

Energy Consents Unit
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Our Ref: 25/03311/S37
Your Ref: ECU00006008
Date: 30 October 2025

By email only to: Iain.Aitchison@gov.scot

Cc: Econsents_Admin@gov.scot

Dear Sir/Madam

SECTION 37 OF THE ELECTRICITY ACT 1989 (AS AMENDED)
EARRAN 37 DE ACHD AN DEALAIN 1989 (MAR ATHARRAICHTE)

APPLICATION FOR Spittal to Beaully 400 kV OHL - Install, operate and keep installed 173km of new 400 kV overhead electricity line, supported on steel lattice tower structures, between proposed new substations at Banniskirk (ND 15905 56823) in the area of Spittal, and Fanellan (NH 48534 43208) in the area of Beaully, with a connection via a proposed new substation at Carnaig (NH 65053 97458) near to the existing substation at Loch Buidhe, in the area of Bonar Bridge; associated permanent diversion works to 18km of existing 132 kV and 275 kV overhead electricity lines, including the temporary diversion works, and ancillary development and associated works.
AT Land 2430M SW Of Loch Buidhe, Bonar Bridge

The Highland Council was consulted by your office on the above Section 37 Application on 03 September 2025. This letter seeks to convey the response of The Highland Council within the target date of 07 November 2025.

Further to reporting Planning Officers ongoing assessment of the application to the chairs and vice chairs of both the North Planning applications Committee (NPAC) and the South Planning Applications Committee (SPAC), we can confirm that based on the submission made to date, the Council **RAISE OBJECTION** to the application for the following reasons:

Tackling the Climate and Nature Crises

1. The application does not comply with:

National Planning Framework 4 (2023)
Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 - Biodiversity
Policy 4 - Natural Places

Policy 5 - Soils
Policy 6 - Forestry, Woodland and Trees
Policy 7 - Historic Assets and Places
Policy 11 - Energy
Policy 14 - Design Quality and Place

Highland-wide Local Development Plan (2012)

Policy 28 - Sustainable Design
Policy 36 - Development in the Wider Countryside
Policy 51 - Trees and Development
Policy 52 - Principle of Development in Woodland
Policy 55 - Peat and Soils
Policy 57 - Natural, Built and Cultural Heritage
Policy 58 - Protected Species
Policy 59 - Other important Species
Policy 60 - Other Importance Habitats
Policy 61 - Landscape
Policy 69 - Electricity Transmission Infrastructure

In those circumstances, having regard to provisions of Schedule 9 Paragraph 3 (1) and (2) of the Electricity Act 1989 in the consideration of proposals for which consent under Section 37 is required, no or insufficient regard has been had to the desirability of conserving flora fauna and physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest and there has been a failure to take reasonable steps to mitigate the effects of the proposals thereon.

Note: General policy support for the proposed infrastructure, particularly as identified within NPF4 as a National Development (Strategic Renewable Electricity Generation and Transmission Infrastructure) is noted but does not provide unqualified support for the proposals.

Design, Landscape and Visual Impact

2. The development will have significantly detrimental landscape and visual impacts, including cumulative impacts with other OHLs, wind farms and other planned transmission infrastructure, owing to the routing, design and considerable scale of the proposal's steel lattice towers, above ground cabling, permanent and temporary construction track access requirements, and the sensitivity of landscape and visual receptors intersected by the application. Particular concerns include, but are not limited to:

(a) the following features affected by the application:

Section A: A9 crossing (Viewpoints (VPs) 12, 13, and 14);
Section A: Views to / from Scaraben (VPs 13, 17);
Section A: North West of Helmsdale, Marrel, Caen (VPs 25, 26, 27 and 28);
Section B: Loch Brora crossing (VPs 35, 36, and 37);
Section B: Fleet crossing (VPs 40 - 45);

Section C: Kyle of Sutherland, Carbisdale, Dornoch Firth National Scenic Area (VPs 47-53 and 56-59);
Section D: Ardross Castle and Garden and Designed Landscape (GDL) (VPs 61-65);
Section E: Strathpeffer-Contin-Fairburn GDL loop (VPs 74-86);
Section E: Aultgowrie, Muir of Ord (VPs 87 and 88);
Section E: Approach over the hills, Loch nam Bonnach and down to Fanellan (Tower S205-S232) (VPs 90-94);

(b) To the following receptors:

Relevant Special Landscape Areas (SLAs), and Landscape Character Types;
Visual receptors: primarily road users along key routes and at gateways, user of recreational routes, including on the hills, along river and at valley/firth crossings; and

(c) The impact on residential amenity, particularly within more populated areas, such as Section E.

The application is therefore contrary to National Planning Framework 4 Policy 11 Energy, Policy 4 Natural Places, and Highland-wide Local Development Plan Policy 69 Electricity Transmission Infrastructure, Policy 57 Natural, Built and Cultural Heritage and Policy 61 Landscape.

Further, having regard to Schedule 9 paragraph 3(2) of the Electricity Act 1989 the application fails to have any or any proper regard to the desirability of preserving natural beauty and does not reasonably mitigate the effect of the proposals on the natural beauty of the countryside.

Flow Country World Heritage Site

3. As assessed by NatureScot, in their consultation response dated 06 October 2025, the application is contrary to NPF4 Policy 4 part (a), NPF4 Policy 7 part (l), Highland-wide Local Development Plan Policy 69 Electricity Transmission Infrastructure, and Policy 57 Natural Built and Cultural Heritage in that it will lead to significant loss of peatland and bog habitat within the Flow Country World Heritage Site (WHS). The mitigation hierarchy does not apply as it is not possible to offset any impacts upon the WHS in terms of the qualities of its Outstanding Universal Value (OUV), which include the peatland and its ecosystem processes. Consequently, it is concluded that the location, type and scale of the development will have an unacceptable impact on the receiving environment and could not be avoided or mitigated.

Further, having regard to Schedule 9, paragraph 3(2) of the Electricity Act 1989 the application fails to have any or any proper regard to the desirability of preserving natural beauty of the countryside and does not reasonably mitigate the effect of the proposals.

Natural Heritage Designations

4. As assessed by NatureScot and RSPB Scotland, in their consultation responses dated 06 October 2025, the application will have an adverse effect on the integrity of a number of international designated sites including (but not limited to):

Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and Ramsar site, with the application affecting the integrity of these sites due to the loss of its qualifying habitat – blanket bog;

Caithness and Sutherland Peatlands Special Protection Area (SPA), with the application affecting the integrity of this site and its qualifying species – Common Scoter; and

Novar and Morangie Forest SPAs, with the application affecting the integrity of this site and its qualifying species – Capercaillie.

Furthermore, the proposed development will result in unavoidable adverse effects on Shielton Peatlands Site of Special Scientific Interest (SSSI), designated for its nationally important blanket bog habitat.

Moreover, there are concerns regarding the impacts to the following designated sites, but not limited to:

Berriedale and Langwell Waters SAC;

Mound Alderwoods SAC and Dornoch Firth and Loch Fleet Ramsar site (habitat only);

Caithness and Sutherland Peatlands SPA and Ramsar (avian interests only);

Dornoch Firth and Loch Fleet SPA and Ramsar (avian interests only);

Cromarty Firth SPA and Ramsar site;

Inner Moray Firth SPA and Ramsar site;

Glen Affric to Strathconon SPA;

East Caithness Cliffs SPA; and

Strath Carnaig and Strath Fleet Moors SPA.

Subject to further assessment it may be possible that such impacts could be suitably mitigated if secured by appropriate conditions.

The application is therefore contrary to National Planning Framework 4 Policy 11 Energy, Policy 4 Natural Places, and Highland-wide Local Development Plan Policy 69 Electricity Transmission Infrastructure, and Policy 57 Natural, Built and Cultural Heritage and 58 Protected Species.

Protected Species

5. The impacts that the proposed development will have on a number of protected species that lie outwith designated sites has not been adequately assessed by the applicant, and the mitigation proposed therefore does not adequately address these impacts, contrary to National Planning Framework 4 Policies 11 Energy and 4 Natural Places and Highland-wide Local Development Plan Policies 69 Electricity Transmission Infrastructure, 57 Natural, Built and Cultural Heritage and 58 Protected Species.

Habitats and Biodiversity

6. Biodiversity Net Gain (BNG) calculations in the EIAR state 689.86ha of non-irreplaceable habitats (i.e. habitats that are not blanket bog or ancient woodland) will be lost and that the baseline biodiversity units (BU) were 6,554.94 BU. Post-development biodiversity units are 2,997.92 BU, indicating a 54% net loss of biodiversity, with no further details of offsetting or enhancement included in the application. The application is therefore contrary to National Planning Framework 4

Policies 11 Energy and 3 Biodiversity and Highland-wide Local Development Plan Policy 69 Electricity Transmission Infrastructure.

Note: The applicant and the Council are at an advanced stage of concluding a Memorandum of Understanding (MoU) for the strategic delivery of offsite biodiversity to ensure 10% enhancement across all transmission projects in Highland which indicates that this objection may not be sustained.

Woodland

7. The application will have a detrimental impact on trees and woodland:

Loss of ancient woodland, adverse impact on native woodlands and fragmentation or severing of woodland habitats. The proposal results in 491.91ha of permanent woodland removal, of which 73.48ha is semi-natural broadleaved woodland and 12.23 ha is ancient woodland; and, in addition, a further 536.65 ha of management felling (commercial conifer woodland) will be required adjacent to the OC to mitigate the risk of windblow;

Insufficient proposals have been made to minimise woodland loss through the design and routing of the application; and

Insufficient proposals have been made to minimise woodland loss through restructuring from conifer to native species along the Operational Corridor (OC).

The application is contrary to National Planning Framework 4 Policies 6 Forestry, Woodland and Trees and 11 Energy, and Highland-wide Local Development Plan Policies 69 Electricity Transmission Infrastructure, 51 Trees and Development and 52 Principle of Development in Woodland.

Note: The area of Compensatory Planting (CP) is inadequate. The CP provision element of this reason for objection is capable of being resolved through agreement.

Soils

8. The application is contrary to National Planning Framework 4 Policies 11 Energy and 5 Soils and Highland-wide Local Development Plan Policies 69 Electricity Transmission Infrastructure and 55 Peat and Soils given the detrimental impact on blanket bog, peat and other carbon rich soils. Further insufficient restoration and enhancement measures have been proposed, and there is inadequate assessment of Public Road Improvements (PRIs) or associated laydown / working area - the extent, location and detail of which remains unspecified.

Roads, Transport and Access

9. Insufficient information has been presented in the Transport Assessment and the other supporting documentation to allow the impacts to be adequately assessed arising from the construction traffic and the public road improvements (PRIs) on the local road asset, Highland communities, businesses, visitors and on environmental receptors.

In particular concerns remain regarding granting deemed planning permission for Public Road Improvement (PRIs) along a length of around 170km, given its lack of clear identification within the

application. The only description given of the PRIs is 'road widening'. No dimensions for the required width have been identified. No Limit of Deviation or corridor for the PRIs has been identified (only for the private access tracks in each section). Without this information the assessment undertaken in within the EIA is inadequate and insufficient and cannot be relied on to give an accurate result.

Moreover, the application presents a high risk to the local road network and the Highland communities that rely on it for transport due to:

- Extra-ordinary high numbers of commercial vehicles needed during construction;
- Around 170km of public road affected by proposed road works;
- Around 121 bridges, 23 known culverts and 58 retaining walls affected by the proposed construction routes;
- The widespread nature of the access routes making it difficult to control construction traffic and limit damage (in contrast to windfarms where there is usually one main access route);
- The fragile nature of many of the rural local roads impacted; and
- Other cumulative major developments which may be constructed at the same time such as the substations for this OHL, other OHL and HVDC connections.

The application is therefore contrary to National Planning Framework 4 Policies 11 Energy and 18 Infrastructure First, and Highland-wide Local Development Plan Policies 69 Electricity Transmission Infrastructure, Policy 56 Travel and 28 Sustainable Design.

10. The route of this proposed development causes significant disruption and disturbance to numerous access path and tracks, including 78 Core Paths used by the public, and will have a detrimental effect on the enjoyment of many of these routes for a considerable period of time thereafter. The submitted Outdoor Access Management Plan does not acknowledge the significance of the statutory core path designation. Section 7(1) of the Land Reform (Scotland) Act 2003 makes clear that a core path cannot be prevented or restricted by these construction activities. There are a number of core paths which are not shown, but are within, the Tourism and Recreation Study Area. The full extent of core paths in the study area should be included in the Outdoor Access Management Plan. Any known public rights of way should also be included. The application is therefore contrary to NPF4 Policy 11 Energy and Highland-wide Local Development Plan Policy 77 Public Access.

Built and Cultural Heritage

11. The application will have significant adverse impacts on several built and cultural heritage features, including scheduled monuments, Garden and Designed Landscapes (GDLs) and listed buildings. The impacts on these features have not been adequately assessed within the EIAR and therefore any mitigation proposed does not adequately address these impacts. Reference is made to:
 - (a) HES objection, dated 06 October 2025, based on the application's impact on 28 scheduled monuments with the integrity of their setting being significantly affected; and
 - (b) The Historic Environment Team (Conservation) objection, dated 08 October 2025, to the application due to adverse impacts on the setting of 17 listed buildings, including but not

limited to, Carbisdale Castle, Ardross Castle, Castle Loud, Coul House Hotel, and Fairburn Tower, as well as direct impacts and setting impacts on the Fairburn GDL.

The application is therefore contrary to National Planning Framework 4 Policies 11 Energy and 7 Historic Assets and Places and Highland-wide Local Development Plan Policies 69 Electricity Transmission Infrastructure, 57 Natural, Built and Cultural Heritage and 28 Sustainable Design.

Residential Amenity

12. In view of the proposed 7 days a week working, exceedance of both the daytime and evening noise limits at numerous Noise Sensitive Receptors, and potential increased impact due to cumulative noise, local residents in the vicinity of the towers will experience little or no respite from construction noise. Construction activities will have a significant detrimental impact on the amenity of local residents.

The application is contrary to National Planning Framework 4 Policies 11 Energy and 23 Health and safety and Highland-wide Local Development Plan Policy 69 Electricity Transmission Infrastructure and 28 Sustainable Design.

Note: Environmental Health have recommended a suite of conditions to mitigate impacts, acceptance of which may resolve this objection.

Water and Drainage

13. As assessed by SEPA, in their consultation response dated 06 October 2025, should suitably worded conditions not be imposed, the application is contrary to National Planning Framework 4 Policies 11 Energy, 22 Flood Risk and Water Management, and 23 Health and Safety and Highland-wide Local Development Plan Policy 69 Electricity Transmission Infrastructure, 63 Water Environment, 64 Flood Risk, 71 Pollution, 73 Air Quality and 28 Sustainable Design having regard to potential impacts on areas at risk from flooding, private water supplies and water quality.

Note: SEPA have recommended a suite of conditions to mitigate impacts, acceptance of which may resolve this objection.

The Council reserves the right to withdraw any or all of these reasons for objection at a later date pending further detailed review of the proposal, whether as submitted, or, potentially, as revised.

Note on Energy and Economic Benefit

None of the reasons for objection are outweighed by the economic benefits of this development or the contribution the electricity transmission infrastructure will have towards the country's net zero targets.

Note on Consultations and External Advice Sought

A number of consultation responses have been received which have informed the reasons for the Council's objection. The responses from internal Council departments can be viewed online on the Council's ePlanning webpage at <https://wam.highland.gov.uk/wam> and searching using the reference number 25/03311/S37. The ECU and the applicant are encouraged to review and consider all Council internal

departmental consultee response received in full alongside this correspondence. The Council has also commissioned Ironside Farrar to provide the Council with professional Landscape and Visual advice, with their findings anticipated to be reported in December 2025. The Council's reasons for objection have also been informed through consultation responses and representations that can be viewed on the ECU application portal.

Further Procedure

Detailed assessment of the application will be presented within the Officers' Report on Handling that will be considered by elected members of both NPAC and SPAC. This may include more refined reasons for objection, as well as further reasons pertaining to planning policies of the Development Plan which have not been fully captured in the reasons for objection outlined above, as well as details of other material considerations pertinent to the determination of the application.

Once presented to a joint meeting of NPAC and SPAC, the detailed Report of Handling will be made available to the Energy Consents Unit by no later than seven days following committee. The minute of the meeting shall also be made available on the Council's website via the following weblink:

<https://www.highland.gov.uk/meetings>

Owing to there being a substantial number of priority grid applications pending consideration in Highland, in agreement with SSEN and recently discussed with lead officers at the ECU, the Council's service priority for the remainder of 2025 is on reporting the following national developments to committee:

Banniskirk – THC Ref. 24/04898/FUL

Fanellan - THC Ref. 25/00826/FUL

Carnaig - THC Ref. 24/05062/FUL

Bingally – THC Ref. 25/00592/FUL

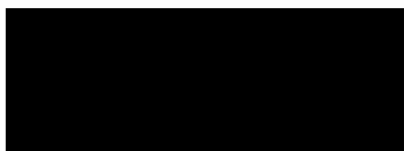
The Council has also concurrently been consulted on the Beaully to Peterhead 400 kV overhead line (THC Ref. 25/03986/S37) which also forms part of the suite of transmission projects which all have degrees of interdependency.

For the Spittal to Beaully project, we note from the ECU's consultation email that in the event that the Council raise objection, dates for Public Local Inquiry (PLI) proceedings would be for a PEM on 12 January 2026, ahead of an intended PLI beginning 20 April 2026. **These dates are not anticipated to be achievable** given the complexity of matters raised by this application, in the context of its related project infrastructure consenting requirements, and associated service demands this places on the host Planning Authority.

It is therefore advised that PLI proceedings **do not commence** until the applicant has had an opportunity to review the consultee comments received, engages further to seek to address concerns raised through amendments to the application / re-design or withdrawal. In the absence of this, the Council intends to report the application to committee in Q1 2026, however, the earliest date possible is anticipated to be mid-late February, beyond the scheduled PEM date.

Should you require further information or clarification on any of the above, please do not hesitate to contact the undersigned.

Yours Sincerely



Peter Wheelan
Strategic Projects Team Leader