
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: BEAULY-DENNY TRANSMISSION LINE UPDATE

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Purpose of Report

1. Scottish Ministers granted consent for the Beauly-Denny Overhead Transmission Line on 6 January 2010. This report is to inform Members of the terms of that consent, how it will affect the Cairngorms National Park and to seek authority for the next steps.

Background

2. The proposals for a new higher voltage transmission line between Beauly and Denny have been the subject of discussion and consultation for many years starting before the National Park was designated. Before going in to the detail of the recent decision it is useful to briefly take stock both of the process and the content of the application as it affects the National Park.
3. The CNPA had responded to consultations by the applicant on 3 occasions in 2004/early 2005 stating its preferred position that the transmission line should not come through the National Park and if consent were to be granted it should be subject to mitigation including undergrounding.
4. Applications were submitted to Scottish Executive in September 2005 by Scottish Hydro-Electric Transmission Limited and Scottish Power Transmission Line for consent under Section 37 of the Electricity Act 1989 and deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 for a 223km 400kV overhead transmission line between Beauly substation and a proposed substation near Denny.
5. The proposed route enters the Park via the Corrieyairack Pass at Garva Bridge, cuts through Glen Shirra, across the A86 at Inver Pattack near Kinloch Laggan, through the mountains to the A889 and Cathar Mòr, across Glen Truim and the A9 north of Dalwhinnie, and along the A9 to Drumochter. The existing 132kV line enters the Park at the same location, but goes through upper Speyside, passes south of Laggan, meets the A9 in Glen Truim north of Etteridge and south to Dalwhinnie and Drumochter. The existing line is 36km and has some 128 pylons approximately 25m

high. The new one will be 28km and will have 76 pylons between 43 and 65m high. Both routes are shown on **Maps 1-5** attached.

6. The CNPA considered its response to the formal Scottish Executive consultation in at a meeting of the Planning Committee held in Laggan on 21 April 2006 and, in summary, resolved to object to the section within the National Park for the following reasons:
 - It had not been demonstrated that there was no possible alternative;
 - The proposal conflicts with all 4 of the National Park aims;
 - The proposal will compromise the objectives of the National Park designation and its overall integrity contrary to national planning policy;
 - The proposal is contrary to the National Planning Framework with regard to building environmental capital and passing on well-managed, high quality landscapes to future generations.
7. In taking this position the CNPA also requested the Scottish Executive, separate from the application, to convene meetings with the applicant and all affected authorities/agencies to explore an alternative route and/or undergrounding, and also to secure agreement on replacing existing pylons lines with wooden poles. This request was not taken up.
8. A Public Local Inquiry (PLI) was held in 2007 before 3 Reporters and a Technical Assessor. There was a Strategic Session in Perth during May 2007 dealing with the principle of the line and generic issues including need, consideration of alternatives, approaches to landscape impact assessment etc. The CNPA presented joint evidence with Highland, Perth & Kinross and Stirling Councils on a range of common issues and gave separate evidence on the principle of the transmission line within the National Park. The PLI then held 4 local sessions dealing with issues specific to sections of the route. The Cairngorms National Park session took place in October 2007 in Newtonmore. The CNPA presented evidence both in its own right and in conjunction with Highland Council. Both authorities supported landscape evidence led by SNH. Evidence was presented on ecological impact, landscape/visual impact, economic/tourism impact and potential for undergrounding sections of the route.

The Decision

9. The Reporters submitted their Report and Recommendations to Scottish Ministers in February 2009 and Scottish Ministers announced their decision on 6 January 2010. The Reporters' findings were not made available until after that decision had been announced.
10. The decision of Scottish Ministers is that consent under the Electricity Act and deemed planning permission be given for an overhead transmission line along the whole route subject to 73 conditions, some of them generic and others applying to specific locations. The conditions cover a range of issues including ecology, landscape, traffic management, cultural heritage, and noise mitigation. There is no requirement for undergrounding or alternative routing of the new line.
11. In reporting to Scottish Ministers the Reporters had recommended that permission be given for the whole route with the exception of 2 short sections at Auchilhanzie House in Perth & Kinross and Glenside in the Stirling area, but Scottish Ministers have approved the line in its entirety. The Reporters had recognised the significant adverse effects on landscape character and visual amenity within the National Park, but took the view that that this would not compromise the objectives of the designation or the overall integrity of the Park. The Reporters had taken account of an alternative route which would involve crossing Rannoch Moor; however, following the views of SNH, they considered that a route through the National Park was preferable.
12. The majority of conditions have to be discharged by Scottish Ministers in consultation with SNH, other agencies or the relevant planning authority. Some of the more pertinent conditions are as follows:
 - Installation of the line is to commence within 4 years of the date of consent and to be completed within 6 years of commencement. If after it has been commissioned it fails to carry electricity for a year then Scottish Ministers have the right to require it to be decommissioned.
 - Conditions require approval of a Construction Procedures Handbook setting out how the development is to be constructed and managed. This is to involve consultation with members of an Environmental Liaison Group (ELG) which will include CNPA and a Tourism, Cultural Heritage and Community Liaison Group (TCHCLG) which will not include CNPA.
 - There are several sections of the route where conditions require schemes to mitigate impact of wirescape. Condition No. 19 provides for a Cairngorms National Park Rationalisation Scheme to be approved by Scottish Ministers in consultation with Highland Council. The scheme is to set out proposals to mitigate the impact of wirescape in the Park. It has to include proposals for

removal of the 132kV line between Boat of Garten and Calmor (the line over the Lecht) and the removal of steel towers and replacement with wooden poles or an underground cable for the line between Etteridge (south of Newtonmore) and Boat of Garten. The scheme has to be implemented within one year of the new line being commissioned.

- Condition No. 72 is the only one which relates specifically to the CNPA. It requires payment of £50000 to CNPA to support marketing initiatives over a 5 year period with a view to ameliorating loss of trade to local businesses, primarily within the Laggan and Dalwhinnie area, as a consequence of the development. The CNPA had asked for £150000.

13. Copies are attached of:

- the Minister's statement (**Appendix 1**);
- terms of approval (**Appendix 2**);
- summary of the Reporters' conclusions from the Strategic and National Park sessions of the PLI (**Appendix 3**).

The Implications

14. There are a number of issues relating to the conditions where we have been seeking clarification from Scottish Government. It is understood that other authorities are doing likewise.

15. In recommending and granting consent, the Reporters and Scottish Ministers have all accepted the importance of the National Park as a designation:

- The concept of integrity has been accepted and SSE's argument that an adverse act in part of the National Park would not affect the whole has been dismissed as that approach could ultimately degrade and undermine the whole.
- That rationale is then contradicted by the conclusion in the decision that the route through the south west corner of the National Park, combined with removal of existing lines elsewhere within it, will not compromise the integrity.
- It has been accepted that the Park is the sum of its special qualities, that they vary across the Park, and the approach we have taken is a reasonable one i.e. there is no need to comprehensively map and define all special qualities.

- It has been accepted that landscape is a proper natural heritage consideration across the whole National Park, not only in the National Scenic Areas within it. The decision then goes on to accept there will be significant adverse impacts on this landscape before granting consent.
 - It is accepted in the decision that the National Park Plan (NPP) is a significant material consideration, but not primarily in development management terms. The Reporters in the Local Plan Inquiry gave it even stronger status. The NPP had just been approved at the time of the Beaully-Denny inquiry, but the LPI report was available prior to Scottish Ministers' decision.
 - At the end of the day Scottish Ministers have in essence balanced two competing national priorities – the National Park and the transmission line – and, despite the acknowledged significant impact on the former, they have found in favour of the latter.
16. Whilst accepting the National Park as a designation, it is not clear if the decision reflects a complete understanding of what this means. There is a similar lack of clarity in the understanding of the role of CNPA, both as Park Authority and as a Planning Authority, with regard to the management of this National Park in accordance with its statutory purpose under the National Parks (Scotland) Act 2000 and the 2003 Designation Order. The only conditions which specifically include the CNPA are those establishing the Environmental Liaison Group, and the payment of the £50000 for marketing. There is no recognition of the wide remit that CNPA has and its responsibilities with regard to the Park.
17. We have been seeking clarification from Scottish Government on a number of issues and have had some initial feedback:
- Scottish Government officials had verbally indicated that reference to planning authorities in conditions includes CNPA and they have subsequently confirmed that this is their understanding. We are still considering this issue in the context of the planning provisions in the Designation Order 2003.
 - CNPA is not included in the Tourism, Cultural Heritage and Community Liaison Group (TCHCLG) when its remit covers the subject matter. Scottish Government has since confirmed that CNPA will be included in this group even though it is not specified.
 - Condition No. 48 relates to an Access Management Plan to be approved by planning authorities with no recognition that CNPA is the access authority.

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- Condition No. 66 requires a Community Liaison Scheme to be approved by the planning authority. This should really be done jointly by THC and CNPA.
 - There are other conditions where logic would suggest there should be consistency along the route e.g. why a landscape master plan only in Perth and Kinross?
 - Many of the environmental conditions require approval by Scottish Ministers in consultation with SNH and occasionally SEPA. Whilst accepting the statutory role of these bodies, there is an argument for including CNPA in that process in relation to the National Park given the first aim.
 - The Cairngorms National Park Rationalisation Scheme required by Condition No. 19 is the one that makes least sense and is the subject of most concern. The fact that approval is by Scottish Ministers in consultation with Highland Council is lacking in accuracy and appreciation of the role of CNPA. It also excludes Moray and Aberdeenshire although the line to be removed goes through both local authority areas. Scottish Government has since confirmed that exclusion of CNPA is an oversight and the role of CNPA is exactly the same as that specified for Highland Council. They have also confirmed that it applies only to existing 132kV wirescape and not the proposed 400kV wirescape.
18. The Environmental Liaison Group (ELG) has been meeting informally prior to the decision and the CNPA has been involved in that process. The first meeting of the ELG since the Scottish Ministers' decision is taking place before the 5 February Planning Committee and any further information or clarification arising from this and other discussions will be reported at the meeting along with an indication of how the applicants intend to proceed.
19. It is understood that this group and the TCHCLG are likely to meet monthly so, along with ongoing involvement in the discharge of conditions attached to the consent, the implementation of the development will involve a significant amount of CNPA staff time.
20. The Highland Council Planning, Environment and Development Committee considered the decision on 20 January 2010 and resolved, inter alia, to note the decision and to seek clarification of the terms of the consent.
21. This is the position at the time of writing, but we are still awaiting further information from Scottish Government and there will be discussion amongst the affected local authorities and CNPA on some of the conditions that affect the whole route.

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22. There is an overarching issue that has been brought to the fore by this decision in relation to the need for a common understanding of the status of National Parks as a designation and what it means in practice. This is something that should be discussed further with Scottish Government, SNH and other partners.

Recommendation

23. That Members note the terms of Scottish Ministers' decision and:
- i. accept action taken to date to clarify the implications for the National Park;
 - ii. agree to the further clarification being sought and that formal written confirmation be obtained on all points;
 - iii. agree to the involvement of CNPA officers in the various groups that are being established by the decision with a view to mitigating the impact of the line on the National Park as far as is possible and to maximise any benefits which can be secured;
 - iv. agree to the involvement of CNPA officers in the discharge of conditions attached to the consent.
24. That Members agree to the initiation of discussions with Scottish Government, SNH and other partners to establish a common understanding of the status of National Parks as a designation and how this is then reflected in decision making and the delivery of services and activity within and affecting National Parks.

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