

The Beauly Denny restoration – the role of the Scottish Government

Description



Beauly Denny restoration across A9 from A889 just north of Dalwhinnie. Meall Chuaich left background 1/5/17.

In my last post on the Beauly Denny restoration ([see here](#)), I referred to the apparent contradictory views on who is responsible for ensuring the land is properly restored to its original condition, a requirement of the planning consent for the powerline granted by the Scottish Government. The restoration of much of the ground in the Cairngorms National Park falls well short of what we should

expect in a National Park (see photos).

A Scottish Government official had told me the Cairngorms National Park Authority is responsible for enforcing the planning condition while an officer of the CNPA had told the North East Mountain Trust that they thought the Scottish Government is responsible. I am grateful to the reader who draw my attention to the Guidance from the Scottish Government Energy Consents and Deployment Unit (ECDU) on this topic ([see here](#)).

Ostensibly the Scottish Government official was right. The Guidance states:

ECDU, in consultation with the relevant Planning Authority, SEPA and SNH, who will all be asked to provide regular reports to ECDU, will monitor the performance of applicants in complying with the above conditions. The discharge, compliance and enforcement of deemed planning conditions is overseen by the relevant planning authority.

While there are complexities to the legal position of which is the planning authority in this case, the CNPA not having full planning powers, in practice the CNPA rather than Highland Council has taken the lead on the Beaulieu Denny (to its credit) so I think it is clear it is responsible for enforcing the planning conditions.

The problem however is the Guidance makes it clear that the Scottish Government is responsible for monitoring compliance with the planning conditions. It's difficult to see how legally CNPA could start taking enforcement action unless the Scottish Government accepted this was needed: Scottish and Southern Electric as developer could probably block any enforcement action in court on the basis that there was no evidence that the Scottish Government as the official monitoring body was concerned about the quality of the "restoration".

So what is the position of the Scottish Government on the quality of the restoration?



Next pylon south from that in top photo showing poor “restoration” around the tower and along the track. In the distance some of the landscape impact is reduced because of the large areas of muirburn but is likely to become more prominent as summer progresses.

From what I have been able to ascertain from a Freedom of Information request to the CNPA, the Scottish Government is doing very little to monitor critically the performance of SSE. While I might be wrong about this – I have not for example asked the SG yet for the information they hold on this – what appears to be happening is the SG are meeting SSE without SNH and CNPA present. Indeed CNPA were kept so far out the loop that in July 2015 the liaison process had to be explained to them by SSE [150729BDUpdateMeetingNote](#).

This is important because the CNPA has been raising serious concerns about the standard of the restoration. First, the then convener of the CNPA Duncan Bryden wrote to SSE outlining their serious

concerns after a Board visit to the site [250615trackrestorationSSE](#):

Despite a long period of period of pre planning and preparation it does not appear to the CNPA that the methods used are commensurate with National Park sensitivities (including Natura 2000 designations), nor the high- profile nature of the works, immediately adjacent to and often highly visible from the A9, Highland main line, National Cycle Route 7 and surrounding Munros. For example, the original vegetation and turfs have not been removed and stored in such a way as to facilitate regeneration and there has been significant soil compaction and mixing of soil horizons.

These concerns were reinforced by CNPA officers at the meeting in July when the asked some SSE some crucial questions:

*Why, given that certain activities had been planned, had they not then been implemented?
Why, given that this was always known to be a challenging and high profile site, and that work was going on at present were the plans for re-vegetation/restoration not at more advanced stage?*

The response from SSE, which claims to a company with aspirations to being green and socially responsible, avoids the issues [250615trackrestorationSSE Mr D Bryden CNPA Response 26 August 2015](#):

Two main issues were raised during the meeting. These included:

- Concerns in relation to soil separation and storage during access track construction;
- Concerns about achieving appropriate restoration in areas that may prove to be challenging to restore or reinstate.

Having reviewed matters with the project team, there have been isolated issues surrounding the separation and storage of soils. Upon investigation there were various factors which contributed towards us not being able to achieve the separation of soils and storage of vegetation that we would have wanted and contributing factors included the fact that in most instances, there were thin layers or indeed lack of top soils to separate. In addition, in some sites, our contractors were working in confined and geographically challenging working areas.

As you will appreciate, there is always the requirement to adhere to Health and Safety and Operational requirements and balancing that with environmental requirements was sometimes difficult.

I acknowledge that our planning and coordination for approaching areas of concern, in relation to restoration and reinstatement, could be improved through more effective communication with key stakeholders.

On balance, I believe we have approached the Beaully-Denny with consideration and have been very successful in fulfilling agreed conditions and standards as detailed in the Construction Procedures Handbook. The Beaully-Denny project has been audited continuously by independent environmental consultants over the past four years.

The photographic evidence in my view contradicts the claim by SSE that “there have been isolated issues surrounding the separation and storage of soils” and that the whole project has been very successful. The Scottish Government needs to test the corporate governance speak against what can be seen on the ground.



Travelling down the A9 on 1st May I took photos of almost every tower you can see from the road. The condition of soils and vegetation is not hard to see as with this pylon south of North Drumochter Lodge

While I have not yet been able to work out the numbers of all the pylons, in the monitoring produced in October 2016 SSE states that for almost all pylons on this section of line “Re-instatement of the soils is to an acceptable standard”. The photos I believe show otherwise and that the CNPA was completely right to raise concerns.

What needs to happen

What's not in the public realm at present (as far as I have been able to ascertain) is whether the CNPA's concerns have been submitted to the Scottish Government, and if so what the Scottish Government's response has been. What is needed is join up between the Scottish Government's ECDU and the CNPA and SNH. While a first step would be joint monitoring meetings, I think there also needs to be a joint approach to remedying what has gone wrong.

Meantime, at the end of April there was some good news about the impact of the Beaully Denny on the landscape in the National Park ([see here](#)). The pylons between Aviemore and Kingussie, including those that blight the extension to the Speyside Way ([see here](#)), are being removed. Although the CNPA did not manage to block the Beaully Denny they did achieve removal of these powerlines as a compensatory measure. The challenge now for the CNPA (and for landscape campaigners) is not to allow the Scottish Government to treat that welcome "compensatory improvement" as sufficient and the Beaully Denny as job done while burying their heads in the new soils that have been created at Drumochter.

Category

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Tags

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Date Created

May 12, 2017

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