



## COMHAIRLE NAN EILEAN SIAR

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Our Reference 21/00646

Your Reference J No. 19\_10

Date 26 July 2023

Comhairle Nan Eilean Siar  
C/o Fraser Architecture LLP  
An Taigh Dearg  
21A Carinish  
Isle of North Uist  
HS6 5EJ

Dear Sir/Madam

### APPROVAL OF PLANNING PERMISSION (DETAILED) - EIA DEVELOPMENT

APPLICATION REFERENCE NO: **21/00646**

TYPE OF APPLICATION: **Planning Permission (Detailed)**

LOCATION OF DEVELOPMENT: **Sub-Orbital Vertical Launch Spaceport Facility, Scolpaig, Balemartin, Isle of North Uist**

PROPOSAL: **Construction of sub-orbital vertical launch spaceport, including access road, fencing, launch pad with demountable launch tower, water and liquid storage tanks with associated services and infrastructure, repair and use 1no former farm building for storage, water pumps and communications facility, stabilize 1no derelict former farm building, upgrade to existing farm track and water crossing, vehicle parking and periodic intermittent siting of storage containers.**

Please find attached the Decision Notice relating to the above proposal.

Section 123(1) of the Town and Country Planning (Scotland) Act 1997 provides that a 'Notice of Initiation of Development' must be submitted prior to commencement of development. Failure to provide this information is a breach of planning control.

If you wish to clarify any matter relating to the planning permission, please contact the Planning Service by telephone or by email to [planning@cne-siar.gov.uk](mailto:planning@cne-siar.gov.uk).

Yours faithfully

*MC Ferguson*

Morag Ferguson  
Planning Manager (Development Management)  
Chief Executive's Department



## GRANT OF PLANNING PERMISSION

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED

APPLICATION REFERENCE NO:	21/00646
TYPE OF APPLICATION:	Planning Permission (Detailed)
VALID APPLICATION RECEIVED:	3 February 2022
DEVELOPMENT:	Construction of sub-orbital vertical launch spaceport, including access road, fencing, launch pad with demountable launch tower, water and liquid storage tanks with associated services and infrastructure, repair and use 1no former farm building for storage, water pumps and communications facility, stabilize 1no derelict former farm building, upgrade to existing farm track and water crossing, vehicle parking and periodic intermittent siting of storage containers.
LOCATION OF DEVELOPMENT:	Sub-Orbital Vertical Launch Spaceport Facility, Scolpaig, Balemartin, Isle of North Uist
APPLICANT:	Comhairle nan Eilean Siar

Comhairle nan Eilean Siar, as Planning Authority, having examined the relevant Environmental Information and taken into account the results of the consultations and information gathered, prepared a Report on Handling considered by the Planning Applications Board (PAB) dated 20 June 2023 ('the Report') (Appendix A to this Decision Notice (this Notice)), which set out the findings of its examination and its reasoned conclusion of the significant effects of the development on the environment. Comhairle nan Eilean Siar is satisfied, having regard to current knowledge and methods of assessment, that the reasoned conclusion addresses the likely significant effects of the development on the environment and remains up to date at the date of issue of this Notice.

Comhairle nan Eilean Siar grants Planning Permission subject to the development being undertaken in accordance with:

- a) the **Conditions** detailed in **Schedule 1** to this Notice.
- b) the application details submitted, subject to the **Plans approved** and **any variation(s) approved**, detailed on **Schedule 2** to this Notice.
- c) the **Environmental Mitigation** measures identified in **Schedule 3** to this Notice and
- d) any measures, for future **monitoring** of the significant adverse effects of the development on the environment, identified in **Schedule 4** to this Notice.

Date: 26 July 2023

Signed:

Planning Manager (Development Management)

DECISION NOTICE SENT TO:

[info@fraserarchitecture.co.uk](mailto:info@fraserarchitecture.co.uk)

for

**Comhairle Nan Eilean Siar  
C/o Fraser Architecture LLP  
An Taigh Dearg  
21A Carinish  
Isle of North Uist  
HS6 5EJ**

## SCHEDULE 1: CONDITIONS

APPLICATION REFERENCE NO: 21/00646

The following legally enforceable conditions are imposed on the grant of this planning permission for the reasons stated after each condition.

**Condition 1** The development to which this planning permission relates must be commenced not later than the expiration of FIVE years beginning with the date on which this permission is granted.

*Reason* To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

### Definitions

**Condition 2** The development hereby permitted shall be used only for the purposes of commercial sub-orbital rocket launches.

*Reason* To define the permission and to ensure that the effects of the development reflect those assessed as part of the EIA planning process.

**Condition 3** No use of the development hereby permitted shall take place unless in full accordance with the parameters set out in the details submitted with the application, including but not limited to:

- (i) no launches shall take place until the launch pad and associated supporting infrastructure and facilities hereby permitted have been constructed and completed in full accordance with the submitted details, including in respect of access, parking, turning, drainage, pollution control, water storage and firefighting provisions, and made available for use;
- (ii) no launches shall take place unless the rocket is sited on the launch pad;
- (iii) the rocket trajectories shall be contained within the Space Launch Hazard Area, as defined by Figure 4.4 of the Environmental Impact Assessment (EIA) Report;
- (iv) the height of the launch tower (lattice or mobile) shall not exceed a maximum of 20 metres above ground level;
- (v) the number of launch events shall not exceed 10 per annum, calculated on the basis of a rolling 12 month calendar year, and a launch event shall include both static and non-static launches, as defined in paragraph 4.8.7 of the SEI Addendum of the EIA Report; and
- (vi) the maximum length of any launch campaign (site mobilisation to site demobilisation) period (as defined in paragraph 4.8.1 of the SEI Addendum of the EIA Report) should not exceed two weeks (14 days) in total.

*Reason* To define the permission and to ensure that the effects of the development reflect those assessed as part of the EIA planning process.

**Condition 4** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking and re-enacting that Order, with or without modification), with the exception of the details included within the submitted application, no external lighting, blast deflectors, or fencing shall be permanently or temporarily installed or erected on site, unless in accordance with details that have first been submitted to and approved in writing by the Comhairle as Planning Authority.

*Reason* To define the permission and to ensure that the effects of the development reflect those assessed as part of the EIA planning process.

**Condition 5** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking and re-enacting that Order, with or without modification), with the exception of the works detailed on the Approved Plans, no demolition of or alteration to Scolpaig farmhouse or farm buildings shall take place, unless in accordance with the conditions of this permission, as set out below.

*Reason* *In the interests of preserving and protecting the historic character, cultural significance and special interest of Scolpaig Farm.*

**Pre-construction Phase**

**Condition 6** A written scheme for the archaeological investigation (WSI) of the site and a programme of archaeological works to be undertaken in accordance with such scheme shall be submitted for approval by the Comhairle as Planning Authority. Such scheme shall indicate:

- a) how the extent, character and significance of any archaeological remains within the site will be identified and evaluated.
- b) how any archaeological remains would be preserved in situ or, where their preservation in situ cannot be achieved, how they would be investigated, recorded and recovered and the findings published.
- c) how access to the development site to enable archaeological works and investigation recording and recovery of finds would be achieved.
- d) how notification of the commencement of development and access by an archaeologist to the site would be given; and
- e) the terms for the submission of a Data Structure Report that includes an assessment of the impact of the development on the archaeological remains.

No part of the development to which this permission relates shall commence until the Comhairle as 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 in full to the satisfaction of the Comhairle as Planning Authority.

*Reason* *To ensure proper recording and protection of items of archaeological interest.*

**Condition 7** Details of the type and siting of protective fencing or markers to be erected around cultural heritage assets shall be submitted for approval by the Comhairle as planning authority. 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 and the approved fencing or markers have been erected. Such fencing or markers shall be retained throughout the period of construction and shall not be removed until agreed in writing by the Comhairle as planning authority. Throughout the period of construction, no structures shall be erected, or operations carried out within, such fence(s).

*Reason* *In order to secure the protection of cultural heritage assets within the boundaries of Scolpaig Farm.*

**Condition 8** No construction works shall take place on site unless the operator has informed the Comhairle Archaeologist of the proposed commencement of works on site, with not less than 14 days notice prior to the commencement of works. During the construction phase of the development hereby permitted, the operator shall also afford access, at all reasonable times, to any archaeologist nominated by the Comhairle as planning authority and shall allow such archaeologist to observe work in progress and record items of interest and finds.

*Reason* *In order to ensure proper recording and protection of items of archaeological interest and enable the maintenance of the archaeological record in the Western Isles.*

- Condition 9** No development shall take place unless and until the following have been submitted to and approved in writing by the Comhairle as planning authority: -
- A Construction Environment Management Plan, which shall include: -
    - an Otter Protection and Monitoring Plan, which shall include a pre-construction otter survey;
    - a Corncrake Habitat Management Plan; and
    - a Breeding Bird Protection Plan.
  - A Construction Mitigation Register, which shall detail mitigation commitments and identifying the measures proposed for ornithological, ecological, cultural heritage and hydrological receptors, providing details of key sensitivities present, and the scheduling of works and responsibilities for ensuring that these commitments are fully met, including but not limited to the mitigation measures proposed for the installation of the replacement culvert.
  - Arrangements for the appointment and main responsibilities of a Construction Environment Manager. The appointment shall be in place before any works take place on site in relation to the development hereby permitted and throughout the construction phase of the development.

*Reason* To enhance biodiversity and protect the natural environment, including populations of European and UK protected species.

- Condition 10** No development shall take place unless a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Comhairle as planning authority. The CTMP shall accord with the submitted application details and specify:
- the routing of construction traffic to the site, including deliveries.
  - the source of rock and mineral resources for the construction of the facility, the volume and type of traffic generated by this requirement, and the routing arrangements proposed.
  - measures to ensure that the number of HGVs can be accommodated within the site, with no vehicles waiting on the public road network.
  - maximum speed limits for traffic within the site, to avoid harm to wildlife.
  - measures to prevent convoys of HGVs travelling to and from the site.
  - measures to prevent dust and material on the public road.
  - arrangements for the survey of construction traffic routes on the public road network to and from the site prior to, during and following the completion of construction activities.
  - arrangements for the undertaking of remedial repairs required as the result of the use of the public road network by construction traffic.
  - the timing of deliveries; and
  - travel arrangements for construction staff working on the site, including the siting of off-road parking provision.

The development shall be carried out in full accordance with the CTMP as approved.

*Reason* To minimise disruption to other users of the public road network.

- Condition 11** No development shall take place until a strategy to secure, and make wind and watertight, the farmhouse and farm buildings has been submitted to and approved in writing by the Comhairle as planning authority. The strategy shall be implemented in accordance with the details as approved.

*Reason* In the interests of preserving and protecting the historic character, cultural significance and special interest of Scolpaig Farm.

- Condition 12** No development shall take place until the following have been submitted to and agreed in writing by the Comhairle as planning authority: -
- a method statement to outline what dust mitigation measures will be put in place for the duration of the construction phase.
  - a Construction Site Waste Management Plan.

The development shall be undertaken in accordance with the details as agreed.

*Reason* In the interests of protecting amenity and the character and appearance of the area.

**Condition 13** No development shall commence until a scheme, which shall have regard to health and safety limitations, to allow so far as possible recreational and public access to Scolpaig Farm during the construction phase of the development, has been submitted to and approved in writing by the Comhairle as planning authority. The scheme shall include the provision of temporary signage and markers and any temporary defined walking routes. The scheme shall then be implemented as approved and shall be retained throughout the duration of the construction phase of the development.

*Reason* To ensure appropriate provision is made for recreational and public access to the site.

#### Construction Phase

**Condition 14** No concrete batching works shall take place on site and the replacement culvert to be installed within the causeway shall be pre-cast.

*Reason* To define the permission and to prevent pollution.

**Condition 15** No construction activities shall take place on site unless between the hours of 07.00 to 20.00 Monday to Friday and 07.00 to 18.00 Saturday, with no working at any time on Sunday.

*Reason* To protect amenity at noise sensitive premises and the environment.

**Condition 16** Construction works shall be undertaken in accordance with the details submitted within the EIA Report, as revised by the SEI, including in relation to: -

- the protection of existing structures during the construction of the launch pad access route, in accordance with SEI Appendix C;
- the reinstatement of disturbed ground, in accordance with SEI Appendix C; and
- Sediment Management, as specified in SEI Appendix 17.5.

*Reason* To protect local amenity, and the historic and natural environment.

**Condition 17** The developer should ensure that any construction works are carried out in accordance with BS 5228:2009.

*Reason* To protect amenity at noise sensitive premises.

**Condition 18** During the construction phase of the development hereby permitted, should any complaint relating to noise emissions be received and the Comhairle as planning authority, having taken advice from environmental health officials, considers that such complaint merits investigation, the developer shall fully investigate such complaints and, if requested by the Comhairle as planning authority, shall undertake noise monitoring to establish noise levels at any affected property. This monitoring shall be carried out by a suitably qualified noise expert or consultant previously agreed in writing by the Planning Authority. The methodology of the assessment shall be carried out in accordance with BS7445:2003, BS4142:2014 and PAN 1:2011.

*Reason* To ensure adequate mitigation is in place to protect amenity at noise sensitive premises.

**Condition 19** Should any noise monitoring undertaken in accordance with the condition above demonstrate that construction sound sources are exceeding the background levels by more than 10dB, then within one month of the breach being identified, the developer shall submit a scheme of mitigating measures to the Comhairle as planning authority for written agreement. The mitigating measures as agreed shall be implemented within one month of the written agreement, or within any alternative timescale agreed in writing by the Comhairle as planning authority, and thereafter retained throughout the construction phase of the development, unless otherwise first agreed in writing by the Comhairle as Planning Authority.

*Reason* To ensure adequate mitigation is in place to protect amenity at noise sensitive premises.

**Condition 20** Should any complaints be received in respect of dust, and the Comhairle as planning authority, having taken advice from environmental health officials, considers that such complaint merits investigation, the developer shall fully investigate these complaints to establish dust levels at any affected property and submit a scheme of mitigating measures to the Comhairle as planning authority for written agreement. The mitigating measures as agreed shall be implemented within one month of the written agreement, or within any alternative timescale agreed in writing by the Comhairle as planning authority, and thereafter retained throughout the construction phase of the development, unless otherwise first agreed in writing by the Comhairle as Planning Authority.

*Reason* To protect amenity at dust sensitive premises.

#### Operational Phase

**Condition 21** No use of the spaceport hereby permitted shall take place until an updated Historic Building Recording (HBR) survey of the farmhouse, farm buildings, and enclosures has been undertaken and the details submitted to and approved in writing by the Comhairle as planning authority. The HBR shall be undertaken following the completion of construction works on site and before the first use of the facility. In comparison with the HBR submitted with the application, it shall identify any damage to the buildings on site resulting from the construction works and specify proposed measures to mitigate appropriately any such damage.

*Reason* In the interests of preserving and protecting the historic character, cultural significance and special interest of Scolpaig Farm.

**Condition 22** No use of the spaceport hereby permitted shall take place until details of any permanent and/ or fixed external lighting on site (including control mechanisms) have been submitted to and approved in writing by the Comhairle as planning authority. These lights shall be designed to minimise light spillage and fitted accordingly. No permanent and/ or fixed external lighting shall be installed, unless in accordance with the details as approved.

*Reason* To protect local amenity, the character and appearance of the area and the environment.

**Condition 23** No use of the spaceport hereby permitted shall take place until a detailed Habitat and Amenity Management Plan (HAMP) has been submitted to and approved in writing by the Comhairle as planning authority. The HAMP shall specify: -

- arrangements and timescales for consultation and delivery mechanisms for the ongoing management and maintenance of the site in the long-term.
- an Otter Protection and Monitoring Plan, a Corncrake Habitat Management Plan and a Breeding Bird Protection Plan, which shall include mitigation measures for launch events, the provision of nesting boxes and specify speed limits within the site.
- the establishment and membership of the Advisory Steering Group.
- the enhancement of habitat biodiversity within the wider Scolpaig Farm site.
- the provision of and improvements to recreational and public access to the site, including the rerouting of the footpath and arrangements for access between and during launch campaign periods, and during launch events, with provision for temporary signage and markers, as required; and
- arrangements for the periodic review of the HAMP.

The site shall be operated in full accordance with the HAMP as approved for the lifetime of the development.



- Reason*                    *To ensure provision is made for the enhancement of biodiversity on the site and the appropriate management of the land, including in relation to recreational and public access.*
- Condition 24**    **No use of the spaceport hereby permitted shall take place until written details have been submitted to and approved in writing by the Comhairle as planning authority of arrangements for the appointment and main responsibilities of an Environment Manager. The appointment shall be in place before the first use of the facility and shall remain in place in accordance with the details as approved for the lifetime of the development.**
- Reason*                    *To ensure provision is made for the enhancement of biodiversity on the site and the appropriate management of the land, including in relation to recreational and public access.*
- Condition 25**    **No use of the spaceport hereby permitted shall take place until written details have been submitted to and approved in writing by the Comhairle as planning authority of arrangements for the establishment of a Fisheries Forum, to provide for direct communications between local fisheries sector and the spaceport. The spaceport shall be operated in full accordance with these details as approved, throughout the lifetime of the development.**
- Reason*                    *To minimise the risk of disruption to the fisheries sector.*
- Condition 26**    **No use of the spaceport hereby permitted shall take place until a preservation and conservation strategy for Scolpaig Farm, including the farmhouse and complex of farm buildings, has been submitted to and approved in writing by the Comhairle as planning authority. This strategy should identify: -**
- the works required for the restoration of the farmhouse and farm buildings.
  - potential future uses of the farmhouse and farm buildings.
  - potential delivery mechanisms for the strategy; and
  - an implementation strategy
- The strategy should be implemented in accordance with the details as approved. No works shall take place to these buildings unless in accordance with the strategy as approved.**
- Reason*                    *In the interests of preserving and protecting the historic character, cultural significance and special interest of Scolpaig Farm.*
- Condition 27**    **No temporary containers shall be installed on the site, unless sited within the areas identified for such use on the Approved Drawings. No temporary containers shall remain on site outwith any launch campaign period, unless the temporary container is located on the area of hardstanding adjacent to the farm buildings. No temporary container shall remain on site for longer than one year in total, unless the prior written approval of the Comhairle as planning authority has been first obtained.**
- Reason*                    *In the interests of the character and appearance of the area, including the historic environment.*
- Condition 28**    **With the exception of security activities, no external operational activity and/or any use of the site by vehicles, including deliveries to or collections from the site, shall take place except between the hours of 0700 - 2100 Monday to Friday, 0800 - 1900 Saturday, with no activities or vehicular use on Sunday.**
- Reason*                    *To protect amenity at noise sensitive premises and the environment.*
- Condition 29**    **No use of the spaceport hereby permitted shall take place unless an Operational Traffic Management Plan (OTMP) has been submitted to and approved in writing with the Comhairle as planning authority. The OTMP shall accord with the submitted application details and specify: -**
- the routing of Heavy Good Vehicle (HGV) traffic to the site, including deliveries to and collections from the site.

- traffic management measures for launch events.
- measures to ensure that the number of HGVs can be accommodated within the site, with no vehicles waiting on the public road network.
- measures to prevent convoys of HGVs travelling to and from the site.
- the timing of deliveries; and
- the coordination of travel arrangements for staff and visitors to the site, including parking provision.

The spaceport shall be operated in full accordance with the OTMP as approved.

*Reason* To minimise disruption to other users of the public road network.

**Condition 30** No use of the spaceport hereby permitted shall take place unless the following have been submitted to and approved in writing with the Comhairle as planning authority: -

- A Site-Specific Waste Management Plan, including any liquid waste from launches;
- Pollution Prevention Management Plan, which amongst other matters shall specify that the delivery, loading, unloading and movement of high-risk pollutants (such as fuels or chemicals) shall only take place within the perimeter of the launch pad, with adequate provision in place for the containment of any spill, and only containerised, self-bunded, double walled, systems containing residual fuel shall be sited within the secondary storage area; and
- A Drainage Inspection, Management and Maintenance Plan, including in relation to the launch pad, outfall channel and the culvert under the causeway.

The operation of the spaceport shall be undertaken in accordance with these details as approved, throughout the lifetime of the development.

*Reason* To minimise the risk of pollution and harm to the environment and human health.

**Condition 31** No use of the spaceport hereby permitted shall take place unless the access, parking and turning areas have been upgraded and constructed in full accordance with the submitted details and made available for use, including in relation to the provision of parking and turning areas adjacent to the farm buildings and the access junction, the installation of a replacement pedestrian gate as indicated on the approved details, the use of appropriate surfacing materials, and the provision of laybys.

*Reason* To ensure the satisfactory development of the site and in the interests of road safety and the convenience of other road users.

**Condition 32** No use of the spaceport hereby permitted shall take place until details of any proposed signage required in relation to the facility, including advance directional signs or launch notification signs, have been submitted to and approved in writing by the Comhairle as planning authority. For the avoidance of doubt, unless such signs meet the criteria for deemed consent, or other exceptions, express advertisement consent may be required, which would be subject to separate application processes.

*Reason* In the interests of the character and appearance of the area.

**Condition 33** Unless alternative notification arrangements have first been agreed in writing with the Comhairle as planning authority, in consultation with the MOD, no rocket shall be launched unless and until a Spaceport Programme Schedule specifically relating to that instance has been submitted to and approved in writing by the Comhairle as planning authority, in consultation/conjunction with the MOD.

Programme schedules should be submitted no less than three months prior to the commencement of any launch and should contain at least: -

- Specification and elevation drawings of any launch tower or launch infrastructure.

- Specification and details of any ground-based support equipment including communications, surveillance, or telemetry equipment.
- Specification and details of any rocket to be used and any communications or telemetry equipment to be carried/utilised during any flight.
- A schedule setting out the date and timeframe for the arrival of any rocket on site, for the siting of the rocket on any launchpad, for the launch of that rocket, and the estimated duration of the flight.
- Diagrams showing the anticipated trajectory of the rocket to include landing/impact points for any detached stages of any rocket and any payload.
- A schedule setting out the recovery procedure for any, and all parts of the rocket that are to be recovered.

Operations shall be carried out strictly in accordance with the details approved in the Schedule.

*Reason* To avoid disruption and in the interest of aviation, maritime and community safety.

**Condition 34** No use of the spaceport hereby permitted shall take place until a Community Notification Plan (CNP) has been submitted to and agreed in writing by the Comhairle as planning authority. This CNP shall set out the proposals for notification of the neighbours, wider community and road users, prior to the commencement of any launch.

*Reason* To minimise disruption to the community.

#### Decommissioning Phase

**Condition 35** Within 6 months of the first use of the spaceport facility, an outline decommissioning strategy for the site shall be submitted to the Comhairle as planning authority for approval.

A detailed decommissioning strategy should be submitted to the Comhairle as planning authority for approval within six months of any permanent cessation of spaceport operations on site, or in the event that no use of the spaceport facility has occurred for over two years. The strategy shall specify the actions required to be taken to decommission the site and the timescale for such actions to take place. The strategy shall specify: -

- measures for the restoration and aftercare of the site, including in respect of any removal of the development.
- the treatment of the drainage and launch pad infrastructure.
- the management and timing of the works; and
- environmental management provisions, including any mitigation measures required to minimise or avoid adverse impacts associated with such works, such as a programme of archaeological evaluation.

The site shall be decommissioned in accordance with the detailed decommissioning strategy, as approved.

*Reason* To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

In addition to the above conditions, please note the following points of information. These are not planning conditions.

1. Rocket launches should only take place where requisite notice has been given to the appropriate agencies and organisations. It is anticipated that Notice to Airmen (NOTAMs), Notice to Mariners (NMs) will be issued prior to any launch, and these notices will contain sufficient information to ensure air and maritime users can operate safely during the preparation, launch and removal of infrastructure and support structures.

**SCHEDULE 2: MAIN CONSIDERATIONS, DEVELOPMENT PLAN COMPLIANCE AND REASONED CONCLUSION, DETAILS OF APPROVED PLANS, DETAILS OF APPROVED VARIATIONS, TERMS OF ANY SECTION 75 PLANNING OBLIGATION, PUBLIC PARTICIPATION ARRANGEMENTS AND SUMMARY OF CONSULTATIONS.**

**APPLICATION REFERENCE NO:**

**21/00646**

**Main Considerations**

The planning application is for the construction of a sub-orbital vertical launch spaceport, designed to provide generic infrastructure to meet the requirements of different operators of sub-orbital launch vehicles.

The planning application is an application for Environmental Impact Assessment (EIA) development, as set out in Regulation 6(2)(c) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and this decision was informed by an Environmental Impact Assessment (EIA) Report, which was supplemented by the submission of Supplementary Environmental Information (SEI) (the Additional Information).

The EIA Report is comprised of:

- Volume 1 – EIA Report
- Volume 2 – Drawings, Figures, Visualisations
- Volume 3 – Appendices
- Volume 4 – Annexes
- Non-Technical Summary

The SEI is comprised of:

- SEI Volume 1 – Addendum Report
- SEI Volume 2 – Drawings, Figures, Visualisations
- SEI Volume 3 – Appendices
- SEI volume 4 – Annexes
- Revised Non-Technical Summary

In addition, the SEI submission included contents and amendments references, which set out how and in what way the SEI material was intended to relate to the EIA Report.

The EIA Report, as supplemented by a Supplementary Environmental Information (SEI) Report, provided environmental information about the proposal and assessed the likely significance of effect of the proposed development on the wider environment. Environmental information was also provided in consultation responses and in representations made on the application. This is summarised in the Report to the Planning Applications Board (PAB) dated 20 June 2023 ('the Report') (refer to Appendix A to this Notice).

The EIA Report and SEI have been examined, the findings from the examination of the EIA Report and SEI and a site visit, the specialist advice of consultees and matters raised in representations, together with other relevant material planning considerations, have been assessed for their planning merit and given due weight.

The principle of the proposed development in this location has been assessed against the relevant policies of National Planning Framework 4 and the Outer Hebrides Local Development Plan and consideration has been given to Scotland's National Marine Plan 2014, the UK National Space Strategy 2021, and A Strategy for Space in Scotland 2021.

The proposal follows on from a national level evaluation of potential sites, including this site, and it is concluded that sufficient justification exists in relation to national and local planning policies, including the development strategy, to support the principle of a sub-orbital spaceport in this location, subject to detailed considerations, both individually and cumulatively.

The likely effects of the development in relation to the following main issues have been assessed:

- Socio-economic impacts, including on tourism, community amenity, recreation, public access, digital infrastructure.
- Marine users and assets, including the fishing sector, shipping, recreation, and tourism.
- Landscape and visual impacts, including placemaking and design.
- Historic environment and cultural heritage.
- Natural heritage, including biodiversity, marine and terrestrial ecology, ornithology, blue and green infrastructure.
- Water supply, drainage, soils, waste management, and flood risk.
- Pollution, including air quality, heat, noise, vibration, and climate change.
- Transport and traffic, including geographic connectivity.
- Aviation, defence, broadcasting, telecommunications, electricity.
- Health and safety.
- Cumulative effects and consideration of alternatives.

### **Development Plan Compliance and Reasoned Conclusion**

Planning Authorities are required to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise. An assessment has been carried out against the provisions of the National Planning Framework 4 and the Outer Hebrides Local Development Plan, as well as to the National Marine Plan, and consideration has been given to all material planning considerations.

Having regard to the information available, including the EIA Report, as supplemented by the SEI, responses given to consultations from specialist consultees and public comments received from representations on the proposal, the planning authority considers that it has sufficient information to enable it to reach a reasoned conclusion on the proposal.

The site lies outwith but within the vicinity of several designated environmental sites, including being adjacent to the South Lewis, Harris and North Uist National Scenic Area (NSA). A Habitat Regulations Appraisal Appropriate Assessment was undertaken in relation to identified Special Protection Areas and Special Areas of Conservation that had potential to be affected; consideration was given to underlying SSSIs, and to protected species, and to the potential effect on the NSA. It was concluded that the proposed development would result in no significant adverse impact on the integrity of the designated sites, their qualifying interests or features, on protected species, or the special qualities of the NSA.

Consideration has been given to the Human Rights Act 1998, the Public Sector Equality Duty, and the Best Interests of the Child. It is concluded that the impacts of the proposed developed in these regards would not be disproportionate and would not hinder the advancement of equality.

Mitigation measures that are considered necessary and can be secured by planning conditions are identified. Other mitigation measures would be subject to regulatory or licencing controls through other mechanisms. For the reasons given in the assessment within the Report and subject to the satisfactory implementation of these mitigation measures, it is considered that the proposal would have a largely neutral residual effect on the following issues: health and safety, aviation, defence, broadcasting, telecommunications, electricity, traffic and transport, air quality, heat, noise, vibration, water supply, drainage, soils, waste management, flood risk, marine and terrestrial ecology, ornithology, blue and green infrastructure, placemaking and design, and marine assets.

It is concluded that the proposed development would result in harm to landscape character and visual impacts, to the setting of heritage assets and in relation to climate change. Considerable and significant weight has been given to this harm in accordance with national and local planning policies. The proposed development would also have several identified benefits, including in relation to the provision of space infrastructure, to jobs and the local economy, education and training, and in relation to the preparation and implementation of a Habitat and Amenity Management Plan, which would also provide the potential for biodiversity enhancements. For the reasons given in the assessment within the Report, substantial and significant weight has been given to these benefits. Consequently, it is concluded that the likely benefits of the proposal would outweigh the harm identified.

Overall, Comhairle nan Eilean Siar, as planning authority, has therefore determined that subject to management by conditions, as set out in Schedule 1, the proposed development would be acceptable in relation to significant effects on the environment. It would satisfactorily meet the policy requirements of the Development Plan, comprised of the National Planning Framework 4 (NPF4) and the Outer Hebrides Local Development Plan 2018 (OHLDP), taken as a whole and, in particular, in relation to the following policies: NPF4 Policies 1, 2, 3, 4, 5, 7, 9, 10, 12, 13, 14, 18, 19, 20, 22, 23, 24, 25, 29, 30, and 32, OHLDP Policies DS1, PD1, PD2, PD6, ED1, ED3, ED4, EI1, EI2, EI3, EI4, EI5, EI7, EI9, EI10, EI11, NBH1, NBH2, NBH4, NBH5, NBH6, NBH7, and the Supplementary Guidance on Caravans, Huts and Temporary Buildings, and Marine Fish Farming. Due weight has been given to all material planning matters and it has been concluded that a decision should be taken in accordance with the Development Plan, as material considerations, either individually or collectively, do not warrant a decision otherwise.

Full details of the assessment and reasoning is set out in the Report (refer to Appendix A to this Notice).

#### **Details of Approved Plans**

- 01 – Location Plan 1:5000 - (00)40.1
- 02(A) – Location Plan 1:2500 – (00)20.12
- 03(A) – Site Plan – (00)21.13
- 04(B) – Site Plans – (00)22.14
- 05 – Launch Pad – (00)26.2
- 06(A) – Site Sections – (00)23.4
- 07(A) – Road Upgrades – (00)24.9
- 08 – Launch Pad and Liquid Storage Tank – (00)27.2
- 09(A) – Byre 2 Plans and Elevations as Proposed – (00)37.2
- 10(B) – Byre 2 Plans and Elevations with Tank – (00)39.4
- 11 – Byre 2 Sections as Proposed – (00)38.1
- 12 – Pad Containment 1 of 7 – (00)28.1
- 13 – Pad Containment 2 of 7 – (00)29.1
- 14 – Pad Containment 3 of 7 – (00)30.1
- 15 – Pad Containment 4 of 7 – (00)31.1
- 16 – Pad Containment 5 of 7 – (00)32.1
- 17 – Pad Containment 6 of 7 – (00)33.1
- 18 – Pad Containment 7 of 7 – (00)34.1
- 23 – Material Delivery Movements – (00)45.0
- 24 – Operational Vehicle Movements – (00)46.0
- 25 – Vehicle Track East – (00)47.1
- 26 – Vehicle Track West – (00)48.1
- 27 – Vehicle Track Leave West – (00)49.1

### Details of approved variation(s) (if applicable)

Following submission of the planning application and its accompanying EIA Report, a small number of further design changes were introduced in response to feedback from consultees. These design changes primarily relate to proposed access and parking improvements and a reconfigured hardstanding area adjacent to the launch pad. The environmental impacts of these were addressed within the SEI Addendum Report.

### Terms of Section 75 Planning Obligation (if applicable)

Not Applicable

### Public Participation Arrangements

The EIA planning application was advertised for public comment in the public notices section of the Stornoway Gazette and the Edinburgh Gazette, in the publications dated 10 and 11 February 2022, respectively. The application was readvertised in those same publications on 2 and 3 February 2023, as required by the Regulations, following the receipt of the SEI.

The documentation was available to view online throughout the application process, including both these periods, through the Planning Public Access pages of the Comhairle website. There was opportunity to comment during these times by online form on the website, by email, or by post. Regular updates were provided throughout the application process.

During the first period for public comment, amended regulations due to the Covid pandemic removed the usual requirement for the public display of the EIA application documents. The applicant voluntarily arranged for these documents to be made available for inspection at the library at Linaclete, Benbecula and at Hosta hall, North Uist.

As the temporary Covid provisions had ceased by the submission date of the SEI, paper copies of all the application documents (the EIA Report and the SEI) were made available for public inspection at the Comhairle Offices in Balivanich. The applicant, on a voluntary basis, also arranged for the display of the EIA Report and SEI at Hosta hall, North Uist at times and days promoted by them, during the time period for public comment.

### Consultations

Statutory consultation was undertaken as required by Regulations. Additional non-statutory consultation was also undertaken. Following the consultation comments received to the EIA Report, the applicant undertook further engagement with statutory and non-statutory consultees in respect of the issues raised, to inform the extent and scope of the SEI submissions. A further round of focused consultations took place with relevant consultees following receipt of the SEI.

In summary:

- The Scottish Environment Protection Agency (SEPA) withdrew its initial holding objection following receipt of supplementary environmental information on impacts to peat and groundwater dependant terrestrial ecosystems; pollution prevention and environmental management; fuel and chemical storage and use; new water abstractions and drainage.
- NatureScot gave advice on the natural heritage interests of the site including international and national designations near and within the operational area of the proposal; their advice is that these will not be adversely affected. NatureScot recommended a precautionary approach be taken in relation to Corncrake birds. As a consequence, the disturbance prevention zone has

been increased from 150m to 170m to reduce the potential risk of disturbance and accordingly any offence.

- Historic Environment Scotland (HES) has no objection. HES highlight ongoing interest in scheduled monuments within the vicinity of the proposals, comprising Scolpaig tower and Caisteal Odair promontory fort, as well as the St Kilda World Heritage Site. HES have welcomed clarification through the SEI that launch operation vibration impacts are unlikely beyond a distance of 100m, meaning that no mitigation or monitoring is required, with the nearest scheduled monument, Scolpaig Tower.
- The Ministry of Defence (MOD) was consulted as the application site occupies the statutory technical safeguarding zone protecting the operation of Benbecula Air Defence Radar (ADR) at South Clettraval and as the proposed use has the potential to have a significant impact on the operation of MOD Hebrides military Test and Evaluation (T&E) Range. Subject to the proposed conditional requirements being implemented as part of any planning permission granted, the MOD has no safeguarding objection to this application.
- The Health and Safety Executive (HSE) did not raise objections but provided guidance on the control of hazardous substances and health and safety at work and confirmed that the site is not within a safeguarding zone for a site licenced for explosives, is not within the consultation zone of a major hazard site or major accident hazard pipeline.
- The RSPB submitted comments which requested a prohibition on launches during the peak bird breeding season. It is considered by the Comhairle that the application of such a condition would be unreasonable and unfeasible for operational reasons but operators who wish to launch during the bird breeding season would be required to justify potential impacts, based on their noise profile and activities, through a dedicated Assessment of Environmental Effects (AEE), which would form part of their launch licencing requirements.

The matters raised in consultation responses were summarised and considered on an issue-by-issue basis in the planning assessment.

There is limited assessment of Transboundary Effects, either individually or cumulatively, within the EIA Report and SEI. However, further clarification was sought from the applicant in this respect and, following review, it is considered that any transboundary effects likely to result from the proposed development, would be minor and not significant in EIA terms, as they would not represent a material change to the impacts resulting from the existing use of the MOD sponsored Hebrides Range Danger Area (D701). Accordingly, it was considered that the proposed development would be unlikely to have significant effects on the environment in an EEA State.

Scottish Ministers were notified of the above view and responded on 4 May 2023, confirming they were satisfied with the conclusion that there are no likely significant transboundary effects and therefore Regulation 41 of the Environmental Impact Assessment Regulations 2017 is not triggered.



### **SCHEDULE 3: ENVIRONMENTAL MITIGATION MEASURES**

The EIA Report, Annex C, provided a schedule of mitigation measures identified and proposed by the applicant. The SEI amended and replaced this document with SEI Appendix C: Schedule of Mitigation. In addition, responses from consultees and others referred to the need for potential mitigation, in the form of conditions to be applied to any planning permission granted. Amongst others, this includes those recommended by the independent consultants engaged by the planning authority to provide specialist socio-economic advice, undertake the HRA Appropriate Assessment on behalf of the planning authority, and carry out a review of regulatory compliance of the initial EIA Report.

Mitigation measures necessary to avoid, prevent or reduce and, if possible, offset likely significant adverse effects of the development on the environment are set out in the Report, (refer to Appendix A to this Notice).

Those that can be secured by planning conditions are set out in Schedule 1 to this notice, in particular, Conditions: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35.

Other mitigation measures would be subject to regulatory or licencing controls through other mechanisms.

### **SCHEDULE 4: MEASURES FOR MONITORING THE SIGNIFICANT ADVERSE EFFECTS OF THE DEVELOPMENT ON THE ENVIRONMENT**

Measures requiring the monitoring of any significant adverse effects of the development on the environment are set out in the Report, (refer to Appendix A to this Notice).

Those that can be secured by planning conditions are set out in Schedule 1 to this notice, in particular, Conditions: 21, 23, 24, 25, and 30.

Other monitoring measures would be subject to regulatory or licencing controls through other mechanisms.

## SCHEDULE 5:

### PROCEDURE IF YOU FEEL AGGRIEVED

#### Applicant:

If the applicant is aggrieved by the decision of the planning authority (i) to refuse permission for the proposed development (ii) to refuse approval required by a condition in respect of the proposed development or (iii) to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice.

Appeal forms and notes for appellants can be obtained online at <http://www.gov.scot/Topics/Built-Environment/planning/Appeals/howtosubmitanappeal>, by email from [DPEA@gov.scot](mailto:DPEA@gov.scot) or by writing to: -

**Planning and Environmental Appeals Division  
Scottish Government  
Ground Floor  
Hadrian House  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR**

**Tel: 0300 244 6668**

**Fax: 0131 244 8990**

#### Landowner:

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town & Country Planning (Scotland) Act 1997.

#### Interested parties:

There is no right of appeal for interested parties as to the decision of a planning authority. However, a court action for Judicial Review may be raised in the Outer House of the Court of Session in Edinburgh, as a means to challenge unlawful decisions, acts and failures to act by a public authority.

The Court Action must ordinarily be raised within three months of the date of the decision which gives rise to the grounds for challenge and then only by a person with sufficient interest in the matter.

Judicial Review is a complex and highly specialised legal process, and interested parties are advised to seek further advice and information through the Scottish Courts Service or through the Citizens Advice Bureau.

## APPENDIX A

The Report to the Planning Applications Board of Comhairle nan Eilean Siar (the Report), comprises the Report on Handling under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and is published on [Planning Public Access](#) as described below. It forms an Appendix to this Decision Notice and can be viewed using Reference Number 21/00646

<b>Date Published</b>	<b>Document Type</b>	<b>Description</b>
12 Jun 2023	Committee Report	Report to PAB 20.06.23
12 Jun 2023	Committee Report	Appendix 1
12 Jun 2023	Committee Report	Appendix 2
12 Jun 2023	Committee Report	Appendix 3
12 Jun 2023	Committee Report	Appendix 4
12 Jun 2023	Committee Report	Appendix 5(i)
12 Jun 2023	Committee Report	Appendix 5 (ii)
12 Jun 2023	Committee Report	Appendix 6 (i)
12 Jun 2023	Committee Report	Appendix 6 (ii)
12 Jun 2023	Committee Report	Appendix 7