



---

**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
21 MAY 2019**

**SUBJECT: ELECTRICITY ACT 1989 (AS AMENDED) SECTION 37  
CONSULTATION FOR THE PROPOSED NORTH EAST 400KV  
OVERHEAD LINE REINFORCEMENT BETWEEN  
BLACKHILLOCK, PETERHEAD AND KINTORE ELECTRICITY  
SUBSTATIONS, AND RECONFIGURATION OF THE OVERHEAD  
LINE AT KEITH FOR SCOTTISH HYDRO ELECTRIC  
TRANSMISSION PLC**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,  
PLANNING & INFRASTRUCTURE)**

## **1. REASON FOR REPORT**

- 1.1 This report asks the Committee to consider a proposed response to a consultation request from the Scottish Government Energy Consents Unit (SGECU) regarding a Section 37 application and accompanying Environmental Impact Assessment Report (EIAR) for consent to construct and operate a 400 kilovolt overhead line (OHL) reinforcement between Blackhillock, Peterhead and Kintore substations, and reconfigure a section of the existing OHL on the outskirts of Keith.
- 1.2 This report is submitted to Committee in terms of Section III (D) (1) of the Council's Scheme of Administration relating to exercising the functions of the Council as Planning Authority.

## **2. RECOMMENDATION**

### **2.1 It is recommended that the Committee:-**

- i) consider and note the contents of this report including the conclusions made regarding the planning merits of the development, as detailed in Section 3;**
- ii) agree that, where taking into account the Moray Local Development Plan (MLDP) 2015 and all relevant material considerations Moray Council raises no objection to the Section 37 application, subject to the conditions set out in Appendix 1 of the report; and**

- iii) **instruct the Head of Development Services to advise the Energy Consents Unit of the decision of this Committee.**

### **3. BACKGROUND**

- 3.1 Scottish Hydro Electric Transmission (SHE Transmission), as owner and operator of the transmission network is proposing to reinforce the existing transmission network in the north-east area of Scotland by increasing the transmission capacity of the existing overhead line from 275 to 400 kilovolts between Blackhillock, Peterhead and Kintore substations, and reconfiguring the OHL on the outskirts of Keith (see location plan in **Appendix 2**). These works are required to accommodate a planned significant increase in electricity generation capacity in the north-east area of Scotland, which will come from offshore/onshore windfarms, a new undersea cable connecting Scotland and Norway and an increase in Peterhead Power Station's electricity output. The proposal, involving provision of part of a 'High Voltage Energy Transmission Network' would be a 'national development' as identified in National Planning Framework 3 (NPF3).
- 3.2 The transmission capacity of the proposed overhead line means that it is subject to the requirement for an application for consent under Section 37 of the 1989 Electricity Act (together with a request for a direction that planning permission be deemed to be granted under Section 57 (2) of the Town and Country Planning (Scotland) Act 1997 to be determined by Scottish Ministers.
- 3.3 The proposal requires to be considered under the terms of the 1989 Act, in particular Schedule 9 duties, which require Scottish Ministers to have regard to various environmental and cultural heritage matters when considering proposals. These duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be, and therefore the approach required in this case is fundamentally different to the conventional approach for planning decisions under Section 25 of the 1997 Act. As such, the Development Plan has no primacy in determining an application for electricity consent under the 1989 Act, although development policies are still relevant to understanding the local context, the generic duties under Schedule 9 and are also material considerations in the decision-making process. In this case the relevant local planning policies are those contained in the adopted Moray Local Plan 2015 (MLDP). On 18 December 2018, at a special meeting of this Committee, the Proposed Plan was approved as the "settled view" of the Council and minimal weight will be given to the Proposed Plan at this point in time, with the 2015 MLDP being the primary consideration.
- 3.4 The proposal is classified as Schedule 1 development under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (construction or change/extension of an overhead transmission line with a voltage of 220kV or more and a length of more than 15 km) and is supported by an Environmental Impact Assessment Report (EIAR). The submitted report has been informed by a scoping process, consultation with statutory and non-statutory consultees and a formal Scoping Opinion issued by the

Scottish Ministers, setting out the matters to be taken into account in assessing the environmental effects of the development. This has also included taking account of comments and concerns raised at several public exhibitions events.

- 3.5 The EIAR comprises of four volumes, Volume 1: The Non- Technical Summary, Volume 2: The Written Statement, Volume 3: Figures and Volume 4: The Technical Appendices. The scope of the proposed works (including construction programme and information on environmental management, practices/phasing and traffic) is fully described in Chapter 3, Volume 2. The works would involve replacement of insulators and conductors to the existing steel lattice towers across approximately 106 kilometres of OHL. These new fixtures and fittings would look similar to the existing, with the exception of slightly longer insulators. It is not proposed to alter or replace the existing towers themselves, but some may require minor works to reinforce their structure or strengthen their foundations. In addition, the proposed development includes diverting a short section of the overhead line to bypass the Keith substation and connect directly to Blackhillock substation to the south. This would involve taking down seven existing towers and erecting four new towers of similar size (3 suspension and 1 angle/tension tower) and connecting the existing overhead line into the Blackhillock substation which would include removal of two further towers. The provisional heights for the new towers would be 44.5m, 50 and 54.9m high, however this could vary depending on local ground conditions and therefore a vertical limit of deviation (LOD) is sought to allow a height increase of up to 20%. The towers would also be subject to a proposed 50m horizontal limit of deviation either side of the proposed alignment to allow for micro-siting. Existing foundations would be broken up to approximately one metre below ground level, and all materials would be removed from site.
- 3.6 Associated works required to facilitate construction and operation work would include vegetation clearance, tower access route upgrades, the formation of temporary site compounds and measures to protect road, rail and water crossings and erection of a temporary mast. A single main compound area along with smaller sub yards will be required; the locations of these would be confirmed by the Principle Contractor at a later date and may be subject to further planning consent. Existing tracks would be used where possible for construction access. Metal and plastic roadway panels would be used where there are no tracks, and for the construction of the new towers at Keith, temporary stone tracks would be required. Upon completion of works vehicles and machinery would be removed from all sites, the construction compounds would be cleared and removed, temporary tracks would be taken away and the ground restored to its previous condition. The works are anticipated to be carried out between April 2021 and October 2023, subject to the necessary approvals being granted.
- 3.7 An accompanying Planning Statement provides an assessment of the proposed development against relevant national and local planning and energy policies and any other material considerations. This draws support for the proposal from both national (Scottish Planning Policy and National Planning Framework 3) and local planning policies (which include both the Moray Local Development Plan (MLDP) 2015 and the Emerging Moray Local

Development Plan 2020), as it will deliver vital grid infrastructure reinforcement and has been designed and mitigated to ensure that there are no unacceptable adverse impacts on natural, built and heritage resources.

- 3.8 The EIAR assesses the likely significant effects of the proposed development on a range of environmental issues (Chapters 6-13 of the EIAR, Volume 2 refers). These include visual; ecology; ornithology; cultural heritage; hydrology, hydrogeology, geology and soils; electric and magnetic field effects; electromagnetic interference effects; and noise and vibration. The report concludes that subject to implementation of SHE Transmission's good practice and working control measures, as well as identified site-specific mitigation measures outlined in each of the chapters of the EIAR, the proposed development is not considered likely to give rise to any significant effects. The assessment of these effects and their relationship with the relevant policies of the MLDP 2015 is discussed below.
- 3.9 **Visual:** Chapter 6 of the EIAR assesses the visual impact of the proposed development upon visual receptors, including local residents or those using nearby paths or roads. An assessment on landscape character was scoped out of the assessment as no significant effects are anticipated. For the existing OHL there would be no material change to the appearance of the existing overhead line as the conductors, insulators and associated fittings will be visually similar to the existing. The exception to this is the reconfiguration of the OHL on the outskirts of Keith. The Visual Impact Assessment focussed on this element and concludes that whilst there would likely be some significant adverse visual effects during construction which would be short term and limited to the immediate area, once construction is complete there would be beneficial visual effects in the immediate area due to the overall reduction of towers and their movement further from the main settlement.
- 3.10 In terms of related MLDP 2015 policies, ED7 Rural Business Proposals supports proposals for economic development where they meet policy criteria and fit into the environment. Policies E9 Settlement Boundaries and E10 Countryside Around Towns (CAT), applicable in this case as the reconfiguration lies within the Keith CAT, and immediately outwith the settlement boundary seek to prevent urban sprawl and to maintain a clear distinction between the built up area and the countryside. Policy IMP1 requires any development to be sensitively sited, designed and serviced, and integrated into the surrounding landscape. From the above assessment and considerations, the proposed development which would result in a reduction of towers at Keith and minimal changes to the overall appearance of the overhead line is considered acceptable in visual impact and landscape character terms, and would accord with the siting and design requirements of policies ED7, IMP1, E9 and E10 of the MLDP 2015.
- 3.11 **Ecology:** Chapter 7 of the EIAR assesses how the proposal may affect sensitive habitats or protected species. This includes an ecological assessment informed by baseline data on designated sites within the vicinity of the site and wider surrounding area, field surveys and a study area of land within 250m of the proposed development. Habitat types within the study area, temporarily disturbed as a result of the works, were identified as being of low/very low ecological value (intensively farmed agricultural land, semi-

improved/unimproved grasslands and marshes, and shelterbelt and commercial plantation). Areas of permanent habitat loss associated with the four new tower foundations for the Keith OHL reconfiguration are in areas of very low value (improved and semi-improved grassland). With the exception of the Mill of Wood Site of Scientific Interest, (which lies 280m south of the nearest towers 6 and 7 on the opposite site of the Burn of Drum), there are no other statutory designated sites present within 1km of the OHL and proposed tracks. Due to the short-term and localised nature of works and lack of connectivity with the SSSI and the wider Study Area, the EIAR predicts no impacts on these designated sites subject to appropriate mitigation. Protected species surveys have recorded signs of badger, otter, pine marten, red squirrel and bat species, with locations of recorded signs and shelters outlined within the report. Mitigation measures are proposed to minimise potential effects during construction; these include adherence to best practice construction methods as detailed in a project Construction Environmental Management Plan (CEMP), pre-construction checks to update the ecological baseline, identification of protected species shelter locations prior to commencement of construction, and the employment of an Ecological Clerk of Works (ECoW) to provide environmental guidance and monitoring during the construction phase. Subject to this mitigation the EIAR predicts no significant effects on protected species.

- 3.12 MLDP 2015 Policies E1 Natura 2000 Sites and National Nature Conservation Sites, E2 Local Nature Conservation Sites and Biodiversity and Policy E3 Protected Species seek to protect designated sites and protected species from inappropriate development, and where required species surveys and proposals for mitigation to address impacts. From the above considerations and subject to adoption of the above mitigation measures, the proposal is not considered to result in unacceptable significant adverse effects on ecological interests, and would accord with policies E1, E2 and E3. A condition covering implementation of these measures shall be recommended to the Energy Consents Unit (ECU). In this regard it is noted that Scottish Natural Heritage has also provided a consultation response to the ECU advising that it is in agreement with the assessment and provided this mitigation is implemented and covered by condition there should be no adverse impacts on protected species or habitats.
- 3.13 **Ornithology:** Chapter 8 of the EIAR considers how the Proposed Development may affect bird species, protected or of conservation concern. This is informed by an ornithology assessment, baseline data on bird species within the vicinity of the proposal, including information on sites designated for nature conservation and species records and breeding bird surveys where new infrastructure is proposed at the Keith reconfiguration. The Report highlights that all statutory designated sites noted for ornithological features are located over 1km from the proposed development, the nearest being the Corsmeual and Tom Mor Special Protection Area (SPA) 9.5km to the south, and that given the short term and localised nature of the works and lack of connectivity (i.e. the direct link between a development and a designated site resulting from its species foraging or moving through a development site) with the study area, no impacts on these sites are predicted. Additionally, no qualifying species of the SPAs were recorded during the field surveys for the Keith reconfiguration. The report concludes that given the relatively small-

scale nature of the works to replace the insulators and conductors and limited construction work required, it is anticipated that the proposal will have no significant effects once the embedded mitigation (which includes a suite of mitigation measures and measures specific to ornithological interests) as outlined in the report is applied.

- 3.14 MLDP 2015 Policies E1 Natura 2000 Sites and National Nature Conservation Sites and Policy E3 Protected Species seek to protect designated sites and their interests and protected species from inappropriate development. Subject to adoption of the mitigation measures as outlined, the proposal is not considered to result in unacceptable significant adverse effects on ornithological interests, and would meet policies E1 and E3. Scottish Natural Heritage has provided similar comments in its consultation response to the ECU.
- 3.15 **Cultural heritage:** Chapter 9 of the EIAR considers the potential effect of the proposed development on archaeology and built heritage. Given the limited and temporary nature of the proposed works this identifies no significant impacts on the setting of cultural assets, subject to adoption of appropriate mitigation measures. The chapter includes a desk-based assessment of known cultural heritage assets within the vicinity of the potential effects to inform a Cultural Heritage Management Plan (CHMP). This management plan and associated appendix contain a table listing all known heritage features within 200m of the OHL and tower access routes, a note of potential impacts and mitigation and avoidance measures to be employed, where considered necessary. These measures include watching briefs to monitor ground-breaking works where necessary and where proposed access routes either cross or pass alongside identified heritage assets, and other positive actions to avoid heritage assets. For the Keith reconfiguration the plan confirms that there are no scheduled Monuments or listed buildings within 200m of the proposed new towers and that there are no heritage assets with statutory or non-statutory designations in the vicinity of these works that may have their settings affected.
- 3.16 MLDP Policy BE1 Scheduled Monuments and National Designations protect scheduled ancient monuments and nationally important archaeological sites from development; and sets criteria to assess any significant impact on locally important archaeological sites. Policy BE2 Listed Buildings protects listed buildings from proposals which would have a harmful impact on their character, integrity or setting and Policy BE5 Battlefields, Gardens and Designed Landscapes rejects proposals which would adversely impact on these designations unless the overall character reasons for designation would not be compromised; or where the impacts could be mitigated and are outweighed by benefits of the proposal. From the above considerations and subject to adoption of the mitigation measures, the proposal would not cause unacceptable significant adverse effects on built heritage (archaeological and cultural) interests and would accord with development plan policies BE1, BE2 and BE5. Following consultation, the Aberdeenshire Archaeology Service has confirmed that it is happy with the proposed mitigation outlined in the Cultural Heritage chapter of the Report and associated Appendix. It has further recommended that a condition be attached requiring submission/approval of

an archaeological written scheme of investigation and a programme of archaeological works.

- 3.17 **Hydrology, hydrogeology, geology and soils:** Chapter 10 of the EIAR considers how the proposal is likely to affect the soil and water environments and has been informed by information drawn from numerous sources, a site visit and data requests to SEPA and Moray and Aberdeenshire Councils. This predicts that with the implementation of best practice mitigation measures, no significant effects are likely to arise on the soil or water environments local to the site.
- 3.18 **Soils and geology:** The report identifies that soils and geology below the development are not of rarity value or sensitive, and that there are no locations afforded protected or designated status within 250m of the proposal. Earthworks will be limited to those for the foundations for the new towers and stripping of topsoil for temporary stone access tracks. With careful management of soils and adoption of best practices identified in the Report (such as avoiding working during heavy rain and ensuring all temporary tracks are removed once works are complete) soil value would not be impaired.
- 3.19 **Surface water and groundwater quality:** In order to minimise the potential for contamination of ground and surface waters, the development would be undertaken in accordance with the Applicant's General Environmental Management Plans (GEMPs), relevant technical guidelines, SEPA PPG/GPP's and other codes of best practice. In addition, a site-specific Construction Environmental Management Plan (CEMP) is to be prepared by the Principal Contractor and include a surface water and groundwater quality management plan. With these safeguards in place no significant adverse effects are anticipated.
- 3.20 **Flood risk:** Flood risk is considered in report which notes that the OHL passes over discrete areas of floodplain associated with larger watercourses and isolated areas of surface water flooding. As part of the detailed design the locations for the construction compounds, access routes and a detailed method statement to be prepared by the principal contractor will take account of areas of known and potential flood risk. For the Keith reconfiguration the report confirms that the new towers would not be located within the 1 in 1000 year (low risk) fluvial or pluvial floodplain, which lies to the south. No new watercourse crossings or upgrades to existing crossings are currently anticipated to facilitate construction access, however in the event that any new or upgraded access is required, the design and capacity of these would be agreed with SEPA as part of the detailed site design. A schedule of watercourse crossings and construction method statements is to be specified in the CEMP. With these measures in place the Report concludes that significant adverse effects on flood risk are assessed as negligible.
- 3.21 **Private water supplies:** The report notes that 198 private water supplies have been identified within 250m of the existing OHL and construction access routes. The majority of these supplies would not be affected as most towers will be accessed by existing tracks or via temporary panels, and with applicant's good practice and working control measures this would serve to prevent any adverse effects. For the Keith reconfiguration potential effects

upon private water supplies within 250m of excavations associated with the new and dismantled towers and new temporary access routes have been subject to a specific risk assessment. Within the vicinity of the towers, all properties are supplied by mains water with the exception of the properties at Drum and Ardiemannoch. For these properties, the spring is sufficiently remote and to the south of the Burn of Drum from the proposed towers so as not to be at risk. It is noted that the water supply pipe to the properties at Drum passes below the OHL and may require to be protected during construction works, which is to be detailed in the CEMP. The Report also recognises that foundation reinforcement works may be required at other existing towers along the OHL routes, where engineering studies indicate that existing foundations are not strong enough to support the conductors; if this occurs a Private Water Supply risk assessment will be undertaken prior to works and, if a supply is identified within 250m of the development, suitable mitigation measures will be confirmed and implemented. This assessment would be included within the site specific CEMP and submitted to Moray and Aberdeenshire Councils and SEPA. Subject to these safeguards being implemented no significant adverse effects are identified.

- 3.22 **Designated sites:** The Report notes that there are no designated sites which are dependent on water within 5 km of the proposed development. With adoption of good practice and working control measures it is considered that any effects on such sites will be avoided.
- 3.23 MLDP Policy EP4 Private Water Supplies seeks to ensure provision of safe water supplies and protection of existing supplies. Policy EP5 Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS) requires surface water from development to be dealt with in a sustainable manner and Policy EP6 Waterbodies to ensure that development is designed to avoid adverse impacts upon the water environment. Policy EP7 Control of Development in Flood Risk Areas directs development away from areas at risk of flooding or where it would materially increase the possibility of flooding elsewhere. Policy EP8 Pollution only supports proposals which demonstrate no (or mitigated) pollution control (noise, air, water and light emissions). Provided the mitigation and safeguarding measures as identified are adopted, no significant adverse effects on soils, geology and the water environment are likely to occur and the proposal would accord with the abovementioned development plan policies. Following consultation, the Flood Risk Management Section has raised no objection to the proposal on flood risk grounds. The Environmental Health Private Water Section has raised no objection subject to a condition requiring submission/approval a private water supply risk assessment for pylon replacement works and proposed mitigation measures related to road construction across water supply pipe routes, to be covered in the Construction Environmental Management Plan.
- 3.24 **Electric and magnetic field effects:** Chapter 11 of the EIAR addresses effects relating to electric and magnetic fields (EMF) which are produced by the overhead line due to carrying an electric current. Although there are no statutory regulations to limit exposure to these fields, guidelines endorsed by the UK Government set out exposure levels to be adhered to. The assessment of the electric and magnetic fields sets the electric and magnetic field strengths which would exist at and near the overhead line following the



increase of its operational voltage to 400 kV. This concludes that exposure levels to both field types are below the levels set in the guidelines, and therefore no significant effects would occur. No mitigation measures are considered necessary.

- 3.25 **Electromagnetic interference:** Chapter 12 of the EIAR addresses effects relating to electromagnetic interference (EMI) which can be caused by conductors. The assessment of these effects considers the increase in interference levels likely to arise from the proposed upgrading of the voltage on the OHL to 400kV compared with the existing conductors. This predicts that several properties in close proximity to the OHL may experience interference to medium and long wave (AM) radio signals; however, FM radio, digital radios and televisions would not be affected. Given the predicted decline in radio stations transmitting on AM frequencies and increasing use of alternative broadcasting media, together with the widespread use of mobile phone use and extensive mobile network coverage across the UK, the overall impact is not considered to be significant.
- 3.26 **Noise and vibration:** Chapter 13 of the EIAR considers the effects of the Proposed Development in relation to operational noise from the live conductors on the OHL. (Construction noise and vibration were scoped out of the EIA as these effects will be short term and intermittent and can be controlled through implementation of a noise and vibration management plan, to be developed as part of the CEMP). An assessment of OHL noise has been carried out in accordance with current guidelines and considered the potential noise effects that may arise at noise sensitive receptors within 100m of the OHL route. This concludes that during dry conditions, noise from the conductors would be very low and not readily noticeable. During wet weather conditions, the line would produce more noise, however factors such as the increase in background noise produced by rainfall and the lower noise levels inside a building compared with outside areas, would either mask or reduce the noise from the overhead line to acceptable levels. On this basis the report concludes that the adverse effect of the OHL is not likely to be significant.
- 3.27 MLDP Policy EP8 requires developments that may cause pollution (i.e. noise) to be subject to assessment and demonstrate how this can be appropriately mitigated. The Environmental Health Section has reviewed the operational noise aspects of the development and has raised no objection to the proposal, and that in order to minimise impact on the local amenity during the construction phase, a suitably worded condition be imposed requiring provision and implementation of a Construction Environmental Management Plan (CEMP), as highlighted the EIA Report. From the above and subject to the condition as recommended, the proposal is not considered to result in unacceptable significant adverse effects on noise including effects on the amenity of any nearby noise sensitive receptors and would accord with relevant development plan policy.
- 3.28 For resources, Forestry has been scoped out of the Environmental Impact Assessment as construction effects on areas of commercial forestry and other trees within the Study Area (land within 250m of the OHL) are anticipated to be minimal. The Proposed Development will not require the extension of existing, or creation of new operational wayleave corridors through any areas

of commercial forestry. The EIAR notes that there is no requirement to undertake tree felling for the reinforcement works and woodland habitats within the Study Area are unlikely to be impacted. If any trees are required to be felled during construction, the Report confirms that these will be checked by a licensed bat worker.

- 3.29 In terms of cumulative effects and how the proposed reinforcement works are likely to interact with other similar nearby developments, these are considered in each of the chapters of EIAR. No significant cumulative effects are identified.
- 3.30 Taking into account the above matters and relevant policies of the MLDP 2015, it is considered that the Proposed Development would be in accordance with the development plan, subject to the conditions as recommended. The proposal mainly utilises the existing towers, and the extent of environmental effects will be limited and will occur during the temporary construction phase. The Keith reconfiguration will reduce the number of towers and result in some beneficial visual effects.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Facilitate sustainable economic growth.

**(b) Policy and Legal**

The applications are made for consent under Section 37 of the Electricity Act 1989 to Scottish Government. If consented, planning permission is deemed to be granted for the development. For planning purposes, proposals require to be determined in accordance with the development plan unless material considerations indicate otherwise. If granted by Scottish Government, the responsibility for the discharge of (planning) conditions attached to the formal decision to grant consent will pass to Moray Council.

**(c) Financial implications**

If Moray Council determines to object to the proposal, a Public Inquiry would be arranged by Scottish Government. The Moray Council would be expected to attend and participate in the Inquiry process, including any pre-inquiry arrangements with resultant costs, including Officer, Legal Representation and Consultant costs where required/appropriate.

**(d) Risk Implications**

If the Council decide not to respond within the agreed period (15 July 2019) it would be open to Scottish Government to proceed and determine the application.

If deciding to object, the outcome of any Public Inquiry held to consider this proposed development is uncertain: it might uphold and support the Council's decision to object, but equally the objection could be dismissed and consent granted for the development. Given the officer recommendation it should be noted that an appointed member of this

Committee would be required to present the Council's position at the Inquiry.

**(e) Staffing Implications**

In the event of a Public Local Inquiry, should an objection be raised, staff time and resources (Planning and Legal Officers) will be required for preparation and attendance at any Inquiry, along with the appointed member.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

None.

**(h) Consultations**

The Corporate Director (Economic Development Planning & Infrastructure), the Heads of Development Services, the Development Management and Building Standards Manager, the Legal Services Manager, the Equal Opportunities Officer, Gary Templeton (Principal Planning Officer), the Environmental Health Manager, the Transportation Manager, the Consultancy Manager and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

**5. CONCLUSION**

**5.1 The planning merits have been considered relative to the policies of the Moray Local Development Plan 2015 policy and relevant material considerations. Officers are satisfied that the Proposed Development complies with MLDP 2015 policies and has been designed and mitigated to ensure that there are no unacceptable adverse impacts on natural, built and cultural heritage resources, and will avoid significant adverse impacts on the environment.**

**5.2 As such, in responding to the request for consultation, it would be appropriate for Moray Council to advise the Scottish Government that it wishes to raise NO OBJECTION to the proposed reinforcement of the existing 275kV overhead line to enable operation at 400kV and reconfiguration of the overhead line at Keith, subject to the conditions identified being applied to the Section 37 application.**

Author of Report: Richard Smith, Principal Planning Officer

Background Papers: N/A

Ref: 19/000244/S37ECU