Resources

- 4.9.1. The three Local Development Plans have various policies which address resources which includes; Policy PR1 Protecting important resources and Policy PR2 Protecting Important Development Sites of Aberdeenshire LDP, Policy PV7 Woodland Trees and Hedges of Angus LDP, and Policy 40 Forestry, Woodland and Trees and Policy 50 Prime Agricultural Land of Perth and Kinross LDP.

- 4.9.2. Appendix 3.1 of the EIA Report addresses forestry. The Proposed Development involves the upgrade of the existing OHL and therefore does not require the creation of new OHL corridors through any areas of forestry. Existing access tracks would be utilised where possible, thereby minimising felling by design.
- 4.9.3. Appendix 3.1 states that the forestry impacts of the Proposed Development are considered minor, with impacts predominantly measurable in numbers of individual trees rather than forestry felling areas.
- 4.9.4. The EIA Report states that a detailed harvesting plan is required to identify a future windfirm edge. This extended felling, along a 2km length of the OHL, may extend from approximately 6 ha to an estimated 23 ha in the large conifer plantation at Mundernal Wood (spans 473-480). On a more restricted scale, additional felling north of Fetteresso substation (spans 457-458), and at Wickerin Plantation (spans 511-512) will be expanded to approximately 2.5 ha and 1 ha respectively, beyond the permanent clearance requirement of approximately 0.5 ha at each of the previously mentioned locations.
- 4.9.5. The EIA Report identifies the most sensitive forestry receptor as the SSSI woodland at Devon Gorge. No trees within the steep gorge sides require felling where the OHL traverses the gorge. No additional felling beyond minimum requirements is proposed due to the vertical separation of trees in the deep gorge and the OHL above.
- 4.9.6. The area of permanent forestry loss to be compensated as a result of the Proposed Development is approximately 7 ha, this includes an element of resilience felling which would be permitted as part of the existing 275kV operational corridor and is therefore considered to be an over-estimate. It is noted a precise area will be recalculated following the completion of an on-going detailed Resilience Survey and a Compensatory Planting Plan which will be prepared and agreed with Scottish Forestry. There is a potential requirement of additional temporary felling of a further 14ha of forestry, which would be fully restocked on completion.
- 4.9.7. Impacts on protected species who are reliant on woodland are addressed in Section 4.2 above and Chapter 7 of the EIA Report.
- 4.9.8. The EIA Report notes that arable land and improved grassland dominates the majority of the OHL Route. The agricultural land within the study area is considered to be of a low ecological value. Construction impacts on agricultural land have been scoped out of the EIA. The nature of the Proposed Development is that the towers are already in place, some of which are on agricultural land. Given no new towers are proposed, Policy 50 is not considered to be entirely relevant to the assessment of the Proposed Development.
- 4.9.9. No significant effects have been predicted upon resource assets within the study area. Therefore, the Proposed Development is considered to be in accordance with the relevant policies of Aberdeenshire, Angus and Perth and Kinross Development Plan.

4.10. Climate Change

- 4.10.1. The policies of relevance to climate change and electricity infrastructure within the three LDPs are as follows; **Policy C2 Renewable Energy** of Aberdeenshire LDP, **Policy PV9 Renewable and Low**

Carbon Energy Development of Angus LDP and Policies 33 Renewable and Low-Carbon Energy and 35 Electricity Transmission Infrastructure of Perth and Kinross.

- 4.10.2. Aberdeenshire's Policy C2, Angus' Policy PV9 and Perth and Kinross Council's Policy 33 are similar in nature supporting renewable energy/low carbon developments subject to meeting criteria. The Proposed Development has limited relevance to these policies as they focus on renewable energy schemes, however, it can be considered relevant insofar as it would support renewable energy generation and its transmission to centres of demand.
- 4.10.3. Perth and Kinross LDP's Policy 35 is a policy which is very relevant to the consideration of the Proposed Development and offers direct support for electricity infrastructure. Policy 35 states that in environmentally sensitive locations appropriate mitigation will be required and should be considered as part of the preparation of any proposal.
- 4.10.4. The EIA Report which accompanies the application sets out how the Proposed Development has been carefully designed to minimise adverse impacts on the environment and where appropriate sets out mitigation measures. The Proposed Development has been necessitated by a planned significant increase in electricity generation capabilities in the north-east of Scotland as a result of growth in renewable electricity generation. The proposed upgrade of the existing OHL to operate at 400 kV is necessary to transmit the increased electricity from this growth. Therefore, the Proposed Development is essential to increase renewable energy generation in the area and is necessary to realise the potential of Scotland's renewable energy resources and in doing so helping to meet Scotland's climate change targets. The need for the Proposed Development is also reflected in national planning policy objectives within NPF3 and SPP. The Proposed Development draws significant support from Policy 35 of Perth and Kinross LDP which is directly relevant to the Proposed OHL upgrade. The Proposed Development is deemed to be in accordance with the above noted climate relate polices insofar as they are relevant.

4.11. Amenity

Pollution/Contaminated Land

- 4.11.1. The policies of relevance to pollution and contaminated land include; Aberdeenshire LDP **Policy P4 Hazardous and potentially polluting developments and contaminated land**, Angus LDP **Policy DS4 Amenity** and Perth and Kinross **Policy 58 Contaminated Land and Unstable Land**.
- 4.11.2. Section 4.5 above addresses the potential impacts of pollution water sources associated with the Proposed Development. In summary, following mitigation no significant pollution effects are anticipated on surface watercourses, groundwater, PWS or fisheries as a result of the Proposed Development.
- 4.11.3. The EIA Report outlines various mitigation measures to minimise potential impacts from pollution including the implementation of GEMPs specifically relating to Oil Storage and Refuelling, Working in or near water, Working with concrete, and Contaminated land among others.
- 4.11.4. With regards to contaminated land, the EIA notes that the impact of the mobilisation of contaminated soil/bedrock from the construction of the Proposed Development has been scoped out of the EIA as this is unlikely to occur along the OHL route.

- 4.11.5. Overall, the Proposed Development is considered to comply with the relevant policies which address both pollution and contamination across the three LDPs.

Light Pollution

- 4.11.6. The policies related to light pollution include Angus **Policy DS4 Amenity and Perth and Kinross LDP Policy 55: Nuisance from Artificial Light and Light Pollution.**
- 4.11.7. Given the nature of the Proposed Development, it would not be illuminated during operation. Lighting may be used during the construction phase however this would be limited and temporary. The Proposed Development is considered to comply with the policies relevant to artificial lighting and light pollution.

Noise and Vibrations

- 4.11.8. The policies relevant to noise and vibrations include; Angus LDP **Policy DS4 Amenity and Perth and Kinross LDP Policy 56: Noise Pollution.**
- 4.11.9. An assessment of construction noise was scoped out of the EIA, given that any effects will be short term and intermittent and can be controlled through the implementation of a Noise Management Plan, which will be developed as part of the CEMP.
- 4.11.10. Chapter 9 of the EIA Report address effects relating to operational noise. An assessment of OHL noise has been undertaken in accordance with BS 4142² and TR(T) 94³ to predict the potential noise impact that may result from the Proposed Development. The assessment has considered the potential noise effects that may arise due to the Proposed Development at noise sensitive receptors (NSR) within 200 m of the OHL route.
- 4.11.11. The EIA Report identifies a total of 265 existing NSRs, with upcoming housing developments in the locale anticipated to add an additional 925 receptors.
- 4.11.12. The EIA Report states that the majority of the time (86%) the OHL will operate under dry conditions. The assessment concludes that during dry conditions there is a low impact from the proposed development for all NSRs. Cumulative assessments with nearby substations also indicate low impact from the Proposed Development.
- 4.11.13. During wet conditions (14% of the year) specifically during light rain when water collects on the conductors, the external assessment finds 160 adverse noise impacts and 59 significant adverse impacts for current NSRs. For future NSRs it is predicted a total 720 Adverse impacts, and 205 Significant Adverse impacts.
- 4.11.14. Internal noise assessments for NSRs with an open window predict 65 Adverse noise impacts and 129 Significant Adverse noise impacts. For future NSRs, a total of 467 Adverse impacts and 377 Significant Adverse impacts are predicted with a window open condition.

² BS 4142: 2014, Methods for Rating and Assessing Industrial and Commercial Sound, BSI.

³ Technical Report No. TR(T) 94, 1993. A Method for Assessing the Community Response to Overhead Line Noise, National Grid Technology & Science Laboratories

- 4.11.15. The assessments conclude that extensive design consideration is required for the nearby properties to the OHL to reduce noise emissions to an acceptable level. To mitigate the impact of significant adverse noise impacts, the EIA Report proposes to utilise an alternative conductor type within the Proposed Development which would result in a reduction of 9 dB under wet conditions. This design solution eliminates all significant adverse effects.
- 4.11.16. For current NSRs, residual noise will result in a total of 51 Adverse effects for external noise and 35 Adverse effects for internal noise. The remainder of effects are Low, and not significant. For future NSRs, residual noise will result in a total of 18 Adverse effects for external noise and 23 Adverse effects for internal noise. The remainder of effects are Low, and not significant.
- 4.11.17. The EIA Report states that the solution provided, of a change of conductor type at specific locations, will eliminate all Significant Adverse effects. Where adverse effects remain, further studies and detailed design will be undertaken to characterise specific noise impacts and further mitigation measures applied as required.
- 4.11.18. The Proposed Development is classed as a national development as it is crucial in facilitating increased renewable electricity generation in the north-east of Scotland. On balance, given that there will be no significant adverse noise effects resulting from the Proposed Development and that any outstanding adverse impacts will be addressed through further detailed design and mitigation, which in turn can be applied by way of a planning condition of consent to ensure the mitigation is in place for the lifetime of the project, the Proposed Development is considered acceptable in relation to the relevant policies within Aberdeenshire, Angus and Perth and Kinross LDPs.

Electric and Magnetic Fields

- 4.11.19. None of the policies within the LDPs specifically refer to electric and magnetic fields. Chapter 10 of the EIA Report addresses electric and magnetic field (EMF) effects.

The Applicant recognises the concerns regarding EMFs surrounding all of its developments and is committed to compliance with UK Government Regulations and Policy relating to public and occupational exposure. The EIA Report concludes that although there will be an increase in EMFs as a result of the increase in voltage to 400 kV, the electric and magnetic field calculations show that the EMFs associated with the proposed 400 kV OHL upgrade fall below the public and occupational exposure limits even directly beneath conductors and are therefore not significant. These levels are deemed acceptable and in line with the relevant UK Government Regulations and policy.

4.12. Transport

- 4.12.1. The policies relevant to transport matters across the three LDPs include; Aberdeenshire LDP Policy RD1 - Providing suitable services, Angus LDP's Policy DS2 Accessible Development and Perth and Kinross Policies 15: Public Access and Policy 60 Transport Standards and Accessibility Requirements.
- 4.12.2. The Proposed Development will not be a high travel generating use and will not be in use by the public therefore aspects of the policy guidance above are not considered relevant to large-scale transmission infrastructure. It is noted that the proposed OHL upgrade will not adversely impact upon public access rights. The assessment of traffic and transport issues has been scoped out of

the EIA as no likely significant effects are predicted as a result of the OHL upgrade. Within the Scoping Opinion response provided at Appendix 4.3 of the EIA Report, no objections to this approach are raised from relevant parties consulted including the three Local Authorities and Transport Scotland.

- 4.12.3. Chapter 3 of the EIA Report states that the appointed Contractor would prepare a Construction Traffic Management Plan (CTMP) which would include best practice measures to mitigate potential impacts such as signage measures on public roads accesses. The Proposed Development will give rise to small but regular numbers of staff transport movements which will be accommodated by safe on-site parking at a minimum of three main compound areas identified by the Principle Contractor. Moreover, existing access tracks would be used wherever possible and any local residents which could be impacted by changes will be communicated with in advance of works commencing. The Proposed Development is considered to be in accordance with the transport policies of the three LDPs insofar as they are relevant.

4.13. Supplementary Guidance

Aberdeenshire Supplementary Guidance

- **SG 8 Aberdeenshire Forestry and Woodland Strategy (adopted April 2017)**

- 4.13.1. This document sets out Aberdeenshire's forestry and woodland strategy and expands upon the relevant policies within Aberdeenshire LDP. The impact of the Proposed Development on forestry is addressed fully above in the context of 'Policy PR1 Protecting important resources' of Aberdeenshire LDP. Forestry is considered in Appendix 3.1 of the EIA Report, and forestry impacts of the Proposed Development are considered minor. Compensatory planting will be provided where some felling is required to safely construct and operate the overhead line and therefore will accord with the requirements of the Supplementary Guidance.

Perth and Kinross Supplementary Guidance

- **Flood Risk and Flood Risk Assessments Supplementary Guidance (adopted June 2014)**

- 4.13.2. This document provides detailed flooding guidance to support Local Development Plan Policies. Flood Risk has been considered in Chapter 6 of the EIA Report. Section 4.8.23 above addresses flood risk and it is concluded that no residual adverse effects are anticipated on flood risk due to the Proposed Development.
- 4.13.3. The Council is currently revising the Flood Risk and Flood Risk Assessments Supplementary Guidance to support the adopted Perth and Kinross LDP having undertaken consultation on the draft SG document in 2019.

- **Forest and Woodland Strategy Supplementary Guidance (adopted March 2020)**

- 4.13.4. This document supports and expands upon policies within the Perth and Kinross LDP (2019), specifically Policy 40: Forestry, Woodland and Trees, and provides a guide to the future development of woodlands and forests. The impact of the Proposed Development on forestry is addressed fully above in the context of Policy 40A and 40B of Perth and Kinross LDP.

4.14. Emerging Local Development Plans

- 4.14.1. Aberdeenshire Council is in the process of preparing the next Aberdeenshire Local Development Plan which is anticipated to be adopted in late 2021. The consultation on the Proposed LDP, which is the settled view of the Council, has closed and Aberdeenshire Council are preparing to submit the plan to Scottish Ministers for Examination which is anticipated to be in December 2020. The policies within the Proposed LDP are broadly in line with the extant LDP and there is continued support for electricity infrastructure.
- 4.14.2. Angus Council are in the early stages of preparing their next LDP, titled AngusPlan. AngusPlan will be prepared under the new legislative requirements of the Planning (Scotland) Act 2019 and therefore due to current timescales for implementation of the Act, Angus Council anticipate the adoption of their plan in late 2023/early 2024.
- 4.14.3. The Perth and Kinross Local Development Plan 2 was adopted in November 2019. As such, the Council are in the very early stages of preparing a new plan. A Development Plan Scheme was published in November 2020 focussing on the proposed LDP3 timetable. LDP3 will be prepared under the new legislative requirements of the Planning (Scotland) Act 2019, and as such the Council await further regulation to be published by The Scottish Government in 2022 before finalising next steps. Evidence gathering is underway in the interim period. An indicative proposed timetable suggests the next LDP may be adopted by November 2024.

4.15. Development Plan Conclusions

- 4.15.1. The objectives and policies of the three Development Plans have a strong accordance with the environmental considerations that are relevant to the determination of this Section 37 consent application and the Schedule 9 duties of Scottish Ministers. Although there is no primacy of the Development Plan in an application for an electricity consent under the 1989 Act, the Development Plan policies are useful to understanding in a local context, the generic duties under Schedule 9 to the 1989 Act and are material considerations in the decision-making process.
- 4.15.2. The three relevant Development Plans are set within the overarching policy framework of SPP and NPF 3 and recognise the strategic aims and importance of electricity transmission infrastructure.
- 4.15.3. The detailed assessment of the Proposed Development against the Development Plan policies for the principal planning issues, confirms that there is no conflict with the aims and objectives of the Development Plan. The Proposed Development will deliver vital grid infrastructure reinforcement and the Proposed Development has been designed and mitigated to ensure that there are no unacceptable adverse impacts on natural, built and cultural heritage resources.
- 4.15.4. The Proposed Development utilises the existing transmission infrastructure with tower extensions proposed to a maximum of 73 of the 526 towers along the length of the 168 km OHL circuit being upgraded and no new towers proposed. It is noted that the extent of environmental effects is limited and predominantly relates to the construction phase and are therefore temporary. The EIA Report outlines mitigation measures to address any environmental effects, and overall, there are no significant adverse residual effects on the environment.

- 4.15.5. Given the project's wider benefits in supporting the development of the region's renewable energy resources the Proposed Development can draw support from the overarching aims of the Development Plans.

5. Conclusions

5.1. Overall conclusions

- 5.1.1. The Proposed Development requires to be considered under the terms of the 1989 Act, in particular the Schedule 9 duties.
- 5.1.2. Paragraph 3(2) of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals. The information that is contained within the individual topic sections of the EIA Report for the Proposed Development addresses these. It is considered that the detailed work undertaken as part of the EIA and commitments made in terms of mitigation have confirmed that the Proposed Development is environmentally acceptable. On this basis the Applicant has fulfilled their obligations under Schedule 9 paragraph 3(1) to the 1989 Act.
- 5.1.3. These duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be. Therefore, the approach required in the consideration of the application in this case is fundamentally different to the conventional approach for planning decisions under section 25 of the 1997 Act. As has been explained, there is no primacy of the Development Plan in determining an application for an electricity consent under the 1989 Act. Development Plan policies are relevant to understanding in a local context, the generic duties under Schedule 9 to the 1989 Act.
- 5.1.4. There are no residual significant adverse effects predicted. The effects that would arise from the Proposed Development are not of such magnitude that they significantly and demonstrably outweigh the estimated benefits. In accordance with SPP the presumption in favour of sustainable development applies and is a material consideration.
- 5.1.5. The Proposed Development would contribute to delivering a National Development project as defined in NPF3 and would support the security of energy supply and enhancement of the electricity grid infrastructure. Due regard has been given to the preservation of natural heritage, cultural heritage ecology and features of special interest and mitigation has been employed to reduce, avoid or minimise any effects that have been identified through the EIA.

Appendix 1 - Aberdeenshire LDP Policy Schedule

Appendix 1 - Aberdeenshire LDP Policy Schedule

Natural Heritage

Policy E1 Natural Heritage

Nature conservation sites

We will not allow new development where it may have an adverse effect on a nature conservation site designated for its biodiversity or geodiversity importance, except where the following circumstances apply.

In the case of an internationally designated nature conservation site, we will not allow development which may have an adverse effect on its integrity, except where there are imperative reasons of overriding public importance and there is no alternative solution. In all cases, suitable compensatory measures must be implemented.

For nationally designated sites a thorough assessment must demonstrate that the objectives of designation and the overall integrity of the site will not be compromised, or that any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social, environmental or economic benefits of national importance. In all cases, any impacts must be suitably mitigated.

For other recognised nature conservation sites (such as Local Nature Conservation Sites, nature reserves, designated wetlands, woodland in the Scottish Natural Heritage Ancient Woodland Inventory and the Native Woodland Survey of Scotland) the proposal's public benefits must clearly outweigh the nature conservation value of the site. In all cases, impacts must be suitably mitigated and, for any proposals involving the removal of Woodland, the Scottish Government Control of Woodland Removal Policy will apply.

We, along with others with an interest, including Scottish Natural Heritage, Royal Society for the Protection of Birds, Scottish Wildlife Trust and Aberdeen University, have identified about 100 Local Nature Conservation Sites which are introduced by this plan. These replace a previous local designation of Sites of Interest to Natural Science and are also shown on the proposals map and in detail in supplementary guidance "Local Nature Conservation Sites".

Protected species

Development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary. Development likely to have a detrimental impact on protected species will not be approved unless: for European Protected Species, a thorough assessment of the site has demonstrated that the development is required for imperative reasons of overriding public interest and that the population will be maintained at a favourable conservation status in its natural range; or, for non-bird species protected under the Wildlife and Countryside Act 1981 (as amended) or the Protection of Badgers Act 1992, there will be significant social, economic or environmental benefits. In either case there must be no other satisfactory solution.

Lists of species protected by legislation are available from Scottish Natural Heritage at <http://www.snh.gov.uk/>.

Wider biodiversity and geodiversity

A baseline ecological survey should be prepared for all major developments and for smaller proposals where there is evidence to suggest that a habitat, geological feature or species of importance may exist on the site. If development may affect undesignated habitats listed in Annex I of the EC Habitats Directive, species listed in Annex II of the EC Habitats Directive, species listed in Annexes I and II of the EC Birds Directive, habitats or species on the Scottish Biodiversity List, Local Biodiversity Action Plan priority habitats/ species, other species of importance to biodiversity, areas of importance to geodiversity, or semi-natural habitats, we will only approve it when a baseline ecological survey has been carried out; the development has been designed to avoid impacts

where possible; and, where impacts cannot reasonably be avoided, an ecological or geological management plan demonstrates public benefits that outweigh the ecological or geological value of the site. Development will not be allowed if it fragments habitats or is not designed to minimise any adverse impact on the sites environmental quality, ecological status or viability.

Policy P1 also says that all developments should identify measures that will be taken to improve biodiversity and geodiversity in proportion to the potential opportunities available and the scale of the development.

Policy P2 Open Space and Access in New Development

All new developments should be accompanied by adequate public *open space* appropriate to the standards shown in the Aberdeenshire Parks and Open Spaces Strategy and which is safe, welcoming, distinctive, well connected and accessible. *Open space* may make a significant contribution to *green networks* in communities, particularly when it is natural in form and has a significant impact in both area and the edges it presents to other land uses. Community woodlands are encouraged.

We will generally expect 40% of each major development site to be devoted to good quality *open space*. In each case the actual proportion will take account of the location, function and characteristics of the development proposal and site; the function of the open space proposed; and, where appropriate, the function and characteristics of existing open space in the area. Alternatively, the developer should demonstrate that the site is a constituent part of an approved development framework or *masterplan*, and will contribute to the 40% *open space* component within that area.

At least 120m² of public *open space* per home must be provided for *proposals* on allocated sites of less than 50 homes. Alternatively, and expressly for *windfall sites*, this may take the form, in whole or part, to improving existing *open space* within the settlement where the Open Space Audit identifies a need. *Open space* contributions will only be acceptable when arrangements for the establishment and maintenance of the *open space* have already been agreed and may be part of a *Section 75 agreement* for the site. Permanent, temporary or *advanced greening* is encouraged.

Existing and potential public access routes (including *core paths*) should be protected and new developments must include appropriate opportunities for informal recreation, and promote walking or cycling as a means of transport. Statements or plans detailing *proposals* should be included in design frameworks or *masterplans* or submitted with the *planning application*. Construction of new paths must comply with published best practice.

Landscape

Policy E2 Landscape

We will refuse development that causes unacceptable effects through its scale, location or design on key natural landscape elements, historic features or the composition or quality of the landscape character. These impacts can be either alone or cumulatively with other recent developments. Development should not otherwise significantly erode the characteristics of landscapes as defined in the Landscape Character Assessments produced by Scottish Natural Heritage (see www.snh.gov.uk/protecting-scotlandsnature/looking-after-landscapes/lca/) or have been identified as Special Landscape Areas of local importance.

Boundaries and qualifying criteria for Special Landscape Areas are identified in the supplementary guidance Aberdeenshire Special Landscape Areas. Developments located within Special Landscape Areas will only be permitted if the qualifying interests are not being adversely affected or effects of the development are clearly outweighed by social, environmental or economic benefits of at least local importance.

Built Heritage

Policy HE1 Protecting historic buildings, sites, and monuments

We will protect all listed buildings contained on the statutory list of Buildings of Special Architectural or Historic Interest for Aberdeenshire, archaeological sites and scheduled monuments. We will encourage their protection, maintenance, enhancement, appropriate active use and conservation.

We will not allow development that would have a negative effect on the character, integrity or setting of listed buildings, or scheduled monuments, or other archaeological sites.

Alterations to listed buildings will only be permitted if they are of the highest quality, and respect the original structure in terms of setting, scale, design and materials.

Development on nationally or locally important monuments or archaeological sites, or on their setting, will only be allowed if there are imperative reasons of overriding public interest, including those of a social or economic nature, and there is no alternative site. It is the developer's responsibility to provide information on the nature and location of the archaeological features prior to determination of the planning application and either mitigate impacts or, where preservation of the site in its original location is not possible, arrange for the full excavation and recording of the site in advance of development.

Policy HE2 Protecting historic and cultural areas

We will not allow development, including change of use or demolition, that would not preserve or enhance the character or appearance of a conservation area. This applies both to developments within the conservation area and proposals outwith that would affect its setting.

The design, scale, layout, siting and materials used in development within a conservation area must be of the highest quality and respect the individual characteristics for which the conservation area was designated. All details must be provided under the cover of a full application and any trees contributing to the setting should be retained. Appendix 6 provides details on the controls provided by the 38 conservation areas in Aberdeenshire.

Development on or outwith a battlefield, designated historic garden or designed landscape will only be permitted if the proposal would not have an adverse impact that compromises the objectives of the designation or the overall integrity, character and setting of the designated area, or any significant adverse effects are outweighed by long-term social or economic benefits of overriding public importance and there is no alternative site for the development. In either case, measures and mitigation must be taken to conserve and enhance the essential characteristics of the site as appropriate.

Hydrology

Policy C4 Flooding

Flood risk assessments will be required for development in the medium to high category of flood risk of 0.5%-10% annual probability (1 in 200 years to 1:10 years). Assessment may also be required in areas of lower annual probability (0.25-0.5%) in circumstances where other factors indicate a potentially heightened risk. Assessment should include an allowance for climate change and freeboard. Development should avoid areas of medium to high risk, functional floodplain or other areas where the risks are otherwise assessed as heightened or unacceptable except where:

- It is a development to effect flooding or erosion.
- It is consistent with the flood storage function of a floodplain.
- It would otherwise be unaffected by flooding (such as a play area or car park).
- It is essential infrastructure.

The location is essential for operational reasons for example for water based navigation, agriculture, transport or utilities infrastructure and an alternative lower risk location is not available.

If development is to be permitted on land assessed as at a medium to high risk of flooding it should be designed to be flood resilient and use construction methods to assist in the evacuation of people and minimise damage. It must not result in increased severity of flood risk elsewhere through altering flood storage capacity or the pattern and flow of flood waters. Maintenance buffer strips must also be provided for any water body. These measures may also be required in areas of potentially lower risk of flooding (annual probability of more than 1:1000 years) or in coastal areas below the 10 metre contour should local evidence demonstrate a heightened risk.

In such areas land raising and/ or excavations will only be permitted if it is for a flood alleviation measure, it is linked to the provision and maintenance of direct or indirect compensatory flood water storage to replace the lost capacity of the functional flood plain, and it will not create any inaccessible islands of development during flood events or result in the need for flood prevention measures elsewhere.

We will not approve development that may contribute to flooding issues elsewhere. Sustainable Urban Drainage principles apply to all sites.

Resources

Policy PR1 Protecting important resources

We will not approve developments that have a negative effect on important environmental resources associated with the water environment, important mineral deposits, prime agricultural land, peat and other carbon rich soils, open space, and important trees and woodland. In all cases development which impacts on any of these features will only be permitted when public economic or social benefits clearly outweigh the value of the site to the local community, and there are no reasonable alternative sites.

New development, including aquatic engineering works, which will generate discharges or other impacts on existing water bodies, or which could affect the water quality, quantity, flow rate, ecological status, riparian habitat, protected species or flood plains of water bodies (including their catchment area) must not prejudice

water quality or flow rates, or their ability to achieve or maintain good ecological status. Any such developments must contribute to the objectives set against the relevant water bodies through the river basin management process as well as the relevant freshwater objectives and targets within the North East Local Biodiversity Action Plan.

Opportunities for the creation, enhancement and management of habitats should be embraced so as to contribute to the improvement of the ecological status of the water body. Any aquatic engineering works must be capable of being consented under Controlled Activities Regulations. Adequate buffer strips should be provided to allow for maintenance all year round.

Groundwater dependent terrestrial ecosystems (GWDTE), which are types of wetland, are specifically protected under the Water Framework Directive. Phase 1 Habitat surveys should be used to identify if wetlands are present. If present, then the more detailed National Vegetation Classification survey should be completed to identify if GWDTE are present. If GWDTE are present, the developer should avoid them (with a buffer), or further assessment and appropriate mitigation will be required.

Prime agricultural land, as defined as classes 1, 2 and 3.1 of the Soil Survey for Scotland, Land Capability for Agriculture series, should not normally be developed unless it is allocated in the local development plan. For clarity, time-limited proposals for renewable energy generation or mineral extraction may be acceptable on prime agricultural land providing the site will be restored and returned to its original status. In addition, small-scale development proposals that are directly linked to a rural business may be permissible where they are located on prime agricultural land.

Development will not normally be permitted on areas of open space, including outdoor sports facilities, unless the new use is ancillary to the use as open space. Important areas of open space are identified as “protected land” within the settlement statements. Exceptionally, the development of essential community infrastructure may be allowed if it will not result in a deficit of open space of the type affected within the settlement, as evidenced by the Open Space Audit, or prejudice the continuity of a green network. Where loss of open space occurs as the result of a new development then replacement must be made of an appropriate type, quantity, accessibility and quality within the settlement.

Development resulting in the loss of, or serious damage to, trees and woodlands of significant ecological, recreational, historical, landscape or shelter value will not normally be permitted. In order to determine whether there are significant public benefits that would outweigh any loss or damage to trees and woodlands, the developer must submit an evaluation of the biodiversity and amenity value of the woodland and habitat, including both its current and potential future benefits. Where development is considered appropriate, damage to existing trees must be minimised and there must be no unnecessary fragmentation of existing or potential woodlands networks. Compensatory planting must also be undertaken to an agreed standard in order to mitigate the impact of the removal on landscape, sequestered carbon, character, amenity and ecological diversity.

We will support opportunities for new woodland creation and/ or enhancement, in line with the Aberdeenshire Forest and Woodland Strategy to be published as supplementary guidance to provide a focus for new planting, restocking, enhancement and management of woodlands.

We identify important mineral safeguarded sites where other types of development should not generally be allowed, and wider areas of search where mineral resources should not be sterilised by inappropriate developments. Major non-minerals developments will be permitted in the areas of search if an opportunity is given for the extraction of mineral resources before the development commences. On safeguarded sites non-mineral developments will be refused unless they are small-scale and ancillary to existing uses, or of a temporary

nature. Safeguarded sites and areas of search are identified on the proposals map and detailed in supplementary guidance Areas safeguarded or identified as areas of search for minerals development.

Policy PR2 Protecting important development sites

We will protect and not allow alternative development on sites that may reasonably be needed in the future for:

- delivering improvements to transportation including projects identified in the settlement statements, the Local or Regional Transport Strategy, or the Strategic Transport Projects Review, routes recognised in the Core Paths plan network, closed railways and their abutments, embankments and cuttings, existing airports and airfields and operational areas of ports and harbours.
- generating and providing energy;
- waste management facilities;
- education facilities;
- other community infrastructure; and
- sites to support the national developments identified in National Planning Framework

(see <http://www.gov.scot/Publications/2014/06/3539/7>).

National developments that directly affect the area covered by this plan include proposals for contribution to capturing and storing carbon and making use of heat generation, specifically at Peterhead power station but also at other locations associated with the pipeline from the central belt to St Fergus, and high-voltage electricity transmission infrastructure, including cabling, substations, and converter stations, again at a range of locations but expected to include sites associated with the electricity substation south of Peterhead.

Where we know about the above, we have identified them in the relevant settlement statements.

Climate Change

Policy C2 – Renewable Energy

We will support solar, wind, biomass (energy from biological material derived from living, or recently living organisms) and hydroelectricity developments which are in appropriate sites and of the right design. We treat biomass schemes as industrial processes suitable for business land.

We will approve wind energy developments in appropriate locations taking into account the spatial framework mapping on page 74. The more detailed guidance set out in the Strategic Landscape Capacity Assessment for wind turbines and the associated mapping on page 74 under the heading Additional Locational Guidance is also a relevant consideration. The areas shown in orange hatching have been assessed as having strategic capacity for turbines over 15 metres when local landscape considerations are taken into account.

All windfarms must be appropriately sited and designed and avoid unacceptable environmental effects taking into account the cumulative effects of existing and consented wind turbines. Turbines must not compromise health and safety or adversely affect aircraft or airfields (including radar and air traffic control systems, flight paths and ministry of defence low flying areas) and/or telecommunications. Unacceptable significant adverse effects on the amenity of dwelling houses or tourism and recreation interests including core paths and other established routes used for public walking, riding or cycling should also be avoided.

We will approve applications for solar panel arrays greater than 50kW if their cumulative impact with other arrays has been assessed and can be dismissed, account has been taken of glint and glare issues and it has been demonstrated that any significant impacts will have a duration of less than five minutes in any one day, there are no objections from the Ministry of Defence, the National Air Traffic Services or civil airport operators, and boundary treatments limit vehicular access to the site through means designed to make any security fencing unobtrusive and screen the development. We will approve hydro-electric schemes if they are located, sited and designed to have no individual or cumulative adverse impact on the water environment. This may be relaxed for larger schemes (annual output equal to or greater than 0.35 gigawatt hours) if the deterioration can be justified on the basis of wider social or economic benefits, or impacts on other users of the water environment. In all cases mitigation will be required to protect river flow, river continuity for fish and provide for sediment transfer, and otherwise comply with the “Guidance for developers of runoff-river hydro-power schemes” published by SEPA.

Other renewable energy developments are required to relate well to the source of the renewable energy required for operation and satisfactory steps must be taken to mitigate any negative impacts on occupiers of nearby properties.

In all cases, conditions, bonds, or other legal agreements may be imposed to remove visible renewable energy structures whenever the consent expires or the project ceases to operate for a specified period.

Miscellaneous

Policy P4 Hazardous and potentially polluting developments and contaminated land

We will refuse development if there is a risk that it could cause significant pollution, create a significant nuisance, or present an unacceptable danger to the public or the environment. This includes developments we are told by the Health and Safety Executive to be near facilities they have identified as hazardous. Pipelines, agricultural buildings, wastewater treatment plants, waste disposal/ treatment facilities and heavy industrial uses are all examples of development which could create a nuisance, pollution or hazard. In any circumstances where development of this kind is, on balance, considered acceptable by the appropriate authorities, satisfactory steps must be taken to mitigate any residual negative development impacts.

In determining planning applications for development within the consultation zones for hazardous installations (including oil and gas pipelines) we will consult with, and take full account of advice from, the Health and Safety Executive (HSE) and the facility’s owners and operators, and will seek to ensure that any risk to public safety is not increased. Prospective applicants should check whether their proposed development is within the consultation zone of a major hazard site or a major accident hazard pipeline, and should seek further advice if this is the case. This confirmation and advice can be obtained from the HSE Planning Advice Web App at www.hse.gov.uk/landuseplanning/developers.htm or from the Council’s Development Management Team. Planning permission may be refused for potentially hazardous developments, or for other forms of development in close proximity to existing hazardous developments, in the event that insufficient information has been submitted to demonstrate the impacts or where the impacts are unclear or unknown.

We will not allow development on land that is known or suspected to be contaminated unless appropriate site investigations have been undertaken to identify any actual or possible risk to public health or the environment (including possible pollution of the water environment), and effective remedial actions are proposed to ensure the site is made suitable for its new use. Where site conditions are appropriate, consideration should be given to both radioactive and non-radioactive sources of contamination. Both the site investigations and any remedial actions should be proportionate to the scale and nature of the proposed development, and be in accordance with Planning Advice Note 33: Development of Contaminated Land and the advice of the Council’s Infrastructure Services (Contaminated Land) section.

Any proposed development which could have a significant detrimental impact on air quality, including the exacerbation of existing air quality issues, must provide appropriate mitigation measures.

Policy RD1 - Providing suitable services

We will only allow development that provides adequate road, waste management, water or waste water facilities, connections and treatment as appropriate.

Access to new development

We will support new development if it is well related to existing developments, is in accordance with the national policy “Designing Streets” and does not create an impermeable barrier to further development. Development must be close to existing public transport services (if available) or deliver major improvements to public transport services, in scale with the development.

All developments must include provision for access by wheelchair users, people with sensory disabilities, the elderly, those accompanied by small children and other less mobile groups. As appropriate, safe and convenient access should also be provided for service, delivery and other goods vehicles required by the development.

When development requires the formation of new accesses, these should be designed to an agreed standard, and must be resource-efficient, safe and convenient for cyclists, pedestrians and public transport. New accesses must also cause minimal impact on the character of the site and surrounding area and satisfactory arrangements for future maintenance of these access facilities should also be made.

Any new private access onto a public road must be designed to the satisfaction of Aberdeenshire Council’s Road Development department and, in the case of a trunk road, Transport Scotland.

Developers should be aware of the need for Roads Construction Consent in most instances. A Transport Assessment may be asked for to show that the development (and any proposed mitigation measures) will not have significant transport impacts on existing transport *infrastructure* and services.

Water and waste water

We will support development when the developer satisfactorily meets the required standards for water, waste water and surface water drainage servicing in the new development. These standards are set out below.

All new developments must be served satisfactorily either by a mains water supply or by a private water supply if the developer is able to show that the private water supply is adequate (including potable water where necessary). It will be the responsibility of the developer to demonstrate that any new supply is adequate to serve the proposed development and that, for domestic use, it is safe to be consumed as drinking water. Groundwater abstractions must comply with Scottish Environment Protection Agency policies and guidelines.

Development must connect to existing public drainage infrastructure or plan to connect to a committed future public drainage infrastructure, where there is sufficient capacity to allow that development to happen.

Where a connection to the public drainage infrastructure is demonstrated to be unfeasible, connection to a private drainage infrastructure can be supported, if it is demonstrated satisfactorily that disposal of sewage can be achieved without negative impacts on public health, amenity or the environment and where cost and practicability show it to be a reasonable alternative. Appropriate supporting evidence should be provided to

support using a private drainage infrastructure. Planning permission may be granted on the condition that private drainage infrastructure may be used temporarily with the requirement to connect to public drainage infrastructure when it becomes available.

Scottish Water and the Scottish Environment Protection Agency are key consultees regarding water and waste water infrastructure and should be approached at an early stage to establish what capacity may be available or if the provision of new capacity can be made available.

Development should comply with SEPA's policy and supporting guidance on the provision of Waste Water Drainage in Settlements.

Surface water drainage must be dealt with in a sustainable manner and in ways that avoid pollution and flooding, through the use of an integrated Sustainable Drainage System.

A Pre-Development Enquiry or other forms of investigation may be necessary to identify the impacts of development on current infrastructure. This would involve Scottish Water and will be the responsibility of the developer. These are likely to be required for all non-domestic developments and residential developments of 10 houses or more.

Waste management requirements

We will support new development if the application has agreed a Site Waste Management Plan with Aberdeenshire Council which contributes to the Zero Waste Plan through minimisation, re-use, recycling and composting of all wastes during construction and operational phases of the development. It must also show how any remaining wastes will be disposed of. Adequate space must also be provided within the development to allow efficient and effective separation, storage and collection of all waste generated. The area and requirements for this space is set out in appendix 7 for varying development types.

Appendix 2 – Angus LDP Policy Schedule

Appendix 2 - Angus LDP Policy Schedule

Natural Heritage

Policy PV1 Green Infrastructure and Green Networks

Angus Council will seek to protect, enhance and extend the wildlife, recreational, amenity, landscape, access and flood management value of the Green Network. Development proposals that are likely to erode or have a damaging effect on the connectivity and functionality of the Green Network will not be permitted unless appropriate mitigation or replacement can be secured. In some cases a developer contribution towards enhancement of the wider Green Network may be appropriate.

Green infrastructure (including open space) will require to be provided as part of new development. Proposals should identify the location and nature of the green network in the area and seek to enhance linkages wherever possible.

The location and function of green networks in Angus will be mapped in a Planning Advice Note.

Policy PV4 Sites Designated for Natural Heritage & Biodiversity Value

Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.

International Designations

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection Areas) and which is not directly connected with or necessary to the management of the site, will only be permitted where:

- an appropriate assessment demonstrates the proposal will not adversely affect the integrity of the site; or
- there are no alternative solutions; and
- there are imperative reasons of overriding public interest, including those of social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

The Council will seek to protect and enhance the nature conservation interests within the River Tay and River South Esk Catchment areas. In order to ensure no adverse effects on the River Tay SAC or the River South Esk SAC, development proposals should take account of the detailed advice* on the types of appropriate information and safeguards to be provided in support of planning applications.

National Designations

Development proposals which affect Sites of Special Scientific Interest will only be permitted where:

- the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals; or
- any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance; and

- mitigation and restoration measures are provided.

Development affecting sites and species protected by national or international legislation may require to be accompanied by an Environmental Impact Assessment and/or a Habitats Regulation Appraisal.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

** "River Tay Special Area of Conservation (2011)" and "River South Esk Special Area of Conservation (2011)" guidance produced jointly by SNH, Angus Council and SEPA, available on SNH website at www.snh.gov.uk*

Policy PV5 Protected Species

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that: there is no satisfactory alternative; and

- there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of
- a European protected species at a favourable conservation status in its natural range.

Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Landscape

Policy PV6 Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- the site selected is capable of accommodating the proposed development;

- the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

Built Heritage

Policy PV8 Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

Hydrology

Policy PV12 Managing Flood Risk

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- on the functional floodplain;
- which involve land raising resulting in the loss of the functional flood plain; or
- which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- that flood risk can be adequately managed both within and outwith the site;
- that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- access and egress to the site can be provided that is free of flood risk; and
- where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

Policy PV13 Resilience and Adaptation

Development should not require an increase in the provision and / or maintenance of flood defences.

To increase resilience to the effects of climate change such as flood and drought, extreme weather events and rising sea levels Angus Council may require development proposals to incorporate adaptation measures including:

- use of flood resistant materials and construction techniques;
- removal of culverts and other engineering works where opportunity arises and avoidance of development over or requiring new culverts or other unnecessary engineering works unless there is no practical alternative;
- minimising the area of impermeable surfaces by using permeable surfaces where possible for car parking and hard landscaping and where appropriate, green roofs and green infrastructure; and
- natural flood management measures which reduce water flow and enhance biodiversity and the quality of the water environment. Such schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Policy PV14 Water Quality

To protect and enhance the quality of the water environment, development proposals will be assessed within the context of:

- the National Marine Plan;
- the Scotland River Basin Management Plan and associated Area Management Plans;
- relevant guidance on controlling the impact of development and associated works;
- relevant guidance on engineering works affecting water courses; and
- potential mitigation measures.

Development proposals which do not maintain or enhance the water environment will not be supported.

Mitigation measures must be agreed with SEPA and Angus Council.

Development proposals must not pollute surface or underground water including water supply catchment areas due to discharge, leachates or disturbance of contaminated land.

Policy PV15 Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

**Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)*

Policy PV20 Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

- support delivery of the development strategy and policies in this local plan;
- are small scale and directly related to a rural business or mineral extraction; or
- constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

Resources

Policy PV7 Woodland Trees and Hedges

Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should: protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;

- be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- ensure new woodland is established in advance of major developments;
- undertake a Tree Survey where appropriate; and
- identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

Climate Change

Policy PV9 Renewable and Low Carbon Energy Development

Proposals for renewable and low carbon energy development* will be supported in principle where they meet the following criteria:

- the location, siting and appearance of apparatus, and any associated works and infrastructure have been chosen and/or designed to minimise impact on amenity, landscape and environment, while respecting operational efficiency;
- access for construction and maintenance traffic can be achieved without compromising road safety or causing unacceptable change to the environment and landscape;
- the site has been designed to make links to the national grid and/or other users of renewable energy and heat generated on site;
- there will be no unacceptable impact on existing or proposed aviation, defence, seismological or telecommunications facilities;
- there will be no unacceptable adverse impact individually or cumulatively with other existing or proposed development on:
 - landscape character, setting within the immediate and wider landscape (including cross boundary or regional features and landscapes), sensitive viewpoints and public access routes;
 - sites designated for natural heritage (including birds), scientific, historic, cultural or archaeological reasons;
 - any populations of protected species; and
 - the amenity of communities or individual dwellings including visual impact, noise, shadow flicker.
- during construction, operation and decommissioning of the energy plant there will be no unacceptable impacts on:
 - groundwater;
 - surface water resources; or
 - carbon rich soils, deep peat and priority peatland habitat or geodiversity.

Where appropriate mitigation measures must be supported by commitment to a bond commensurate with site restoration requirements.

Consideration may be given to additional factors such as contribution to targets for energy generation and emissions, and/or local socio-economic economic impact.

Supplementary guidance will be prepared to set out a spatial framework to guide the location of onshore wind farm developments, consistent with the approach set out in Table 1 of Scottish Planning Policy. It will also provide further detail on the factors which should be taken into account in considering and advising on proposals for all types of renewable energy development.

Prior to the adoption of that supplementary guidance, the Council will apply the principles and considerations set out in Scottish Planning Policy in assessing the acceptability of any planning applications for onshore wind farms.

**infrastructure, activity and materials required for generation, storage or transmission of energy where it is within the remit of the council as local planning authority (or other duty). Includes new sites, extensions and/or repowering of established sites for onshore wind.*

Miscellaneous

Policy DS4 Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy DS2 Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- are or can be made accessible to existing or proposed public transport networks;
- make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- allow easy access for people with restricted mobility;

- provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- the submission of a Travel Plan and/or a Transport Assessment.
- appropriate planning obligations in line with Policy DS5 Developer Contributions.

Appendix 3 - Perth and Kinross LDP Policy Schedule

Appendix 3 – Perth and Kinross LDP Policy Schedule

Siting and Design

Policy 2: Design Statements

Design statements will normally need to accompany a planning application if the development:

- (a) comprises five or more dwellings; or
- (b) is a non-residential use greater than 0.5 ha in area; or
- (c) affects the character and/or appearance of a Conservation Area, Historic Garden, Designed Landscape, or the setting of a Listed Building or Scheduled Monument.

A design statement may also be required to accompany a planning application for other forms of development where design sensitivity is considered a critical issue. If applicants are uncertain as to whether a design statement is expected, or on the level of scope and detail that will be appropriate, then the views of the Council should be sought prior to submitting an application.

Note: *Further guidance can be found in the Placemaking Supplementary Guidance.*

Natural Heritage

Policy 38: Environment and Conservation (38A, B & C)

Policy 38A: International Nature Conservation Sites

Development which could have a significant effect on a site designated or proposed under the Habitats or Birds Directive (Special Areas of Conservation and Special Protection Areas) or Ramsar site, will only be permitted where:

- (a) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site; or*
- (b) there are no alternative solutions; and*
- (c) there are imperative reasons of overriding public interest, including those of social or economic nature; and*
- (d) compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.*

POLICY 38B: National Designations

Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve, will only be permitted where the Council as Planning Authority is satisfied that:

- a) the proposed development will not adversely affect the integrity of the area or the qualities for which it has been designated; or*
- b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.*

Policy 38C: Local Designations

Development which would affect an area designated by the Council as being of local conservation or geological interest will not normally be permitted, except where the Council as Planning Authority is satisfied that:

- a) the objectives of designation and the overall integrity of the designated area would not be compromised; or
- b) any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.

Note: *The identification of local sites will be included within Supplementary Guidance.*

Policy 41: Biodiversity

The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area.

The Council will apply the principles of the Planning for Nature: Development Management and Wildlife Guide and will take account of the Tayside Local Biodiversity Action Plan (LBAP) and relevant national and European legislation relating to protected species when making decisions about applications for development.

Proposals that have a detrimental impact on the ability to achieve the guidelines and actions identified in these documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. In particular, developers may be required to:

- (a) *ensure a detailed survey is undertaken by a qualified specialist where one or more protected or priority species is known or suspected. In accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, development proposals that could have a significant impact on the environment may require an Environmental Impact Assessment;*
- (b) *demonstrate all adverse effects on species and habitats have been avoided wherever possible. A Landscape Plan may be required to demonstrate the impact of the development and how good design and site layout can enhance the existing biodiversity;*
- (c) *include mitigation measures and implementation strategies where adverse effects are unavoidable;*
- (d) *enter into a Planning Obligation or similar to secure the preparation and implementation of a suitable long-term management plan or a site Biodiversity Action Plan, together with long-term monitoring.*

European Protected Species

Planning permission will not be granted for development that would, either individually or cumulatively, be likely to have an adverse effect upon European protected species (listed in Annex IV of the Habitats Directive (Directive 92/43/EEC)) unless the Council as Planning Authority is satisfied that:

- (a) *there is no satisfactory alternative; and*
- (b) *the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.*

In no circumstances can a development be approved which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

Other Protected Species

Planning permission will not be granted for development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation (Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act (1992)).

Policy 42: Green Infrastructure

The Council will require all new development to contribute to green infrastructure by:

- (a) *creating new multifunctional green infrastructure, particularly where it can be used to mitigate any negative environmental impacts of the development, and/or create linkages to wider green and blue networks;*
- (b) *incorporating high standards of environmental design;*
- (c) *ensuring that development does not lead to the fragmentation of existing green and blue networks;*
- (d) *the protection, enhancement and management of existing green infrastructure within and linked to the site and the incorporation of these into development proposals:*
 - (i) *open spaces and linkages for active travel or recreation, including links between open spaces and the wider countryside and the provision of new connections where required;*
 - (ii) *existing species and habitats and the creation of new habitats and wildlife corridors, including trees, hedgerows and woodlands where appropriate;*
 - (iii) *the water environment which is an important contributor to the network of blue and green corridors for the alleviation of flood risk, wildlife, recreation and the amenity needs of the community.*

The temporary use of unused or underused land as green infrastructure will be encouraged. The use of a site for temporary green infrastructure will not prevent it from being developed in the longer term.

Note: *The Green Infrastructure Supplementary Guidance gives further information on how development can comply with this policy.*

Landscape

Policy 39: Landscape

All Landscapes

Development and land use change, including the creation of new hill tracks, should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes; which requires reference to the Tayside Landscape Character Assessment. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. They will need to demonstrate with reference to an appropriate landscape capacity study that either in the case of individual developments, or when cumulatively considered alongside other existing or proposed developments:

- (a) *they do not erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character areas, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of landscape experience;*

- (b) they safeguard views, viewpoints and landmarks from development that would detract from their visual integrity, identity or scenic quality;*
- (c) they safeguard the tranquil qualities of the area's landscapes;*
- (d) they safeguard the relative wildness of the area's landscapes including, in particular, the areas identified on the 2014 SNH Wild Land Areas map;*
- (e) they provide high-quality standards in landscape design, including landscape enhancement and mitigation schemes when there is an associated impact on a landscape's qualities;*
- (f) they incorporate measures for protecting and enhancing the ecological, geological, geomorphological, archaeological, historic, cultural and visual amenity elements of the landscape; and*
- (g) they conserve the experience of the night sky in less developed areas of Perth and Kinross through design solutions with low light impact.*

Development which would affect a Wild Land Area, as defined on the 2014 SNH map of Wild Land Areas, will only be permitted where the Council as Planning Authority is satisfied that: it can be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

Local Landscape Areas (LLAs) are the local landscape designation. Development should only be permitted where it will not have a significant adverse impact on their special character or qualities, or where these impacts are clearly outweighed by social and economic benefits that are more than of local significance to Perth and Kinross.

Note: Reference should be made to Landscape Supplementary Guidance, and the individual statements of significance for each LLA should be used to consider potential impacts on their special qualities and objectives.

Built Heritage

Policy 26: Scheduled Monuments & Archaeology (26A, 26B)

Policy 26A – Scheduled Monuments

There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Note: *Where a proposal would have a direct impact on a scheduled monument, the prior written consent of Historic Environment Scotland via a separate process (Scheduled Monument Consent) is required in addition to any other consents required for the development.*

Policy 26B – Archaeology

The Council will seek to protect areas or sites of known archaeological interest and their settings. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development

commencing.

If discoveries are made during any development, work should be suspended, the local Planning Authority should be informed immediately and mitigation measures should be agreed.

Policy 27: Listed Buildings (27A)

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, and any proposed alterations or adaptations to help sustain or enhance a building's beneficial use should not adversely affect its special architectural or historic interest.

Encouragement will be given to proposals to improve the energy efficiency of listed buildings within Perth and Kinross, providing such improvements do not have a significant detrimental impact on the special architectural or historic interest of the building.

Enabling development may be acceptable where it can be shown to be the only means of preventing the loss of listed buildings and securing their long-term future. Any development should be the minimum necessary to achieve these aims. The layout, design, materials, scale, siting and use of any development which will affect a listed building, or its setting should be appropriate to the building's character, appearance and setting.

Policy 29: Gardens and Designed Landscapes

Gardens and designed landscapes make a significant contribution to the character and quality of the landscape in Perth and Kinross. The Council will seek to manage change in order to protect and enhance the integrity of those sites included on the current Inventory of Gardens and Designed Landscapes. The Council may require the submission of a management plan with any application for development within areas included in the current Inventory.

As resources permit, the Council will continue with the process of identification of non-Inventory sites in Perth and Kinross and the associated task of devising an approach to their future management.

Policy 30: Protection, Promotion and Interpretation of Historic Battlefields

The Council will seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of those battlefields listed on the Inventory of Historic Battlefields.

The Council encourages the creation of a Conservation Plan for historic battlefield sites as a means of developing an overall vision and strategy for protecting, conserving and enhancing public awareness of battlefields through a partnership approach

Policy 31: Other Historic Environment Assets

There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, historical woodlands and routes which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and the Council will seek to protect and preserve significant resources as far as possible, in situ wherever feasible

Hydrology, Hydrogeology, Geology and Soils

Policy 51: Soils

The Council seeks to protect soils from damage such as erosion or compaction. Developments located on areas of good quality agricultural soils* will only be supported where they:

- (a) *minimise impact on soil resources;*
- (b) *implement appropriate soil management measures, particularly for valuable soils such as good-quality agricultural soils*, and soils with a high organic content;*
- (c) *adopt best practice when moving, storing and reinstating soils (see Scottish Soils: <https://soils.environment.gov.scot/>)*
- (d) *consider opportunities to re-use soils necessarily excavated from the site.*

* *Defined for the purposes of this policy as Land Capability for Agriculture (LCA) Classification 1, 2, 3.1 and 3.2.*

The Council is also committed to ensuring that development avoids disturbance to, and the loss of, carbon rich soils, including peatland, which are of value as carbon stores. Commercial extraction of peat will only be permitted in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.

References should be made to the Carbon and Peatland Maps available on the Scottish Soils website. Development will only be permitted on areas of carbon-rich soils, including peatland, where it has been clearly demonstrated that there is no viable alternative, or where the economic and social benefits of the development would outweigh any potential detrimental effect on the environment. The presence of any carbon rich soils, including peatland, will be required to be validated through the undertaking of appropriate field surveys.

Where exceptions allow for development that would disturb carbon rich soils, development should be informed by:

- *an appropriate peat survey and management plan;*
- *any disturbance or excavation be minimised; and*
- *an assessment of the likely effects of the development on carbon dioxide emissions, and suitable mitigation measures implemented to minimise carbon emissions (with details of both submitted as part of the application).*
- *details setting out how the development could contribute towards local or strategic peatland habitat enhancement or restoration.*

Note: *Reference should be made to the Scottish Soils website including the Carbon and Peatland map (SNH). Carbon rich soils are considered to be Class 1, 2 and 5 soils contained in the Carbon and Peatland Map.*

Policy 52: New Development and Flooding

Within the parameters as defined by this policy the Council supports the delivery of the actions and objectives to avoid an overall increase, reduce overall, and manage flood risk as set out within the relevant SEPA Flood Risk Management Strategies and the Local Flood Risk Management Plans.

There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a medium to high risk of flooding from any source, or

where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, coastal erosion, wave overtopping and storm surges. Where a risk of fluvial/coastal flooding is known or suspected the Council will use the flood risk framework shown in the diagram overleaf and consider that areas of:

- (1) *medium to high flood risk are not suitable for civil infrastructure;*
- (2) *low to medium flood risk are suitable for most forms of development; and*
- (3) *little or no flood risk shown present no flood related constraints on development.*

All development within areas of low to high flood risk must incorporate a suitable climate change allowance as well as a 'freeboard' allowance and the use of water-resistant materials and forms of construction appropriate to its function, location, and planned lifetime relative to the anticipated changes in flood risk arising from climate change.

To allow for adaptation to increased flood risk associated with climate change, development should not:

- (1) *increase the rate of surface water run-off from any site (taking account of rain falling on the site and run off from adjacent areas);*
- (2) *reduce the naturalness of the river;*
- (3) *add to the area of land requiring flood protection measures;*
- (4) *affect the flood attenuation capability of the functional flood plain; nor*
- (5) *compromise major options for future shoreline or river management.*

Infrastructure and buildings should generally be designed to be free from surface water flooding in greater than 0.5% rainfall events. A Drainage Impact Assessment (DIA) will be required to consider pluvial flooding for any proposed development greater than 1,000m².

Note: Further detailed guidance is set out in the Flood Risk and Flood Risk Assessment Supplementary Guidance.

Category 1 - Medium to High Flood Risk (Annual probability of watercourse, tidal or coastal flooding greater than 0.5% or 1:200)

There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas at medium to high flood risk of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Exceptions may be made where publicly maintained flood protection measures for an event with a 0.5% annual probability already exist, are under construction or are planned measures in a current flood risk management plan. Development within the built-up area or any important component of the Development Plan settlement strategies may be acceptable for residential, institutional, commercial and industrial development (including access roads/paths, parking and waste storage areas) provided:

- (1) *no homes or premises are occupied before the flood protection measures are complete and operational;*
- (2) *a Flood Risk Assessment is undertaken in accordance with the Flood Risk and Flood Risk Assessments Supplementary Guidance (in addition a Drainage Impact Assessment will usually be required); and*
- (3) *development within undeveloped or sparsely populated areas should be located outwith the functional 0.5% (1:200) flood plain unless this location is essential for operational reasons, and an alternative lower risk location is not available;*

- (4) *flood resilient materials and construction methods are used where appropriate;*
- (5) *any loss of flood plain storage capacity mitigated to achieve a neutral or better outcome;*
- (6) *a flood action plan is prepared;*
- (7) *essential infrastructure is designed and constructed to remain operational during floods and not impede water flow.*

Category 2 - Low to Medium Flood Risk (Annual probability of watercourse, tidal or coastal flooding in the range 0.1% - 0.5% or 1:1000 - 1:200)

Suitable for most forms of development but may be subject to a Flood Risk Assessment (in accordance with our Flood Risk and Flood Risk Assessments Supplementary Guidance). They are not appropriate locations, however, for civil infrastructure. If the Council is satisfied that there is no viable alternative location, or that such facilities already exist and are proposed to be extended, the facilities (including access roads/paths, parking and waste storage areas) must be capable of remaining operational and accessible during extreme flooding events.

Flood resilient materials and construction methods will be encouraged particularly where adjacent to medium and high-risk areas.

Category 3 - No Flood Risk (Annual probability of watercourse, tidal or coastal flooding of less than 0.1% or 1:1000)

No flood-related constraints on development.

Policy 53: Water Environment and Drainage (A,B,C)

Policy 53A : Water Environment

Development at any location and of any scale should protect and where practical improve the water environment (ground and surface water) in accordance with Water Framework Directive 2000/60/EC. The Scottish River Basin Management Plan has protection and improvement objectives which aim to ensure that there is no deterioration of water body status and where possible secure long-term enhancements to water body status.

Proposals for development which do not accord with the Scotland River Basin Management Plan will not be permitted unless the development is judged by the Council to be of significant specified benefit to society and/or the wider environment. The only situation where culverting for land gain may be permissible is where a development is of overriding public interest. A minimum buffer between a development and a watercourse should be applied in keeping with the flood risk supplementary guidance.

Policy 53B : Foul Drainage

Foul drainage from all developments within and close to settlements that have public sewerage systems will require connection to the public sewer. In settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. For a private system to be acceptable it must comply with the Scottish Building Standards Agency Technical Handbooks and applicants should also demonstrate suitable maintenance arrangements will be put in place for communal systems.

Policy 53C: Surface Water and Drainage

All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures including relevant temporary measures at the construction phase. SUDS will be encouraged to achieve multiple benefits, such as flood water management, landscape, green infrastructure, biodiversity and opportunities to experience nature near where people live. Ecological solutions to SUDS will be sought and SUDS integration with green/blue networks wherever possible.

Resources

Policy 40: Forestry, Woodland and Trees (40 A & B)

Policy 40A: Forest and Woodland Strategy

The Council will support proposals which:

- (a) *deliver woodlands that meet local priorities as well as maximising benefits for the local economy, communities, sport and recreation and environment;*
- (b) *protect existing trees/woodland including orchards, especially those with high natural, historic and cultural heritage value;*
- (c) *seek to expand woodland cover in line with the guidance contained in the Perth and Kinross Forest and Woodland Strategy Supplementary Guidance;*
- (d) *encourage the protection and good management of amenity trees, or groups of trees, important for visual amenity, sport and recreation or because of their cultural or heritage interest;*
- (e) *ensure the protection and good management of amenity trees, safeguard trees in Conservation Areas and trees on development sites in accordance with BS5837 'Trees in Relation to Construction';*
- (f) *seek to secure establishment of new woodland in advance of major developments where practicable and secure new tree planting in line with the guidance contained in the Perth and Kinross Forest and Woodland Strategy. The planting of native trees and woodland will be sought where it is appropriate.*

Policy 40B: Trees Woodland and Development

Tree surveys, undertaken by a suitably qualified professional, should accompany all applications for planning permission where there are existing trees on a site. The scope and nature of such surveys will reflect the known or potential amenity, nature conservation and/or recreational value of the trees in question and should be agreed in advance with the Council.

The Council will follow the principles of the Scottish Government Policy on Control of Woodland Removal and developers are expected to fully accord with its requirements. In accordance with that document, there will be a presumption in favour of protecting woodland resources except where the works proposed involve the temporary removal of tree cover in a plantation, which is associated with clear felling and restocking.

In exceptional cases where the loss of individual trees or woodland cover is unavoidable, the Council will require mitigation measures to be provided.

Note: *The Council prepared Supplementary Guidance Forest and Woodland Strategy which provides locational guidance and seeks to:*

- *promote multi-objective woodland management that delivers environmental, economic and social benefits;*

- *enhance the condition of existing woodland cover and expand them to develop habitat networks that complement the landscape character and other land uses;*
- *enhance landscape through sensitive restructuring or removal of inappropriately sited and commercially unviable forest blocks;*
- *encourage sustainable forestry that contributes to adaptation and mitigation of a changing climate;*
- *enhance habitat connectivity both within and between river catchments using the most appropriate species and or land management options;*
- *conserves and expands riparian woodlands using appropriate species for the benefit of biodiversity and flood alleviation purposes;*
- *promote community participation in woodland planning and management;*
- *promote the value of trees and woodlands as a sustainable tourism asset;*
- *apply the guidance and advice in the Scottish Government's Control of Woodland Removal Policy when considering proposals for tree removal;*
- *identify trees and woodlands in the Perth and Kinross area where nature conservation is of primary importance.*

Note: *To aid interpretation of Policy 40B, Policy Map D shows woodland of high nature conservation value (the Native Woodland Survey of Scotland native and nearly native woodland and planted ancient woodland). Please note that the map does not contain all of the types of woodland listed in the Scottish Government Control of Woodland Removal Policy.*

Policy 50: Prime Agricultural Land

Outside the identified settlements, development on prime agricultural land will not be permitted, unless it is necessary to meet a specific established need, such as a major infrastructure proposal and only when there is no other suitable site available on non-prime land. Small-scale development directly linked to rural business, including housing, may also be acceptable on prime agricultural land, providing it is compatible with all other aspects of the policy framework of the Plan and there are no other suitable non-prime land sites available, and it does not adversely affect the viability of the agricultural unit.

Note: *Small-scale is generally single buildings.*

Climate Change

Policy 33: Renewable and Low-Carbon Energy (33A)

Proposals for the utilisation, distribution and development of renewable and low-carbon sources of energy will be supported subject to the following factors being taken into account:

- (a) *The individual or cumulative effects of developments and associated transport/electricity infrastructure on:*
- *biodiversity and natural heritage;*
 - *woodland and forestry;*
 - *landscape character, Local Landscape Areas, Wild Land Areas and National Scenic Areas;*
 - *visual amenity;*
 - *the historic environment and cultural heritage;*

- hydrology, the water environment and flood risk;
 - air quality, including any effects on greenhouse gas emissions and impacts from construction;
 - aviation, defence and seismological recording;
 - telecommunications and broadcasting infrastructure;
 - residential amenity of the surrounding area (including noise and shadow flicker); and,
 - hazardous installations (including pipelines).
- (b) The contribution of the proposed development towards meeting carbon reduction and renewable energy generation targets.
- (c) The net economic impact of the proposal, including local and community socio-economic benefits such as employment and supply chain opportunities.
- (d) The transport implications, and in particular the scale and nature of traffic likely to be generated, and its implications for site access, road capacity, road safety, and the environment generally. (Applications with impacts on the Strategic Trunk Road Network will be subject to discussion and agreement with Transport Scotland).
- (e) Construction and service tracks and borrow pits associated with any development.
- (f) Effects on soils including:
- carbon rich soils, deep peat and priority peatland habitats; or
 - prime agricultural land;
- (g) The effects on public access, recreation and tourism interests including core paths, scenic corridors (the A9 trunk road as identified in NPF3) and other established routes for public walking, riding or cycling.
- (h) Decommissioning including any conditions/bonds considered necessary for site restoration.
- (i) Opportunities for energy storage.
- (j) Cross-boundary impacts including any impacts on the qualities of the Cairngorms and Loch Lomond & The Trossachs National Parks.

Note: Ownership of renewable energy proposals is not a material consideration, but proposals with local, community or shared ownership may be able to demonstrate certainty that net economic benefit will be delivered.

Note: Proposals should avoid any disturbance of carbon rich soils, deep peat and priority peatland habitat; where this is not possible effects should be minimised through appropriate mitigation measures, in agreement with the Council and SNH.

Policy 35: Electricity Transmission Infrastructure

Proposals for electricity transmission infrastructure (including lines, towers/pylons/poles, substations, transformers, switches and other plant) will be supported. In locations that are sensitive, mitigation may help address concerns and should be considered as a part of the preparation of proposals. This may include, where appropriate, underground alternatives to over ground route proposals. Where new infrastructure provision will result in existing infrastructure becoming redundant, the Council will seek the removal of the redundant infrastructure as a requirement of the development.

Miscellaneous

Policy 15: Public Access

Development proposals that would have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well-used route and connectivity proposals identified in the Regional Transport Strategy and Delivery Plan will not be permitted. Development proposals that would affect unreasonably public access rights to these features will not be permitted unless these adverse impacts are adequately addressed in the plans and suitable alternative provision is made.

Development that may have an adverse impact on either of the Long Distance Routes (Crook of Devon to Kinross and the Tyndrum to Crieff section of the Cross-Scotland Pilgrim Way) identified as national developments in National Planning Framework 3, will not be permitted.

Policy 55: Nuisance from Artificial Light and Light Pollution

Consent will not be granted for proposals where the lighting would result in obtrusive and/or intrusive effects. The Council may secure the regulation of lighting installations and their maintenance through the use of conditions attached to the granting of planning permission.

Policy 56: Noise Pollution

There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation.

In exceptional circumstances, where it is not feasible or is undesirable to separate noisy land uses from noise sensitive uses, or to mitigate the adverse effects of the noise through the negotiation of design solutions, the Council may use conditions attached to the granting of planning consent, or if necessary planning agreements, in order to control noise levels. A Noise Impact Assessment will be required for those development proposals where it is anticipated that a noise problem is likely to occur.

Policy 58: Contaminated Land and Unstable Land (58A)

Policy 58A : Contaminated Land

The Council's first priority will be to prevent the creation of new contamination.

Consideration will be given to proposals for the development of contaminated land, as defined under Part IIA, Section 78A(2) of the Environmental Protection Act 1990, where it can be demonstrated to the satisfaction of the Council that appropriate remediation measures can be incorporated in order to ensure the site/land is suitable for the proposed use and in order to ensure that contamination does not adversely affect the integrity of a European designated site(s).

Informal pre-application discussions should take place at the earliest opportunity between the Council, the developer and any other interested parties in order to help identify the nature, extent and type(s) of contamination on the site (including any source, pathways, receptor links) and the most appropriate means of remediation. The Council may attach conditions to the granting of planning consent to ensure that these remediation measures have been completed prior to the commencement of any works on site.

and/or the occupation of any new units. The Council will adopt the 'suitable for use' approach as advocated by Scottish Government Statutory Guidance when dealing with proposals for the development of contaminated land.

Policy 60: Transport Standards and Accessibility Requirements

Policy 60B : New Development Proposals

All development proposals that involve significant travel generation should be well-served by, and easily accessible to all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be considered, prior to private car journeys. The aim of all development should be to reduce travel demand by car and ensure a realistic choice of access and travel modes is available, including opportunities for active travel and green networks.

All development proposals (including small-scale proposals) should:

- (a) *be designed for the safety and convenience of all potential users;*
- (b) *incorporate appropriate mitigation on-site and/or off-site, provided through developer contributions where appropriate, which might include improvements and enhancements to the walking/cycling network and public transport services including railway and level crossings, road improvements and new roads;*
- (c) *incorporate appropriate levels of parking provision not exceeding the maximum parking standards laid out in SPP, including application of maximum on-site parking standards to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport;*
- (d) *fit with the strategic aims and objectives of the Regional Transport Strategy and the Tay Cities Deal;*
- (e) *support the provision of infrastructure necessary to support positive changes in Low and Ultra Low Emission Vehicle transport technologies, such as charging points for electric vehicles, hydrogen refuelling facilities and car clubs, including for residential development.*

In certain circumstances developers may be required to:

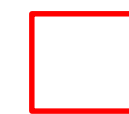
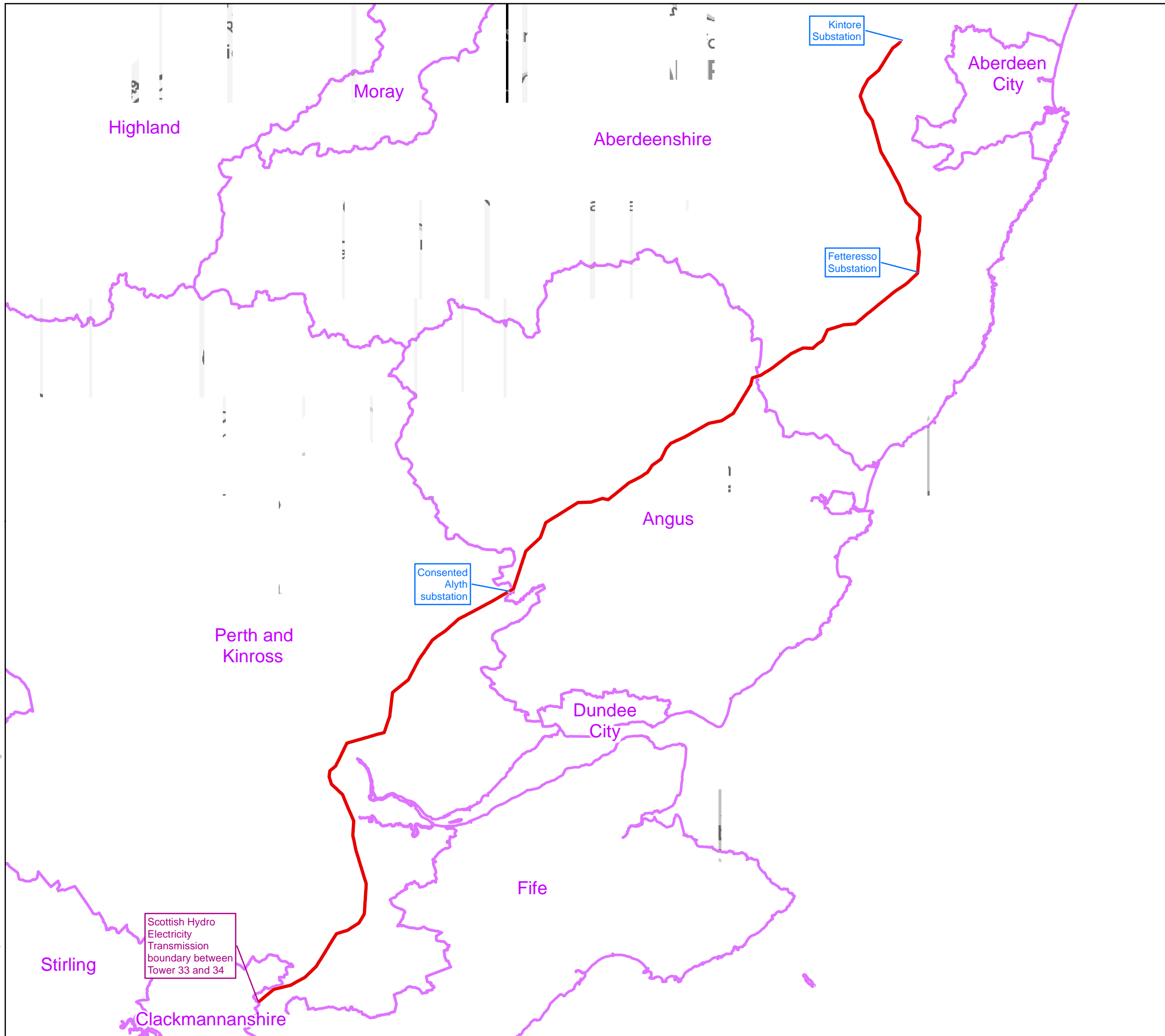
- (a) *prepare and implement travel plans to support all significant travel generating developments;*
- (b) *prepare a Transport Assessment and implement appropriate mitigation measures where required.*

Development for significant travel generating uses in locations which would encourage reliance on the private car will only be supported where:

- (a) *direct links to the core paths networks are or can be made available;*
- (b) *access to local bus routes with an appropriate frequency of service which involve walking no more than 400m are available;*
- (c) *it would not have a detrimental effect on the safe and efficient operation of the strategic road and/or rail network including level crossings;*
- (d) *the transport assessment identifies satisfactory mechanisms for meeting sustainable transport requirements, including the implementation of a site travel plan.*

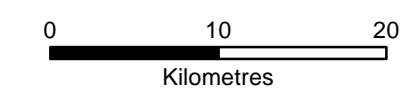
Developers should include consideration of the impact of proposals on the core paths network and local and strategic transport network.

Appendix 4 – Location Plan



Key

- Overhead Line
- Substation
- Local Authority Area



**East Coast 400kV
Overhead Line Upgrade**

**Figure 1.1:
Location Plan and Overview
Sheet 1 of 1**



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