



Community and Enterprise Resources
Executive Director **David Booth**
Planning and Regulatory Services

Laura McGowan
LUC
By email

Our Ref: P/23/1552
Your Ref: Redshaw Substation
If calling ask for: Stuart Ramsay

Date: 9 February 2024

Dear Ms McGowan

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2017**

**SCOPING OPINION REQUEST FOR CONSTRUCTION OF A 400kV/132kV ELECTRICITY
SUBSTATION AND ANCILLARY INFRASTRUCTURE, LAND SOUTHEAST OF REDSHAW,
B7078, DOUGLAS**

I refer to your request for comments to inform a scoping opinion made under regulation 17 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

Under Regulation 17 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the Planning Authority has consulted with the 'consultation bodies' as defined by Regulation 2(1) of the aforesaid Regulations. Following consultation, South Lanarkshire Council, as Planning Authority would offer the following comments, noting that the following comments are made in relation to the above scoping opinion request only and do not comment on the proposals themselves.

Regulation 5(3) of the above regulations states that where a scoping opinion is issued, the EIA report must be based on that scoping opinion and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment at the point at which scoping is undertaken.

The Council considers the structure of the scoping report to be clear and sets out a prudent approach to the topics that may give rise to likely significant environmental effects and should be fully assessed in the EIA Report. The topics listed in the scoping report are acceptable to the Council and should be fully assessed within the EIA Report. For clarity, the Council would recommend a standalone chapter outlining all proposed mitigation within any EIA Report as this allows easy referencing for consultees and the subsequent planning assessment.

Please find below further specific advice on topics as referenced within the relevant sections of the Scoping Report:

Chapter 4: Landscape and Visual Amenity

The scope of the LVIA set out in chapter 4 of the Scoping Report is considered acceptable, noting the 5 no. proposed viewpoint locations. The cumulative assessment of any LVIA should be maintained as up to date as possible prior to submission as this local area is receiving a lot of

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interest for potential wind farm developments and associated energy infrastructure, and therefore the cumulative assessment will be an important part of the submitted LVIA.

Chapter 5: Archaeology and Cultural Heritage

Archaeology

The development appeared to raise potential issues in relation to the historic environment at the PAN (Proposal of Application Notice) stage, most obviously deriving from the proximity of the proposal to the large number of features relating to occupation during the prehistoric and early historic periods that have been recorded in the surrounding landscape. In response to the PAN, it was suggested that it was likely to be necessary for the applicant to take steps to ensure that this issue was addressed in any information supplied in support of the subsequent planning application.

The Scoping Report supplied in relation to the current scoping request indicates that the applicant has followed this recommendation, as it includes a chapter (Chapter 5) setting out the approach that will be adopted to assess the impact of the development on the historic environment. This states that CFA Archaeology Ltd will be employed to undertake the assessment of the effects of the development on cultural heritage (para 5.3), a process which will involve a desk based assessment and a walkover survey. This combination of desk-based research and field survey is in accordance with what would generally be expected from an assessment of this type, and the range of sources to be consulted during the course of this assessment, and set out in paragraph 5.12, also appears to be appropriate. Paragraph 5.14 states that the assessment will consider both the direct physical impacts on heritage material associated with construction of the substation, along with its possible indirect and cumulative impact on sites present in the wider landscape; again, it is agreed that this approach is likely to be acceptable. Paragraph 5.38 states that setting impact on sites beyond 3km from the proposed development would be scoped out; it is agreed that this is likely to be sufficient in this instance, as the nature of the proposal means that the substation is unlikely to be as visible over such long distances, in comparison to wind turbine proposals.

The Scoping document also sets out the approach that would be employed to attempt to mitigate the impact of the development on the historic environment. This states that the preferred approach would be to attempt to avoid direct and indirect impacts on known cultural heritage features through design (paragraphs 5.39 and 5.40), and it is agreed that this would be appropriate. Paragraphs 5.41 – 5.43 provide further details on how potential direct impacts on heritage features associated with the construction phase would be mitigated. These state that heritage assets or areas of constraint in proximity to the proposed substation would be fenced off or otherwise marked out for avoidance during the construction phase (para 5.41), that where avoidance is not possible, direct impacts will be kept to a minimum (para 5.42), and that where direct impacts cannot be avoided or reduced, fieldwork would be carried out to ensure that there was a record of material removed by construction (para 5.43).

Although these measures are agreed in general terms, it should be noted that it is also likely to be necessary to undertake some measures to identify and mitigate the impact of the proposal on as-yet unrecorded features, deposits or artefacts that may survive below the current ground level. Material of this type may not be susceptible to identification from either consideration of desk-based sources or during a walkover survey but would still be at risk of damage or removal as a result of ground disturbance associated with construction. While it is agreed that the methodology set out in the Scoping report is likely to be acceptable in general terms, it should be stressed that it remains possible that additional measures may be required beyond those proposed in this

document. These could involve intrusive trenching in advance of the start of the construction phase, to determine whether significant sub surface archaeological material is present within the boundaries of the site or could involve monitoring during the initial phase of ground disturbance associated with the development, to ensure that any features, deposits, or artefacts encountered during this process could be identified, excavated, and recorded. To ensure completion of this work, it may be necessary to attach a condition to any consent that may be issued for construction of the proposed substation.

Cultural Heritage Assets

It is welcomed that the potential cultural heritage effects are scoped into the Environmental Impact Assessment (EIA) report. It is considered that the proposals have the potential to affect a number of cultural heritage assets, and therefore recommend that any EIA report undertaken in support of the proposals should include a full assessment of impacts on the historic environment. We welcome references to our Managing Change in the Historic Environment: Setting guidance and the HES/NatureScot EIA handbook, and the applicant's commitment to follow the guidance within.

A number of cultural heritage assets have the potential for impacts from the proposed development.

- Auchensaugh Hill, cairn (SM4234)
- Thirstone, stone circle 1300m NNW of (SM5094)
- Wildshaw Hill, cairn 500m WSW of summit (SM4511)
- Netherton, cairn 800m SW of (SM4513)

Please note that the list of assets identified above should not be treated as exhaustive and has been provided as a guide to those assets that at this stage may experience significant impacts.

Direct Physical Impacts

It can be confirmed that there are no World Heritage Sites, scheduled monuments, category A listed buildings, inventory battlefields, or inventory gardens and designed landscapes within the proposed development boundary.

Setting Impacts

Careful consideration should be given to reducing and avoiding impacts on the setting of cultural heritage assets during the design process. We recommend that not only impacts from the proposed substation but also from the associated infrastructure such as access tracks should be carefully considered and mitigated in the design of the proposed development.

It is noted that the applicant proposes a 3km study area to capture and scope in designated heritage assets for which there is a potential for impact on setting. Generally, it is not considered that a study area based on a simple distance is an appropriate methodology for identifying assets for assessment, as this risks the omission of assets at further distances which have particularly sensitive settings. For example, it is noted that Figure 4.2: Visual Baseline - ZTV & Visual Receptors, indicates that the proposed development is likely to also be visible in views from Netherton, Cairn 800m SW Of (SM4513), located approximately 3.75km south-east of the proposed development. It is therefore recommended that the finalised Zone of Theoretical Visibility (ZTV), along with site visits, are used in the first instance to identify which assets need to be taken forward for detailed assessment.

The applicant states (paragraph 5.13), a walkover survey will be carried out of the Inner Study Area (200m). Site visits should include heritage assets in the Outer Study Area, as well as

Netherton, cairn 800m SW of (SM4513), in order to better assess the potential for adverse effects to the setting of heritage assets. In particular, the site visits should take note of any reciprocal views between monuments which may be adversely impacted on or interrupted by the proposed development.

It is welcomed (paragraph 5.24), that consideration will also be given to heritage assets where there is no predicted visibility from the asset but where views of or across the asset are important factors contributing to its cultural significance.

Visualisations

It is noted that (paragraph 5.36) states views from Auchensaugh Hill, cairn (SM4234) and Thirstone, stone circle 1300m NNW of (SM5094) will be illustrated by viewpoints 4 and 5 in the LVIA with photomontage visualisations. The Council are content that the LVIA viewpoints (VP4 and VP5) are likely to provide sufficient supporting visual information for adverse impacts to reciprocal views between these two monuments. It is also recommended that visualisations are considered for Wildshaw Hill, cairn 500m WSW of summit (SM4511) and Netherton, cairn 800m SW of (SM4513) should the ZTV and site visits indicate that there could be significant impacts from the proposed development to the setting of these assets.

Issues Scoped Out

The Council are content for Listed Buildings, Inventory Garden & Designed Landscapes, and Inventory Battlefields to be scoped out of any further assessment. The applicant states (paragraph 5.23) that Wildshaw Hill, cairn (SM5411) does not fall within the ZTV, and subsequently does not identify this as an asset which could have adverse effects on its setting (paragraph 5.36). This asset should **not** be scoped out of the EIA report as views towards or across an asset can also be an important part of its setting.

Cumulative Assessment

The applicant states (paragraph 5.30) that “proposed developments at the scoping or pre-application stage will not be included in the assessment”. Note that there may be developments at scoping stage which should be considered and included within the cumulative assessment.

Chapter 6: Hydrology, Hydrogeology and Peat

The Council are generally satisfied with the proposed approach to the assessment however, it is recommended that further information is provided with the EIA / planning application to demonstrate that no Groundwater Dependent Terrestrial Ecosystems will be impacted by the development. Further details on information that should be provided in the submitted EIA is included below.

Impacts on the water environment

The site layout should be designed to avoid engineering activities in the water environment wherever possible. The commitment to implement a 50m buffer to all watercourses is welcomed (as shown in Figure 6.1) to minimise the risk of potential impacts due to changes in runoff, sedimentation, or water quality.

It is acknowledged that foul and surface water drainage systems (including oil containment and separation systems) are to be developed and measures are to be implemented to prevent pollution during the construction phase. Table 2 of the SEPA triage framework: guidance for planning authorities and SEPA includes standing advice in relation to site drainage which recommend is referred to as the planning and design of the site is progressed.

Disruption to Groundwater Dependent Terrestrial Ecosystems (GWDTE)

GWDTE are protected under the Water Framework Directive. Excavations and other construction works can disrupt groundwater flow and impact on GWDTE. The layout and design of the development must avoid impacts on such areas. It is understood from Section 6.14 of the Scoping Report that based on ecology and hydrology surveys undertaken to date no GWDTE have been identified on the site. To avoid delay and potential objection these surveys must be included with the EIA / planning application to demonstrate adherence with SEPA Guidance on Assessing the Impacts of Development Proposals on GWDTE. In order to assess the potential risk to GWDTE, a Phase 1 habitat survey should be provided and if it is suspected that there may be relevant habitats on site, a National Vegetation Classification (NVC) survey will be required. It is noted that these are referenced in Section 8.19 as field surveys that are to be undertaken and incorporated into an Ecological Appraisal Report which will support the proposed development.

Groundwater abstractions

Based on the information gathered so far it is indicated that no private water supply or groundwater abstraction has been identified within 1km of the site. As acknowledged in Section 6.16, all existing groundwater abstractions must be outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. The EIA should contain sufficient information to demonstrate that this has been achieved.

Disturbance of peat

The Scoping Report is supported by a peat survey (included in Appendix C) which concludes the site contains no peat as shown by Figure 6.2. On that basis peat has been scoped out of the assessment. There are no concerns with this approach.

Impacts on the Red Moss SSSI / SAC

It should be noted that potential impacts on the nearby Red Moss Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI) may raise issues of national interest.

Paragraph 8.8 of the scoping report notes that Red Moss SAC and SSSI is located approximately 200m to the south of the proposed new substation at its closest point (on the opposite side of the B7078 road). The SAC is designated for its active raised bog habitat, as is the SSSI. The SAC's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, South Lanarkshire Council is required to consider the effect of the proposal on the SAC before it be consented (commonly known as Habitats Regulations Appraisal).

Paragraph 6.19 of the scoping report notes that potential effects associated with the construction and/or operation of the proposed development include pollution of surface water. Paragraphs 6.12 and 8.12 of the scoping report highlight watercourses on the development site that may be tributaries of the Black Burn. 1.5 At this stage, it is considered that it may be possible that the development could indirectly impact on the SAC and its conservation objectives as a result of potential adverse effects on the quality of water (through, for example, chemical pollution or increased siltation) in the Black Burn or its tributaries. The Black Burn flows through the SAC and is known to flood onto land within the protected area.

Paragraph 8.22 of the scoping report proposes that a 'shadow Habitats Regulations Appraisal Report' will be provided at application stage. It is expected that this will consider the impact on the active raised bog qualifying feature of Red Moss SAC.

At this stage it is noted measures that are being considered within the scoping report to help reduce the likelihood of surface water pollution, e.g.: - Paragraph 6.15 discusses that “Where possible a 50m buffer will be applied to all watercourses to minimise the risk of potential impacts due to changes in runoff, sedimentation, or water quality”; and - Paragraph 2.20 states that “Embedded mitigation can also include ‘standard’ practices and procedures, such as implementing a Construction Environmental Management Plan (CEMP) and use of good practice construction techniques”.

It is also worth acknowledging that Red Moss SSSI is protected for its raised bog habitat and covers the same area as the Red Moss SAC. All advice in relation to the SAC will therefore also apply to the SSSI.

Chapter 7: Noise and Vibration

The proposed approach to the assessment of likely significant effects on receptors sensitive to noise and vibration arising from the proposed development is noted. The legislation and guidance identified is acceptable and relevant to the development proposed.

Chapter 8: Topics proposed to be scoped out

Traffic and Transportation

Accessibility & Impact

Site Access

The proposed access off the B7078 will require to be formed as a standard bell mouth with a 7.3metre wide access and 10.5metre radii both sides. The first 15metres of this access shall be formed to adoptable road standards with a bituminous surface and be drained to prevent surface water discharging onto the B7078.

Any security gates should be located no less than 15metres from the nearside road channel line of the B7078 and open inwards.

Swept path analysis shall be submitted in support of a detailed planning application to demonstrate that the access configuration is adequately sized to accommodate abnormal load delivery. The applicant should note that any alterations required at Junction 13 to facilitate movement of the abnormal load will need to be discussed and agreed with Transport Scotland who own and maintain this motorway junction.

Traffic Impact

The scoping report states that any significant traffic impact would occur during the construction phase and estimates in the region of 30 vehicles per day which includes 12 HGVs. All laden HGVs should arrive via the M74 Junction 13 then travel northbound to the site, along the B7078. This routing would be captured within a Construction Phase Traffic Management Plan (CPTMP) and can be addressed by means of a suitably worded planning condition.

Notwithstanding the above comments, a transport statement will be required in support of a detailed planning application providing a breakdown of the construction vehicle movements by type (cars, vans, LGVs, HGVs and abnormals) per activity per month.

It is acknowledged that the electrical transformer will be classed as an abnormal load. Abnormal loads for this development shall be delivered via the M74 Junction 13 then travel northbound to

site along the B7078. An abnormal load route assessment will be required, and this should be submitted to the Council for written approval well in advance of any such loads being proposed for transportation to site.

There are six structures along the B7078 between Junction 13 and the proposed site entrance. It is recommended that the applicant seek early engagement with the Council's Bridges & Structures team to understand the full process and timescales for bridge assessments and sign-off. The Bridges & Structures Team Leader is Jamie Gray who can be contacted by email (james.gray@southlanarkshire.gov.uk).

It is noted that the nearby NCN74 cycle route travels west of the B7078, and is therefore unlikely to be affected by construction works for the sub-station site however it is acknowledged under paragraph 8.36 of the scoping report that consideration will be given to the NCN74 in the CPTMP.

Visibility

The site access shall be served by 9metre by 215metre visibility splays in both directions. As part of the detailed planning application the developer will need to provide a plan showing the full extent of the visibility splays and demonstrate that they can be achieved in the horizontal and vertical plane. Should the visibility splay cross third-party land then the applicant will need to demonstrate they have all necessary third-party land agreement(s) in place to enable the visibility splays to be implemented and thereafter maintained such that the splays can be maintained free of obstructions for the life of the access. If the required visibility splays cannot be achieved, then consideration may be given to requests for visibility splay reductions when justified by the findings of a continuous 7-day speed survey whereby survey equipment is deployed on each approach for which a reduction is being sought.

Road Safety Audit

The detailed planning application showing the proposed site access arrangement should be accompanied by a Stage 1 Road Safety Audit submitted alongside the designer's response. A separate Stage 2 Road Safety Audit and updated designer's response will be required as part of the later Section 56 application (see heading Statutory Approval/Agreements below).

Drainage

The Council's Developer Design Guidance: Flood Risk Assessments and Sustainable Drainage Systems (May 2020) highlights requirements in respect of Flood Risk Assessment and Drainage Strategy. The Council's Flood Risk Management team will be consulted as part of the future detailed planning application. As previously mentioned, any site access formed onto the public road shall be designed/formed to prevent surface water discharging from the site onto the B7078.

Statutory Approval/Agreements

The applicant will need to secure Section 56 Agreement with the Council, under terms of the Road (Scotland) Act 1984, for works on or adjacent to the public road to form the site access. This agreement shall be in place prior to any works commencing on site.

Construction Matters

Requirements for wheel wash facilities/road cleaning to prevent mud and debris being deposited onto the public road during the construction phase along with traffic management and road dilapidation survey arrangements can all be addressed by means of suitably worded planning conditions as part of the detailed planning application. The CPTMP shall include details of site car parking and underline that no vehicles shall park on the public road in the interests of road safety.

Conclusion

Overall, the scope of topics set out within the Scoping Report are considered acceptable by South Lanarkshire Council, subject to the incorporation of the chapter specific advice listed above.

It is again reiterated that this Scoping Response is a technical response in relation to the Scoping Opinion Request and the EIA Regulations and does not provide any advice on the planning merits or other of the proposals and therefore does not prejudice the outcome of any planning application that may be submitted.

Yours faithfully

Tony Finn
Planning and Performance Manager