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Inveralmond House  
200 Dunkeld Road  
Perth  
PH1 3AQ

23 February 2024

Our Reference: ECU00004490  
Your Reference: 220505

Dear Mr Agnew,

**CONSENT UNDER SECTION 37 OF THE ELECTRICITY ACT 1989 AND DIRECTION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 THAT PLANNING PERMISSION BE DEEMED TO BE GRANTED TO INSTALL AND KEEP INSTALLED APPROXIMATELY 58KM OF 132KV OVERHEAD LINE LOCATED WITHIN THE PLANNING AUTHORITY AREA OF COMHAIRLE NAN EILEAN SIAR (“CnES”)**

### **Application**

1. I refer to the application (“Application”) made on 9 November 2022 under section 37 of the Electricity Act 1989 (“the Electricity Act”) by Scottish Hydro Electric Transmission PLC, a company incorporated under the Companies Acts with Company Number by SC213461, and having its registered office at Inveralmond House, 200 Dunkeld Road, Perth PH1 3AQ (“the Company”) to install and keep installed approximately 58 km of overhead line (“OHL”) supported by Trident H poles (the “proposed Development”).

2. The proposed Development is located between the existing Harris grid supply point, approximately 6km south of Tarbert, and the existing Stornoway Substation approximately 3km south of Stornoway on Lewis, within the planning authority area of CnES.

3. **This letter contains the Scottish Ministers’ decision to grant Section 37 consent for the proposed Development as described at Annex 1.**

## **Planning Permission**

4. In terms of section 57(2) of the Town and Country Planning (Scotland) Act 1997, the Scottish Ministers, may on granting consent under section 37 of the Electricity Act 1989 direct that that planning permission is deemed to be granted in respect of the overhead lines and ancillary developments.

**5. This letter contains the Scottish Ministers' direction that planning permission is deemed to be granted.**

## **Background**

6. At over 30 years old, the existing 132 kV OHL is coming to the end of its operational life and requires to be replaced to ensure efficient electricity supplies are maintained. The replacement would include a fibre-optic cable, meeting the requirements of modern communication, protection and operation of the circuit and increasing network resilience. There would further be a reduction in the requirement of diesel generation in the Western Isles due to unplanned outages. The proposed Development would replace the existing single pole trident OHL which varies in height from 10m to 16m, with average height being 12m.

7. The proposed Development comprises approximately 58km of 132kV OHL supported by Trident H poles to a maximum height of 18 m above ground level, with a typical average pole height of 10.5m above ground level, and ancillary development including:

- vegetation clearance;
- upgrade existing or establishment of new junction bellmouths;
- establishment of temporary access (for the construction of the OHL); and
- dismantling of the existing OHL asset.

8. The proposed Development crosses the Lewis Peatlands Special Protected Area ("SPA") and is located close to the Lewis Peatlands Special Area of Conservation ("SAC"). The proposed Development further overlaps the northern part of the South Lewis, Harris and North Uist National Scenic Area ("NSA").

## **Legislation**

9. Under paragraph 2(1) of Schedule 8 to the Electricity Act, the relevant Planning Authority CnES in this case, is required to be notified in respect of a section 37 consent application, and Scottish Ministers notified CnES on 30 November 2022.

10. In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the EIA Regulations"), the Company submitted an Environmental Impact Assessment report ("the EIA report") in support of the Application describing the proposed Development and giving an analysis of its environmental effects.

11. To comply with the EIA Regulations, in addition to CnES, Scottish Ministers consulted Scottish Natural Heritage, acting under its operating name NatureScot, the Scottish Environment Protection Agency (“SEPA”) and Historic Environment Scotland (“HES”) as well as other public bodies that Ministers considered are likely to have an interest in the proposed Development by reason of their specific environmental responsibilities or local or regional competencies.

12. In accordance with requirements of both the Electricity (Applications for Consent) Regulations 1990 (the “Consents Regulations”) and the EIA Regulations, a notice of the proposed Development was published on the Company’s website and advertised in local and national press. The Application was made available in the public domain, and the opportunity given for those wishing to make representations to do so.

13. The Scottish Ministers have had regard to the matters set out in Schedule 9 of the Electricity Act in respect of the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest.

14. The Scottish Ministers are satisfied that the EIA report has been produced in accordance with the EIA Regulations. The Scottish Ministers have assessed the environmental impacts of the proposed Development and taken the environmental information into consideration in reaching their decision.

15. The Scottish Ministers consider that there is sufficient information to be satisfied that the Company has had regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna, and geological and physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest. The Scottish Ministers are also satisfied that the Company has avoided so far as is possible causing injury to fisheries or to the stock of fish in any waters.

16. The Scottish Ministers are satisfied that the Company has done what it reasonably can to mitigate any effect, which the proposals would have on the natural beauty of the countryside, or any such flora, fauna, features, sites, buildings or objects.

17. The Scottish Ministers have had regard to the requirements regarding publicity and consultation laid down in the Consents Regulations, EIA Regulations, and are satisfied the general public as well as statutory and other consultees have been afforded the opportunity to consider and make representations on the proposed Development.

### **Conservation of Habitats and Species Regulations**

18. The Conservation of Habitats and Species Regulations 2017 and the Conservation (Natural Habitats, &c.) Regulations 1994 (“the Habitats Regulations”) require Scottish Ministers to consider whether the proposed Development would be likely to have a significant effect on a European site or European offshore marine site

(either alone or in combination with other plans or projects), as defined in the Habitats Regulations.

### Lewis Peatland SPA

19. The proposed Development runs through part of the Lewis Peatland SPA classified for its qualifying interests: red-throated diver; black-throated diver; golden eagle; merlin; golden plover; dunlin and; greenshank. The status of the SPA means that the requirement of the Habitats Regulations apply. Consequently, Scottish Ministers are required to consider the effect of the proposed Development on the SPA by carrying out a Habitats Regulation Appraisal (“HRA”).

20. NatureScot advise that the proposed development is likely to have a significant effect on the qualifying interests of the SPA. This is because of potential for disturbance during construction to Golden Eagles and Merlin, and potential from collision risk to Golden Eagle, Merlin, Black-throated diver and Red-throated diver. Accordingly Scottish Ministers are required to carry out an appropriate assessment in view of the site’s conservation objectives.

21. The appropriate assessment concluded, following advice from NatureScot, that the proposed Development alone and in combination with other projects or proposals that could have impacts on the on the Lewis Peatland SPA, will not adversely affect the integrity of the SPA subject to mitigation measures that require a Species Protection Plan, an Environmental Management Plan, and which include the use of bird deflectors within the higher strike risk areas, and which include ensuring works do not take place between 1 March and 31 July, unless the company find that breeding has not been successful at the sites.

22. The Scottish Ministers have attached conditions within Annex 2, which secure the above mitigation. The appropriate assessment is provided in Annex 4 of this letter.

### Lewis Peatland SAC

23. The proposed development also runs close to but does not cross the eastern side of the Lewis Peatlands Special Area of Conservation (“SAC”), which is classified for its qualifying interests: blanket bog; depressions on peat substrates; otter; acid peat-stained lochs; wet heathland with cross-leaved heath and; clear-water lochs. NatureScot advised the Scottish Ministers that the proposed Development is not likely to have a significant effect on the qualifying interests of the SAC, either directly or indirectly, and as such an appropriate assessment is not required for this SAC.

### Consultation Responses

24. A summary of the consultation responses is provided below, and the full responses are available on the Energy Consents Unit website [www.energyconsents.scot](http://www.energyconsents.scot). No objections were received from consultees.

25. **The Planning Authority, CnES** raised no objection, noting that the proposed development is identified as a National Development within NPF4, and the

development would support the security and energy supply enhancing the electricity grid infrastructure which would reduce the need for diesel backup generation.

26. They state that whilst there shall be a long term significant adverse residual effect as a result from loss of woodland until the replacement replanting has been established, no unacceptable environmental effects have been identified subject to the proposed mitigation measures. They consider that on balance the impact of tree removal with the inclusion of compensatory planting is outweighed by the benefits of the need for the Development.

27. CnES acknowledge that there will be significant cumulative effects in terms of habitat loss on blanket bog and wet heath when considered in the context of other energy developments. However the effects on this habitat when the effects of the proposed Development are taken in isolation are deemed to be not significant. CnES further note that the implementation of mitigation proposed in the EIA report, including peatland restoration, could reduce the potential impact and compensate for the loss of habitat by providing better quality blanket bog in the medium to long term.

28. They consider the development to be acceptable in terms of natural heritage, landscape, ecology, ornithology, hydrology, geology and soils, traffic and transport effects.

29. CnES Council recommended the inclusion of planning conditions including the development being undertaken in accordance with the application and approved plans, the submission and agreement of the final OHL pole design, agreed traffic and transport plans, environmental management and protection, ecology, peat, trees and woodland, limit of deviation and micro-siting, private water supplies, archaeology, habitat management, species and ornithology protection and hours of construction. .

30. The Scottish Ministers have attached conditions within Annex 2, which give effect to the Planning Authorities recommendations.

31. **HES** raised no objection, stating that they agree with the findings of the Company that there shall be a negligible adverse impact to the setting of the scheduled monument Druim Dubh stone circle. HES conclude the development does not raise any issues of national significance for their interests.

32. **NatureScot** raised no objection. They provided comment on protected areas, ornithology, habitat survey and peat, ecology and seascape, landscape and visual amenity.

33. NatureScot agree with the Ornithological section within the EIA report that there will be no significant effects on ornithology arising from the proposed Development if the mitigation within the application is adhered to, including Species Protection Plans ("SPP"), a General Environmental Management Plan ("GEMP"), and line marking along key sections of the route.

34. They state they are also in agreement with the EIA report conclusion on Habitat Survey and Peat that there shall be no significant impact on peat and associated habitats including blanket bog with the mitigation applied as stated within the EIA

report including peatland restoration, Construction Environmental Management Plan (“CEMP”) and Peat Management Plan (“PMP”).

35. NatureScot are satisfied there shall be no significant impact on protected species with the adherence of NatureScot advice and site specific SPP’s. They would welcome the opportunity to be consulted further on the SPP’s as required.

36. NatureScot advised on conditions relating to site specific mitigation to protect the Lewis Peatland SPA including bird deflectors within the higher strike risk areas and ensuring works do not take place between 1 March and 31 July, unless the company find that breeding has not been successful at the sites.

37. On seascape, landscape and visual amenity they highlight the development overlaps the northern part of the South Lewis, Harris and North Uist NSA’ with particular sections of the development likely to have minor impacts on the landscape and visual effects of the NSA. They would welcome discussions and to advise further should any opportunity for mitigation of these impacts be identified. They generally agree with the findings of the EIA report and the landscape impact will be understood in the context of existing lines running parallel with this proposal.

38. **SEPA** raised no objection. SEPA provided advice on supporting infrastructure, impacts on peat and carbon rich soils, the water environment (including wetlands) and pollution prevention and environmental management. On peat they acknowledged that much of the development will be located in areas where peat is present with some areas in the north being surveyed up to over 5 m in depth.

SEPA advised on conditions in relating to lower impact access solutions and environmental management (including peat, habitat and water management). Scottish Ministers have given consideration to the comments made by SEPA and have attached conditions within Annex 2, which give effect to their recommendations.

39. **Outer Hebrides Fisheries Trust** raised no objection stating that the best time of year to carry out works for this development would be between the months of June to September in order to avoid sensitive times on migratory fish, including Trout and Salmon. They further request that the company follow the SEPA good practice guide for construction methods.

40. **RSPB** raised no objection. RSPB provided detailed comments on Ornithology and habitat management. They noted that the proposed Development runs through an area with one of the highest number of breeding eagles and divers within the UK. They welcome the mitigation proposed within the EIA report of the installation of bird deflectors at certain locations but suggest this could be extended to other high risk stretches of the OHL. They further suggest a restriction in timing for works being carried out including use of helicopters within the most sensitive sections of the OHL and consideration to be given to undergrounding the sections running through the Lewis and Peatlands SPA and Ramsar site as well as at Balallan.

41. **Scottish Water** raised no objection. Scottish Water state their records show there is live infrastructure in the proximity of the development location that may impact on Scottish Water assets and on this basis the company must engage with Scottish

Water for an appraisal of the proposals. Should any potential conflict with assets be identified restrictions on proximity of construction will apply and written permission must be obtained prior to commencement of works in their infrastructure area.

### **Internal Consultee responses**

42. **Marine Scotland Science (“MSS”)** did not object. MSS recommended that potential impacts on fish should be considered within the Construction Environmental Management Plan and mitigation measures to minimise impacts on watercourses and fish should be secured through appropriately worded planning conditions. The Scottish Ministers have attached conditions within Annex 2, which give effect to MSS’s recommendations.

43. **Scottish Forestry** did not object. Scottish Forestry acknowledges 13.3 ha of afforested area will be lost across 4 separate woodland areas and agrees to the company’s compensatory planting commitment of 13.3 ha.

44. Scottish Forestry note that there shall be an additional 6.2 ha of woodland to be felled out with the operational corridor area in Aline Community Woodland which is subject to Forestry and Land Management (Scotland) Act 2018 and a such there shall be a requirement for felling permission to be granted by Scottish Forestry before the commencement of such tree felling.

45. The Scottish Ministers have attached a condition within Annex 2, which give effect to Scottish Forestry’s recommendations.

46. Other consultees that provided no objection are as follows: Transport Scotland, The Coal Authority, Highlands and Islands Airports Limited, Ministry of Defence, Mountaineering Scotland, National Grid, NATS Safeguarding and Scotways.

47. Consultees who did not respond to the consultation are as follows: British Horse Society, Civil Aviation Authority, Defence Infrastructure Organisation, District Salmon Fishery Board, Fisheries Management Scotland, John Muir Trust, Scottish Wildlife Trust, Scottish Wildland Group, Visit Scotland, West of Scotland Archaeology Service, North Lochs Community Council, Stornoway Community Council, Kinloch Community Council and North Harris Community Council.

### **Representations**

48. The Scottish Ministers received no public representations, either in support or objecting to the application.

### **Public Inquiry**

49. In accordance with paragraph 2(2) of Schedule 8 of the Electricity Act 1989, where the relevant Planning Authority objects to an application and the objection is not withdrawn, the Scottish Ministers shall cause a public inquiry to be held. The Planning Authority did not object to the application and no other objections have been received. Scottish Ministers are satisfied there is sufficient information to be able to make an

informed decision on the Application and that it would not be appropriate to hold a public inquiry.

## **The Scottish Ministers' Considerations**

### **Main determining Issues**

50. Having considered the Application, the EIA report, responses from consultees, and Scottish Government policies, Ministers consider that the main determining issues are:

- the environmental impacts of the proposed Development;
- the contribution the proposed Development will make to realising the wider benefits of renewable electricity generation connection to the national grid;
- the extent to which the proposed Development accords with and is supported by Scottish Government policies.

These issues are considered in turn below.

### **Assessment of the Determining Issues**

#### **Environmental Matters**

51. In consideration of the proposed development the Scottish Ministers have reviewed the EIA report and the consultee responses.

52. The proposed Development is a replacement for the existing 132 kV OHL which would follow a similar routing corridor. Following energisation of the proposed Development the existing OHL shall then be decommissioned with the infrastructure removed and the ground restored as per the reinstatement and restoration plan. Following the completion of this decommissioning the proposed Development shall be left to run adjacent to the existing 11 and 33 kV OHLs resulting in the same number of OHLs currently found consistent with the current baseline. It is acknowledged that there would be an increased Landscape and Visual impact for a period of time following completion of the construction phase of the proposed Development and before the decommissioning is complete on the existing 132 kV OHL being replaced. The Scottish Ministers are satisfied and content with the information contained within chapter 6 of the EIAR for the Seascape, Landscape Visual Impact Assessment ("SLVIA") and the responses from both the Planning Authority and NatureScot. Scottish Ministers are content that consideration has been given to the most sensitive landscape and visual receptors during the routing stage, as such any impacts have been minimised. Following the decommissioning of the existing 132 kV OHL there are no significant landscape impacts predicted.

53. The company has assessed the potential impact on cultural heritage in the EIAR. The proposed Development has the potential to disturb or destroy features of cultural heritage interest and that there is a moderate potential for archaeological remains to be buried in areas of the site. The company have proposed a range of mitigation measures including an archaeological watching brief and the appointment of an Archaeological Clerk of Works ("ACoW") which has been conditioned within this



consent. The routing of the proposed Development was influenced by the presence of the scheduled monument Druim Dubh stone circle (SM 5504) in order to reduce any impacts on the setting of this scheduled monument. The EIAR concludes the proposed Development would have an adverse impact of negligible significance on the setting of this monument. Both HES and the Comhairle Archaeology Service are content with these findings.

54. There is anticipated to be approximately 13.3 ha of woodland lost across 4 separate areas in context with the proposed Development application. Compensatory planting shall be carried out by the company ensuring no net loss of woodland as a result of the proposed Development in line with the Scottish Government Policy on Control of Woodland Removal, which has been included as a condition within this consent. It is acknowledged that a long term residual adverse effect would remain until the compensatory woodland areas have been fully established.

55. The proposed Development enters within an area of the Lewis Peatland SPA. The Scottish Ministers appropriate assessment has considered the development in context of the Habitat Regulations with the Appropriate Assessment attached within Annex 4. The Appropriate Assessment concludes with the implementation of mitigation, Scottish Ministers are content the proposed Development will not adversely affect the integrity of the SPA.

56. The Scottish Ministers conclude that, subject to committed mitigation measures and measures imposed by conditions, the residual impacts of the proposed Development, relating to Landscape and Visual Impact, cultural heritage, ecology and ornithology are acceptable in the context of the proposed Development.

57. The benefits of the proposed Development are the replacement of the existing 132 kV OHL infrastructure, which is in suboptimal condition risking outages. The proposed Development will assist in security of supply as well as contributing to a reduction of greenhouse gas emissions, by reducing the requirement for diesel generation due to unplanned outages. The proposed Development would also result in improved network resilience and facilitation of the growth of renewable energy on the Western Isles.

### **Local Development Plan (“LDP”)**

58. CnES considered the proposed Development against the terms of the development plan, comprised of the Outer Hebrides Local Development Plan 2018 and National Planning Framework 4. CnES noted that the proposed Development is in the public interest, stating further that it would support the security of energy supply and enhancement of the electricity grid infrastructure, and that it would reduce the use of carbon through reducing the reliance on diesel back up generation during failures. CnES acknowledge that there would be long term residual effects arising from woodland removal, and in cumulation with other development there would be effects on blanket bog and wet heath.

59. CnES concluded that with implementation of mitigation committed to in the EIA report as well as that secured by conditions, the proposed Development is in

accordance with the development plan. Scottish Ministers agree with the conclusions of CnES.

### **The Scottish Government Policy Context**

#### **Scottish Energy Strategy: The future of energy in Scotland (“the Energy Strategy”) Draft Scottish Energy Strategy and Just Transition Plan 2023**

60. The Energy Strategy states that “Scotland should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of our homes and businesses as our energy transition takes place”. It adds that “Scotland needs a balanced and secure electricity supply. That means a system and a range of technologies which provide sufficient generation and interconnection to meet demand. It means an electricity network which is resilient and sufficiently secure against any fluctuations or interruptions to supply”.

61. The proposed Development will provide the resilience necessary to maintain secure and reliable supplies of energy to homes and businesses as our energy transition takes place. Scottish Ministers conclude that the proposed Development is supported by the Energy Strategy. The Draft Scottish Energy Strategy and Just Transition Plan 2023 signals that strong support from the Scottish Government for upgraded transmission infrastructure remains.

#### **National Planning Framework 4**

62. National Planning Framework 4 (NPF4) sets out Scottish Ministers’ policies and proposals for the development and use of land. It plays a key role in supporting the delivery of Scotland’s national outcomes and the United Nations Sustainable Development Goals. Part 1 of NPF4 sets out a Spatial Strategy for Scotland to 2045 and identifies developments of national importance to help deliver that strategy. The need for Strategic Electricity Transmission Infrastructure, of which this development is an example, is established therein.

63. Part 2 sets out National Planning Policy. NPF4 should be read as a whole, and the weight given to the policies therein decided on a case-by-case basis. The greatest weight in consideration of the proposed Development on the context of NPF4 is afforded to Energy policy. The policy establishes an intent to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This description includes new and replacement transmission and distribution infrastructure. The desired outcome is the expansion of renewable, low carbon and zero emissions technologies. The Proposed Development are enabling works in this regard and will facilitate the transmission of electricity across Scotland and the islands and improve security of supply. The replacement overhead line will also reduce greenhouse gas emissions due to reduced reliance on backup diesel generation being used due to unplanned outages. The proposed Development has sought to mitigate impacts on the environment as far as is reasonably possible.

64. The Scottish Ministers conclude that the proposed Development is supported by NPF4 when read as a whole.

## **The Scottish Ministers' Conclusions**

### **Reasoned Conclusions on the Environment**

65. The Scottish Ministers conclude that there will be some significant residual environmental effects due to the loss of habitat arising from proposed woodland removal. Taken together with consented and operational development the loss of blanket bog and health could result in significant cumulative effects, although the effect of habitat loss for the proposed Development in isolation is not significant. All other potential significant effects are subject to proposed committed mitigation measures, which are set out in the EIA report (main report), or otherwise subject to mitigation which is secured by conditions of this consent and deemed planning permission, and which when implemented will reduce other effects to non-significant levels. Scottish Ministers are satisfied that this reasoned conclusion is up to date.

### **Acceptability of the proposed Development**

66. Scotland faces a real challenge in building an electricity grid which will allow Scotland to harvest and export its vast resources of clean energy. The Scottish Ministers recognise that to achieve the dual aims of maintaining a resilient electricity network for businesses and consumers and enabling renewable ambitions to be realised, the need for grid reinforcement is greater than ever. The installation, and the keeping installed, of the proposed OHL would allow the Company to comply with its statutory duty to develop and maintain an efficient, coordinated, and economical system of electricity distribution.

67. Scotland's energy policies and planning policies are all material considerations when weighing up the proposed Development. NPF4 make it clear that low carbon energy deployment, maintaining security of electricity supply, and electricity system resilience remain a priority of the Scottish Government. These are matters which should be afforded significant weight in favour of the proposed Development. The Scottish Ministers conclude, for the reasons set out above, that the proposed Development is supported by Scottish Government policies.

68. The proposed Development has been considered by the relevant Planning Authority against their LDP, and against national policies and they consider it to be acceptable subject to conditions to mitigate the effects on the environment and the amenity of the area. The Scottish Ministers concur that the proposed Development would not give rise to unacceptable environmental effects, and that it can be undertaken in a manner that does not adversely affect natural, built or cultural heritage interests subject to the conditions.

69. The Scottish Ministers have taken into account the Application, the EIA Report as well as consultee responses, and consider that the effects of the proposed Development are acceptable subject to the implementation of mitigation measures which are secured as conditions at Annex 2.

### **The Scottish Ministers' Determination**

70. Subject to the conditions set out in **Annex 2 – Part 1**, the Scottish Ministers **grant consent** under section 37 of the Electricity Act 1989 to install and keep installed above ground the overhead electric line (as described in **Annex 1**).

71. Subject to the conditions set out in **Annex 2 – Part 2**, the Scottish Ministers direct that **planning permission is deemed to be granted** under section 57(2) of the Town and Country Planning (Scotland) Act 1997 in respect of the Development described in **Annex 1**.

72. The consent may, at any time after the expiry of a period of six months from the date of the consent, be varied or revoked by the Scottish Ministers under section 37 (3)(b) of the Act.

### **Section 37 consent and expiry of Planning Permission**

73. The consent hereby granted will last for a period of 40 years from the earlier of:

- (1) the date of final energisation of electric lines consented forming part of the Development; or;
- (2) The date falling four years from the date of Commencement of the Development.

74. Section 58(1)(a) of the Town and Country Planning (Scotland) Act 1997 requires where planning permission is deemed to be granted, that it must be granted subject to a condition that the permission will expire if has not begun within a period of 3 years. Section 58(1)(b) of that Act enables the Scottish Ministers to specify that a longer period is allowed before planning permission will lapse. Scottish Government policy is that due to the constraints, scale and complexity of constructing such developments, a 5-year time scale for the commencement of development is appropriate.

75. The Scottish Ministers consider that 3 years is not to apply with regard to the planning permission granted above, and that planning permission is to lapse on the expiry of a period of 5 years from the date of this direction, unless the development to which the permission relates is begun before the expiry of that period. A condition has been imposed stating that development must be begun within 5 years beginning with the date on which the permission is deemed to be granted and if development has not begun at the expiration of that period, the planning permission will lapse in terms of section 58(3) of the 1997 Act.

76. In accordance with the EIA Regulations, the Company must publicise notice of this determination and how a copy of this decision letter may be inspected on the application website, in the Edinburgh Gazette and a newspaper circulating in the locality in which the land to which the application relates is situated.

77. Copies of this letter have been sent to the public bodies consulted on the Application including the relevant Planning Authority (CnES Council), NatureScot, SEPA and HES. This letter has also been published on the Scottish Government Energy Consents website at [www.energyconsents.scot](http://www.energyconsents.scot).

78. The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts:

<https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/court-of-session/chap58.pdf?sfvrsn=12>

79. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours faithfully

*Pp: Lee Stirrat*

**For Alan Brogan**  
**A member of the staff of the Scottish Ministers**

Annex 1 – Description of Development  
Annex 2 – Section 37 and Deemed Planning Conditions  
Annex 3 – Site Layout Plan  
Annex 4 – Appropriate Assessment

## **Annex 1**

### **Description of Development**

The Development comprises the installation of 58 kilometres of overhead electric line and ancillary development.

The principal components of the OHL and ancillary development comprise:

- 58km of 132kV OHL supported on Trident H poles (to a maximum height of 18 m);
- ancillary development including:
  - vegetation clearance;
  - upgrade existing or establishment of new junction bellmouths;
  - establishment of temporary access (for the construction of the OHL); and
  - dismantling of the existing OHL asset

Located between OS grid reference: NG 1350 9425 and NB 4019 3234 between Harris grid supply point near Tarbert and the existing Stornoway Substation.

All as more particularly described in the Application made to the Scottish Ministers by the Company on 9 November 2022, and as shown on plans comprising Annex 3 to this decision letter.

## **Annex 2**

### **Part 1**

#### **CONDITIONS**

##### **Conditions attached to Section 37 Consent**

###### **1. Commencement of development**

- (1) The Commencement of the Development shall be no later than five years from the date of this consent, or in substitution, such other period as the Scottish Ministers may hereafter direct in writing.
- (2) Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

***Reason:** To avoid uncertainty and ensure that the consent is implemented within a reasonable period and to allow the Planning Authority and Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.*

###### **2. Non-assignment**

- (1) This consent shall not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment, with or without conditions.
- (2) The Company shall notify the Planning Authority and Scottish Ministers in writing of the name of the assignee, principal named contact and contact details within fourteen days of the consent being assigned.

***Reason:** To safeguard the obligations of the consent if transferred to another company.*

###### **3. Serious Incident Reporting**

- (1) In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent, written notification of the nature and timing of the incident shall be submitted to the Scottish Ministers within twenty-four hours of the incident occurring, including confirmation of remedial measures taken and/or to be taken to rectify the breach.

***Reason:** To keep the Scottish Ministers informed of any such incidents which may be in the public interest.*

###### **4. Notification of Date of Final Energisation**

- (1) Written confirmation of the Date of Final Energisation shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.

**Reason:** *To allow the Planning Authority and Scottish Ministers to record when energisation of the line has taken place and comply with other conditions.*

## **5. Woodland Planting Strategy**

- (1) The overhead line hereby approved shall not be energised unless and until a Woodland Planting Strategy has been submitted to and approved in writing by the Scottish Ministers, in consultation with Scottish Forestry and the Planning Authority.
- (2) The Woodland Planting Strategy shall set out an approach for the replanting of an area of an appropriate scale to compensate for any felled areas cleared by the Company as a result of the Development, Any replanting shall take place within the Planning Authority area. The approach must consider opportunities for the required planting to be delivered in partnership with community and not for profit organisations.
- (3) The approved Woodland Planting Strategy shall then be implemented in full, unless otherwise agreed in writing by the Scottish Ministers.

**Reason:** *To protect Scotland's woodland resource, in accordance with the Scottish Government's policy on the Control of Woodland Removal.*



## **Annex 2**

### **Part 2**

#### **Conditions Attached to Deemed Planning Permission**

##### **6. Implementation in accordance with approved plans and requirements of the section 37 consent**

- (1) Except as otherwise required by the terms of the section 37 consent and deemed planning permission, the Development hereby approved shall be undertaken in accordance with the Application and other documentation lodged in support of the application. For avoidance of doubt this includes any recommended or proposed measure to avoid, minimise or offset any identified potential impact of the Development which is committed to or recommended in the Application and its constituent assessments.

*Reason: to ensure that the Development is carried out in accordance with the approved details.*

##### **7. Commencement of development**

- (1) The development must be begun not later than the expiration of 5 years beginning with the date of this permission.
- (2) Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

*Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997.*

##### **8. Decommissioning Scheme**

- (1) In the event that the line, after the Date of Final Energisation, fails to transmit electricity for a continuous period of 1 year a Decommissioning Scheme shall be submitted to for the further approval in writing by the relevant Planning Authority. The scheme shall include details about the removal of all elements of the Development, relevant access tracks and all cabling, including where necessary details of:
  - a) justification for retention of any relevant elements of the Development;
  - b) the treatment of disturbed ground surfaces;
  - c) management and timing of the works;
  - d) environmental management provisions, including species protection plans;
  - e) the removal of all components of the line from the site for recycling or disposal and;

- f) all in accordance with the relevant legislative requirements and published best practice at time of decommissioning, unless a subsequently amended scheme is submitted to and agreed in writing by the relevant Planning Authority.
- (2) Thereafter the scheme shall be implemented in accordance with the approved details and timetable.

**Reason:** *To ensure that should the line no longer be required that an appropriate mechanism is in place for decommissioning of the Development*

## **9. Design of overhead line poles**

- (1) No development shall commence unless and until full details of the finish and colour of the poles, including H-poles in a wood and in steel, and any other design of pole to be installed, have been submitted to and approved in writing by the Planning Authority.

**Reason:** *To ensure that the visual impacts of the development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.*

## **10. Traffic and Transport Access Location for Approval**

- (1) No development shall commence unless and until details of the following access locations are submitted for the written approval of the Planning Authority in conjunction with the Roads Authority.
- a) Sheet D - The access to be provided to pole 107 and pole 112, near Cul na h-airde, Ardhasiag
  - b) Sheet G – The proposed access to Pole 237, Cleit Aird (extreme gradient)
  - c) Sheet I – The proposed access to Pole 327 at Aline Forest
  - d) Sheet O – The proposed access to Pole 549 at Soval Lodge (not existing/steep gradient)
  - e) Sheet P – The proposed access to Pole 569 between Soval Bends and Doctors Surgery (not existing)

- (2) No development shall commence until the details have been approved in writing by the Planning Authority. The development shall thereafter be carried out only in accordance with the approved details, unless agreed otherwise in writing by the Planning Authority.

**Reason:** *In the interests of road safety.*

## **11. Construction Traffic Management Plan (“CTMP”)**

- (1) At least two months prior to the Commencement of the Development to which this planning permission relates, a CTMP, shall be submitted for the approval of the Planning Authority. The CTMP shall include (but not limited to):
- a) A detailed route for the transportation of all abnormal loads including the transport of materials, components or heavy plant cranes required in relation to construction works
  - b) the type of vehicles to be employed in materials and plant transportation
  - c) the capacity of junctions along the route(s) for manoeuvring and turning
  - d) a pre-construction public road condition survey by an independent specialist organisation on all those roads likely to be affected by the development
  - e) a programme including frequency of similar condition surveys by the same independent specialist for the duration of the development construction
  - f) arrangements to ensure that any damage to the road infrastructure as a result of the works is repaired
  - g) detailed plans of temporary and permanent access junction intersections with the public highway along the A859, which shall be designed and constructed in accordance with the access detail Drawing 22/00532 by Comhairle nan Eilean Siar – Roads
  - h) measures to maintain associated visibility splays for the duration of the works
  - i) details for the routeing of all HGV traffic associated with the development on the local road network including for the delivery of poles and cables and other construction materials and plant; also HGV traffic associated with the removal of trees
  - j) measures to ensure that the specified routes are adhered to, including monitoring procedures
  - k) details of all signage and lining arrangements to be put in place
  - l) provisions for emergency vehicle access
  - m) identification of a nominated person to whom any road safety issues can be referred
  - n) the provision of suitable off-road parking for site workers
  - o) details of the provision of alternative routes for people using paths and tracks or the provision of a banksman to control access to same during all construction phases
  - p) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network
  - q) measures for the protection of buried services.
  - r) measures to prevent surface water from flowing onto the public road during construction
  - s) measures to ensure all construction vehicle drivers have regard for the presence of cyclists and walkers; to ensure liaison with organisers of recreational facilities; to ensure timing of deliveries take into account the avoiding of peak traffic periods and, to ensure the enforcement of appropriate speed limits.

- (2) No development shall commence until the CTMP has been approved in writing by the Planning Authority. The development shall thereafter be carried out in accordance with the approved CTMP unless agreed otherwise in writing by the Planning Authority.

**Reason:** *To minimise interference and maintain the safety and free flow of traffic on as a result of the traffic moving to and from the development.*

## **12. Construction Works Within 10m of Public Road**

- (1) At least two months prior to the Commencement of the Development to which this planning permission relates, finalised details of the positioning of poles and any other works within 10 metres distance from any section of the public highway, and management measures specific to such works, shall be submitted to and approved in writing by the Planning Authority in conjunction with the Roads Authority. The approved details shall then be implemented to the satisfaction of the Planning Authority.

**Reason:** *In the interest of road safety*

## **13. Decommissioning Traffic Management Plan**

- (1) No later than three months prior to the commencement of decommissioning of the existing 132kv line, a detailed Decommissioning Traffic Management Plan for the downtaking and removal of the existing 132kv overhead line shall be submitted to the Planning Authority, for approval. The Decommissioning Traffic Management Plan shall include details of those measures set out in (a) to (s) in Condition 11 above and the decommissioning of the existing overhead line shall be carried out in strict accordance with the Decommissioning Traffic Management Plan, as approved.

**Reason:** *To minimise interference and maintain the safety and free flow of traffic on as a result of the traffic moving to and from the development.*

## **14. Construction Environmental Management Plan (“CEMP”)**

- (1) No development shall commence unless and until a CEMP containing site specific details of all phases of work including preliminary works, site construction works, post-construction reinstatement works and post energisation of the works, the decommissioning of the redundant 132kv line and supporting infrastructure; together with a programme of their timetabling including any phasing of sections, has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. The CEMP shall incorporate proposals to implement the Mitigation Schedule in EIAR Volume 2.

- (2) The CEMP shall include but not limited to:

- a) Details of tool box talks;
- b) a Site Waste Management Plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
- c) details of the locations and method of formation of all storage, works and construction compounds, welfare facilities, details of sewage disposal and treatment; any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- d) a Dust Management Plan;
- e) site specific details for management and operation of any concrete batching plant (including disposal of pH rich wastewater and substances);
- f) a Pollution Prevention Plan, including arrangements for the storage and management of oil and fuel on the site;
- g) a Pollution Incident Response Plan in line with SEPA's pollution prevention and control guidance;
- h) a Drainage Management Strategy, which shall incorporate the principles of a Sustainable Drainage (SUDS), demonstrating how all surface and wastewater arising during and after development is to be managed, to prevent pollution of any watercourses or sources and to avoid the risk of flooding;
- i) a Surface Water and Groundwater Management and Treatment Plan, including measures to be put in place to protect groundwater dependent habitats, details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- j) a Path Management Plan;
- k) post-construction restoration/reinstatement of the working areas not required during the operation of the Development, including construction access tracks, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation where ground disturbance has taken place;
- l) details of watercourse exclusion buffers and restrictions on timing of works near streams and rivers hosting fisheries;
- m) details of the location and construction methods of all watercourse crossings along with all other potential impacts on fish populations. Note: all permanent watercourse crossing works to follow the designs outlined in Table 10.4.3 of EIAR Volume 4 - Appendix 10.4;
- n) site specific mitigation measures to minimise and/or avoid impacts on fish populations e.g. the avoidance of instream works during salmonid sensitive periods - during migration and spawning (October to June);
- o) a programme of regular visual inspections of watercourses which shall be carried out by the appointed ECoW as outlined within the relevant Marine Scotland Science guidelines;
- p) measures to manage noise and air quality to be agreed with environmental health

- q) details of working hours: Note: work within 100 metres of any residential properties shall be subject to a limit on working hours to be agreed in advance with Environmental Health, in order to minimise adverse impacts on residential amenity
- (3) The development shall be carried out in strict accordance with the approved CEMP, which shall be implemented in full, unless otherwise approved in advance in writing by the Planning Authority (in consultation with NatureScot and SEPA).

**Reason:** *To ensure all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the EIA Report accompanying the application, or as otherwise agreed, are fully implemented.*

### **15. Ecological Clerk of Works (“ECOW”)**

- (1) No development shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent ECoW in consultation with SNH and SEPA. The terms of appointment shall;
- a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the EIA Report and other information lodged in support of the application, the Construction and Environmental Management Plan approved in accordance with condition 14 and the Habitat Management Plan approved in accordance with condition 23;
  - b) Require the EcoW to report to the Company’s nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
  - c) Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and
  - d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.
- (2) The EcoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works approved in terms of condition 8.

**Reason:** *To secure the effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development.*

### **16. Peat Management Plan (“PMP”)**

- (1) No development shall commence unless and until the PMP is finalised and has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA and NatureScot;
- (2) The Plan should demonstrate impacts from any cut tracks, how micro-siting pole locations have been used to minimise peat disturbance and details of all areas for temporary soil storage and management.
- (3) The development shall be carried out in accordance with the approved PMP, which shall be implemented in full and in accordance with the timescales specified within it, unless and until otherwise agreed in advance in writing with the Planning Authority.

**Reason:** *In the interests of good environmental and land management.*

### **17. Felling Management Plan (“FMP”)**

- (1) At least two months prior to the Commencement of the Development to which this planning permission relates a FMP shall be submitted for written approval by the Comhairle as Planning Authority, in consultation with Scottish Forestry and NatureScot.

The FMP shall include :

- a) Pre felling surveys having regard to Scottish Forestry Guidance Notes on Forest Operations and Birds in Trees; Forest Operations and Eps; Forest Operations and otters in Scotland and Managing Forests for White tailed eagle. Finalised extent of trees and woodland to be felled and estimated programme for the works having regard to impacts upon species and their habitats;
- b) measures proposed for the felling and reinstatement of cleared ground;
- c) confirmation of the intended destination and use of the felled logs, timber transport haul routes and management measures;
- d) a management statement incorporating measures for the protection of the retained trees and shrubs during and post-construction including post felling survey at years 5 and 10 and removal of any wind blown stock identified with adequate compensatory planting undertaken; and
- e) measures to be taken to avoid felled material entering watercourses.

**Reason:** *In order to safeguard existing trees and shrubs, minimise the area of woodland loss and protect the water environment.*

### **18. Limits of deviation and micro-siting**

- (1) All poles shall be constructed in the location, as set out in Volume 4, Technical Appendix 2.1: Detailed pole Schedule of the EIA Report dated October 2022 and to the maximum height of 18 m subject to the following Limits of Deviation:
  - a) No pole shall be more than 18 m above existing ground levels;

- b) No pole shall be moved more than 50 m from the position shown on the original approved plans and 30 m where the OHL passes through woodland;
  - c) No track shall be positioned more than 50m either side of the position shown on the approved plans;
  - d) Micro-siting shall be carried out in accordance with the specific procedures and details approved as part of the relevant CEMP required in accordance with condition 14 of this consent unless otherwise approved under the condition.
  - e) All micro-siting permissible under this condition must be approved in advance in writing by the ECoW appointed under the terms required by condition 15.
- (2) No later than one month after the Date of Final Energisation, the Company must submit a finalised site plan to the Planning Authorities, copied to Scottish Ministers, showing the final position of the overhead line, all poles, access tracks, and associated infrastructure forming part of the Development. The plan must also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the approval from the ECoW or Planning Authorities, as applicable.

**Reason:** *ensure that the development is built in accordance with the description in the EIAR to allow tolerance for re-siting infrastructure within the limits of deviation so as to take account of local ground conditions.*

## **19. Private Water Supplies**

- (1) No development shall commence unless and until a Private Water Supply Protection Plan, which shall include details of any existing groundwater abstractions within 500 m of the Development, has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The Private Water Supply Protection Plan shall detail measures to avoid any impact on existing drinking water supplies arising from the Development throughout the period from Commencement of Development until the Decommissioning Scheme has been implemented in full and condition 8 is discharged by the Planning Authority. The Private Water Supply Protection Plan shall also detail mitigation measures for any impact on a private water supply arising from the Development.
- (2) Thereafter, the Private Water Supply Protection Plan shall be implemented in full.

**Reason:** *in the interests of public health, to safeguard water supplies and provide mitigation measures should there be any impacts on drinking water supplies arising from the construction, operation, maintenance or decommissioning of the Development.*



## **20. Archaeological clerk of Works (“AcOW”)**

- (1) No development shall commence unless and until the Planning Authority has approved the terms of appointment by the Company of an independent AcoW in consultation with Historic Environment Scotland. The scope of the AcoW’s appointment shall include:
  - a) Monitoring compliance with the archaeological mitigation works that have been approved in this consent;
  - b) Advising the Company on adequate protection of archaeological interests on the site;
  - c) Checking for new records of archaeological interests for which additional mitigation may be required;
  - d) Directing the micro-siting and placement of towers and other apparatus
  - e) Monitoring the compliance with mitigation measures approved in this consent; and
  - f) Reporting any breaches of the mitigation measures approved in this consent to the Planning Authority in writing.
  
- (2) The AcoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works approved in terms of condition 8.

**Reason:** *To ensure the protection or recording of archaeological features on the site.*

## **21. Written Scheme(s) for Archaeological Investigation (“WSI”)**

- (1) A WSI of the site of the proposed works and a programme of archaeological works to be undertaken in accordance with such scheme(s) shall be submitted for approval by the Planning Authority. Such scheme shall include, those mitigation measures set out in EIAR Volume 2 Paragraphs 7.7.5 to 7.7.22: and Ref C1 and C2 of Table 13.1.
  
- (2) No part of the development to which this consent relates shall commence until the Planning Authority has issued, in writing, its approval of the WSI. The WSI and programme of archaeological works (or any subsequent variation to it that may be agreed in writing by the Comhairle as Planning Authority) shall then be implemented to the satisfaction of the Comhairle as Planning Authority in consultation with the Regional Archaeologist.

**Reason:** *In order to ensure proper recording and protection of items of archaeological interest.*

## **22. Cultural Heritage Assets Protective Fencing**

- (1) Details of the type and siting of protective fencing or markers to be erected around the cultural heritage assets detailed in EIAR Volume 2 Paragraph 7.7.10; shall be submitted for approval by the Planning Authority. Such

fences must be placed with a suitable buffer so as to not impact upon the asset. No part of the development to which this planning permission relates shall commence until the Comhairle as Planning Authority has issued its approval of the details in writing.

- (2) No part of the development to which this planning permission relates shall commence until the protective fences approved above have been erected. Such fences shall be retained throughout the period of construction and shall not be removed until agreed in writing by the Planning Authority in consultation with the Comhairle Archaeology Service. Throughout the period of construction, no structures shall be erected, or operations carried out within the protective fences.

**Reason:** *In order to secure the protection of cultural heritage assets that may be at risk of damage from construction plant or works.*

### **23. Habitat Management Plan (“HMP”)**

- (1) No development shall commence unless and until a HMP has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA;
- (2) The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare of the site, and shall provide for the improvement, maintenance, monitoring and reporting of habitats and species; For the avoidance of doubt the HMP must deliver restoration of habitats of an area equivalent to no less than that directly and indirectly impacted by the development. Works should include peatland restoration and should include full details of any proposals to make use of any excavated peat that cannot be used in site reinstatement.
- (3) The approved HMP will include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved HMP will be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Energisation and submitted to the Planning Authority for written approval in consultation with NatureScot and SEPA.
- (4) Unless otherwise agreed in advance in writing with the Planning Authority, the approved HMP shall be implemented in full.

**Reason:** *In the interests of good land management and the protection of habitats.*

### **24. Species Protection Plan (“SPP”)**

- (1) The timing of pre-construction surveys to inform the SPP for terrestrial and aquatic species shall be agreed with the Planning Authority in consultation with NatureScot;

- (2) The SPP shall be submitted for the approval of the Planning Authority in consultation with NatureScot.
- (3) Thereafter any required work must be carried out in accordance with the approved mitigation measures and timescales set out. Should any Freshwater Pearl Mussel, badger, bat, otter, red squirrel, water vole, wildcat, pine marten or wood ant be recorded, a licence must be obtained from NatureScot prior to works commencing if this is required.

**Reason:** *In the interests of safeguarding protected species.*

## **25. Breeding Bird Protection Plan (“BBPP”)**

- (1) There shall be no development unless and until a BBPP has been finalised and submitted to and approved in writing by the Planning Authority in consultation with NatureScot.
- (2) The BPP shall be in line with the detail provided in the EIA report.
- (3) The BPP shall set out measures to minimise the impact to birds in accordance with recommendations set out in NatureScot’s consultation response dated 23 January 2023.
- (4) No HV cables shall be strung between poles unless and until full details of the appearance, colour and distribution and finalised extent of bird deflectors to be fitted to HV cables have been submitted to and approved in writing by Planning Authority.
- (5) The BBPP shall be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority in consultation with NatureScot.

**Reason:** *In the interests of the protection of protected bird species and visual amenity and in order to mitigate the potential for bird strikes resulting from installation of the overhead line.*

## **26. General Environmental Management Plans (“GEMP”s)**

- (1) No development shall commence until a finalised GEMP’s based upon EIAR Volume 4: Technical Appendix 2.2 has been submitted for the written approval of the Comhairle as Planning Authority, in consultation with NatureScot, SEPA, Environmental Health, Scottish Forestry and Marine Scotland (Freshwater fisheries).

**Reason:** *In the interests of good land management and the protection of the environment.*

## **27. Construction Hours**

- (1) All construction work associated with the development must be carried out and all audible construction activities shall be limited to: Monday to Friday 07:00 to 19:00 and Saturday 07:00 to 17:00 with no audible activity taking place on Sunday, local and national bank holidays.
- (2) Outwith these periods, works at the site shall be limited to emergency works , unless otherwise approved in writing by the relevant Planning Authority. The local planning authority shall be informed in writing of emergency works within three working days of occurrence.

**Reason:** *In the interests of local amenity.*

## **28. Floating or Cut Access Tracks**

- (1) No development shall commence unless and until the finalised location of any floated or cut temporary access tracks has been agreed with the planning authority in consultation with SEPA;
- (2) The information submitted should be in accordance with recommendations set out in SEPA's consultation response dated 23 January 2023;
- (3) Prior to the installation of any tracks, the detailed location and cross section of the tracks to be installed shall be submitted to and approved in writing by the Planning Authority; and
- (4) The floating tracks shall then be implemented as approved.

**Reason:** *To ensure peat is not unnecessarily disturbed or destroyed.*

## Definitions

In this consent and deemed planning permission:-

**“Approved Plans”** Means the plans included in the Environmental Impact Assessment Report submitted with the application, Figure 1.1 Location Plan and Overview reproduced in Annex 3.

**“the Application”** means the application submitted by the Company on 9 November 2022, the EIA report, and any other environmental information submitted by the Company in support of the Application.

**“Commencement of Development”** means the date on which Development shall be taken as begun in accordance with section 27 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**“the Company”** means Scottish Hydro Electric Transmission PLC, Inveralmond House, 200 Dunkeld Road, Perth PH1 3AQ, or such other person who from time to time may lawfully have the benefit of this consent.

**“Date of Final Energisation”** means the earlier of (i) the date on which all electric lines consented forming part of the Development transfer energy via the grid network; or (ii) the date falling four years from the date of Commencement of Development.

**“the Development”** means the development as described in Annex 1 authorised by this section 37 consent and deemed planning permission.

**“HES”** means Historic Environment Scotland.

**“Planning Authority Area”** –means the boundary of COMHAIRLE NAN EILEAN SIAR area.

**“SEPA”** means Scottish Environmental Protection Agency.

**“NatureScot”** means Scottish Natural Heritage now operating as NatureScot.

**“the Planning Authority”** means COMHAIRLE NAN EILEAN SIAR (CnES) within whose boundary the Development is situated.

**“the proposed Development”** means the development described in Annex 1 authorised by this section 37 consent and deemed planning permission.