Agenda Item	6.1
Report No	PLN/006/24

## **HIGHLAND COUNCIL**

Committee:	North Planning Applications Committee
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**Date:** 30 January 2024

**Report Title:** 23/00070/FUL : Scottish Hydro Electric Transmission Plc

Land 1120m West of Glenvicaskill, Balmeanach, Struan

**Report By:** Area Planning Manager – South

#### **Purpose / Executive Summary**

- **Description:** Extension of Edinbane Substation including creation of substation platform, substation buildings, SUDS basin, realignment of track, formation of access junction, temporary construction compound, landscaping and other ancillary works.
- Ward: 10 Eilean A' Cheò

**Development category:** National Development

#### Pre-Determination Hearing: Yes

Reason referred to Committee: National Development

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

#### Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in Section 11 of the report.

# 1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the reinforcement and extension of the existing electricity substation at Edinbane on Skye. The development would maintain electricity supplies as well as increase the substation's capacity to serve consented and emerging renewable energy projects in Highland. The development comprises:
  - A new 132kV Gas Insulated Switchgear (GIS) building measuring approximately 44m in length, 21m in width and 12m in height;
  - A new Control Building located adjacent to the GIS building measuring approximately 38m in length, 21m in width and 5.7m in height;
  - Two new indoor reactor buildings to house reactive compensation equipment measuring approximately 41m in length, 21m in width and 11m in height;
  - Two new indoor transformer buildings to house a 45 Mega Volt Amp (MVA) and a 120MVA grid transformers measuring approximately 30m in length, 31m in width and 11m in height;
  - Two new synchronous condenser buildings measuring approximately 70m in length, 28m in width and 11m in height;
  - A new synchronous condenser control building measuring approximately 22m in length, 11m in width and 5m in height;
  - A new substation platform to accommodate the above, along with access for vehicles and staff within the compound. The platform will measure approximately 275m (at its longest) by 150m (at its widest). The platform will be enclosed by a security fence;
  - Sustainable Drainage Systems (SuDS) basin;
  - Realignment of a short section of the existing road to the south of the site and formation of a new access junction;
  - 2 parking spaces with Electric Vehicle (EV) charge points;
  - Temporary construction compound; and
  - Landscaping.
- 12 The existing substation provides a connection for the operational Edinbane Wind Farm to the national grid, as well as the existing 132kV wood pole OHL immediately to the north of the site which would be replaced as part of the Skye Reinforcement Project which is currently pending consideration by Scottish Ministers. The works are partly driven by the Skye Reinforcement Project which seeks to replace and reinforce the existing 132kV overhead line between Ardmore on Skye and Fort Augustus and would provide additional capacity on the transmission network for new renewable energy generation. There are consented and future renewable energy projects which would require connection to the national grid arising from the renewable generation policies and the drive to attain net zero. At the time the application was made, the applicant was contracted to provide capacity for an additional 424 Mega Watts (MW) of generation on the Skye circuit by 2027, and a further 57 MW was in the connection application process. The proposed development, alongside the Skye Reinforcement Project, represents a long term approach in relation to planning for future transmission infrastructure requirements serving Skye and the Western Isles.
- 1.3 The substation extension will be served by a new access junction off the existing access road to the south of the site which will be realigned for a short section. The existing access is from a single track width U4751 Balmeanach Road that connects

to the A863 near Caroy. From the A road, the Balmeanach Road travels east through Balmeanach, commercial forestry plantation, and on to the existing substation site with the route carrying on beyond to Glen Vic Askill and Edinbane Wind Farm. The road is also a core path (Loch Caroy to Glen Vic Askill, SL28.01). Whilst the existing substation is served by its own access, the additional new access is required for the construction phase and will be retained for ongoing operational purposes. Various mitigation measures have been identified to reduce the traffic impacts on surrounding roads, including the introduction of multiple passing places along the Balmeanach Road.

- 1.4 A degree of cut and fill will be required to accommodate the development with the substation. Ground works would be required at the proposed site to achieve a level area of approximately 275m by 150m. A landscape plan for the development seeks to minimise the visual impact of the development in the open rural setting. It aims to do so via a combination of restoration of existing vegetation types, smooth tie ins of slopes and earthworks. The applicant has proposed a landscape management plan for the operational life of the site. The applicant has set out plans to achieving biodiversity net gain.
- 1.5 The construction period is anticipated to last 24 months, however, this is based on the proposal for the works to be undertaken 7 days a week. During operation the substation would be unmanned with operations being controlled remotely from the SSEN's control centre in Perth.
- 1.6 The proposed development is classed as national development in National Planning Framework 4. In Annex B – National Developments Statement of Need 3 - Strategic Renewable Electricity Generation and Transmission Infrastructure "supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply." National development 3 accords national development status to electricity transmission that includes new and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kV or more along with new and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations.
- 1.7 The applicant utilised the Highland Council's Pre-Application Advice Service for Major Developments (21/03199/PREMAJ). The pre-application response outlined it was likely that the Planning Authority would be in a position to support the proposed development subject to further consideration of the proposal's landscape and visual impact. This was on the basis that appropriate mitigation measures were applied including minimising building heights, adequate screening along with further detailed consideration of the associated overhead line infrastructure positioning.
- 1.8 The applicant has undertaken statutory pre-application consultation. A Proposal of Application Notices were submitted to Highland Council in September 2021 and on 25 July 2022. The PANs provided an outline of the application details and proposed consultation methods, which included a series pre-consultation events which were held in September and October 2021 at multiple community halls, as well as online, and latterly additional public events were held on 8 September 2022 at Skeabost Memorial Hall. The applicant also raised awareness of these events by notifying the

host Community Council, contacting local ward members, MSP, MP and placing statutory newspaper adverts.

- 1.9 The application is supported by an Environmental Impact Assessment Report (EIAR) containing chapters on: Introduction and Background; Project Description; Consideration of Alternatives; EIA Process and Methodology; Scope and Consultation; Planning and Energy Policy Context; Landscape and Visual; Ecology; Ornithology; Soils, Geology and the Water Environment; Cultural Heritage; Transport; Noise; Socio-economic, Recreation and Tourism. The application is also accompanied by a Pre-Application Consultation Report, Planning Statement, Design and Access Statement and Pre-application Consultation (PAC) report.
- 1.10 EIA Supplementary Environmental Information (SEI) was also submitted during the application's determination. This contains an updated Watercourse Diversion Feasibility Report, Peat Relocation Report and Biodiversity Net Gain assessment.
- 1.11 Variations made to the proposed development during the application's determination include:
  - Updated details regarding the watercourse diversion within the site.
  - Further peatland restoration information.
  - Further biodiversity enhancement details.
  - Clarification regarding the core path realignment.

#### 2. SITE DESCRIPTION

- 2.1 The 12.2ha site is on an area of open moorland currently used for rough grazing immediately adjacent to the existing substation. The existing substation is located in a rural area in Glen Vic Askill, 2km to the east of Balmeanach in north west Skye. The wider area is enclosed by commercial forestry plantations with the closest approximately 300m to the west. The site is located at an elevation of between 72m and 85m Above Ordnance Datum (AOD). The ground generally slopes up to the north and down to the south of the site. The existing access is from a single track U4751 road that connects to the A863 near Caroy.
- 2.2 Whilst there is existing woodland in the vicinity to the west, south west and north west which provides a degree of screening of the existing substation from the A863 and the closest properties at Balmeanach to the west, the existing substation is located on relatively open moorland.
- 2.3 The nearest noise sensitive receptors have been identified as residential properties at Balmeanach (approximately 1.8km west of the site) and Glen Vic Askill (approximately 950m east of the site).
- 2.4 The existing substation compound is located on flat ground enclosed by bounded landscaping along the northern boundary adjacent to the existing overhead line. The existing substation is approximately 12m in height.
- 2.5 The site is not situated within any built heritage designation. Four undesignated heritage assets have been identified within 1km. These relate to former

medieval/post-medieval settlement and agrarian activity and include including "Glen Ose" township, former field system, 2 poorly preserved clearance cairns and the remains of a head dyke. No prehistoric remains have been identified. Other cultural heritage interests within a wider 3km study area include Dun Arkaig (SM 13662), an Iron Age broch on a rocky outcrop on the south side of Glen Colbost.

- 2.6 The site sits within the surface water catchment area of the River Ose approximately 500m south of the site, generally flowing south west before discharging into the sea at Ose on the west coast. Additionally, the site is within an area of low to medium flood risk from the adjacent Allt Ruairidh watercourse. Based on SEPA's indicative flood mapping the site is not at risk of pluvial flood risk. The proposed development will divert and realign an existing unnamed watercourse that flows through the site from the north west site boundary and on beyond the south west site boundary.
- 2.7 The site is not located within any site designated for natural heritage. An Cleireach SSSI is located 850m to the west and is designated for geology. The closest landscape designation is the North West Skye Special Landscape Area (SLA), some 3.5km to the south / south west.
- 2.8 The site has been subject to habitat and ecological survey, including preliminary bat roost assessment, ornithological survey, along with a review of potential peat management options as part of the applicant's strategy to secure Biodiversity Net Gain (BNG). The proposed development will be located on an area of marsh / marshy grassland for the main compound with the temporary construction compound will be located on an area of blanket bog. Surveys showed the immediate surrounds of the site are frequented by Golden Eagle, sparrowhawk and buzzard flying overhead. No evidence of white-tailed eagle, bats or any other protected species was found.
- 2.9 NatureScot's Landscape Character Assessment (LCA) identifies the site as falling within the southern area Landscape Character Type (LCT) 359 Upland Sloping Moorland, with the surrounding elevated land within 3.5km to the south, east and west comprising extensive areas of LCT 360 Stepped Moorland, with the lower lying areas of Balmeanach and the site access road falling within LCT 357 Farmed and Settled Lowlands Skye and Lochalsh.
- 2.10 Recreational interests in the surrounding area include walking and cycling along the existing Balmeanach Road to Edinbane Wind Farm which is also a Core Path (Loch Caroy to Glen Vic Askill).

#### 3. PLANNING HISTORY

- 3.1 15.11.2023 22/04580/S37 Skye Reinforcement Project THC Objection Issued
   Construct and operate approximately 110 to Energy Consents kilometres (km) of new double circuit steel Unit structure 132 kV overhead transmission line and associated infrastructure
- 3.2 16.08.2022 22/03176/PAN Extension to existing Proposal of Application Edinbane substation comprising platform Notice Received area, indoor switching stations and substation buildings, associated plant and

infrastructure, ancillary facilities, laydown area(s) and landscape works.

- 3.3 14.12.2021 21/04375/PAN Edinbane Substation Proposal of Application Extension comprising platform area, indoor Notice Received switching stations and substation buildings, associated plant and infrastructure, ancillary facilities, laydown area(s) and landscaping works.
- 3.4 24.01.2022 21/05799/SCOP Erection of extension to, Scoping Response and operation of, Edinbane Substation Issued comprising erection of new indoor substation and switching station associated ground works and ancillary infrastructure.
- 3.5 28.02.2023 22/06090/SCOP Edinbane Wind Farm Scoping Response Erection and operation of a wind farm Issued comprising up to 19 wind turbines with tip heights up to 200m, access tracks and associated infrastructure.
- 3.6 16.09.2009 09/00191/FULSL Variation of condition 7 Planning Permission attached to planning consent ref Granted 02/00089/FULSL to alter wind turbine model.
- 3.7 25.08.2008 08/00189/OHLSL Alterations to overhead Permission Granted power line
- 3.8 22.04.2008 08/00046/FULSL Erection of un-manned Planning electrical sub-station for windfarm Permission Granted connection to grid.
- 3.9 12.03.2008 07/00465/OHLSL 132kv overhead line Permission Granted connection to Edinbane Wind Farm
- 3.10 16.05.2007 02/00089/FULSL Construction of Wind Planning Permission Farm comprising the erection of 18 wind Granted turbines, wind monitoring mast, electricity sub-station, borrow pits and site roads (as amended)

# Planning History for Adjacent Land to the South (note: major developments only - no shared site access with application site)

3.11 10.08.2023 (Date Construction and operation of a wind farm Decision
Received) for a 40 year operational period, comprising 47 wind turbines with a maximum blade tip height of 200m, access tracks, borrow pits,

battery storage, up to 2 anemometer masts, substations and ancillary infrastructure.

- 3.12 09.05.2022 22/01468/SCOP Glen Ullinish II Wind Farm Scoping Response - Erection and Operation of a Wind Farm, Issued comprising of up to 59 Wind Turbines with a maximum blade tip height of up to 200m, access tracks, borrow pits, substation, control building, and ancillary infrastructure
- 3.13 12.11.2021 21/02507/S75M Modification of Section 75 Planning Permission Agreement for Glen Ullinish Wind Farm - Granted associated with planning permission 14/03964/FUL
- 3.14 21.12.2021 Section 42 application for non-compliance Planning Permission with condition 1 of Glen Ullinish Wind Farm Granted as consented (14/03964/FUL)
- 3.15 25.08.2015 14/03964/FUL Erection of 14 wind turbines Planning Permission (height to hub 78m, height to tip 119m, rotor Granted diameter 82m) and sub-station building, formation of access tracks, crane hardstandings, borrow pits, concrete batching plant and water crossings

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour, Schedule 3 Development and EIA Development

Date Advertised: 03.02.2023 (EIA, Unknown Neighbour and Schedule 3) and EIA SEI re-advertised on 03.11.2023in the Edinburgh Gazette and the West Highland Free Press

Representation deadline: 17.11.2023

Timeous 8 form 7 households representations:

Late representations: 28 from 28 households

- 4.2 Material considerations raised in objections are generally summarised as follows:
  - Detrimental landscape and visual impact due to over development / large scale.
  - Speculative submission prior to the Skye Reinforcement Line decision, which may prejudice other applications.
  - Detrimental impact on peat and natural habitat.
  - Detrimental impact on tourism.
  - Increased traffic and vehicle movements / detrimental impact on roads.
  - Socio-economic impacts / community benefit.

- 4.3 Non-material considerations raised in objections are generally summarised as follows:
  - Over-provision of wind farms on Skye and in Highland.

# 5. CONSULTATIONS

- 5.1 **Struan Community Council** did not respond to the consultation.
- 5.2 Access Officer does not object to the application. They note that the Access Management Plan states that the Core Path SL28.01 requires realignment. Whilst they consider it likely that this realignment will be regarded as de-minimis they note due process shall be followed with relevant stakeholders consulted. As such, they have requested further details of the proposals to realign the route of the core path. The Land Reform (Scotland) Act 2003 places a duty on the Council to uphold access rights and ensure that core paths remain open and free from obstruction. The Access Officer has requested notification of any effects on access to the track leading from the substation up and over to the Edinbane Wind Farm so that the local community and user groups can be notified.
- 5.3 **Contaminated Land Officer** does not object to the application. It confirms that the site forms part of a substation, which may have resulted in land contamination issues. It advises that an informative be added on any decision notice stating that in the interests of health and safety, site workers should be informed of the sites previous use, and any issues uncovered during site works reported and dealt with appropriately.
- 5.4 **Development Plans Team** do not object to the application. They note the principle of development is supported by relevant policy and guidance subject to appropriate mitigation measures.
- 5.5 **Ecology Officer** has no objection to the application subject to conditions and an Informative requiring the submission of a Habitat Management Plan, Construction Environmental Management Plan (CEMP), pre-construction survey, nesting bird survey, appointment of an Environmental Clerk of Works (EnvCoW) and protected species Informative. They note that no evidence of protected species activity was recorded within the study area.

They consider the extension of the existing substation would result in the loss of habitat including marshy grassland, dry heath, and a small area of blanket bog. The applicant's metric has quantified the habitat loss as 36.60 Biodiversity Units (BU). Biodiversity compensation and enhancement measures are outlined to be delivered on site, including scrub planting with associated deer management measures. A peatland restoration area has also been identified to the west of the site. These measures provide 33.94BU with the additional units required to achieve the expected 10% net gain, achieved through the Skye Reinforcement Project: Environmental Compensatory Strategy (July 2023). The Highland Council has objected to the Skye Reinforcement Project. However, the Ecology Officer notes the vast majority of the BU required to fulfil NPF4 Policy 3 has been demonstrated to be delivered within the Edinbane extension application and the Council has confidence that it would be possible to deliver the full level of required BU within and in close proximity to the

site. Therefore, in this instance, a condition can be applied to provide a Habitat Management Plan detailing the full biodiversity compensation and enhancement measures.

- 5.6 **Environmental Health Officer** does not object to the application subject to conditions controlling noise, construction hours, dust mitigation measures and the formation of a Community Liaison Group. The EIAR notes that operational noise has been assessed to BS4142 standards and indicates that the proposed development, operating in normal conditions, will have specific noise levels significantly below background noise. Therefore, a minor and not significant impact is predicted for nearby noise sensitive properties.
- 5.7 **Flood Risk Management Team** do not object to the application following the submission of further supporting information and subject to a condition. The additional information submitted, in relation to the proposed realignment of the small watercourse within the site boundary, along with further consideration of the route and design of the new channel is deemed appropriate. A minimum buffer zone of 6m set back from the watercourse shall be free from development. This is controlled by condition.
- 5.8 **Forestry Officer** does not object to the application. The proposed development does not affect trees or woodland.
- 5.9 **Historic Environment Team (Archaeology)** do not object to the application subject to a condition requiring a Written Scheme of Investigation and/or an Archaeological Management Plan. They agree that the Cultural Heritage assessment submitted provides a comprehensive study of the predicted impacts with detailed mitigation measures including avoidance, marking out as well as excavation, monitoring during and after construction and contingency for emergency discoveries.
- 5.10 **Transport Planning Team** do not object to the application subject to conditions to secure further detail and agreement on matters related to: the development's impact on Council maintained roads, including the existing access on to the U4751 Balmeanach Road from the A863; a Construction Traffic Management Plan covering general construction traffic, abnormal loads and to assist with minimising traffic impacts on the local road network, the users of those roads and the communities and facilities that are located along those routes; a Section 96 Wear and Tear Agreement recognising the potential overlap with construction traffic impacts associated with the Skye Line Reinforcement Project (Planning Ref. 22/04580/S37) and any other developments running concurrently with this proposal.
- 5.11 **Civil Aviation Authority** did not respond to the consultation.
- 5.12 **Highlands and Islands Airports Limited** do not object to the application. It sets out that the development out with their safeguarding consultation zone.
- 5.13 **Historic Environment Scotland** do not object to the application. It has not identified significant effects on historic environment features within its remit.
- 5.14 **Ministry of Defence (Defence Infrastructure Organisation)** do not object to the application. It notes that the application is outside of Ministry of Defence safeguarding

areas.

- 5.15 **National Air Traffic Services Safeguarding (NATS)** do not object to the application. It sets out that the application does not conflict with their safeguarding criteria.
- 5.16 **NatureScot** do not object to the application. They note the site is out with any national or regional designations. An Cleireach SSSI is approximately 1km away but is designated for geology and will not be affected by the proposal. NatureScot advises that it is unlikely that the proposal will have a significant effect on any qualifying interests of designated sites either directly or indirectly, as such they have not provided detailed advice on most aspects covered by the EIAR. They noted the EIAR makes reference to a loss of 3.4ha of marsh/marshy grassland for the main compound and a further 0.2ha of blanket bog to accommodate the temporary construction compound. However, the peat depth information, Phase 1 habitat information and aerial photos appear to be inconsistent. If wet modified bog or blanket bog are present then the avoidance, mitigation and compensation approach detailed in NatureScot's recently revised peatland guidance should be followed(https://www.nature.scot/doc/advising-peatland-carbon-rich-soils-and-priority-peatland-habitats-development-management).
- 5.17 **Scottish Environment Protection Agency (SEPA)** do not object to the application following the submission of further supporting information and subject to conditions. They welcomed the submission of the Review of Potential Peat Management Options (Rev05, submitted 17 October 2023). They agree that identified Area A would currently benefit from restoration and note that it is estimated that such works would require 7,500m<sup>3</sup> of peat. Area A also benefits from being close to the substation site and close to an existing access track.

They explain that the applicant's identified potential solution is to re-open the borrow pits in Area A to provide aggregate to form the substation platform, and thereafter restore the area using the material removed from the surface of the borrow pits, as well as using peat from the substation. SEPA consider that the principle of this restoration activity is acceptable in this site-specific instance subject to further details regarding the dimensions of the pits, the restoration fill, the design of the final topography, local hydrology and stability. The works will need monitoring for a significant period to ensure that the peat is used in a way that contains the carbon and the final restoration aims are met. A finalised Peat Reuse Plan is to be agreed with the Planning Authority in consultation with SEPA prior to the commencement of development. The plan should be based on the principles outlined for Area 1 of the submitted Review of Potential Peat Management Options and should include further details regarding the issues outlined above and how the works will be executed to ensure a successful restoration to wet heath and wet grassland habitats. This could be controlled by condition.

Whilst SEPA note the reopening of existing pits in close proximity to the proposed works is a sensible approach it does not form part of the current planning application. They seek confidence that this is an achievable outcome and note a letter from Premier Woodlands confirms there is an agreement in principle of accepting peat from the substation site for use in restoration of the borrow pit areas. Whilst the letter makes reference to 228,546 tonnes of peat, SEPA consider the principle of using 40,000m<sup>3</sup> (and not 228,546 tonnes) of peat is acceptable in this location. They expect

this to be controlled by legal agreement to ensure the restoration areas can be safeguarded in perpetuity as peatland.

SEPA have confirmed they are content with the watercourse diversion (Option 1F shown on the Concept Design Plan) and consider the proposals capable of being authorised under the Controlled Activities Regulations (CAR).

- 5.18 **Scottish Forestry** do not object to the application. The proposed development does not affect forests or woodland.
- 5.19 **Scottish Water** do not object to the application. They note that there is no public water and no waste water infrastructure in the vicinity of the proposed development. It explains that from a review of their records there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas that may be affected.
- 5.20 Skye and Lochalsh Access Panel did not respond to the consultation.
- 5.21 **Transport Scotland** do not advise against granting of planning permission subject to conditions and Informatives. It requests conditions to secure a Construction Traffic Management Plan (CTMP), the routing proposed for the transportation of abnormal loads, and details of associated mitigation including signage or temporary traffic control measures.

## 6. DEVELOPMENT PLAN POLICY

6.1 The following policies are relevant to the assessment of the application:

#### National Planning Framework 4 (NPF4, 2023)

- 6.2 National Development 3 Strategic Renewable Electricity generation and Transmission Infrastructure
  - 1 Tackling the Climate and Nature Crises
  - 2 Climate Mitigation and Adaptation
  - 3 Biodiversity
  - 4 Natural Places
  - 5 Soils
  - 7 Historic Assets and Places
  - 11 Energy
  - 20 Blue and Green Infrastructure
  - 22 Flood Risk and Water Management
  - 23 Health and Safety
  - 25 Community Wealth Building
  - 29 Rural Development
  - 33 Minerals

# Highland Wide Local Development Plan (HwLDP, 2012)

- 6.3 28 Sustainable Design
  - 29 Design Quality and Place-making
  - 30 Physical Constraints
  - 31 Developer Contributions
  - 36 Development in the Wider Countryside

- 55 Peat and Soils
- 56 Travel
- 57 Natural, Built and Cultural Heritage
- 58 Protected Species
- 59 Other important Species
- 60 Other Importance Habitats
- 61 Landscape
- 63 Water Environment
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 69 Electricity Transmission Infrastructure
- 72 Pollution
- 73 Air Quality
- 74 Green Networks
- 77 Public Access

# West Highlands and Islands Local Development Plan (Westplan, 2019)

- 6.4 The site is not covered by any specific development allocation or safeguarding notation within the WestPlan. The Vision and Strategy section outlines a number of general policies that apply to the proposed development including:
  - 2 Delivering Development

# Highland Council Supplementary Guidance

- 6.5 Developer Contributions (Nov 2018)
  - Flood Risk and Drainage Impact Assessment (Jan 2013)
  - Green Networks (Jan 2013)
  - Highland Historic Environment Strategy (Jan 2013)
  - Highland's Statutorily Protected Species (Mar 2013)
  - Physical Constraints (Mar 2013)
  - Roads and Transport Guidelines for New Developments (May 2013)
  - Special Landscape Area Citations (June 2011)
  - Standards for Archaeological Work (Mar 2012)
  - Sustainable Design Guide (Jan 2013)

# 7. OTHER MATERIAL POLICY CONSIDERATIONS

# **Other National Policy and Guidance**

- 7.1 Scottish Energy Strategy (2017)
  - The Draft Energy Strategy and Just Transition Plan (2023)
  - The Onshore Wind Energy Policy Statement (2022)
  - Onshore Wind Sector Deal for Scotland (2023)
  - Historic Environment Policy for Scotland (2019)
  - Scheduled Monuments Consents Policy (2019)
  - Circular 1/2017: Environmental Impact Assessment Regulations (2017)
  - PAN 1/2011 Planning and Noise (2011)
  - PAN 60 Planning for Natural Heritage (Jan 2008)

- Developing with Nature Guidance (NatureScot 2023)
- Construction Environmental Management Process for Large Scale Projects (2010)
- Highland Nature Biodiversity Action Plan 2021-2026 (2022).
- Skye and Lochalsh Biodiversity Action Plan (2003)
- Community Benefits for Electricity Transmission Network Infrastructure: Government Response, UK Department for Energy and Security and Net Zero (2023)

# 8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

# Planning Considerations

- 8.2 The key considerations in this case are:
  - a) Development Plan and Other Planning Policy
  - b) Planning History
  - c) Layout and Design
  - d) Landscape and Visual Impact
  - e) Construction Impact
  - f) Roads, Transport and Access
  - g) Noise
  - h) Natural Heritage (including Ornithology)
  - i) Water, Flood Risk, Drainage and Soils
  - j) Built and Cultural Heritage
  - k) Economic Impact
  - I) Other Material Considerations

# Development Plan

8.3 The Development Plan comprises National Planning Framework 4 (NPF4), the Highland-wide Local Development Plan (HwLDP), the West Highland and Islands Local Development Plan (WestPlan) and various Supplementary Guidance documents associated with these Local Development Plans.

# **National Policy**

8.4 National Planning Framework 4 (NPF4) forms part of the Development Plan and was adopted in February 2023. NPF4 comprises three distinct parts. Part 1 sets out an overarching spatial strategy for Scotland in the future. Outlining that Scotland is facing unprecedented challenges and that we need to reduce greenhouse gas emissions and embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, and build a wellbeing economy while striving to create great places. Therefore, NPF4 sets out

that choices need to be made about how we can make sustainable use of our natural assets in a way that benefits communities.

- 8.5 NPF4 outlines 18 national developments that support the plan's spatial strategy. National developments will be a focus for delivery, as well as exemplars of the Place Principle, placemaking and a Community Wealth Building (CWB) approach to economic development. Six of the national developments support the delivery of sustainable places. Among these is national development number 3 - Strategic Renewable Electricity Generation and Transmission Infrastructure, which "supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply." National development 3 accords national development status to electricity transmission that includes b) New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kV or more, and/or c) New and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations. This proposal aligns with parts of both b) and c) and therefore, is classed as a national development, and as such received in principle support.
- 8.6 The spatial strategy reflects existing legislation by setting out that decision making requires to reflect the long-term public interest. However, in doing so, it is clear that the decision maker must make the right choices about where development should be located, ensuring clarity is provided over the types of infrastructure that need to be provided and the assets that should be protected to ensure they continue to benefit future generations. To that end, the Spatial Priorities support the planning and delivery of sustainable places, which will reduce emissions, restore and better connect biodiversity; create liveable places, where residents can live better, healthier lives; and create productive places, with a greener, fairer, and more inclusive wellbeing economy.
- 8.7 Part 2 of NFP4 sets out the National Planning Policy which cover three themes: Sustainable Places, Liveable Places, and Productive Places; within which there are a total of 33 policies and many of these consist of distinct sub-policies. These 33 national planning policies form part of the development plan and will be assessed along with the Council's LDP policies for development management decisions. The most relevant policies are outlined below.
- 8.8 Part 3 provides a series of annexes that provide the rationale for the strategies and policies of NPF4, which outline how the document should be used, and set out how the Scottish Government will implement the strategies and policies contained in the document. With Annex A: 'How to use this document' noting that the policies within Part 2 should be read as a whole and '...it is for the decision maker to determine what weight to attach to policies on a case-by-case basis....' It goes on to state that '...where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies....'.
- 8.9 Many of NPF4's policies are relevant to consideration of the proposal, but attention is particularly drawn here to the following key policies. Policy 1 Tackling the climate and nature crises aims to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. It requires 'significant

weight' to be given to those crises in decision making.

- 8.10 Policy 3 Biodiversity aims to protect biodiversity, reverse biodiversity loss, deliver positive effects and strengthen nature networks. Every development proposal has to maintain or improve biodiversity.
- 8.11 Policy 4 Natural Places aims to protect, restore and enhance natural assets making best use of nature-based solutions. Policy 4 section e) requires project design and mitigation to demonstrate how the following various impacts on communities and individual dwellings, including, residential amenity, visual impact, and noise, landscape, visual and cumulative impacts, public access, aviation and defence interests, telecommunications and broadcasting installations, traffic and roads, historic environment, hydrology, water environment and flood risk, trees, biodiversity, decommissioning and site restoration are all addressed.
- 8.12 Policy 11 Energy aims to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure. Section a) notes development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, including (ii.) enabling works, such as grid transmission and distribution infrastructure. Section c) confirms development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Section d) requires development proposals that impact on international or national designations to be assessed in relation to Policy 4. In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.
- 8.13 Policy 22 Flood risk and water management aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Owing to the site's identified flood risk, this is considered further within the Water, Flood Risk, Drainage and section of this report.
- 8.14 Policy 25 Community wealth building aims to encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels. While NPF4 considers national developments as a focus for delivery, they should also be exemplars of the community wealth building approach to economic development. This is considered further within the Economic Impact section of the is report.

#### Highland wide Local Development Plan

8.15 The principal Highland-wide Local Development Plan policy against which the application requires to be determined is the Policy 69 - Electricity Transmission Infrastructure. This policy offers support for electricity transmission infrastructure, having regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption. Such support is subject to the proposals not having an unacceptable significant impact on the environment.

- 8.16 As the development would provide additional grid capacity for the transmission network and would help to facilitate an increasing proportion of electricity generation from renewable sources, the principle of the development receives support under HwLDP Policy 69 Electricity Transmission Infrastructure, subject to site selection, design and overcoming any unacceptable significant environmental effects.
- 8.17 In this regard, the site does not benefit from any positive development allocation and is out with a defined Settlement Development Area (SDA). As such HwLDP Policy 36 Development in the Wider Countryside applies and sets out that all development in the countryside will be determined on the basis of a number of criteria. Pertinent matters to this proposal include siting and design, being compatible with the existing pattern of development, landscape character and capacity, as well as drainage and servicing implications. The main aspect of the development is the proposed new buildings and expanded compound area which extends development to the west and south extension of the existing substation.

## Area Local Development Plans

8.18 The West Highland and Islands Local Development Plan (WHILDP) does not contain land allocations related to the proposed development. It confirms the boundaries of Special Landscape Areas. Highland wide Local Development Plan (HwLDP) Policies 28, 57, 61 and 67 seek to safeguard these regionally important landscapes. The impact of this development on landscape is primarily assessed in the Landscape and Visual Impact section of this report.

# Onshore Wind Energy Policy Statement (2022), Draft Energy Strategy and Just Transition Plan (2023), and Onshore Wind Sector Deal for Scotland (2023)

- 8.19 The Onshore Wind Energy Policy Statement supersedes the previously adopted Onshore Wind Energy Policy Statement which was published in 2017. The document sets out a clear ambition for onshore wind in Scotland and for the first time sets a national target for a minimum level of installed capacity for onshore wind energy being 20 Gigawatts (GW). This is set against a currently installed capacity of 9.4 GW (June 2023). Therefore, a further 10.6 GW of onshore wind requires to be installed to meet the target. It is however acknowledged that targets are not caps. In delivering such a target Scotland would play a significant role in meeting the requirement of 25-30 GW of installed capacity across the UK identified by the Climate Change Committee.
- 8.20 Like the previous iteration of the Onshore Wind Energy Policy Statement, the document recognises that balance is required and that no one technology can allow Scotland to reach its net zero targets. The document is clear that in achieving a balance, environmental and economic benefits to Scotland must be maximised. In taking this approach, this echoes Scotland's Third Land Use Strategy. Benefits to rural areas, such as provision of jobs and opportunities to restore and protect natural habitats, are also highlighted in the document.
- 8.21 The Draft Energy Strategy and Just Transition Plan has been published for consultation. Limited weight can however be applied to the document given its draft status. Unsurprisingly, the material on in the document reflects in large part that contained in NPF4 and the Onshore Wind Energy Policy Statement (OWPS) 2022.

A fundamental part of the Strategy is expanding the energy generation sector. The draft Strategy specifically addresses energy networks (page 36) and states "significant infrastructure investment in Scotland's transmission system is needed to ameliorate constraints and enable more renewable power to flow to centres of demand." It states that National Grid has identified the requirement for over £21 billion of investment in GB electricity transmission infrastructure to meet 2030 targets and that over half of this investment will involve Scottish transmission owners SPEN and SSEN. Overall, the draft Energy Strategy forms part of the new policy approach alongside the OWPS and NPF4 and confirms the Scottish Government's policy objectives and related targets reaffirming the crucial role that onshore wind and enabling transmission infrastructure will play in response to the climate crisis which is at the heart of all these policies.

8.22 To deliver the ambition for onshore wind, the Onshore Wind Sector Deal for Scotland was introduced in September 2023. The document focuses on necessary high level actions by Government and the Sector to support onshore wind delivery. Jointly, Government and the Sector are committed to working together to ensure a balance is struck between onshore wind and the impacts on land use and the environment. The document looks to expediate decision making and consent implementation to achieve 20 GW of installation by 2030, meaning we should be seeing faster decisions on applications that are already in the system, with more consents being build out.

## **Planning History**

- 8.23 The existing substation provides a connection for the operational Edinbane Wind Farm to the national grid, as well as the existing 132kV wood pole OHL immediately to the north of the site which would be replaced as part of the Skye Reinforcement Project which is currently pending consideration. The substation was granted permission in 2008 (08/00046/FULSL).
- 8.24 Since the substation was granted planning permission in 2008 there has been a sustained increase in both consented and proposed renewable energy generation in the Highland area which has potential to push the existing infrastructure on Skye and the rest of the region beyond its existing capacity. The proposed development therefore seeks planning permission to replace and upgrade key existing infrastructure to enable security of supply and deliver enhanced capacity to support existing committed connections, as well as enabling other potential future connections.
- 8.25 In terms of cumulative impacts with other planned or future renewable developments, including their future connections, the applicant took into account all relevant major planning application activity in the vicinity of the site. This informed the cumulative assessment contained within their EIAR. Whilst there has been further recent planning application activity, it is for those later submissions to take account of the consents and applications before them, and consider the need to revisit the cumulative baseline. All such proposals require assessment on their own merits and are rightly subject of individual applications. NPF4 makes clear that grid capacity should also not constrain renewable development.
- 8.26 It is also noteworthy that SSE has considerable permitted development rights within operational land and across transmission corridors. It will therefore be important to

recognise within any planning permission granted, the site operator intends to undertake the removal of off-site overhead transmission line towers to be replaced by upgraded pylons as part of the Skye Reinforcement Project which is currently pending consideration. To aid assessment of the current planning application and ensure that its cumulative impact is fully assessed, details of these ancillary proposals have been considered, with care being taken to ensure that any proposed EIAR mitigation is delivered and would not be adversely impacted upon or removed by future permitted development undertakings.

#### Layout, Design and Materials

- 8.27 The new compound and buildings comprises a conservable extension to the existing substation, increasing the substation's built footprint from approximately 0.7ha to 3.4ha. Buildings within the extended compound will range in size between the smaller scale control building (approximately 38m length, 21m width, 12m height) to the 2 larger scale condenser buildings (approximately 70m length, 30m width, 11m height). Proposed building height ranges between 11m and 12m which matches the height of the existing substation building. The proposed buildings comprise steel portal frames with metal cladding and roof in Van Dyke Brown. The style and scale of buildings retains an element of uniformity across the site. Full details of the material specification and finishes could be controlled by condition. The site would be enclosed by a palisade security fence with a height of up to 2.4m. Additionally, stock/deer proof fence would be established to exclude grazing animals and allow landscaping and screen planting to establish. Again, full details of material specification and finishes of fencing could be conditioned.
- 8.28 HwLDP Policy 29 Design Quality and Place Making requires new development to be designed to make a positive contribution to the architectural and visual quality of the area. Furthermore, development proposals must demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts of their proposals. A number of representations raise concerns that the proposal is of a much larger scale than the existing substation and will lead to over development. Whilst significantly extending the existing site the associated buildings and external infrastructure are designed in a manner that generally reflects the design and materials of the existing facility, albeit at a greater scale. The utilitarian design and materials reference agricultural buildings common within the wider Highland vernacular. Whilst relatively stark within the wider open moorland, views are restricted by existing woodland to the west and the lower lying compound and proposed boundary treatments should assist with integrating the development into the landscape and soften the development to some extent.
- 8.29 The site selection process for the substation is detailed in the EIAR (refer to Chapter 3: Consideration of Alternatives). This explains that aims of site selection for the expansion of the substation were to balance the environmental, technical and economic aspects of the project. The main drivers of the extension works are to facilitate connection of the proposed Glen Ullinish Wind Farm extension to the transmission network, support the growth of renewable generation and demand capacity increases on the local network of Skye and to facilitate the connection of embedded generators at other sites on Skye.

- 8.30 Developing the existing site at Edinbane has the benefit of maximising existing infrastructure and maintaining proximity to the existing overhead line network, therefore avoiding the requirement for new infrastructure in alternative locations and minimising the potential environmental and visual/landscape effects over a wider area. The applicant notes that were an alternative location to be identified, an overhead line connection between that location and the existing substation at Edinbane would likely be required to facilitate connection with the wider transmission network. Only the project design and layout options that looked to extend the existing substation site were progressed at the optioneering stage for these reasons.
- 8.31 The applicant also underook a technology options appraisal, which considered both Air-Insulated Switchgear (AIS) and Gas-Insulated Switchgear (GIS) options for the extension. The AIS option was ruled out at an early stage due to the land take requirements and cost being significantly greater for an AIS option compared to a GIS option. Consequently, a GIS substation was identified as the preferred design option. It is expected that the GIS building will utilise Sulphur Hexafluride (SF<sub>6</sub>) gas free technology given the harmful effects of greenhouse emissions, and the use of an environmentally friendly alternative could be conditioned.
- 8.32 The land around the existing substation slopes from north to south with the level platform previously constructed for the existing substation in the flattest area of ground. The Allt Ruairidh watercourse creates a natural constraint to the west, whilst the existing access tracks and other electrical infrastructure constrain the site to the south and east. Preliminary site survey and ground investigations confirmed the presence of deep peat surrounding the site, particularly to the east and west. Peat and soil deposits to the west of the site include spoil material excavated for the existing substation site. The applicant notes that any construction to the north or east of the existing substation site would require significant construction works into glacial till and bedrock to create an extended level platform. As such development of the existing substation to the west and south was deemed the most appropriate solution given these constraints.
- 8.33 The temporary laydown/construction compound is to be located within the north eastern portion of the site boundary adjacent to the track leading to Edinbane Wind Farm to the north. Alternative locations for the temporary construction compound were explored to avoid areas of blanket bog, however, suitable locations within the site boundary are constrained by existing infrastructure including overhead lines and the proposed infrastructure relating to the Skye Reinforcement Project.

#### Landscape and Visual Impact

8.34 The EIAR considers both landscape and visual impacts of the proposed development, with photomontages provided from 2 viewpoints from Loch Caroy to Glen Vic Askill Core Path looking east and west, produced in accordance with the Council's Visualisation Standards. The Landscape and Visual Impact Assessment (LVIA) is focused on a study area of 3.5km, beyond which the development is considered unlikely to result in any adverse effects. The LVIA also gives consideration to cumulative effects occurring as a result of other proposed electrical infrastructure developments within the study area including the overhead lines associated with the proposed Skye Reinforcement Project and the consented Glen

Ullinish Wind Farm (14/03964/FUL). Whilst photomontages provide a useful aid in showing the appearance of the proposed development, they are just one tool used by the Planning Authority in the assessment of visual impact.

- 8.35 The site is within Glen Colbost, a broad upland glen enclosed by low, moorland hills with areas of coniferous forestry plantation and moorland. The existing substation site is generally considered a relatively enclosed location within the wider open moorland landscape and rural setting. The landscape is already influenced by a number of man made structures including the wind turbines at Edinbane Windfarm on the higher ground immediately to the north of the site, the existing substation and wood pole overhead lines which cross the glen from east to west. The site is located between the existing Edinbane Wind Farm to the north and consented Glen Ullinish Wind Farm to the south. The glen itself forms a wide bowl with open, large scale and simple characteristics, within which the isolated farm and outbuildings of Glen Vic Askill (to the east of the site) form a focal point. The wider setting is relatively remote, with crofting settlements largely confined to the coastal inlets and shoreline of Bracadale Bay to the south/ south west although linear crofting townships characterise some of the glens which extend inland including Balmeanach to the west of the site. Overall, there is a sense of isolated remoteness to this landscape tempered by the presence and influence of existing energy infrastructure.
- 8.36 The landscape assessment has established that short term significant effects are likely during the construction of the proposed development within the Glen Colbost area. Whilst existing infrastructure including the current substation, overhead lines and wind turbines are already influential in this landscape, the introduction of a concentrated area of intensive construction activity is predicted to reduce the existing qualities of remoteness in the local area, and provide an additional area of focus within the landscape. However, this is for a temporary period and is considered to reduce to a level which would not be significant once construction works have been completed.
- 8.37 Although the proposed development would form a new feature within the landscape perceived from other surrounding areas during construction and operation, this is not predicted to lead to any further significant landscape effects. The consistent dark brown matt finish colouring of the cluster of buildings would reduce its prominence and generally reflect the patterns and colours in the existing moorland landscape. The height of the new buildings and infrastructure between 11m and 12m ensure that there is no skylining effect with the proposed development backclothed by moorland and surrounding hills when viewing the site looking north, south and east and backlothed by woodland when viewing the site looking west.
- 8.38 There are no national or regional landscape designations within the study area. The North West Skye Special Landscape Area lies marginally beyond the 3.5km to the south / south west. Three individual Landscape Character Types (LCT) are identified within the study area. These include LCT 357 – Farmed and Settled Lowlands – Skye and Lochalsh, LCT 359 – Upland Sloping Moorland, LCT 360 – Stepped Moorland.
- 8.39 The site falls within LCT 359 Upland Sloping Moorland which has been assessed as being "Low-Medium" sensitivity and the effect is considered Moderate (Significant) during construction then reducing to Minor (Not Significant) once works are complete and the site is operational. Similarly, both the surrounding LCT 357 Farmed and

Settled Lowlands and LCT 360 – Stepped Moorland have been assessed as being "Low-Medium" sensitivity and the effect is considered Moderate (Significant) during construction then reducing to Minor (Not Significant) once works are complete and the site is operational.

- 8.40 A Zone of Theoretical Visibility (ZTV) drawing is included in the assessment which shows theoretical bare ground visibility. The ZTV identifies that visibility is almost entirely contained within the 3.5km study area with visibility being predominantly concentrated over an area to the higher ground to the north west, south, south east and east taking in the closest residential property, Glen Vic Askill, to the east. The cluster of properties at Balmeanach to the west have no visibility of the site given the woodland which acts as a natural barrier. Should this woodland be felled and not restocked, theoretical visibility as shown in the ZTV drawing would be more extensive, however, given the separation distance from the U4751 and A863 roads, intervening landform and site orientation when viewed from the west / south west it is considered the proposel would be suitably mitigated by distance along with the limited height of the proposed development.
- 8.41 Two Viewpoints (VP's) have been provided to specifically aid in the assessment of visual impact from the residential receptors to the east as well as recreational users of the Loch Caroy to Glen Vic Askill Core Path. These are short range views and the assessment considers visual effects after construction during the operational phase. Additionally, a terrain model visualisation has been provided from Dun Arkaig Broch to the south for reference (Figure 11.3a Cultural Heritage Visualisation Location Dun Arkaig Broch in EIAR Volume 2 Figures). Potential impacts from the viewpoints are summarised below:
  - Viewpoint 1: Loch Caroy to Glen Vic Askill Core Path (West) This viewpoint is representative of views experienced by recreational users of the core path.

The view from the core path includes the broad upper reaches of the inland glens of Glen Colbost and surrounding moorland slopes. The landform comprises a range of smooth, sweeping or undulating slopes and low rounded hills which contrast with more rugged hills to the south / south east, forestry in the immediate surrounding area and the existing infrastructure (wind turbines, overhead line and substation). The wider surrounding area is characterised by a broad scale pattern of expansive open moorland, with a strong sense of openness and exposure. The applicant's findings are broadly accepted with the new buildings and ancillary infrastructure within the extended compound visible but recessive in the view due to the darker colour fitting in with the surrounding moorland landscape and location on lower ground enclosed by the surrounding moorland slopes beyond the site.

• Viewpoint 2: Loch Caroy to Glen Vic Askill Core Path (East) – This viewpoint is representative of views experienced recreational users of the core path and the Glen Vic Askill property.

The view from the core path includes the inland glens of Glen Colbost and surrounding moorland slopes. The landform comprises a range of smooth, sweeping or undulating slopes and low rounded hills which contrast with forestry in the background along with overhead lines in the foreground adjacent to the core path immediate surrounding area. The existing wind turbines, substation and other overhead lines are seen in the wider area. As for Viewpoint 1, the wider surrounding area is characterised by a broad scale pattern of expansive open moorland, with a strong sense of openness and exposure. The applicant's findings are broadly accepted with the new buildings and ancillary infrastructure within the extended compound visible but recessive in the view due to the darker colour fitting in with the surrounding moorland landscape and location on lower ground enclosed by the surrounding forestry beyond the site.

- 8.42 A number of representations raise concerns regarding the landscape and visual impact the proposal will have. Following pre-application discussion, the applicant has taken on board mitigation measures including the lowering of building heights to reflect the existing substation height. Whilst the scale of the buildings at the proposed extended site has increased this is of comparatively small size in comparison to other transmission equipment. The proposal makes use of the existing location with no visibility from the A863 which significantly reduces its landscape and visual sensitivity. Through site levelling and ground re-grading works, the lower elevation within the sloping moorland minimises the visual impact with visibility relatively well maintained within the 3.5km study area. Additional planting focused on the restoration of existing vegetation types and landscaping which will smooth tie in of slopes and earthworks to reflect the existing open moorland terrain will help filter views and break up the massing of the site, and assist with screening the substation's southern planform embankment that extends approximately 300m in length at a maximum height of approximately 10m above the original ground level.
- 8.43 It is evident that the extended substation compound and buildings will result in some localised adverse visual impacts; and that due to the overall proportions of the buildings the magnitude of change will be perceptible. It has however been evidenced from the EIAR that the landscape and visual effects have been carefully considered. The proposed development is well sited in terms of separation from receptors, landscape designations and roads with visibility relatively well contained. Whilst the wider surrounding area is characterised as very open landscape care has been taken in terms of micro-siting, arrangement of buildings, uniformity of scale / height along with mitigation measures including landscape planting helping to limit the landscape and visual impacts of the proposal.

#### **Construction Impact**

- 8.44 The development of a project of this scale will have temporary impacts including, for example, construction traffic but also construction noise, dust, waste, etc. Such impacts are expected intermittently through the construction period. It is for these reasons that the applicant has a commitment toward a project specific Construction and Environmental Management Document (CEMD) approach, the finalised details of which, following appointment of the project contractor, would require approval of the Planning Authority in consultation relevant consultees. In addition, the applicant has also committed to the appointment of an Ecological Clerk of Works (ECoW) to oversee the project. This can usefully dovetail with a Planning Monitoring Officer role to monitor compliance with the conditions attached to any consent.
- 8.45 The Council's Environmental Health Service has no objection subject to conditions controlling noise, construction hours, dust mitigation measures along with a Community Liaison Group being set up. Operations, including vehicle movements,

will be limited to the hours of 08:00 to 19:00 hours Monday to Friday, and 08:00 to 13:00 hours on Saturdays with no works on Sunday. A dust mitigation scheme is required outlining measures to minimise potential impacts.

- 8.46 Developers must also comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels, amongst other factors, which is enforceable via Environmental Health. The applicant has submitted a construction noise appraisal that indicates predicted construction noise levels will meet the permitted levels. It is also expected that the developer and contractors would employ the best practicable means to reduce the impact of noise from construction activities at all times.
- 8.47 Timing of deliveries (HGV's and abnormal loads) shall also be agreed through a Construction Traffic Management Plan (CTMP) with construction traffic avoiding school travel times and identified community events. In addition to the requirement for submission and agreement on a CEMD, the Council will require the applicant to enter into legal agreements and provide a financial bond with regard to its use of the local road network (a Section 96 Wear and Tear Agreement). A package of road mitigation works are also proposed as set out within the Roads, Transport and Access section of this report.
- 8.48 Other controls including Pollution Prevention Plans and Waste Management Plans, are also expected within a project specific CEMD. Due to the scale of the development SEPA will control pollution prevention measures relating to surface water run-off via a Controlled Activities Regulations Construction Site Licence.
- 8.49 Should the development be granted consent, a condition would require that the existing the setting up of a Community Liaison Group. Given the size and duration of the proposed development there may be disturbance over a prolonged period, not only noise and dust but other issues such as constrained parking and access in proximity to the core path used for recreation, as such, the Community Liaison Group will help to ensure that the Community Council and other stakeholders are kept up to date and consulted before, during and after the construction period.

#### **Roads, Transport and Access**

- 8.50 The proposed development will be accessed via the existing U4751 Balmeanach Road off the A863 with a portion of the existing realigned along the southern site boundary. Traffic will also utilise the A87 between Portree and Invergarry. In EIAR Chapter 12 - Transport reviews the predicted environmental implications of the proposed transport access needs for this development utilising the finding of the Transport Statement (TA). The applicant has reviewed the impacts of construction traffic only with ongoing operational impacts predicted to be low. Ongoing maintenance would include monthly inspections of the site via small vehicles and annual maintenance taking approximately one week.
- 8.51 The TA quantifies the predicted construction traffic and how that would change overall traffic levels on surrounding roads proposed for accessing the proposed development. During construction, the development would generate 32 HGV and 80 car / light van movements a day. This would materially later the current use of the

U4751 Balmeanach Road. Additionally, the increase in HGV movements would be noticeable along the A863, particularly if the works occur concurrently with the yet to be determined Skye Line Reinforcement Project (22/04580/S37). The daily predicted increases in construction traffic set out in the TA are based on average daily development trips, which will smooth out peaks and troughs in traffic numbers over the construction programme. Therefore, there will be periods when more construction traffic will be experienced on the roads than is set out in the submission, likewise, there will be periods when there will be less.

- 8.52 Given the increased vehicle movements it is recognised by the applicant that additional mitigation will be required to the local public roads impacted by the proposed development. Mitigation measures include:
  - The enhancement of up to 16 passing places on the single-track U4751 Balmeanach Road. These would consist of 22m of widened road at each passing place that achieves 6m wide carriageway widths, with 7m tapers at either end back to single track width. Passing place signage and clear roadside vegetation to improve visibility along the route.
  - Strengthening of identified areas of carriageway weakness along the U4751 Balmeanach Road.
  - Enhancing the road markings at the junction where the U4751 Balmeanach Road meets the A863.
- 8.53 Whilst the Council's Transport Planning Team welcome all of the mitigation measures noted above, the tapers of the passing places need to be reviewed and agreed on site. They would also expect similar reviews and strengthening to be carried out along the A863, as well as the U4751 Balmeanach Road, should the precommencement condition surveys of that route identify similar issues.
- 8.54 In addition, the Transport Planning expect the following assessments to be carried out:
  - Layout and construction form of any permanent or temporary widening of carriageways and edge/verge strengthening required to physically accommodate the larger construction vehicles required, including the abnormal load vehicles. Where such works are required:
    - It should be ensured that differential settlement does not occur over time between the old and new construction.
    - The design details of temporary carriageway widening/verge strengthening should ensure loose material will not be brought onto the public road.
    - The design details need to consider the implications to any existing roadside drainage.
    - Clarification of the approach for the reinstatement of all temporary works within and adjacent to the public road.
  - Permanent or temporary works deemed necessary to existing road structures that are found to require physical alteration/enhancement/protection to safely accommodate the proposed construction traffic, inclusive of any technical approvals required from Highland Council's Structures Team.
  - Temporary alterations to street furniture to accommodate the proposed abnormal loads.

These matters could be secured by way of conditions.

- 8.55 A CTMP will be required setting out the proposed management measures that will be implemented to assist with minimising impacts from construction traffic on the local road network, the users of those roads and the communities and facilities that are located along those routes. These measures will be supplementary to, and need to complement, the physical road improvements required to safely accommodate the proposed construction traffic as noted above. To ensure that suitable measures are developed that support the physical improvements being sought the CTMP shall be agreed prior to work commencing on site. The measures set out in any CTMP should be developed using feedback from engagement undertaken with local community groups such as Community Councils, Community Liaison Group etc. Consideration shall be given to the following:
  - Avoidance of construction traffic routing past schools during opening and closing times and appropriate traffic speeds through communities located along access routes.
  - Utilise sources of materials and alternative means of transport to limit the numbers/frequencies of construction vehicles having to use the local public road network wherever possible.
  - No convoying of HGV or staff vehicles with drivers asked to resolve by spacing journeys to/from the site.
  - Agreed routes to be used by all site staff, contractor, sub-contractor and deliveries, including any abnormal loads.
  - Details of how Abnormal Loads journeys will be managed.
  - Mitigation measures deterring/preventing construction traffic using nondesignated routes to/from the site.
  - Collaboration with contractors for other proposals in the surrounding area to
    effectively integrate the management of their traffic operations to minimise
    impacts to the local public road network they will be sharing for construction
    access.
  - Products and materials to this development such as aggregate, concrete, staff minibuses if used etc. should mark their vehicles with a unique number identifier on the front, sides and rear of the vehicles and an Edinbane substation identifier enabling easy identification in the event of problems arising such as speeding or discourteous driving. This is a well established effective practice across the Highlands. It also helps to avoid issues with traffic from other developments being incorrectly associated with this proposal.
  - Set up a single point of contact for local residents to use in the event of problems or concerns with telephone and website details provided as a minimum along with additional consideration of social media as appropriate. Details should be provided to Community Councils for their notice boards/websites.
  - Toolbox talks established with all suppliers, contractors, site staff etc. to encourage careful and courteous driving with particular attention to driving through villages and settlements.
  - Mitigation measures to prevent mud, dust and other construction related material being brought onto the local public roads and where this has happened, having procedures for quickly identifying and removing such material.

- 8.56 Transport Scotland also confirm they have no objection subject to conditions and mitigation measures noted above.
- 8.57 Transport Planning note a "Wear & Tear" Agreement with Highland Council (Section 96 of the Roads (Scotland) Act 1984) is required. This is to protect Highland Council from any extraordinary expenses in having to repair local public roads from any damage inflicted by the construction traffic activities of this development that the applicant is not able to repair to the satisfaction of Highland Council. As with the CTMP, this is supplementary to any physical improvements deemed necessary to make the local public roads safe and usable to all whilst being utilised for construction access purposes. This "Wear and Tear" Agreement should include as a minimum the A863 and the U4751 Balmeanach Road. However, it would need to be developed recognising the potential overlap with construction traffic impacts associated with the Skye Line Reinforcement Project (22/04580/S37) if approved and any other developments running concurrently with this proposal.
- 8.58 The EIAR determines that the likely construction traffic impacts using IEMA guidelines would be at worst Minor adverse and Not Significant for all potential transport related effects. Post construction, negligible transport impacts are predicted during the operation of the substation given that it would be unmanned requiring only service visits, with final decommissioning to be re-assessed as part of any replacement infrastructure proposal requiring planning permission, as is the case with this application.
- 8.59 A number of representations have raised concerns regarding the potential impacts on roads. Whilst the development will result in a noticeable increase in vehicle movements, including HGV, on the local and public road network the proposed mitigation measures outlined above and controlled by conditions are deemed appropriate and will minimise disturbance to road users and wider surrounding communities. The Council's Transport Planning Team and Transport Scotland are generally satisfied with the applicant's assessment of traffic and transport associated with the proposed development subject to the mitigation measures and conditions noted.
- 8.60 In terms of recreational access through and in the immediate vicinity of the site, like most land in Scotland, the site is also subject to the provisions of the Land Reform (Scotland) Act 2003. The Draft Outdoor Access Management Plan (Appendix 14.1) states that the Loch Caroy to Glen Vic Askill Core Path (SL28.01) requires realignment along a short section adjacent to the southern boundary along with realignment of a short section of the Edinbane Wind Farm access track adjacent to the eastern boundary. Highland Council's Access Officer considers the relatively minor realignment works as de-minimis, however, they note due process shall be followed with relevant stakeholders consulted. The Access Officer has also requested notification of any effects on access to the track leading from the substation up and over to the Edinbane Wind Farm so that the local community and user groups can be notified. It is important that the applicant confirms that public access to and along access tracks will remain before, during and after construction. Full details of public recreational access during construction, operation and decommissioning, would therefore be secured through a pre commencement condition requiring the submission of a finalised recreational Access Management

Plan, the approved detail of which would be borne out of further consultation with the Planning Authority, Access Officer and in liaison with all affected interested parties.

8.61 Subject to securing the aforementioned mitigation measures, the transport and public access related impacts of the proposal are deemed to be acceptable and can be appropriately managed. As such, the proposal has been found to be in accordance with the transportation and developer contributions policies contained within the Development Plan.

#### Noise

- 8.62 The applicant has recognised the noise nuisance that can arise from operational substations and the need to ensure that this is limited in respect of existing noise sensitive properties. The EIAR notes that operational noise has been assessed to BS4142 standards and indicates that the proposed development, operating in normal conditions, will have specific noise levels significantly below background noise. EIAR Chapter 13: Noise confirms that given the lack of Noise Sensitive Receptors (NSR) in the relatively rural location and separation distances from the closest properties (Glen Vic Askill approximately 950m to the east and properties at Balmeanach approximately 1,800m to the west) construction and operational noise will have a Minor and Not Significant impact for NSR's. Operational noise levels shall not exceed 30dB and could be controlled by condition. It is also expected that the developer and contractors would employ the best practicable means to reduce the impact of noise from construction activities at all times.
- 8.63 In order to ensure the amenity of the existing residents is protected and there is no increase in the existing noise levels, conditions are attached requiring a Construction Noise Management Plan, compliance with the mitigation set out within the EIA's noise appraisal and ongoing compliance monitoring to demonstrate that the noise emitted from the substation has not exceeded the pre-development noise levels at noise sensitive properties.

# Natural Heritage (including Ornithology)

- 8.64 There are no natural heritage designations covering the site itself. An Cleireach SSSI is located approximately 850m to the west of the site and is designated for geology therefore there are no significant effects on any of the qualifying features of this designation.
- 8.65 No evidence of protected species were found during the course of surveys. The Preliminary Roost Assessment of the existing substation also found no evidence of bats and the building is of negligible suitability to roosting bats. No significant effects (pre-mitigation) were therefore identified on either habitats or protected species in EIAR Chapter 8: Ecology. Regardless, good practice management measures have been identified to further avoid and reduce effects. These include the development and implementation of a site-specific CEMP used in conjunction with the applicant's suite of General Environmental Management Plans, Species Protection Plans. along with supervision by a suitably experienced Ecological Clerk of Works (ECoW) to undertake pre-construction surveys and oversee the construction works.

- 8.66 EIAR Chapter 9: Ornithology notes that survey an assessment was carried out on birds within a 500m study area of the proposed site. Species surveyed include white-tailed eagle, golden eagle, red-throated diver, black-throated diver, common scoter, corncrake and black grouse. Priority was given to detecting the species considered most likely to occur within the study area which were white-tailed eagle. Dedicated searches focused on locating any white-tailed eagle breeding sites within the study area with no evidence found of roosting or recent presence. Therefore, it is concluded that the likely residual effects of construction and operation of the proposed development is Not Significant in EIA terms.
- 8.67 A number of representations raise concerns regarding the impact to natural habitat and on protected species. As noted from the supporting information provided within the EIAR and no concerns raised by either internal and external consultees the proposal is not considered to have a detrimental impact on natural habitat or protected species.

#### Biodiversity

- 8.68 The Site falls within the area covered by the Highland Nature Biodiversity Action Plan (BAP) 2021-2026. Part of the Site also falls into the area of the Skye and Lochalsh Biodiversity Action Plan (BAP). The Highland Nature BAP includes a number of priority habitats and species for the Highland region including the following habitats and their related species which are present within the site upland and moorland, peatland and wetland, woodland and forest along with freshwater.
- 8.69 The habitats present across the site have been subject to a voluntary Biodiversity Net Gain (BNG) Report. EIAR Chapter 8: Ecology lists the type and extent of habitat losses on the site which comprises 3.41ha marsh/marshy grassland, 0.33ha loss of acid grassland semi-improved, 0.19ha dry heath/acid grassland mosaic and 0.03 ha of wet dwarf shrub heath to accommodate the footprint of the proposed development. Additionally, there would be a permanent loss of 0.20ha of blanket bog, a temporary loss of 0.31ha of wet dwarf shrub heath and 0.11 ha of marsh/marshy grassland to accommodate the temporary construction compound. Further blanket bog losses of 0.25ha would be indirectly through the proposed drainage arrangements. These blanket bog areas are of poor condition due to drainage and overgrazing. Considering the nature conservation value of the habitat and the magnitude of impact the effect is considered to be Minor Adverse and Not Significant under the terms of the EIA Regulations.
- 8.70 The applicant's assessment of BNG has quantified the biodiversity impact of the development, predicts the resultant change of biodiversity value, and provides recommendations for biodiversity enhancement (net gain). The assessment was based upon the Phase 1 habitat surveys undertaken in 2022 and used to inform the EIAR for the proposed development. The assessment followed DEFRA guidance utilising the biodiversity metric with the biodiversity of the site summarised using SSEN Transmission's biodiversity toolkit which uses habitat as a proxy to determine biodiversity impacts. Construction plans were assessed for their biodiversity impacts (both positive and negative) and the overall biodiversity value of the site post-development compared to that of the site prior to development works by comparing the biodiversity units produced post-development to the baseline conditions.

- 8.71 In summary, the losses to non-irreplaceable habitats resulting from the proposed development would be 36.30 biodiversity units (BU), this will be compensated onsite through a combination of:
  - Native mixed woodland planting on top of landform mounding comprising a mix of native species to provide screening of the new substation platform.
  - Native scrub planting on top of landform mounding.
  - Reseeding of unplanted/disturbed areas with an appropriate upland seedmix.
  - Deer fencing to protect the areas of new planting.

The above measures will result in the creation of 33.94BU with the remaining 5.99 BU required to achieve 10% gain. This will be compensated for through additional compensatory measures as part of the Skye Reinforcement Project which is yet to be determined. Full details of onsite landscaping and planting could be conditioned.

- 8.72 The applicant notes that blanket bog losses are not included within the biodiversity calculations and the small loss will be delivered through an offsite peatland restoration scheme located within the Highland region to compensate for losses across all elements of the Skye transmission upgrades.
- 8.73 The remaining 5.99BU required to achieve 10% biodiversity net gain will be compensated for as part of the overall Skye Reinforcement Project. A comprehensive compensation package is projected within Section 3 of the proposed development (Compensation Plan Kinloch & Kyleakin Hills SAC Skye for 22/04580/S37) which will provide significant biodiversity gain for all elements of the transmission upgrade (overhead lines and substation sites). It is the applicant's intention to identify an area of peatland compensation specifically within this scheme to assign to Edinbane (with the proposed Broadford substation being dealt with separately). Opportunities for habitat creation close to the site are also considered in more details as part of the Review of Potential Peat Management Options submitted as part of the Additional Information submission.
- 8.74 Highland Council's Ecology Officer has confirmed they have no objection subject to conditions. They note that the Highland Council have objected to the Skye Reinforcement Project, therefore the additional BU cannot be accounted for through this project. However, the Ecology Officer notes the vast majority of the BU required to fulfil NPF4 Policy 3 has been demonstrated to be delivered within the Edinbane extension application and Highland Council have confidence that it will be possible to deliver the full level of BU required within/in close proximity to the site. Whilst an unconventional approach it is considered appropriate in this instance to attach a precommencement condition requiring the submission of a Habitat Management Plan detailing the full biodiversity compensation and enhancement measures. This approach was used for the Skye Reinforcement Project which is yet to be determined as opposed to having multiple legal agreements for the line, as well as each of the substations, which would likely result duplication of legal/officer time and expense for all parties involved. Given the size of the substation relative to what is required for the wider transmission line upgrade works a conditional approach is considered appropriate, albeit the wider transmission line upgrade works are yet to be determined. Whilst this application does not prejudge the outcome of the yet to be

determined Skye Reinforcement Project, and there is a risk to the applicant that it may be refused, then they would still have to satisfy the relevant BEP condition attached. It is considered that this approach would comply with NPF4 in that "net gain" can be delivered and that biodiversity would "be left in a demonstrably better state than without intervention".

## Water, Flood Risk, Drainage and Soils

- 8.75 The site sits within the surface water catchment area of the River Ose approximately 500m south of the site, generally flowing south west before discharging into the sea at Ose on the west coast of Skye. Additionally, the site is within an area of low to medium flood risk from the adjacent Allt Ruairidh watercourse. Based on SEPA's indicative flood mapping the site is not at risk of pluvial flood risk. The proposed development proposed to divert and realign an existing unnamed watercourse that flows through the site from the north west site boundary and on beyond the south west site boundary.
- 8.76 Highland Council's Flood Risk Management Team initially raised concerns that there was no further detail regarding the design solution to deal with the existing watercourse through the site. The additional information, submitted on 17 October 2023, relating to the realignment of the small watercourse within the site along with further consideration of the route and design of the new channel (Option 1F shown on the Concept Design Plan), is considered appropriate by the Flood Risk Management Team. Additionally, SEPA confirmed they are content with the watercourse diversion and consider the proposals capable of being authorised under CAR. A condition could also be imposed to ensure a minimum buffer zone of 6m set back from the realigned watercourse can be kept free from any future development.
- 8.77 In relation to peat, SEPA initially raised concerns that there was a lack of information regarding impacts and mitigation measures to minimise disturbance. The additional information submitted on 17 October 2023 including the Review of Potential Peat Management Options (Revision 05) is considered appropriate and SEPA have no objection subject to conditions.
- Following the submission of further supporting information and subject to conditions 8.78 SEPA note the potential design solution to re-open the borrow pits in Area A to provide aggregate to form the substation platform and thereafter restore the area using the material removed from the surface of the borrow pits, as well as using peat from the substation. SEPA consider that the principle of this restoration activity is acceptable in this site-specific instance subject to further details regarding the dimensions of the pits, the restoration fill, the design of the final topography, local hydrology and stability. The works will need further monitoring for a significant period to ensure that the peat is used in a way that contains the carbon and the final restoration aims are met. A finalised Peat Reuse Plan is to be agreed with the Planning Authority in consultation with SEPA prior to the commencement of development with the plan based on the principles outlined in the submitted Review of Potential Peat Management Options. This should include further details regarding the issues outlined above and how the works will be executed to ensure a successful restoration to wet heath and wet grassland habitats which will be controlled by condition.

- 8.79 Whilst SEPA note the reopening of existing pits in close proximity to the proposed works is a reasonable approach it does not form part of the current planning application. They seek confidence that this is an achievable outcome and note a letter from Premier Woodlands that confirms there is an agreement in principle of accepting peat from the substation site for use in restoration of the borrow pit areas. Whilst the letter makes reference to 228,546 tonnes of peat, SEPA consider the principle of using 40,000m3 (and not 228,546 tonnes) of peat is acceptable in this location. This is to be clarified and controlled through the relevant peat management plan condition attached.
- 8.80 EIAR Chapter 10: Soils, Geology and the Water Environment concludes that areas of potential Ground Water Dependent Terrestrial Ecosystems (GWDTE) are sustained by rainfall and water logging of soils, rather than by groundwater. In addition, no flush habitats or features that tend to be supported by a contribution of base-rich waters were recorded within the survey area. As such GWDTE would be materially impacted and this is not therefore a constraint to development.
- 8.81 A number of representations raise concerns regarding the impact on natural habitat, particularly peat. As noted above, following the submission of additional information SEPA are content that the mitigation measures outlined are appropriate and are controlled by condition.

#### **Built and Cultural Heritage**

- 8.82 The site is not situated within any built heritage designation, there are no listed buildings and one scheduled monument within the applicant's study area, namely Dun Arkaig (SM 13662), an Iron Age broch on a rocky outcrop on the south side of Glen Colbost, which would be approximately 1250m from the extended substation. Whilst there is theoretical visibility of proposed development Dun Arkaig EIAR Chapter 11: Cultural Heritage it has been assessed as having a Minor effect on the setting of broch and Not Significant in EIA terms. This historic asset falls under the remit of Historic Environment Scotland (HES) to protect and advise on. HES have agreed with the EIAR findings, have no objection and also identified no significant effects on historic environment features within their remit.
- 8.83 Four undesignated heritage assets have also been identified within the EIAR within 1km. These relate to former medieval/post-medieval settlement and agrarian activity and include including "Glen Ose" township, former field system, 2 poorly preserved clearance cairns and the remains of a head dyke. No prehistoric remains have been identified within the inner study area. Highland Council's Historic Environment Team (Archaeology) have no objection to the proposed development subject to a condition requiring a Written Scheme of Investigation and/or an Archaeological Management Plan. They agree that the assessment within EIAR Chapter 11: Cultural Heritage provides a comprehensive study of the predicted impacts with detailed mitigation measures having been proposed, including avoidance, marking out as well as excavation, monitoring during and after construction and contingency for emergency discoveries, all of which could be secured by condition.

#### **Economic Impact**

- 8.84 The development of grid infrastructure has been identified as a national priority together within investment in renewable energy. The development of substation projects as presented within this application are not only beneficial in strengthening the robustness of the country's grid network, but also result in further job and investment opportunities through the development of associated supply chains. The development is required to facilitate the connection of wind farms/renewable schemes (at various stages in the planning process) to the national grid which will allow the export of electricity generated to consumers. The relationship of the development to the economic and social benefits of renewable energy developments is therefore relevant, in a positive way.
- EIAR Chapter 14: Socio-Economic, Recreation and Tourism considers how the 8.85 proposal might be expected to affect the local economy. The capital cost of the substation works is reported to be in the region of £95 million. During construction, the proposed development is expected to generate 178 Person Years of Employment (PYE's), and a further 382 PYE's across Scotland. The EIAR reports that this would equate to £3.67 million in Gross Value Added (GVA) locally (for local contractors), and £8.07 million nationally (for Scottish companies) per annum during the period of construction. Thereafter, post construction, the proposed development is expected to generate 1.5 operational jobs per annum within the Highlands. It notes that a large proportion of the population of the local area are employed in accommodation and food services as well as art, entertainment and recreation, often attributed to the tourism industry. The applicant suggests that there is no detrimental effect on the tourism industry and these sectors are likely to benefit from expenditure by workers during the construction and development phases and to a lesser extent during the operation and maintenance phases given the relative lack of visits required once the site is functioning.
- 8.86 The Highlands is experiencing significant construction activity in the transmission network. The approval of the proposed development would have a positive economic impact, particularly during the proposed 2 year construction period, although significantly less impact at the operational stage. The project could offer investment / opportunities to the local, Highland, and Scottish economy including businesses ranging across construction, haulage, electrical and service sectors. There is also likely to be some adverse effects caused by construction disruption and construction traffic. Representations have raised the economic impact that renewable related energy development may have on tourism more generally. These adverse impacts are most likely to be within the service sector particularly during the construction phase when additional traffic, HGV's and / or abnormal loads are being delivered to site. These will be temporary in nature and managed through the identified mitigation measures. Consideration of impacts on these matters is contained elsewhere in this report.
- 8.87 Scenery and the natural environment within the Highlands are important factors for many visitors when choosing the area as a holiday destination. Any detrimental impact of the proposed development on tourism, whether visually, environmentally or economically should be identified and considered in full. Whilst transmission / energy related development more generally may not stop people from visiting the

area for the first time to take part in walking, mountaineering or other recreational activities and tourist attractions, it has the potential to discourage repeat visits.

- 8.88 The proposed development will have an adverse impact on those using the Loch Caroy to Glen Vic Askill Core Path and the track beyond to Edinbane Wind Farm which are both used by walkers and cyclists. However, given the design, landscaping and other mitigation measures means these impacts are sufficiently localised with the development not anticipated to have adverse impact on the local economy, particularly tourism. Its development's impact, at a more local level, equally is not anticipated to significantly impact on any existing businesse or recreational interests.
- 8.89 In light of NPF4 Policy 11, section c)'s requirement for development proposals to only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities, in July 2023 the applicant launched a consultation on plans for their first ever community benefit fund. This is a £10 million fund which will see SSE working with communities across the north of Scotland, including those impacted on Skye, to channel funds into vital local projects. Applications for the community benefit fund are due to open in Summer 2024 and first project funds are expected to be disseminated by Autumn 2024.
- 8.90 Following the Autumn Statement on 22 November 2023, the UK's Department for Energy Security and Net Zero also published its "Response to the consultation on Community Benefits for Electricity Transmission Network Infrastructure". In light of this, the applicant is expecting further community benefit funding opportunities, in the region of £100 million to be available for local projects but is awaiting further guidance from UK Government on how this will be implemented.
- Prior to the publication of NPF4, Council policy and practice was for community 8.91 benefit to be considered separately and outwith the planning application determination process. The effect of introducing NPF4 Policy 11 and, in particular paragraph c) relating to the need for energy development to maximise socioeconomic benefits of which community benefit forms a part, means that this is now material to the determination of an application. Additionally, NPF4 Policy 25 provides support for development that is consistent with local economic priorities and where they contribute to local and/or regional community wealth building strategies. The Highland Council is currently in the process of developing its priorities, along with partners, through the Highland Outcome Improvement Plan and the work on production of a community wealth building strategy that is under way. This work will set a strategic framework along with identifying many of the local priorities and projects to promote and encourage economic activity and retain wealth within the Highland area. The ongoing Local Place Plans initiative will likely identify other opportunities. While many opportunities are likely to be identified locally, there will be a need to consider the opportunities available from a strategic perspective to ensure that communities across all of Highland benefit. Community benefit will be expected to form part of that strategic consideration.
- 8.92 Given the above and in light of NPF4 Policy 11 section C), Planning Officers advise that material weight can be attributed to the socio-economic benefits of the proposal, as well as community benefit. Such matters could be secured by way of planning

conditions which require:

- the applicant to commit to the delivery of the socio-economic benefits of the scheme in line with those set out within the EIAR; and
- the establishment of a Community Benefit Fund, with the Council expectation being that this would comprise of a financial package (or alternative means of provision) to the value of £200,000 per substation, index linked from Q4 2023 using the BCIS All in Tender Price Index, in line with the UK government's consultation response, with the administrative details to be finalised in consultation with the Planning Authority, as and when further information, legislation and regulation requirements become available.
- 8.93 Given the above and in light of NPF4 Policy 11 section C), Planning Officers advise that material weight can be attributed to the socio-economic benefits of the proposal, as well as community benefit. Such matters could be secured by way of planning conditions which require:
  - the applicant to commit to the delivery of the socio-economic benefits of the scheme in line with those set out within the EIAR; and
  - the establishment of a Community Benefit Fund, with the Council expectation being that this would comprise of a financial package (or alternative means of provision) to the value of £200,000 per substation, index linked from Q4 2023 using the BCIS All in Tender Price Index, in line with the UK government's consultation response, with the administrative details to be finalised in consultation with the Planning Authority, as and when further information, legislation and regulation requirements become available.
- 8.94 The recommendation before Members is to include such conditions to maximise the socio-economic benefits of the proposed development, albeit that the applicant has not provided written agreement to such an approach to date.

#### **Other Material Considerations**

- 8.95 Light Pollution significantly affects the rural countryside, from disturbing the way animals and plants perceive daytime and night time to making developments visible across wide areas. The substation would not be illuminated at night for normal operation. Floodlights are to be installed but would only be used in the event of a fault during the hours of darkness, during the over-run of planned works or when sensor-activated as security lighting for night-time access. The use of LED lighting to provide a focused area of illumination, with external lighting controlled by PIR sensors and angled in a downwards direction can significantly reduce the effects of light pollution and should be utilised. Full details of the specification of lighting are to be provided and are controlled by condition.
- 8.96 There are no other material considerations.

# **Non-Material Considerations**

8.97 A number of representations raise concerns that there is an over-provision of wind farms on Skye and in the wider Highland region. Whilst there are various renewable projects in the wider surrounding area, all such proposals require assessment on

their own merits and are rightly subject of individual applications. NPF4 makes clear that grid capacity should also not constrain renewable development.

# Matters to be Secured by Planning Legal Agreement

8.98 None.

# 9. CONCLUSION

- 9.1 The Scottish Government and the Council each have policies offering support to projects which increase the capacity of the grid network to serve the community and in particular the significant level of investment in renewable energy. NPF4 offers strong support for such development highlighting upgraded infrastructure supporting onshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations and is classed as a development of national importance.
- 9.2 Highland has been successful in attracting inward investment in renewables, enabled in part by a significant level of investment in the improvement of the electricity transmission network. This success has led to the Highlands having a good understanding of this type of project and Highland Council having appropriate policies and guidance to assist in its assessment, and to effectively manage their implementation on the ground.
- 9.3 Statutory and other consultees responding to this application are generally supportive. Some have requested planning conditions to be attached to any grant of planning permission to effectively ensure that their specific interests are secured. The development has attracted public interest with 36 representations objecting to the proposal. Whilst their concerns have assisted with the assessment of the application and considering the adequacy of the mitigation measures proposed, it is considered that there are no issues that merit the proposal to be re-located, reconfigured or refused.
- 9.4 Out of all the internal and external consultees noted above there are no outstanding objections.
- 9.5 There are clear impacts that might be expected from this development, particularly during its construction. These can be managed through best practice construction management techniques to ensure surrounding interests, particularly road access and the amenity of local communities is safeguarded from the key impacts of the development. The attached planning conditions will strengthen and clarify the plans and supporting environmental information provided by the applicant. The proposal will also be overseen by an appointed Ecological Clerk of Works with any permission requiring regular compliance monitoring and ongoing engagement by means of the Community Liaison Group.
- 9.6 Under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the Council is required to reach a reasoned conclusion on the environmental impacts of the proposed development. The Council is satisfied that environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a

schedule of mitigation within the conditions of this permission. Monitoring of construction and operational compliance has been secured through conditions attached below.

9.7 The application can be supported in the context of the Development Plan and in particular NPF4 Policy 11 – Energy and HwLDP Policy 69 - Electricity Transmission Infrastructure and the underlying support for renewable energy development which is consented in this area. All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

#### 11. **RECOMMENDATION**

- 11.1 Action required before decision N issued:
- 11.2 It is recommended that planning permission be **GRANTED** subject to the following:

# **CONDITIONS AND REASONS**

#### 1. Time Limit for the Implementation of Planning Permission

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within FIVE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

**Reason:** In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

#### 2. Accordance with the Provisions of the Application

The development shall be constructed and operated in accordance with the provisions of the Application, the Environmental Impact Assessment Report (EIAR) and Supplementary Environmental Information (SEI), except in so far as amended by the terms of this consent. The increased operational land associated with this substation shall be as per the application site boundary as identified on Plan 1 - Location Plan LT91\_EDIN1\_0802\_0001 received by the Planning Authority on 10

January 2023, with this being the extent to which the statutory undertaker's permitted development rights apply under the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, Class 40, Part (1)(d), (e) and (f).

Reason: To identify the extent and terms of the development consent.

### 3. Elevations and Site Formation Levels

a) No development shall commence until elevation, and cross section drawings of the proposed above ground infrastructure, have been submitted to and approved in writing by the Planning Authority. These details shall include:

i) The external materials, colours and finishes of all external structures and site fencing with a non-reflective finish to be specified throughout;

ii) any raised areas of hardstanding to support all onsite infrastructure; and

b) No element of the development shall have any text, sign or logo displayed on any external surface of the facility, save those required by the applicant's safety systems and law under other legislation; and

Thereafter, the development shall be built out in accordance with these approved details and, with reference to part (a) above, the site shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the development is decommissioned

**Reason:** In the interest of visual amenity.

### 4. Construction Environment Management Document

No later than three months prior to the Commencement of the Development, a Construction Environment Management Document (CEMD) shall be submitted for the writing approval of the Planning Authority, in consultation with SEPA, NatureScot, Environmental Health and other consultees as appropriate. The development shall then proceed in accordance with the approved CEMD unless otherwise agreed in writing by the Planning Authority. The CEMD shall include details of:

- a) An updated Schedule of Mitigation (SM) as it relates to construction highlighting mitigation set out within each chapter of the Environmental Impact Assessment Report (EIAR), within the EIAR Supplementary Environmental Information (SEI), and the conditions of this consent;
- b) Processes to control / action changes from the agreed SM;
- c) Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
  - i) Habitat and Species Protection;
  - ii) Pollution Prevention and Control;
  - iii) Dust Management, covering demolition and construction activity, including vehicle movements;
  - iv) Construction Noise and Vibration (refer to Condition 5);
  - v) Temporary Site Lighting;

- vi) Site Waste Management;
- vii) Surface and Ground Water Management, including: drainage and sediment management measures from all construction areas including access tracks; drainage by SUDS to accommodate the 1 in 200 plus an allowance for climate change; mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; and a programme of water quality monitoring;
- viii) Peat Management Plan (refer to Condition 6);
- ix) Soil Management, with details of soil placement and measures to utilise the soils' existing seed base in the finalised landscaping plan;
- x) Public and Private Water Supply Protection Measures, including a programme of water quality monitoring;
- xi) Emergency Response Plans;
- xii) Timetable for post construction restoration/reinstatement of the temporary working areas and construction compound;
- xiii) Phasing plans for the construction; and
- xiv) Other relevant environmental management as may be relevant to the development.
- d) A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- e) Methods for monitoring, auditing, reporting, and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

**Reason:** To ensure protection of surrounding environmental interests and general amenity.

### 5. **Construction Noise Management Plan**

No development shall commence until a Construction Noise Management Plan (CNMP) which demonstrates how the developer will ensure the best practicable measures are implemented in order to reduce the impact of construction noise and vibration, is submitted to and approved in writing by the Planning Authority. The CNMP shall include, but is not limited to, the following:

- a) A description of the most significant noise sources in terms of equipment; processes or phases of construction;
- b) The proposed operating hours and the estimated duration of the works for each phase;
- c) A detailed plan showing the location of noise and vibration sources and noise sensitive receptors; and
- d) A description of noise mitigation methods that will be put in place including the proposals for community liaison. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence requires to be justified.

Thereafter the development shall progress in accordance with the approved CNMP with all approved mitigation measures to be in place prior to the commencement of development, or as otherwise agreed in writing by the Planning Authority.

**Reason:** In the interest of safeguarding residential amenity.

### 6. A Peat Management Plan

The Plan shall be developed in consultation with SEPA and submitted to and approved in writing by, the Planning Authority. The Peat Management Plan shall draw upon the findings of any approved Environmental Impact Assessment, Peat Slide Risk Assessment, consider the findings of any additional ground investigations carried out prior to development commencing and include a management / reinstatement scheme for all peat areas within the application site, including:

- i. Details and plans for all peat and soil stripping and excavation and the storage and proposed use and replacement of peat, topsoil and subsoil; and
- ii. A method statement setting out the measures to protect peat during excavation, storage, handling and reuse.

The Peat Management Plan shall take due consideration of the mineral and slope stability of the site identified in the peat landslide risk assessment and shall have regard to the drainage implications of soil movement and storage. The Plan should be based on the principles outlined for Area 1 of the submitted Review of Potential Peat Management Options SEI and include further details regarding how the works will ensure a successful restoration to wet heath and wet grassland habitats.

The Plan shall be implemented as approved.

**Reason:** In the interests of the protection of the habitats identified in the EIAR and EIAR Supplementary Environmental Information.

# 7. Environmental Clerk of Works

- 1. No development or Site Enabling Works shall commence unless and until the terms of appointment of an independent Environmental Clerk of Works (EnvCoW) by the Company have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:
  - a) Impose a duty to monitor compliance with the environmental commitments provided in the EIA Report as well as the following (the EnvCoW works):
    - i. the Pre-Construction Ecological Survey under Condition 22;
    - ii. the Construction Environmental Management Plan under Condition 4;
    - iii. the Peat Management Plan under Condition 6;
    - iv. the Habitat Management Plan under Condition 21;
  - b) Require the EnvCoW to report to the nominated construction project manager, developer and Planning Authority any incidences of noncompliance with the EnvCoW works at the earliest practical opportunity;
  - c) Require the EnvCoW to submit a monthly report to the construction project manager, developer and Planning Authority summarising works undertaken on site; and
  - d) Require a statement that the EnvCoW shall be engaged by the

Planning Authority but funded by the developer. The EnvCoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works.

**Reason:** To secure effective and transparent monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction, decommissioning, restoration and aftercare phases.

### 8. **Construction Traffic Management Plan**

No development shall commence until a Construction Traffic Management Plan (CTMP) to manage all construction traffic with the exception of abnormal indivisible loads, has been submitted to and approved in writing by the Planning Authority, in consultation with the local Roads Authority, and any affected local Community Councils. The CTMP shall be carried out as approved in accordance with the timetable specified within the approved CTMP. The CTMP shall include:

- a) Identification of the routes to site for general construction traffic and details of the number and type of vehicle movements anticipated on these routes during the construction period;
- b) Scheduling and timing of movements, respecting any large public event taking place in the local area which would be unduly affected or disrupted by construction vehicles using the public road network;
- c) Traffic management measures on the routes to site for construction traffic. Measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs and banksman/escort details should be considered. During the delivery period of construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the Local Roads Authority before delivery commences;
- d) Measures to mitigate the impact of general construction traffic on the A863 and U4751 Balmeanach Road routes to site following detailed assessment of the relevant roads;
- e) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
- f) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development;
- g) The provision of a wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984 under which the developer will be responsible for the repair of any damage to the local road network attributable to construction related traffic. As part of the agreement, pre-start and post construction road condition surveys must be carried out by the developer to the satisfaction of the Roads Authority. It will also require the submission of an appropriate financial bond acceptable to the Council in respect of the risk of any road reconstruction works;
- h) Provisions for emergency vehicle access;

- i) A timetable for implementation of the measures detailed in the CTMP; and
- j) Identification of a nominated person to whom any road safety issues can be referred and measures for keeping the Community Council informed and dealing with queries and any complaints regarding construction traffic.

**Reason:** In the interests of road safety and to ensure adequate road safety measures are in place including measures to minimise conflict with routes to schools, cyclists and local events.

### 9. Abnormal Loads

No delivery of abnormal indivisible load (AIL) shall be made to site until an Abnormal Indivisible Load Construction Traffic Management Plan (AIL-CTMP) has been submitted to, and approved in writing by, the Planning Authority, in consultation with the local Roads Authority, Transport Scotland, the Police and all affected Community Councils. The AIL-CTMP shall provide a detailed protocol for the delivery of AILs, including details of their proposed routing on the local and trunk road network, with any accommodation measures required, including the removal and replacement of street furniture, junction widening, and traffic management with these measures to be undertaken by a recognised Quality Assured traffic management consultant. The AIL-CTMP shall be prepared in consultation with all interested parties and thereafter be carried out as approved.

**Reason:** In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

### 10. Access Improvements

No development shall commence until a plan detailing the extent of proposed improvements to the U4751 Balmeanach Road and any strengthening works to the A863, is submitted to and approved in writing by the Planning Authority, in consultation with the local Roads Authority. Thereafter, the improvement works shall be implemented either prior to the main construction works commencing on the substation, or within 4 months of the commencement of development, whichever is the sooner.

**Reason:** To ensure the road is enhanced and thereafter maintained to safely accommodate the increased traffic arising from the construction traffic associated with this development and existing road users.

### 11. Road Signage and Temporary Control Measures

Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by Transport Scotland before delivery commences.

**Reason:** To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

### 12. **Recreational Access Management Plan**

No development shall commence until an updated Recreational Access

Management Plan (RAMP) has been submitted to, and agreed in writing by, the Planning Authority. The updated plan should look to maintain public access during construction of the development, as far as it is practicable and safe to do so, and thereafter enhance public access during the operation of the development. This shall include delivering net improvements to the accessibility of access paths on completion of the development. The plan as agreed shall be implemented in full, unless otherwise approved in writing with the Planning Authority.

**Reason:** In the interests of maintain public access rights and pedestrian safety.

### 13. Landscape Planting

No development shall commence until a finalised detailed Landscape Plan and maintenance programme have been submitted to and approved by the Planning Authority. The Landscape Plan shall be implemented in full during the first planting season following completion of substation building's ground enabling works, or as otherwise agreed in writing by the Planning Authority.

**Reason:** In order to safeguard existing vegetation, ensure that a high standard of landscaping is achieved appropriate to the location of the site and in order to mitigate the visual impacts of the development for users of the U4751 Balmeanach Road.

### 14. Biodiversity Net Gain

Prior to the commencement development, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Planning Authority, in consultation with NatureScot. The BEP must include details of compensation and enhancement measures, to ensure the development results in at least 10% biodiversity net gain. The BEP must include management, maintenance and monitoring strategies of the compensation and enhancement measures, that ensure longevity of the proposals. The approved BEP shall be implemented in full and in accordance with the approved timing, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the development delivers biodiversity net gain.

### 15. **Operational Management Plan**

Prior to the energisation of the development, a site Operational Management Plan shall be submitted to, and approved in writing by the Planning Authority in consultation with SEPA, Environmental Health and other appropriate consultees as appropriate. This plan shall detail:

- a) An updated Schedule of Mitigation (SM) as it relates to the operational phase of the development highlighting mitigation set out within each chapter of the Environmental Impact Assessment Report (EIAR), within the EIAR Supplementary Environmental Information (SEI), and the conditions of this consent;
- b) Processes to control / action changes from the agreed SM;
- c) The 132kV Gas Insulated Switchgear (GIS) building utilising Sulphur Hexafluoride (SF6) free technology or an equally suitable environmentally friendly alternative subject to the prior written approval of the Planning Authority; and

d) Landscape management and drainage maintenance.

Thereafter, the OEMP shall be implemented in accordance with the approved details from first commissioning of the development until the cessation of the use of the development, unless otherwise agreed in writing by the Planning Authority.

**Reason:** In the interest of environmental amenity, pollution prevention, maintaining water quality, and provision of adequate parking and charging facilities.

### 16. Noise Management Plan

Operations, including vehicle movements, associated with this development, for which noise is audible at the curtilage of any noise-sensitive properties\*, shall only be permitted between:

- i. 0800 hours and 1900 hours Monday to Friday; and
- ii. 0800 hours and 1300 hours on Saturdays.

Prior to the project commencing, the applicant shall submit, for the written approval of the Council's Environmental Health Service, in Consultation with the Community Liaison Group details of a Noise Management Plan. For the purposes of the Noise Management Plan, where it is proposed to undertake work, which is audible at the curtilage of any noise-sensitive properties, out with the hours Mon-Fri 8am to 7pm; Sat 8am to 1pm

### or

Where noise levels during the above periods are likely to exceed 75dB(A) for short term works or 55dB(A) for long term works. Both measurements to be taken as a 1hr LAeq at the curtilage of any noise sensitive receptor. (Generally, long term work is taken to be more than 6 months).

The Construction Noise Management Plan should be carried out in accordance with BS 5228-1:2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise" with details of mitigation measures.

Thereafter the development shall progress in accordance with the approved Construction Noise Management Plant and all approved mitigation measures shall be in place prior to the commencement of operations or as otherwise may be agreed in writing by the Planning Authority.

\*Note: For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other existing or consented development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat, static residential caravan.

**Reason:** In the interest of safeguarding residential amenity.

### 17. Air Quality Management Plan

Prior to the project commencing, the applicant shall submit, for the written approval of the planning authority, details of a dust mitigation scheme (in the form of an Air Quality Management Plan) designed to protect neighbouring properties from dust arising from this project.

Thereafter the development shall progress in accordance with the approved dust suppression scheme (in the form of an Air Quality Management Plan) and all approved mitigation measures shall be in place prior to the commencement of operations or as otherwise may be agreed in writing by the Planning Authority.

**Reason:** In the interest of residential amenity.

### 18. **Operational Noise Specifications and Monitoring**

1. Noise arising from within the operational land of the sub-station, hereby permitted, when measured and/or calculated as an Leq, 5min, in the 100Hz one third octave frequency band must not exceed 30 dB, at noise sensitive premises; and Planning Ref: 23/00070/FUL Proposal Name Extension of Edinbane Substation including creation of substation platform, substation buildings, SUDS basin, realignment of track, formation of access junction, temporary construction compound, landscaping and other ancillary works on land 1120m West of Glenvicaskill, Balmeanach, Struan.

2. The Rating Level of noise arising from the use of plant, machinery or equipment installed or operated within the operational land of the sub-station, hereby permitted, must not exceed the current background noise levels at noise sensitive premises. The Rating Level should be calculated in accordance with BS 4142: 2014: Methods for rating and assessing industrial and commercial sound.

3. Within four weeks of operations commencing, at the expense of the applicant, compliance monitoring shall be carried out by a competent person to assess whether the aforementioned noise conditions are being complied with. Within two weeks of the monitoring exercise being carried out a noise assessment report shall be submitted for the written approval of the Planning Authority. The report shall demonstrate that the noise conditions are not being complied with or shall include proposals for further mitigation.

Reason: In the interest of safeguarding residential amenity.

### 19. Archaeology

No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interests of the site.

### 20. Watercourses

No development shall take place within 6 metres of any watercourse.

**Reason:** For the maintenance of watercourses within the application site, to account for natural watercourse migration and in order to safeguard development from flood risk.

### 21. Habitat Management Plan

(1) No later than three months prior to the Commencement of the Development, a finalised habitat management plan (HMP), shall be submitted to and approved in writing by the Planning Authority, in consultation with SEPA.

(2) The HMP shall set out proposed habitat management of the site during the period of construction and operation of the site.

(3) The HMP shall include information on how and where any disturbed peat that cannot be used in site reinstatement will be used for peat restoration. This should include (a) location plan of the proposed peatland re-use/restoration area, clearly showing size of individual areas where peat re-use is proposed and total area to be restored, with this including the delivery of improvement to good **quality of at least 7,500m<sup>3</sup> of peatland** (b) evidence, in the form of photographs, aerial imagery, or surveys to demonstrate that the area identified is appropriate for peat re-use and is capable of supporting carbon sequestration and (c) basic calculations which demonstrate that the proposal will make use of all excavated material (this information could alternatively be included in the Peat Management Plan).

(4) The HMP shall include post construction measures for the most sensitive habitats, peatland restoration proposals, provide enhancement of Annex 1 habitats, habitats for protected species and birds.

(5) The approved HMP will include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved habitat management plan will be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the Planning Authority for written approval, in consultation with SEPA.

(6) Unless otherwise approved in advance in writing with the Planning Authority, the approved HMP shall be implemented in full.

(7) GIS Shapefiles must be supplied of the compensation and enhancement areas to the Planning Authority prior to the commencement of works.

**Reason:** In the interests of the protection of the habitats identified in the EIAR and EIAR Supplementary Environmental Information.

# 22. **Pre-Construction Ecological Survey**

A pre-construction survey is required to been undertaken not more than 3 months prior to works commencing and a report of the survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and an appropriate buffer from the boundary of application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

### 23. Lighting

Prior to the first commissioning of the development, details of any external lighting, or any externally visible internal building lighting, shall be submitted to and approved in writing with the Planning Authority. The lighting shall thereafter be constructed and maintained in accordance with the approved details.

**Reason:** In the interests of visual amenity, to minimise light pollution and to ensure the development does not have an adverse impact on nocturnal animals.

### 24. Socio-Economic Benefit

No later than 15 months after the date of final commissioning of the development, a report demonstrating the project has met the minimum socio-economic benefit assumptions provided within the Environmental Impact Assessment Report, received January 2023, for both the development's construction period and initial 12 month operational period, for both Highland and Scotland, shall be submitted for the written approval of the Planning Authority.

**Reason**: In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider local community and Scotland.

### 25. Socio-Economic Benefit

Where the report referred to in Condition 24 shows that projected socio-economic benefit has not achieved the assumptions in the Environmental Impact Assessment Report, received January 2023, it shall include proposed measures to address, and compensate for any shortfall, to ensure that the economic assumptions for the development have been met. In the absence of any alternative actions, the Scheme for Community Benefit, as required by Condition 26, shall be enhanced accordingly to offset any detriment of economic impact.

**Reason:** In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider local community.

### 26. Scheme for Community Benefit

Anytime between 3 months to 6 months prior to the final commissioning of the development, details of a Scheme for Community Benefit shall be submitted for the prior written approval of the Planning Authority. This scheme, comprising a developer financial contribution, or alternative means of provision, shall be to the prevailing value required for 132kV or above, substations set by UK Government or the Scottish Government, at the time of the developer applying to satisfy this condition. The scheme shall be used for projects across Highland directly related to supply chain development, business support, including tourism and regeneration projects, skills and barriers to employment in Highland. The scheme shall be implemented as approved, and administered by The Highland Council, unless otherwise agreed in writing by the Planning Authority.

**Reason:** In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider local community.

### 27. **Community Liaison Group**

No development shall commence until a community liaison group is established by the applicant, in collaboration with the Planning Authority and affected local Community Councils.

The group shall act as a forum for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport related mitigation measures and to keep under review the timing of the delivery of abnormal loads and performance of the Construction Traffic Management Plan.

This should also ensure that local events and tourist seasons are considered and appropriate measures to co-ordinate deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons / developments.

The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the construction of the development and all site infrastructure becomes fully operational.

**Reason:** To assist project implementation, ensuring community dialogue and the delivery of appropriate mitigation measures for example to minimise potential hazards to road users, including pedestrians, travelling on the road networks.

### 28. Planning Monitoring Officer

No development shall commence until the Planning Authority has approved in writing the terms of appointment by the applicant of a suitably qualified environmental specialist to assist the Planning Authority in monitoring compliance with the planning permission and conditions attached to this consent. The terms of Planning Monitoring Officer (PMO) appointment shall:

a) Impose a duty to monitor compliance with the planning permission and conditions attached to this consent;

b) Require the PMO to submit a report at least every three months to the Planning Authority, or monthly at the further written request of the Planning Authority, summarising works undertaken on site; and

c) Require the PMO to report to the Planning Authority any incidences of noncompliance with the planning permission and conditions attached to this consent at the earliest practical opportunity.

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

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

### REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### REASONED CONCLUSION

The Council is in agreement with the findings of the Environmental Impact Assessment Report and Supplementary Environmental Information that: Extension of Edinbane Substation including creation of substation platform, substation buildings, SUDS basin, realignment of track, formation of access junction, temporary construction compound, landscaping and other ancillary works. Highland Council is satisfied that environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of construction and operational compliance has been secured through Conditions 4, 5, 5, 7, 8, 9, 14, 15, 16, 17, 18, 19, 21, 22, 27, 28 of this permission.

### TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within FIVE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

### FOOTNOTE TO APPLICANT

### **INFORMATIVES**

### Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

- 1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
- 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your

convenience.

### Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

### **Contaminated Land**

There is the potential for contamination at this site due to its use as a Substation. As the proposed development would not appear to materially change the risk of potential contamination at the site, an investigation is not required at this stage. However, please be aware of potential health and safety issues for site workers and be advised that all sites with a former industrial/commercial use have been prioritised by the Highland Council under duties conferred by Part IIA of the Environmental Protection Act 1990 and may require investigation in the future. In addition, land contamination issues may affect property value. Should you wish to discuss potential contamination issues or commission your own investigation, please contact Community Services, Contaminated Land for advice.

### Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

http://www.highland.gov.uk/yourenvironment/roadsandtransport

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads and pavements/101/permits f or working on public roads/2

### Mud and Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

### **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact <u>env.health@highland.gov.uk</u> for more information.

### **Transport Scotland Roads Directorate**

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk Road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk Road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

### Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <a href="https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species">https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species</a>

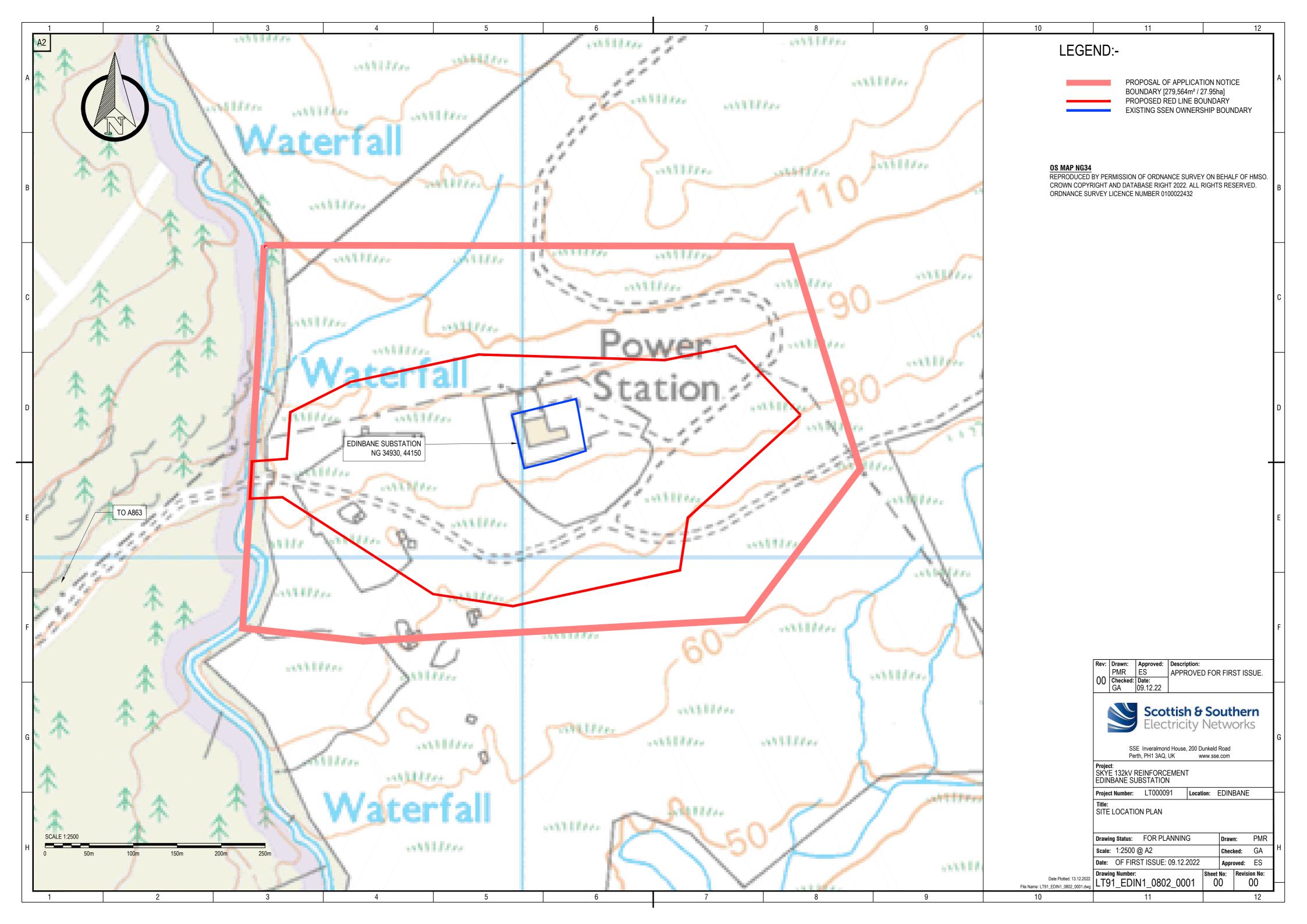
### **Protected Species - Ground Nesting Birds**

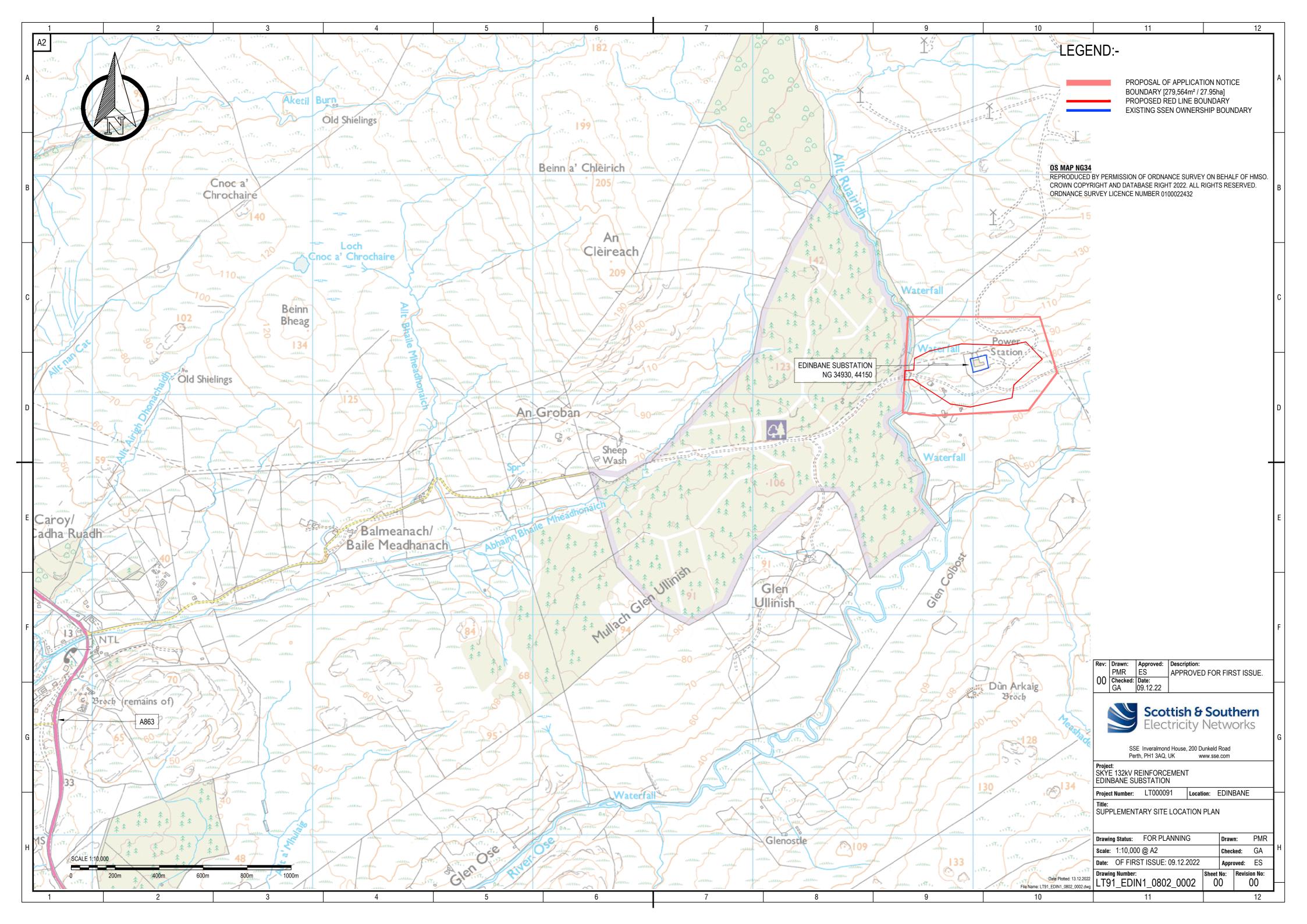
Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest.

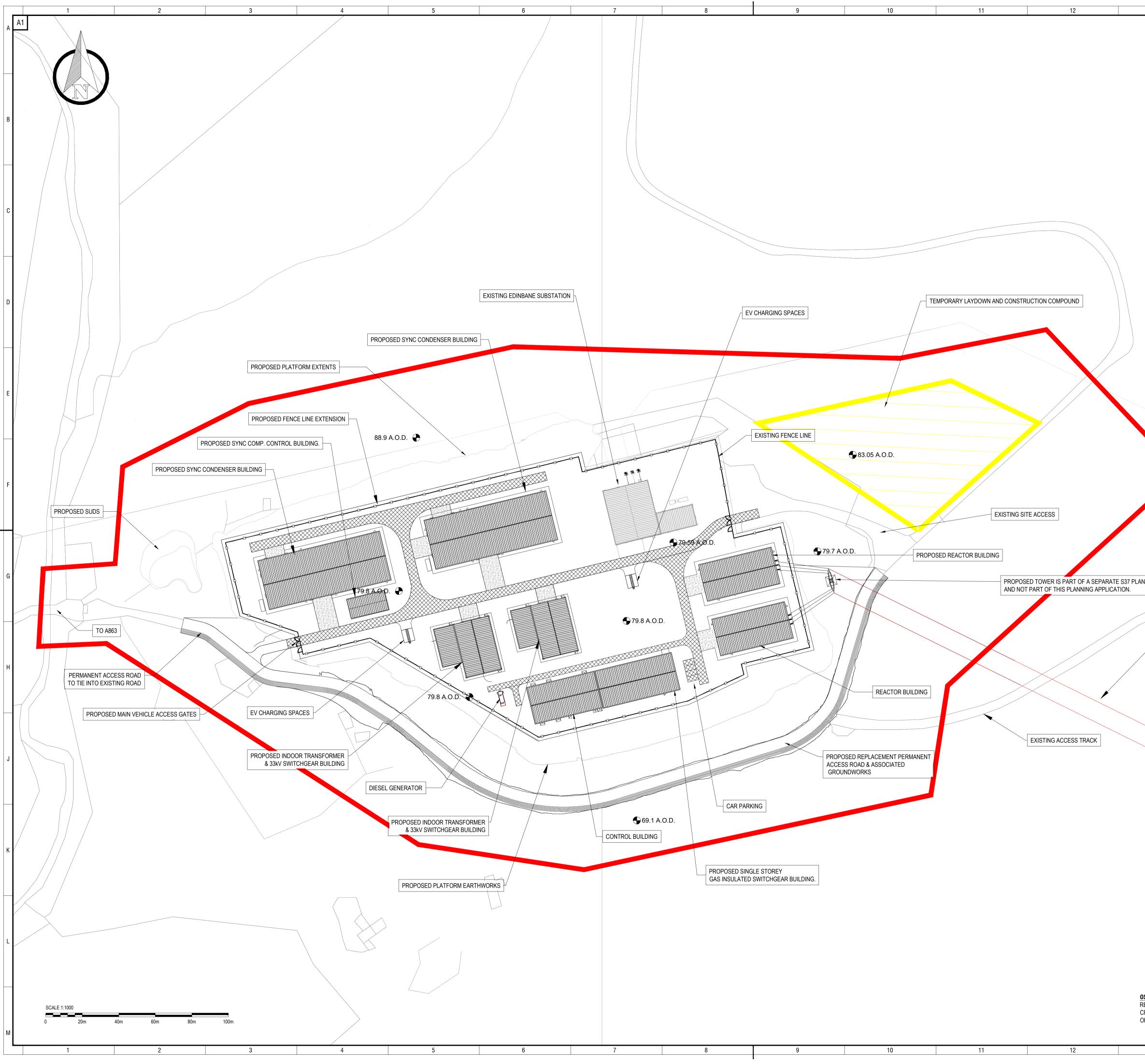
Signature:	Dafydd Jones
Designation:	Area Planning Manager – North
Author:	Roddy Dowell
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	

Document Type	Document No	Version No	Date Received
Plan 1 – Location Plan Plan 2 – Location Plan Plan 3 – Proposed Site Layout Plan Plan 4 – Proposed Control Building Elevations	LT91_EDIN1_0802_0001 LT91_EDIN1_0802_0002 LT91_EDIN1_0802_0004 LT91_EDIN1_0802_0006	00 00 00 00	10.01.2023 10.01.2023 10.01.2023 10.01.2023
Plan 5 – Proposed GT3 Transformer and Switchgear Control Building Elevations	LT91_EDIN1_0805_0001	00	10.01.2023
Plan 6 – Proposed GT2 Transformer and Switchgear Control Buildings	LT91_EDIN1_0805_0002	00	10.01.2023
Plan 7 – Proposed Reactor 2 Building Elevations	LT91_EDIN1_0805_0003	00	10.01.2023
Plan 8 – Proposed Reactor 1 Building Elevations	LT91_EDIN1_0805_0004	00	10.01.2023
Plan 9 - Proposed Sync Comp Control Building Elevations	LT91_EDIN1_0805_0007	00	10.01.2023
Plan 10 - Proposed Sync Condenser 1 Building Elevations	LT91_EDIN1_0805_0008	00	10.01.2023
Plan 11 – Proposed Sync Condenser 2	LT91_EDIN1_0805_0009	00	10.01.2023

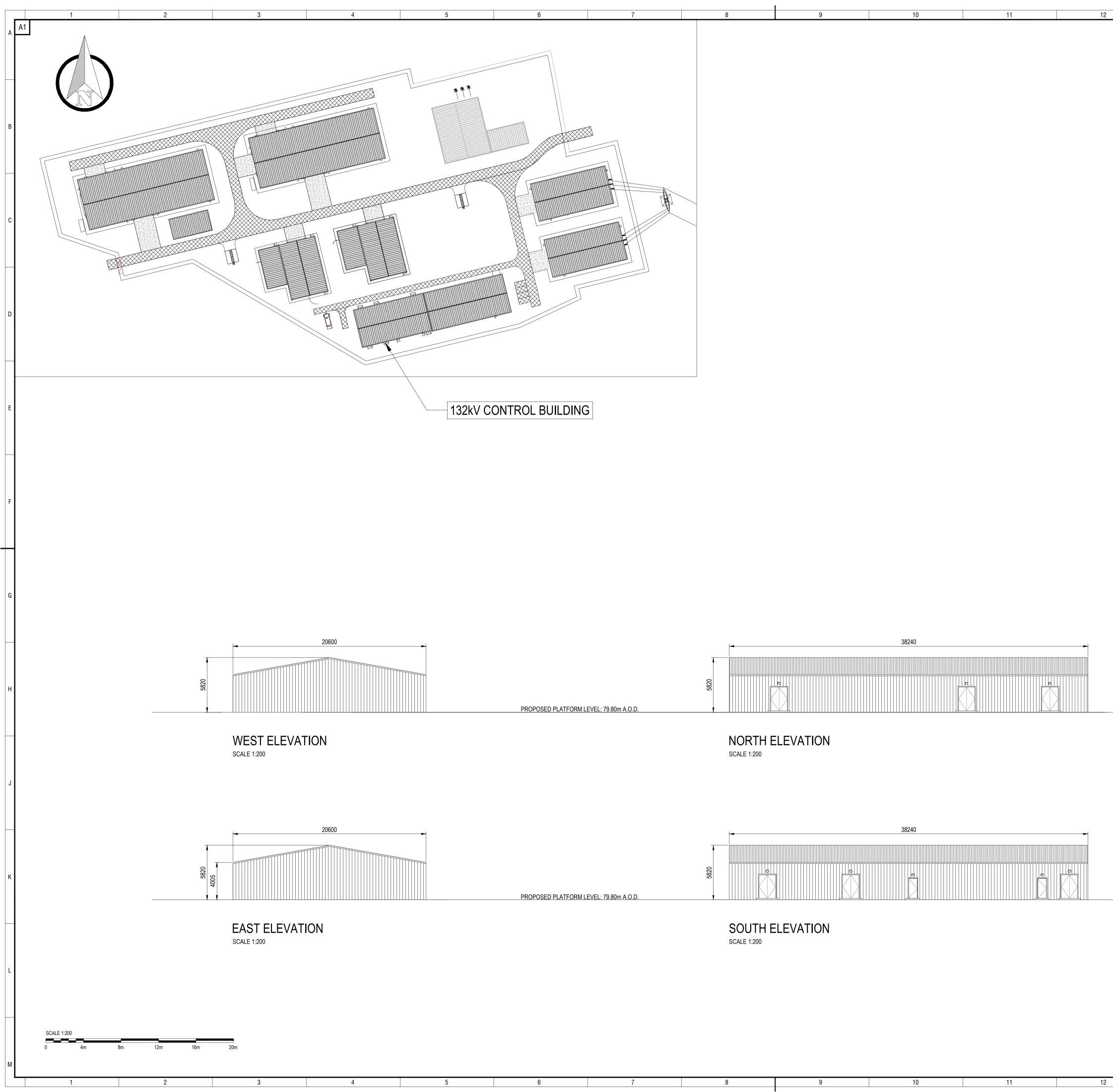
Building Elevations			
Plan 12 – Proposed GIS Building Elevations	LT91_EDIN1_0805_0005	00	10.01.2023
Plan 13 – Proposed Elevation - North	LT91_EDIN1_0802_0006	00	10.01.2023
Plan 14 – Proposed Elevation - East	LT91_EDIN1_0802_0007	00	10.01.2023
Plan 15 – Proposed Elevation - South	LT91_EDIN1_0805_0005	00	10.01.2023
Plan 16 - Proposed Elevation - West	LT91_EDIN1_0805_00082	00	10.01.2023



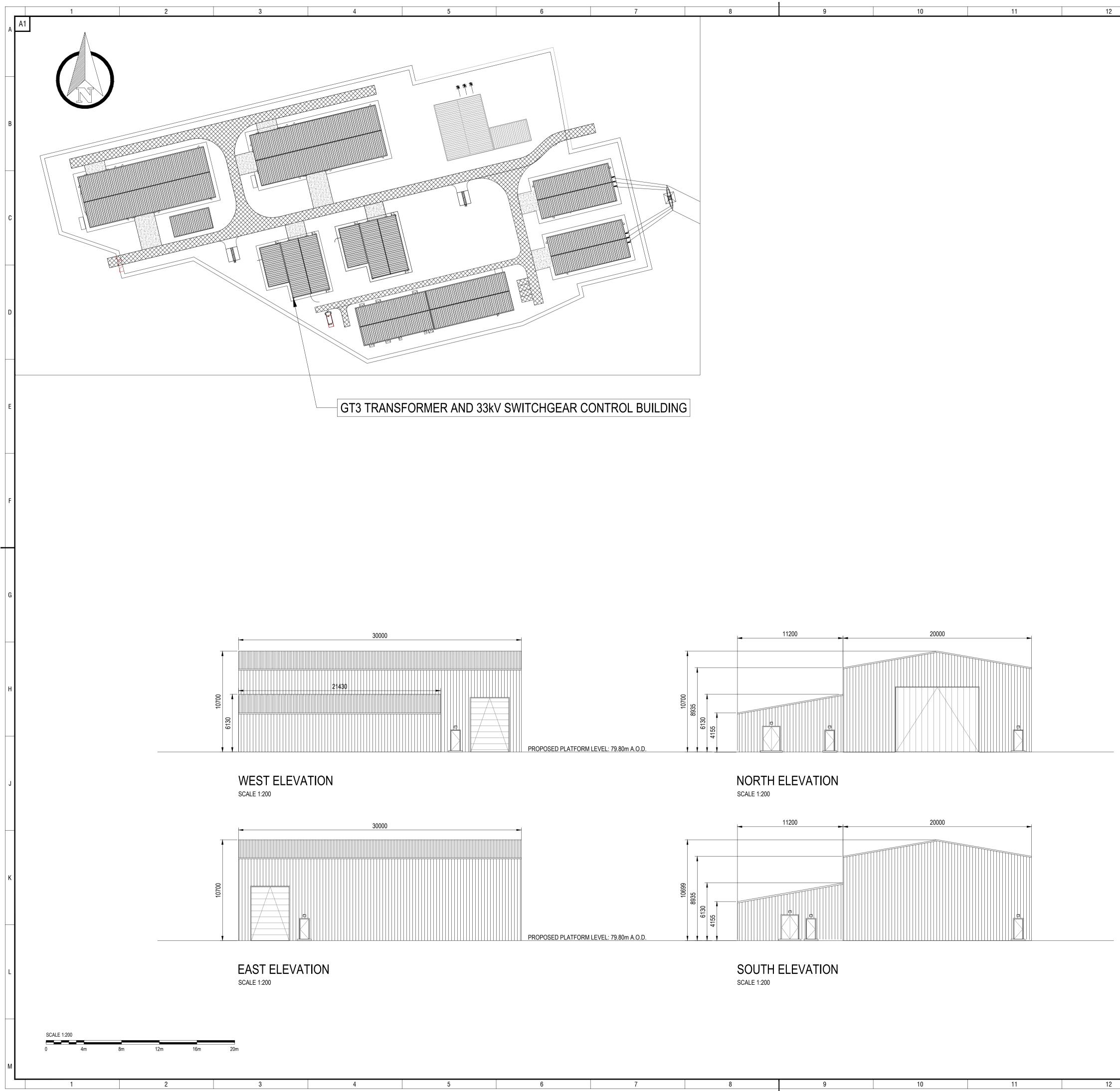




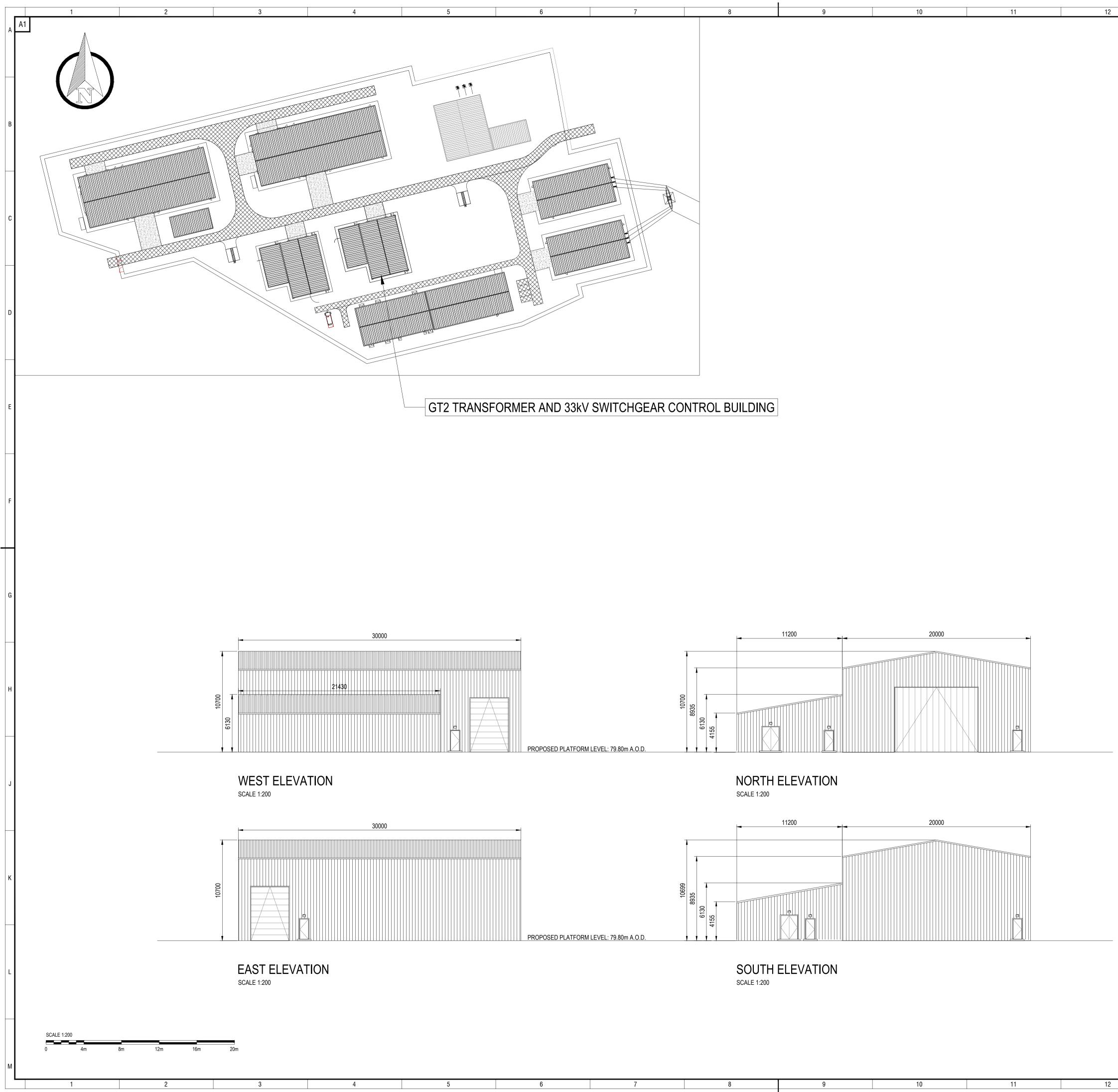
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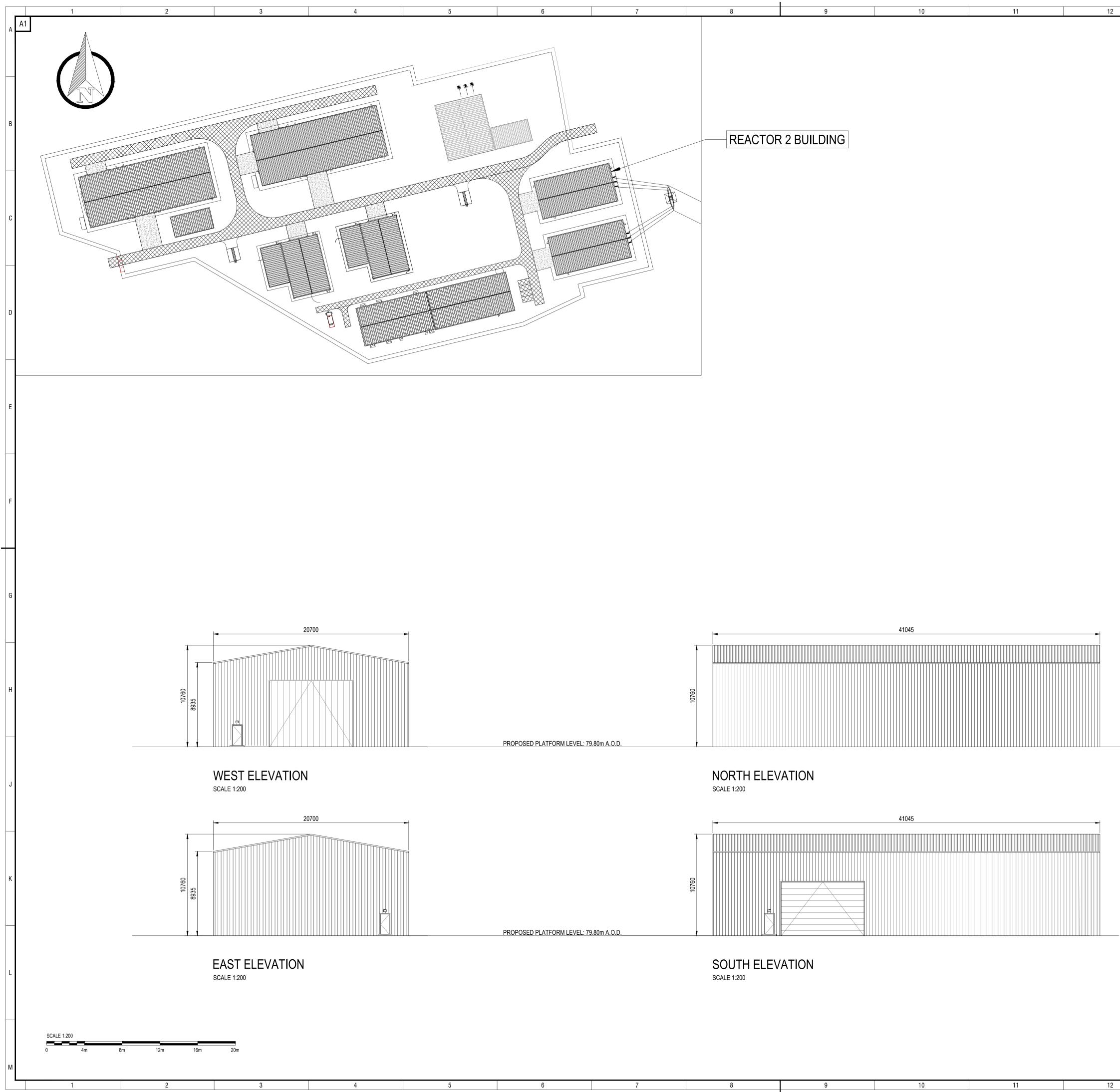
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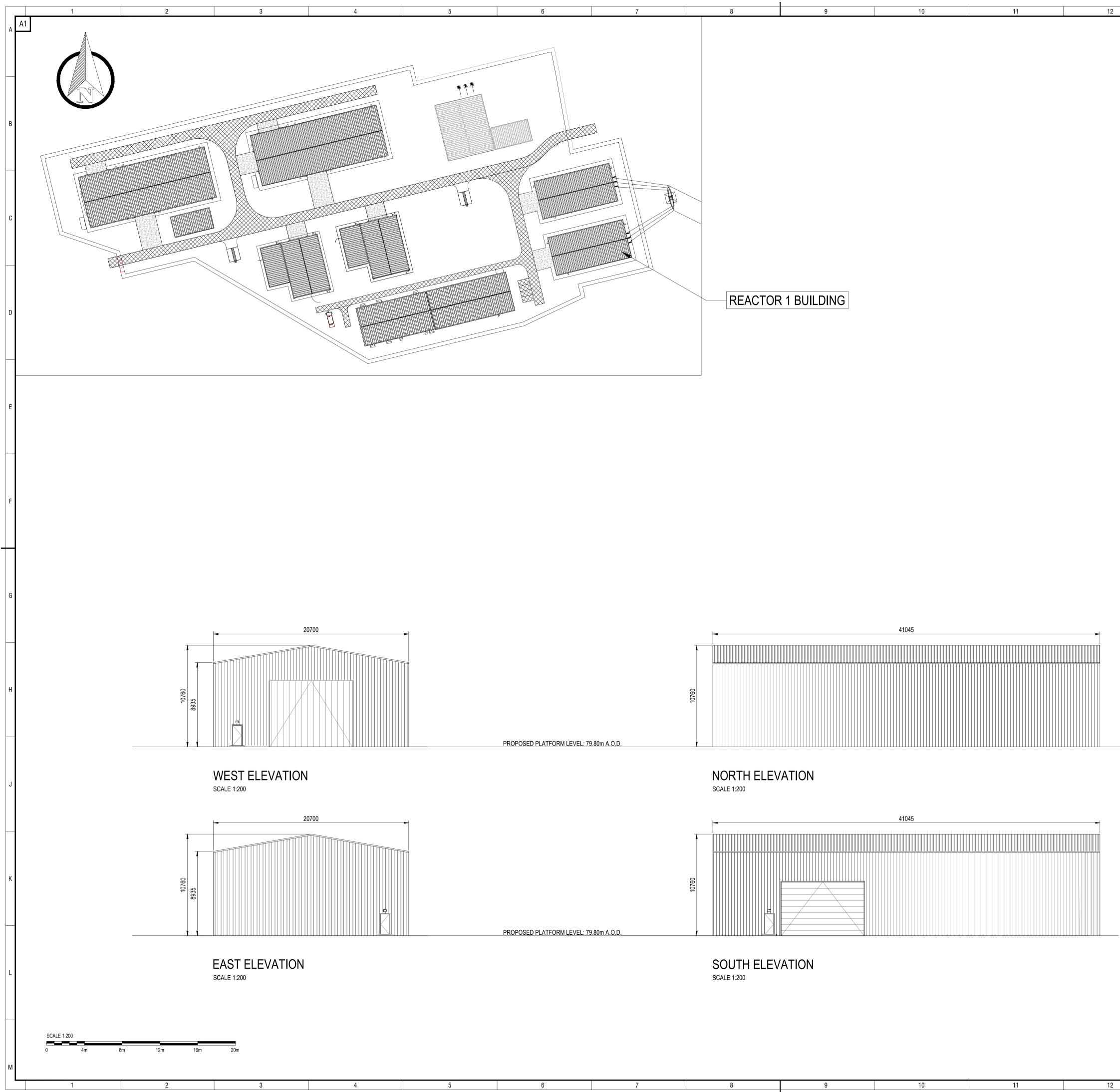
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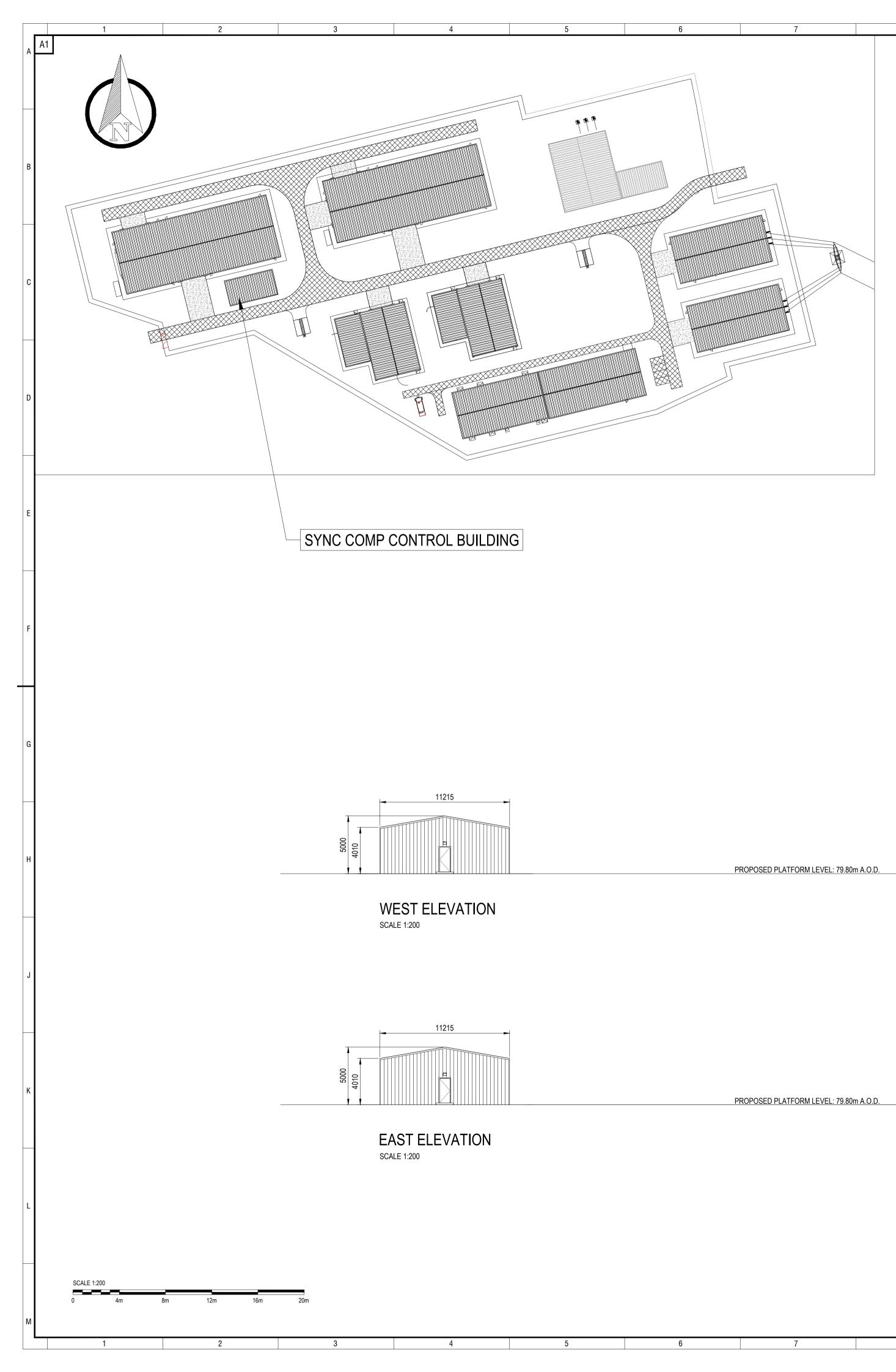
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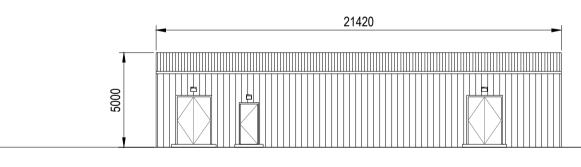


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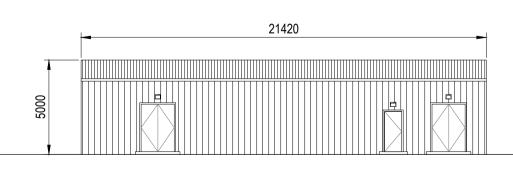
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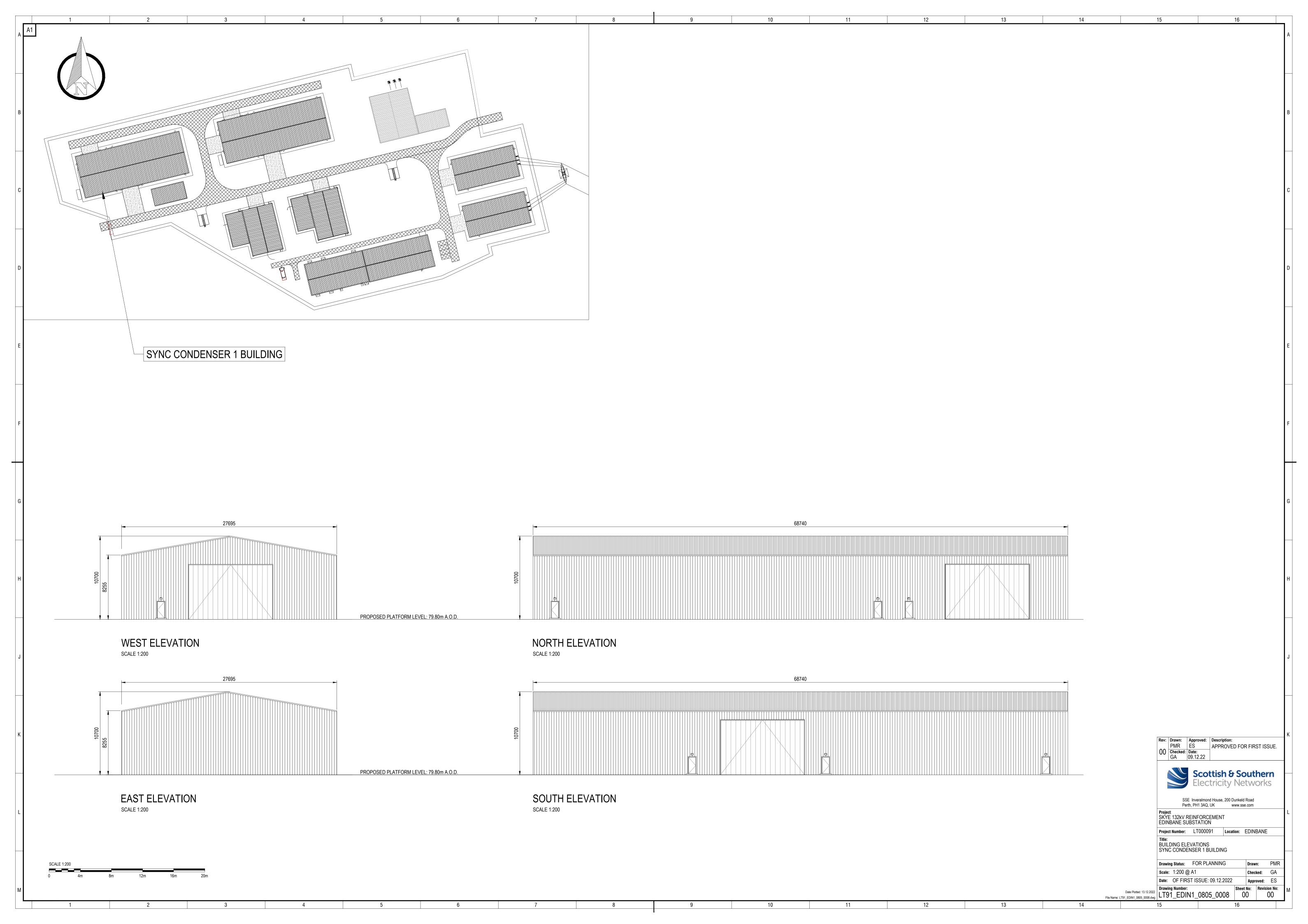
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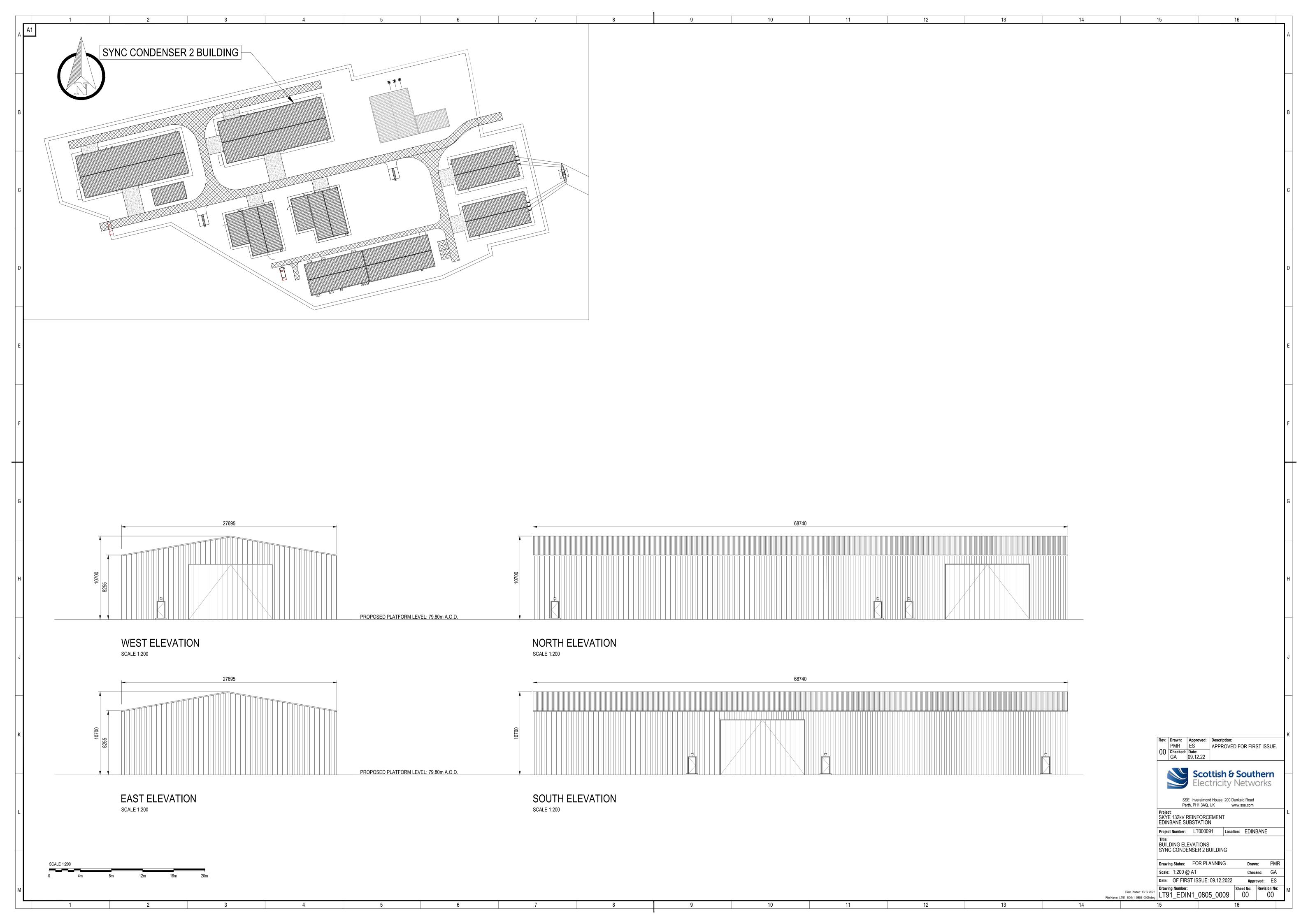


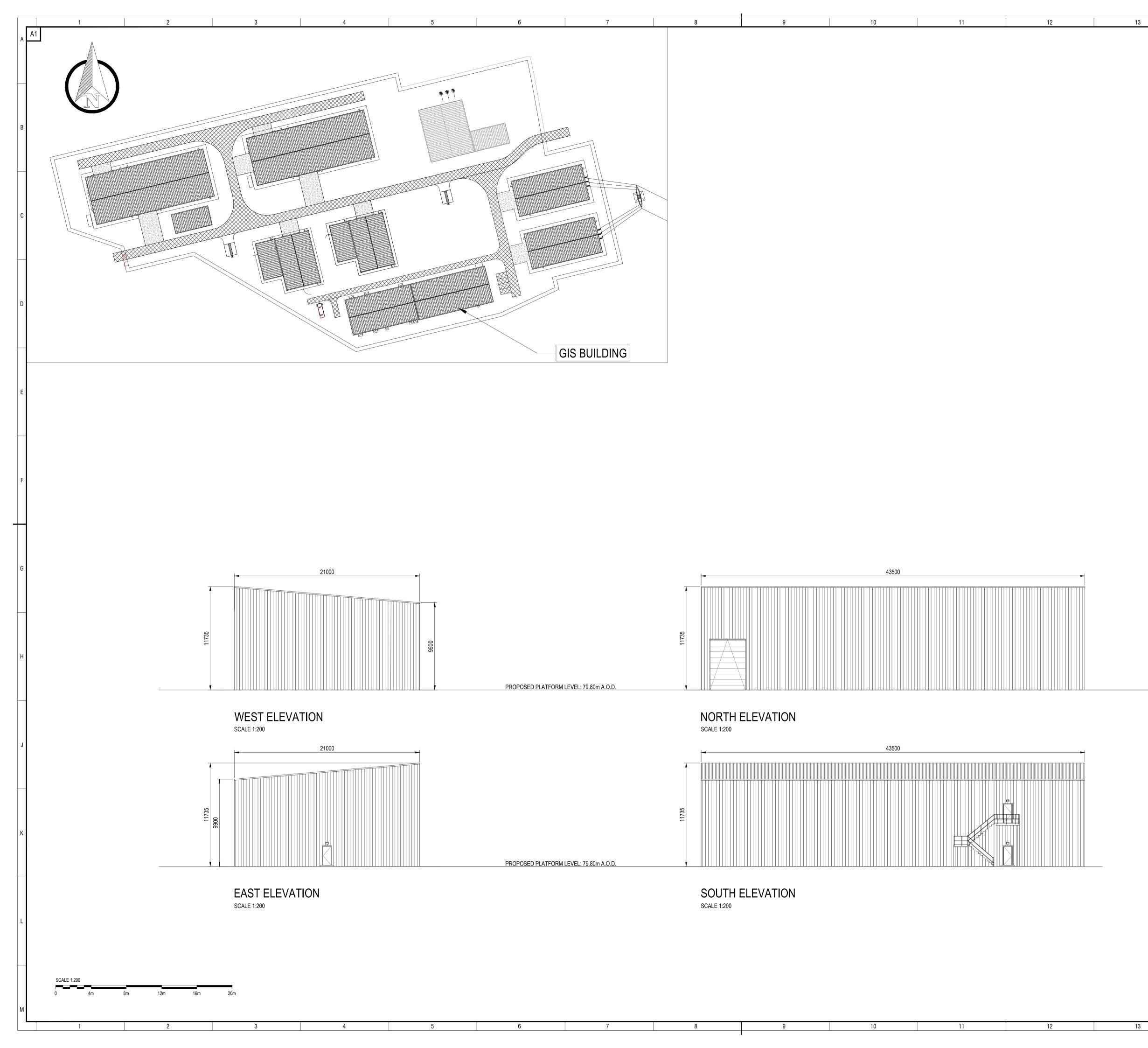
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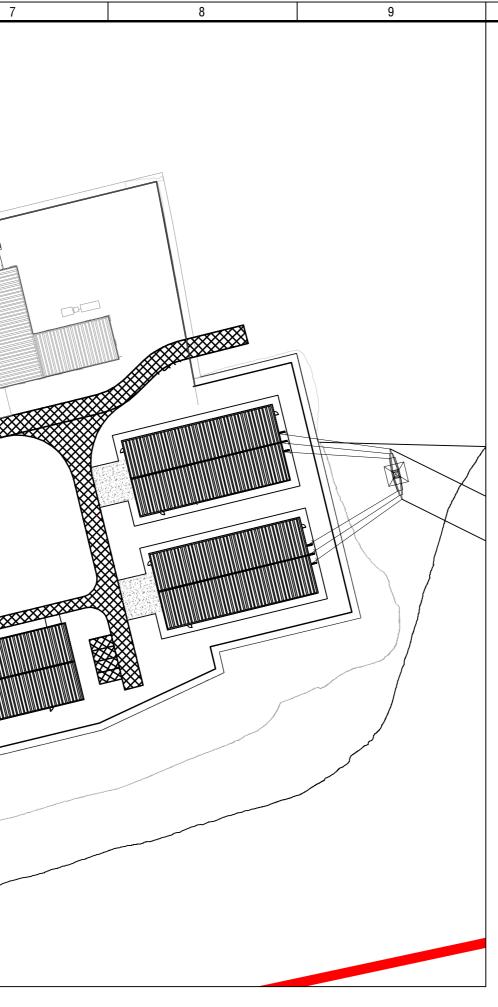






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	NORTH ELEVATION - EXISTING SCALE 1:500
L	
М	TOWER NOT CONSIDERED PART OF THIS PLANNING APPLICATION. 110.00m THIS IS PART OF A SEPARATE S37 PLANNING APPLICATION. TOP OF PROPOSED TOWER LVL:106.37m A.O.D. 105.00m 100.00m
	95.00m 90.00m 90.00m TOP OF REACTOR BUILDING LVL:90.56m A.O.D.
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TOP OF TRANSFORMER BUILDING LVL:92.21m A.O.D.

ISTING PLATFORM LVL

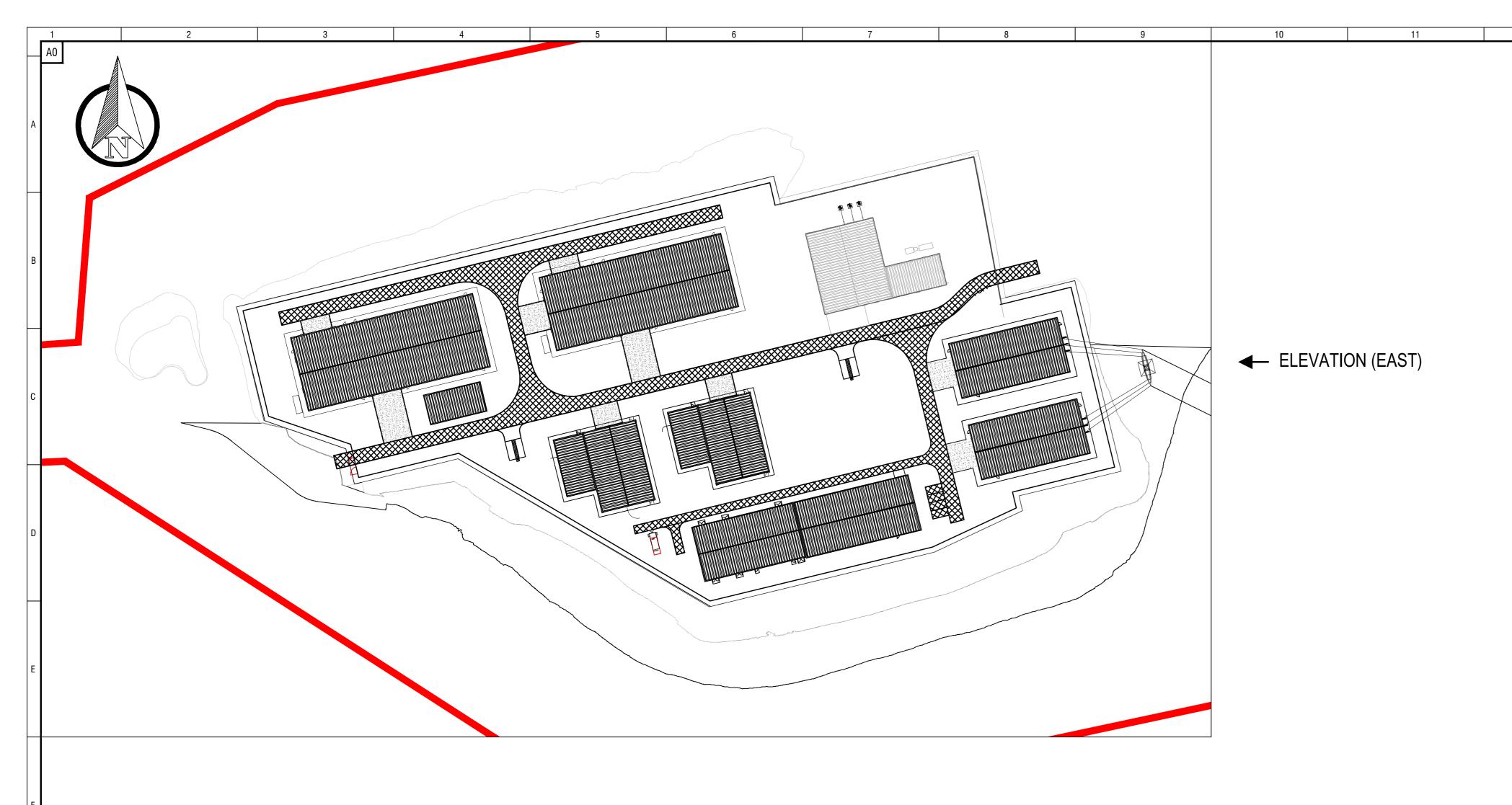
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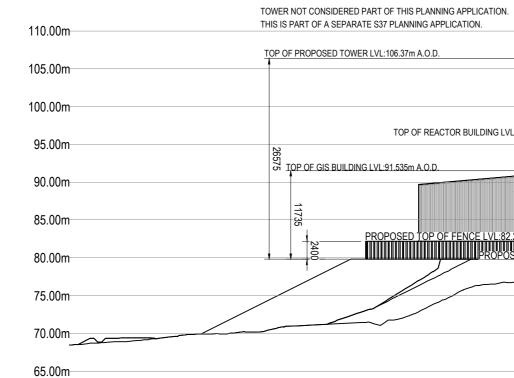
CONTROL BUILDING LVL:84.84m A.O.D.
TOP OF EXISTING TRANSFORMER BUILDING LVL:92.21m A.O.D.
TOP OF GIS BUILDING LVL:91.535m A.O.D.
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EAST ELEVATION - EXISTING
SCALE 1:500
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TOP OF PROPOSED TOWER LVL:106.37m A.O.D.
105.00m
100.00m TOP OF SYNC CONTROL BUILDING LVL:84.80M A.O.D.
95.00m
90.00m TOP OF GIS BUILDING LVL:91.535m A.O.D. TOP OF REACTOR BUILDING LVL:90.56m A.O.D. TOP OF EXISTING TRANSFORMER BUILDING LVL:92.21m A.O.D.
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EAST ELEVATION - PROPOSED SCALE 1:500

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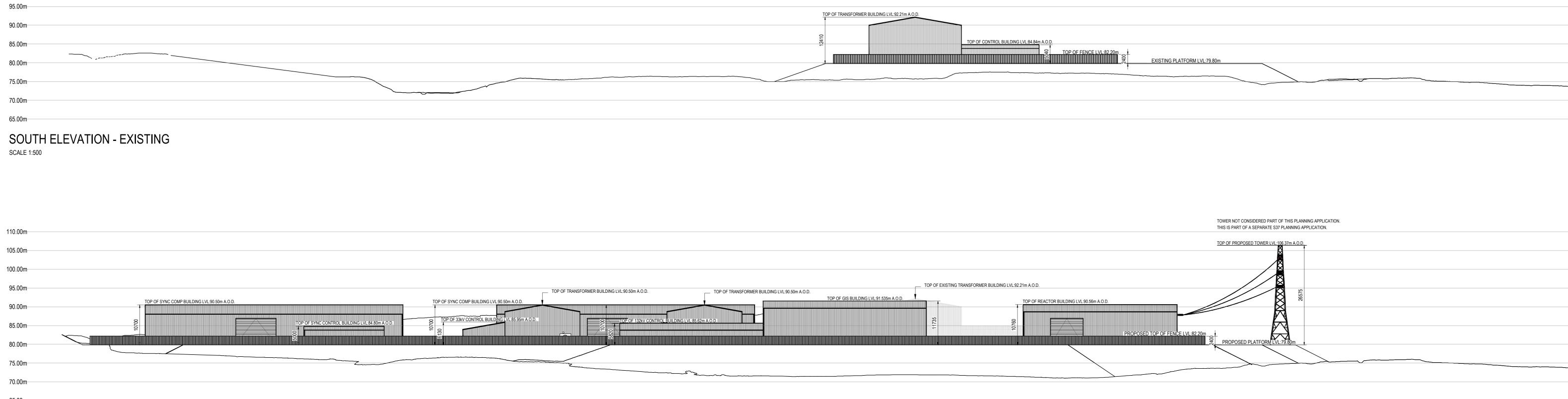
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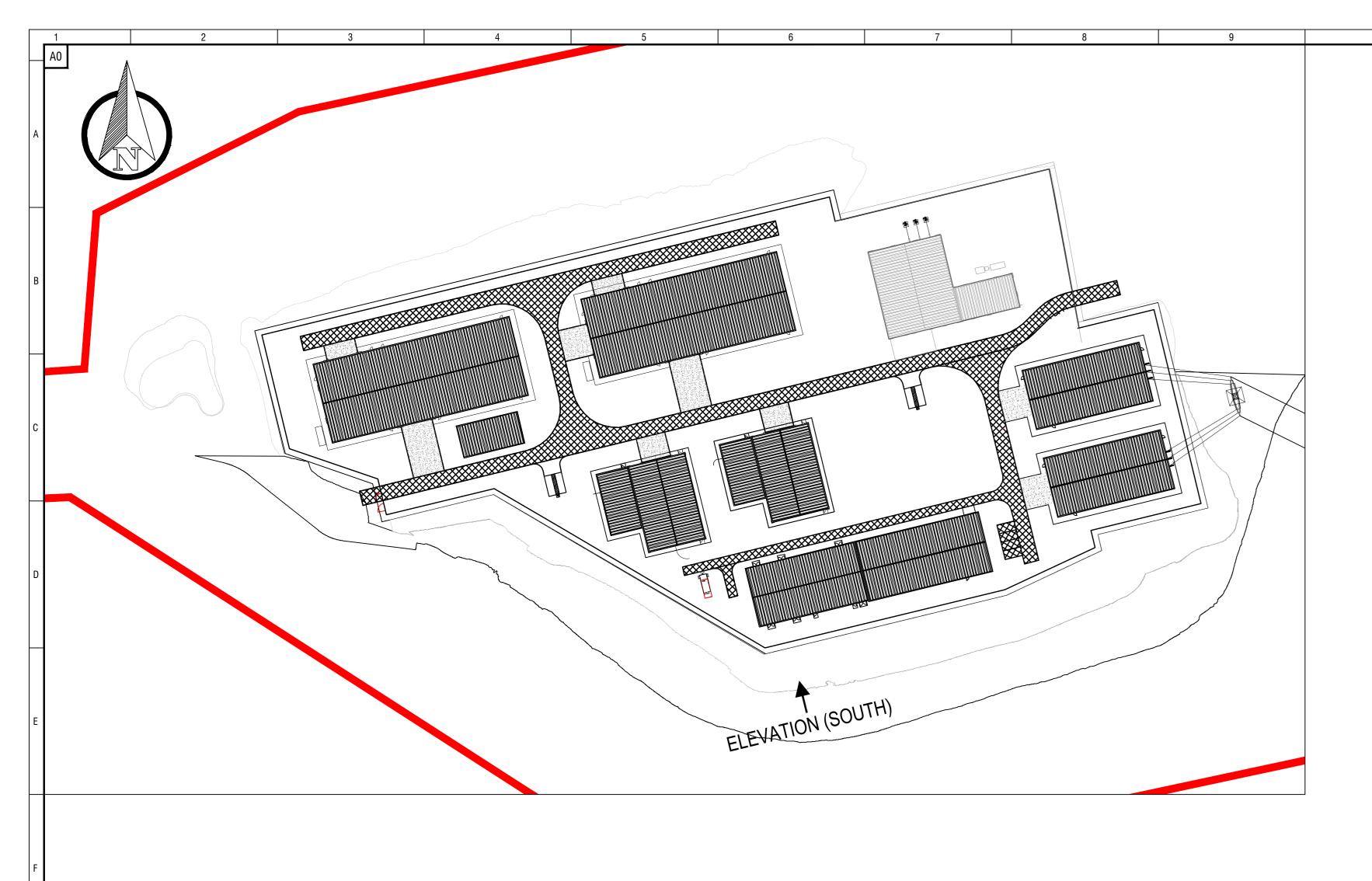
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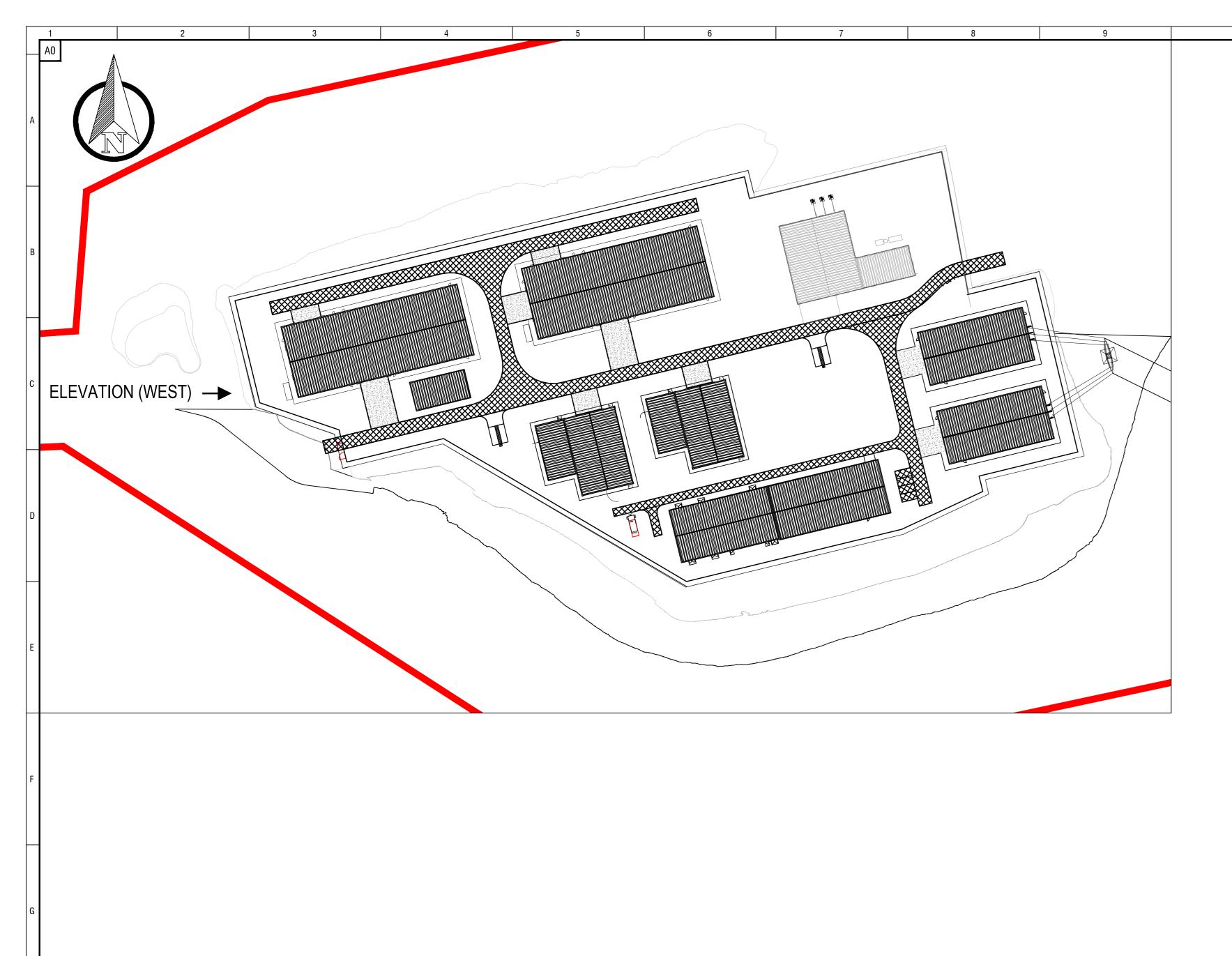
# SOUTH ELEVATION - PROPOSED SCALE 1:500



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							Project: SKYE 132kV REINFORCEMENT EDINBANE SUBSTATION         Project Number:       LT000091         Location:       EDINBANE         Title:       SOUTH SITE ELEVATION PROPOSED         Drawing Status:       FOR PLANNING       Drawn:       PMR         Scale:       1:500 @ A0       Checked:       GA         Date:       OF FIRST ISSUE: 09.12.2022       Approved:       ES	
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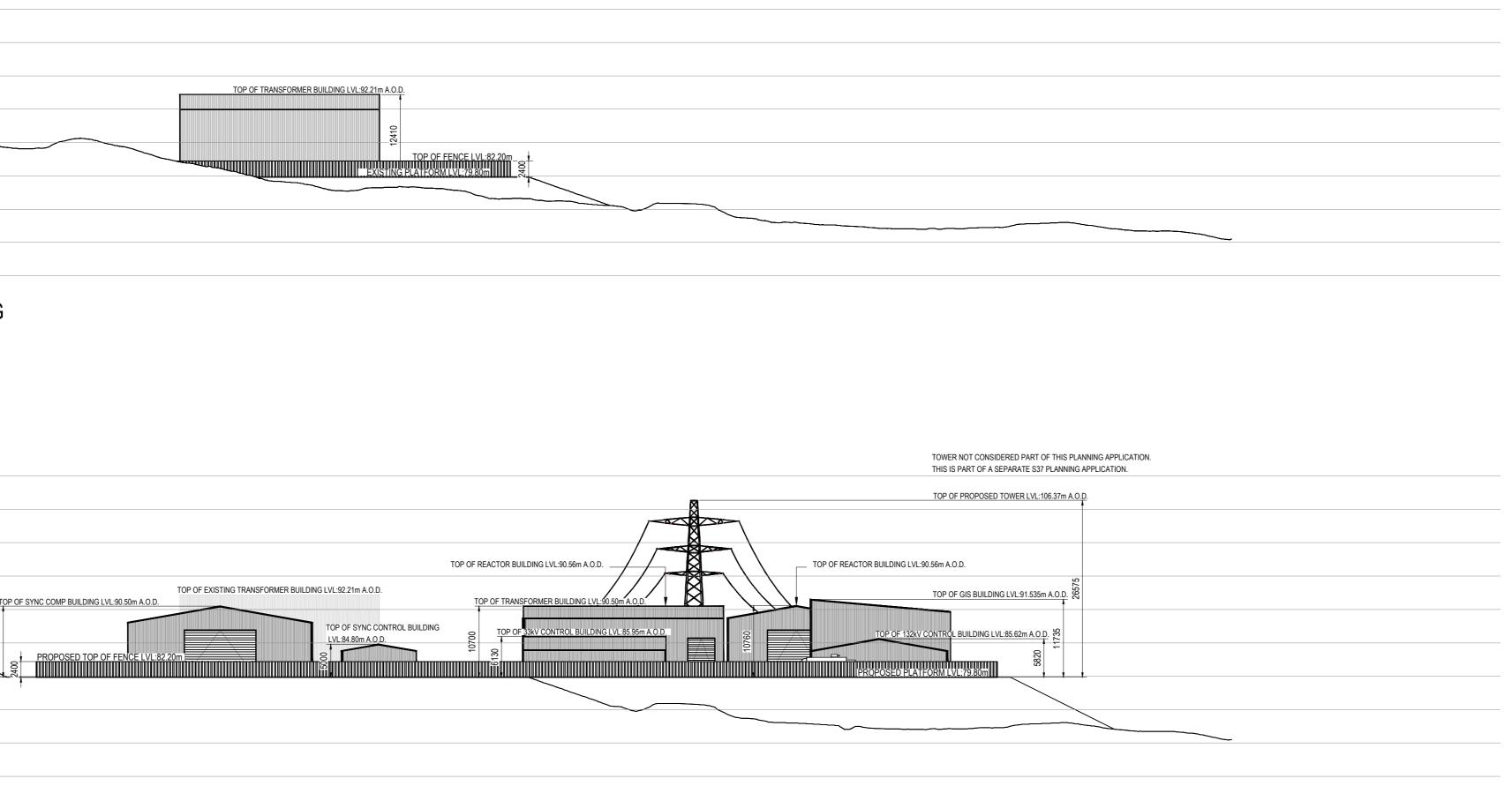


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WEST ELEVATION - EXISTING

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SCALE 1:500

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