Jones Lang LaSalle

Harris to Stornoway Overhead Line Replacement

Application for Section 37 Consent: The Electricity Act 1989

Scottish Hydro Electric Transmission plc

Planning Statement

October 2022

Contents

1. Introduction

1.1. Background

1.1.1. JLL is instructed by Scottish Hydro Electric Transmission plc (the Applicant), operating and known as Scottish and Southern Electricity Networks Transmission (SSEN Transmission), to provide planning consultancy advice with respect to 'the construction and operation of a single circuit 132 kV overhead line (OHL), supported by trident H poles between the existing Harris Grid Supply Point (hereafter 'Harris GSP'), approximately 6 km south of Tarbert, Harris, and an existing substation on Lewis (hereafter 'Stornoway Substation'), approximately 3 km south of Stornoway, a route of approximately 58 km (hereafter referred to as the 'Proposed Development').

1.1.2. The Location Plan is shown in Appendix 1 to this Planning Statement.

1.1.3. The primary requirement for this project is to address the condition of the existing Harris-Stornoway 132 kV OHL connection, with a secondary requirement to improve network resilience. The project would also support the Applicant's goal of one third reduction in greenhouse gas emissions, through the reduced need for diesel generation in the Western Isles due to unplanned outages. The requirement is to construct a trident H pole 132 kV OHL between Harris GSP and Stornoway Substation, to replace the existing single pole trident design.

1.1.4. The Applicant is applying to The Scottish Ministers under section 37 of the Electricity Act 1989 as amended (1989 Act) for consent for the Proposed Development.

1.1.5. Ancillary works required to facilitate the construction and operation of the Proposed Development includes:

- vegetation clearance along the OHL, including tree clearance;
- upgrade existing or establish new junction bellmouths;
- establishment of temporary access, for the construction of the OHL;
- measures to protect road and other public/private crossings during construction (scaffolding etc.); and
- dismantling of the existing OHL.

1.1.6. Deemed planning permission is also sought for the Proposed Development and ancillary works under Section 57 of the Town and Country Planning (Scotland) Act 1997, as amended (the 1997 Act).

1.1.7. Temporary site compounds and lay down areas will also be required, the location of which would be determined at the construction stage by the Principal Contractor and the appropriate consents applied for at that time if required.

1.2. SSEN Transmission Licence duties and Obligations

1.2.1. SSEN Transmission is a wholly owned subsidiary of the SSE plc group of companies. SSEN Transmission owns and maintains the electricity transmission network across the north of Scotland and holds a license under the 1989 Act. It has the following duties under Section 9 of the 1989 Act, which are relevant to the needs case:

- to develop and maintain an efficient, co-ordinated, and economical system of electricity transmission; and
- to facilitate competition in the supply and generation of electricity.

1.2.2. It has separate duties in relation to the environment when developing a transmission project for which section 37 consent is required and these are referred to in section 1.4 below.

1.2.3. SSEN Transmission also has obligations to offer non-discriminatory terms for connection to the electricity transmission system. As such, SSEN Transmission has a legal duty to provide connections for new electricity generators wishing to connect to the transmission network in its licence area under the terms of its statutory and licence obligations. SSEN Transmission is obliged to make its electricity transmission network available for these purposes and ensure the system is fit for purpose through appropriate reinforcements to accommodate the contracted capacity.

1.3. Application Approach and Content

Electricity Act 1989

1.3.1. The application for consent will be made to the Scottish Ministers under section 37 of the 1989 Act along with a request for a direction that planning permission be deemed to be granted under section 57 (2) of the 1997 Act.

1.3.2. Accordingly, the purpose of this Planning Statement is to provide an assessment of the Proposed Development against the relevant national and local planning and energy policies and any other material considerations. The Planning Statement should be read alongside the accompanying Development Plan Policy Schedule (Appendix 2).

Environmental Impact Assessment

1.3.3. The Proposed Development is classified as Schedule 2 development under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, hereafter referred to as the 'EIA Regulations':

"The carrying out of development (other than Schedule 1 development) to provide any of the following – . . .

(2) an electric line installed above ground –

(a) with a voltage of 132 kilovolts or more".

1.3.4. A request for a Scoping Opinion was made to the Scottish Ministers under Regulation 12 of the EIA Regulations in May 2022, to seek advice on the scope and content of the Environmental Impact Assessment Report (EIAR). A Scoping Report was submitted to support the request, which sought input from the Scottish Government Energy Consents Unit (ECU), statutory and non-statutory consultees regarding the information to be provided within the EIAR. Additional consultation with statutory consultees took place to agree the EIA approach for subsequent design changes.

1.3.5. A Scoping Opinion was received from the Scottish Ministers in July 2022 and is included in Appendix 4.2 of the accompanying EIAR.

1.3.6. An EIAR has been commissioned by the Applicant and submitted alongside this Planning Statement in support of the application for the Proposed Development to Scottish Ministers.

1.3.7. The EIAR comprises of five volumes:

- Volume 1 – Non-Technical Summary;
- Volume 2 – Written Statement;
- Volume 3a – Figures;
- Volume 3b – Visual Representations;
- Volume 4 – Technical Appendices; and
- Volume 5 – Confidential Appendices.

1.4. Purpose of Planning Statement

1.4.1. The Proposed Development requires to be considered under the terms of the 1989 Act, and in particular the Schedule 9 duties require to be addressed.

1.4.2. Paragraph 3 (1) to the 1989 Act requires that in formulating development proposals, licence holders (i.e. the Applicant)

"(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects". (Paragraph 3 (1)(a) & (b)

1.4.3. Paragraph 3(2) of Schedule 9 provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals. These matters are those set out in Paragraph 3 (1)(a) above.

1.4.4. In addition, the Secretary of State shall have regard to *"(b)the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph."*

1.4.5. Moreover Paragraph 3(3) states that in exercising any relevant functions a licence holder shall avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any waters.

1.4.6. The information that is contained within the individual topic sections of the EIAR for the Proposed Development addresses the environmental receptors identified in Schedule 9, to assist Scottish Ministers in their duties.

1.4.7. Chapter 13 of the EIAR titled 'Schedule of Environmental Mitigation' identifies necessary mitigation measures that would be implemented to address any potential effects of the Proposed Development on the natural and historical environment, in accordance with Paragraph 3 (1)(b) to Schedule 9 of the 1989 Act.

1.4.8. These duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be. Therefore, the approach required in this case is fundamentally different to the conventional approach for planning decisions under section 25 of the 1997 Act. There is no primacy of the Development Plan in an application for an electricity consent under the 1989 Act. Development Plan policies are relevant to understanding in a local context, the generic duties under Schedule 9 to the 1989 Act and are also material considerations in the decision-making process.

2. Location & Description of the Proposed Development

2.1. Site Location and Description

2.1.1. The Proposed Development is located between the existing Harris GSP, approximately 6 km south of Tarbert, and the existing Stornoway Substation, approximately 3 km south of Stornoway (Figure 1.1: Site Location of EIAR Volume 3a).

2.1.2. Starting from the Harris GSP, the Proposed Development runs north across rocky open ground to Tarbert on the western side of the A859. It crosses the A859 in Tarbert and follows the road round to Ardhasaig in close proximity to the coastline. From Ardhasaig, it follows the A859 north eastwards across mountainous terrain towards Ardvourlie, crossing the road in six locations and following a similar alignment to the existing 132 kV OHL. From the small area of woodland at Ardvourlie, it continues north, crossing Aline Community Woodland and passing to the north of Arivruaich, Balallan and Laxay. It crosses between numerous lochs/lochans and watercourses, remaining on the western side of the A859 until it reaches Stornoway Substation.

2.1.3. Land use in the vicinity of the Proposed Development typically comprises open moorland, with The Macaulay Land Use Research Institute classifying the majority of land in the region as either Land Capable of supporting Improved Grassland (Class 5.3) or Land Capable of supporting Rough Grazing (Class 6.1 to 6.3). However, even though the agricultural land may be poor quality, the land surrounding the Proposed Development includes extensive areas of common grazing or land held runrig, and land included in the public register of crofts.

2.1.4. The majority of the Proposed Development avoids interaction with forestry with the noticeable exceptions being an area of forestry west of Port Griogaspuil (Aline Woodland), a smaller area of forestry located between Loch Breugach and Loch Leiniscal, a small area of forestry located adjacent to Scaladale and an area of woodland at Tarbert.

2.2. Proposed Development

2.2.1. Chapter 2 of the EIAR sets out a detailed description of the Proposed Development.

2.2.2. In summary, the Proposed Development for which Section 37 consent is being sought comprises the following:

- Construction and operation of a c.58 km single circuit 132 kV OHL, supported by trident H poles between the existing Harris GSP (Grid Reference NG 1350 9425) and the existing Stornoway Substation (Grid Reference NB 4019 3234).

2.2.3. The OHL would be supported by trident wood H poles. Low-profile steel trident H poles may be used in certain locations to achieve longer spans.

2.2.4. The spacing between the trident poles would vary depending on topography, altitude and land use, with maximum span length of 120 m and an average span of 80 m. The trident H poles would be a maximum of 18 m above ground level, with a typical average pole height of 10.5 m above ground

level. For comparison, the wood poles belonging to the existing 132 kV OHL vary in height from 10 m to 16 m, with an average of 12 m.

2.2.5. Other ancillary works as noted above in Chapter 1, would include vegetation clearance including tree felling, upgrade existing or establishment of new junction bellmouths, temporary access tracks and temporary measures to protect the road other public/private crossings as well as dismantling of the existing 132kV OHL. Deemed planning permission is sought for these works under Section 57 of the Town and Country Planning (Scotland) Act 1997, as amended (the 1997 Act).

2.2.6. Temporary site compounds and lay down areas will also be required, the location of which would be determined at construction stage by the Principal Contractor and the appropriate consents applied for at that time if required.

2.2.7. Consent for tree felling within the proposed operational corridor would be covered within the deemed planning element of the application, in accordance with the Forestry Industry Safety Accord (FISA) Safety Guide 804 – Electricity at work: Forestry[1] guidance. Any additional felling, outwith the new operational corridor, would be secured through the application of a tree felling licence applied for by the landowner at a later date.

2.2.8. The Proposed Development will replace the existing aged 132 kV OHL asset which will be dismantled and removed as part of the project works.

2.3. Limits of Deviation (LOD)

2.3.1. A Limit of Deviation (LOD) defines the maximum extent within which a development can be built.

2.3.2. The following parameters have been applied to the Proposed Development:

- a horizontal LOD of 100 m width (50 m either side of the OHL) where no specific environmental constraints have been identified;
- a horizontal LOD of 60 m width (30 m either side of the OHL) where the OHL passes through woodland; and
- a vertical LOD set at a maximum of 18 m (height) above ground level (agl).

2.3.3. The LOD is illustrated on Figure 2.1: Proposed Development (EIAR Volume 3a).

2.4. Access

2.4.1. No new permanent access tracks are required to facilitate the Proposed Development or ancillary works. Construction access would be from the A859 and is expected to use a mix of existing tracks and lower impact access solutions over open ground to gain access to the Operational Corridor. There is potential for temporary access tracks to be required; however, the use of these accesses would be kept to a minimum. Any temporary access tracks would be removed following

[1] FISA (2020) FISA Safety Guide 804 Electricity at work: Forestry

completion of the development, with land reinstated to as close to its existing condition, as reasonably possible.

2.5. Construction Operations

2.5.1. Construction works have also been considered in Chapter 2 of the EIAR (Volume 2). It is anticipated that construction works would commence in February 2024 subject to the necessary statutory consents being granted. A provisional construction period of 30 months is anticipated with full energisation of the project scheduled for March 2026. Dismantling of the existing 132 kV OHL will be completed by August 2026. An indicative construction programme is presented in Table 2.2 of Chapter 2 of the EIAR

2.5.2. Construction activities would in general be undertaken during daytime periods only. Working hours are currently anticipated between approximately 07.00 to 19.00 Monday to Friday and 07.00 to 17.00 on Saturdays during the months of April to September and 07:30 to 17:00 Monday to Friday and 07:30 to 17:00 on Saturdays during the months of October to March (inclusive). Any changes to these hours, as well as any out of hours working, would be agreed in advance with Comhairle nan Eilean Siar (CnES).

2.5.3. A contractual management requirement of the Principal Contractor would be the development and implementation of a Construction Environmental Management Plan (CEMP). This document would detail how the Principal Contractor would manage the site in accordance with all commitments and mitigation detailed in the EIAR, statutory consents and authorisations and industry best practice and guidance.

3. National Planning & Energy Policy

3.1. Introduction

3.1.1. This section of the Planning Statement provides an assessment of the Proposed Development against the following key material considerations of relevance:

- National Planning Framework 3 (NPF3);
- Emerging National Planning Framework 4;
- Scottish Planning Policy;
- Scottish Energy Strategy: The future of energy in Scotland; and
- Scotland's Electricity and Gas Networks: Vision to 2030.

3.2. National Planning Framework 3

3.2.1. The Scottish Government published the NPF3 on 23rd June 2014. NPF3 is a long-term strategy for Scotland and is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Together, NPF3 and Scottish Planning Policy (considered below) applied at the strategic and local levels, are intended to help the planning system deliver the Government's vision and outcomes for Scotland.

3.2.2. The Proposed Development is most closely related to the NPF's vision for Scotland to be a 'A Low Carbon Place' due to its importance in supporting security of supply and is identified as a National development in NPF3 as discussed below.

3.2.3. NPF3 supports the upgrade, maintenance and enhancement of the electricity grid network. Paragraph 3.28 states that:

"Electricity grid enhancements will facilitate increased renewable electricity generation across Scotland. An updated national development focusing on enhancing the high voltage transmission network supports this, and will help to facilitate offshore renewable energy developments."

3.2.4. The Proposed Development is directly related to this objective as it will support a national development in the form of upgrading of the electricity transmission network.

3.2.5. NPF3 notes that strengthening the electricity grid will be essential in unlocking renewable resources, both onshore and offshore. The importance of the Proposed Development is therefore recognised in NPF3.

3.2.6. Paragraph 3.28 continues noting that *"The environmental impacts of this type of infrastructure require careful management."* Mitigation is identified as an important part in the delivery of these necessary pieces of infrastructure. The Applicant recognises the importance of mitigating the impact of a development of this scale as much as practically possible and the section 37 consent is

accompanied by an EIAR which assesses the Proposed Development on a range of environmental receptors. The EIAR demonstrates that with the necessary mitigation in place the Proposed Development is acceptable in environmental terms.

Delivery: National Developments - Outcomes

3.2.7. As part of the Low Carbon Place strategy the Scottish Government recognises the need for a range of infrastructure, including new developments and refurbishment or enhancement of existing facilities. Delivery in this regard will be assisted by three national developments one of which is *'A High Voltage Energy Transmission Network'*. The Proposed Development would fall within this category and under the following class of National development:

"Development consisting of a. new and/or upgraded onshore electricity transmission cabling of or in excess of 132 kilovolts and supporting pylons."

3.2.8. In terms of the specific needs case for this type of development NPF states that *"these classes of development are needed to support the delivery of an enhanced high voltage electricity transmission grid which is vital in meeting national targets for electricity generation, statutory climate change targets, and security of energy supplies".*

3.2.9. The Proposed Development will reduce reliance on backup diesel generation during unplanned outages on the Western Isles, contributing to the Applicants commitment to reduce its greenhouse gas emissions by a third which in turn will contribute to statutory climate change targets.

3.2.10. The Proposed Development has a direct relationship in the delivery of this national development and as such can draw significant support from NPF3.

3.3. Emerging National Planning Framework 4

3.3.1. On 10th November 2021, the Scottish Government published its draft 'Scotland 2045 - Fourth National Planning Framework' (NPF4) which sets out their spatial strategy, relevant policies and identified National Developments.

3.3.2. In delivering the spatial strategy the Draft NPF4 recognises that places can be planned and developed to be sustainable, liveable, productive and distinctive. The national policies are grouped together under these four themes. The spatial strategy also identifies six overarching spatial principles. Of most relevance is, 'just transition' which states "meeting our climate ambition will require a rapid transformation across all sectors of our economy and society."

3.3.3. Eighteen national developments are proposed to support the delivery of the spatial strategy including 'Strategic Renewable Electricity Generation and Transmission Infrastructure' which supports renewable electricity generation, repowering, and expansion of the electricity grid across Scotland. It states: *"The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond."*

3.3.4. National Developments continue to include the Proposed Development, under Strategic Renewable Electricity Generation and Transmission Infrastructure, more specifically in this case "b) New and/or replacement high voltage electricity lines and interconnectors of 132kv or more;"

3.3.5. In terms of the need for these national developments, it states that *"Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas. Island transmission connections in particular can facilitate capturing the significant renewable energy potential in those areas as well as delivering significant social and economic benefits."*

3.3.6. The Proposed Development can also draw support from National Development 7, Islands Hub for Net Zero which supports proposed developments in the Western Isles, Shetland and Orkney Island groups, for renewable energy generation, renewable hydrogen production, infrastructure and shipping, and associated opportunities in the supply chain for fabrication, research and development. The Proposed Development would fall within the class of development c) Electricity transmission cables and converter stations on and offshore of or exceeding 132 kV. In terms of need, these classes of development are considered to support the potential of the island authorities to exemplify a transition to a net zero society, helping to sustain communities in rural and island areas by stimulating employment and innovation.

3.3.7. The Proposed Development can draw significant support from two national developments as identified within the draft NPF4.

3.3.8. The climate emergency has a prominent position in the draft NPF4. Draft Policy 2a states when considering all development proposals *"significant weight should be given to the Global Climate Emergency."* Draft Policy 19 relates to 'Green Energy' and states *"The planning system should support all forms of renewable energy development and energy storage, together with new and replacement transmission and distribution infrastructure."* Policy 19b adds *"Development proposals for all forms of renewable energy and low-carbon fuels, together with enabling works such as transmission and distribution infrastructure, and energy storage such as battery storage, should be supported in principle."*

3.3.9. The primary requirement for this project is to address the condition of the existing Harris-Stornoway 132 kV OHL connection, with a secondary requirement to improve network resilience. This project would also result in a reduction in greenhouse gas emissions, through the reduced need for diesel generation in the Western Isles due to unplanned outages.

3.3.10. The Proposed Development draws significant and direct support from the emerging NPF4.

3.3.11. It is important to note that at the time of writing NPF4 is not approved policy, therefore, NPF3 and Scottish Planning Policy will remain in force as the extant policy guidance until NPF4 is formally adopted by Scottish Ministers. The Scottish Government intends to set out a revised draft of NPF4 for the Scottish Parliament's consideration and approval in autumn 2022, and to progress its adoption by ministers thereafter. Therefore, whilst the Proposed Development aligns with the proposed aims and objectives of the emerging NPF4, this has limited weight in the assessment of the Proposed Development until it is formally adopted.

3.4. Scottish Planning Policy

3.4.1. Scottish Planning Policy (SPP) was published on 23rd June 2014. An erratum was published on the 18th December 2020 as a result of changes to paragraphs 28, 29,30, 32, 33 and 125 of SPP. The changes relate to sustainable development and housing land supply.

3.4.2. SPP sets out national planning policies which reflect Scottish Government Ministers' priorities for the operation of the planning system and for the development and use of land. SPP is relevant to understanding the national context, the generic duties under Schedule 9 to the 1989 Act and is a material consideration in the decision-making process.

Presumption in Favour of Sustainable Development

3.4.3. SPP *"introduces a presumption in favour of sustainable development"* and states that:

"the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the cost and benefits of the proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost" (paragraph 28).

3.4.4. As has been set out above, the Proposed Development forms part of a strategically important category of national development which is recognised in NPF3. It is a national priority which will contribute to the Scottish Government's central purpose and national outcomes.

Planning Outcomes

3.4.5. Outcome 2 'A Low Carbon Place: Delivering Heat and Electricity' is of most relevance to the Proposed Development. The focus on this outcome is to reduce carbon emissions and adapt to climate change.

3.4.6. SPP requires that planning authorities through their Development Plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.

3.4.7. The Proposed Development 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.

3.4.8. SPP seeks to protect the natural environment and notes that the environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation, and sustainable economic activity.

3.4.9. The Proposed Development has been designed to avoid and minimise environmental impacts and mitigate the likely significant environmental effects that are predicted, wherever possible. This has been achieved through an iterative design process which has sought to respond to concerns raised and potential impacts on receptors before reaching the final alignment for the Proposed Development.

3.4.10. No significant landscape and visual effects are anticipated as a result of the Proposed Development.

3.4.11. The Seascape, Landscape and Visual Impact Assessments (SLVIA) concludes that there would be no impacts on designated or classified landscapes which would adversely affect their special qualities or key characteristics, or impact upon their justification for their designation.

3.4.12. Chapter 8 of the EIAR concludes that a long-term significant adverse residual effect would remain for the loss of woodland until such time as the replacement woodland areas are fully established and functional (from 50 years). Whilst the impact is significant, the trees lost through the construction of the Proposed Development will be replaced through compensatory planting. . The Proposed Development constitutes national development which is supported by National Policy in the public interest resulting in network resilience and facilitating the growth of renewable energy on the Western Isles. The proposal is strategically important for the delivery of enhanced electricity grid infrastructure which is an important material consideration which requires to be balanced with the aspiration to retain forestry land. On balance, the impact of the tree removal (including compensatory planting) is outweighed by the significant benefits of the provision of the OHL.

3.4.13. A significant cumulative effect is predicted on blanket bog and wet heath between the surrounding cumulative developments and the Proposed Development. It is noted that, whilst significant cumulative effects are identified, the effect of habitat loss on blanket bog and wet heath for the Proposed Development in isolation is not significant. The EIAR states that the implementation of mitigation, including peatland restoration, could reduce potential impacts and compensate for the loss of habitat by providing better quality blanket bog in the medium- to long-term.

3.4.14. Following mitigation, no other significant residual effects are predicted on ecology or ornithology interests.

3.4.15. SPP also recognises that *"the historic environment is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places."* The siting and design of development have taken account all aspects of the historic environment. Chapter 7 of the EIAR considers Cultural Heritage and confirms that, subject to the proposed mitigation, no residual significant adverse effects are likely.

3.4.16. The Proposed Development would enhance the high voltage energy transmission network meeting NPF objectives. The national importance of the Proposed Development is a significant material consideration in the determination of the section 37 application and for Scottish Ministers in meeting their schedule 9 duties.

3.5. Scottish Energy Strategy: The future of energy in Scotland

3.5.1. Scotland's first Energy Strategy, published in December 2017, sets out the Scottish Government's vision for the future energy system in Scotland. The document's energy strategies of most relevance to the Proposed Development include system security and flexibility.

3.5.2. The Energy Strategy notes 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"*. The Proposed Development will directly contribute

towards this aim through the provision of increased network resilience and security of supply and therefore can draw support from the Scottish Energy Strategy.

3.6. A Vision for Scotland's Electricity and Gas Networks

3.6.1. The Scottish Government's 'Vision for Scotland's Electricity and Gas Networks' document was published in March 2019. The vision statement highlights that, "*By 2030 Scotland's energy system will have changed dramatically in order to deliver Scotland's Energy Strategy targets for renewable energy and energy productivity…Our electricity and gas networks will be fundamental to this progress across Scotland, and there will be new ways of designing, operating and regulating them to ensure that they are used efficiently.*"

3.6.2. With regards to electricity transmission, the document supports (page. 5):

- ***"A secure and resilient transmission network for Scotland, engineered to reflect the changing dynamics of the electricity system, and with a System Operator able to access the technical services needed to maintain stability.***
- ***New transmission infrastructure that ensures we can meet Scotland's renewable energy ambitions"***

3.6.3. With respect the electricity network the vision for 2030 is that *"there will have been the necessary substantial investment in new capacity for our electricity networks, including transmission links to our island groups and new undersea cables linking to the rest of Britain between Scotland, England and Wales. There will be a strategic focus on security of supply and resilience when designing these networks and the systems that they connect to."*

3.6.4. The document highlights that Island transmission links will enable major renewable projects and economic development opportunities on the Western Isles.

3.6.5. The primary requirement for the Proposed Development is to address the condition of the existing Harris-Stornoway 132 kV OHL connection, with a secondary requirement to improve network resilience.

3.6.6. The Proposed Development can draw support from the Vision for Scotland's Electricity and Gas Networks to 2030 and more specifically the vision for the electricity network. The Proposed Development involves a significant investment in the electricity network improving security of supply. The Proposed Development will help achieve the Applicant's licence obligations to develop and maintain an efficient, coordinated and economic electricity system in Scotland.

3.7. Conclusions

3.7.1. In summary, the Proposed Development has been considered against the terms of the most relevant national, planning and energy policy. The Proposed Development is identified as a strategically important National Development within NPF3 as part of the Scottish Government's strategy to achieve a Low Carbon Economy. The proposal would support the security of energy supply and enhancement of the electricity grid infrastructure. Hence there is significant support for the Proposed Development at a national level.

3.7.2. The Applicant has undertaken an EIA to assess the impact of the Proposed Development on various receptors. No unacceptable environmental effects have been identified and the Proposed Development is considered to be acceptable subject to proposed mitigation measures. Due regard has been given to the preservation of natural heritage, cultural heritage, landscape, ecology, ornithology, hydrology, hydrogeology, geology and soils, as well as assessing potential traffic and transport effects, , and mitigation measures have been designed to reduce, avoid or minimise likely significant effects. As noted, a long-term significant adverse residual effect would remain for the loss of woodland until such time as the replacement woodland areas are fully established and functional (from 50 years) which is considered fully in Section 4.5 below. The Proposed Development constitutes National development which is supported by National Policy in the public interest resulting in network resilience and facilitating the growth of renewable energy on the Western Isles. On balance, the impact of the tree removal (including compensatory planting) is outweighed by the benefits of the provision of this nationally important project. A significant cumulative effect is predicted on blanket bog and wet heath between the surrounding cumulative developments and the Proposed Development. It is noted that whilst significant cumulative effects are identified, the effect of habitat loss on blanket bog and wet heath for the Proposed Development in isolation is not significant. The EIAR states that the implementation of mitigation, including peatland restoration, could reduce potential impacts and compensate for the loss of habitat by providing better quality blanket bog in the medium- to long-term.

3.7.3. No other long term significant residual effects are predicted.

3.7.4. In designing the Proposed Development, the Applicant has had regard to the Schedule 9 duties. The outcome of this is set out in the information that is contained within the individual topic sections of the EIAR. The Applicant has committed to the identified and recommended mitigation measures, which will avoid unacceptable effects on the environment.

3.7.5. Finally, the Proposed Development can draw significant backing from the Scottish Energy Strategy and the Scottish Government's 'Vision for Scotland's Electricity and Gas Networks' which support the development and enhancement of electricity transmission infrastructure.

4. Local Planning Policy

4.1. Introduction

4.1.1. This Chapter assesses the Proposed Development against the statutory Development Plan applicable to the areas in which the site is located. The Proposed Development is located within the Local Authority area of Comhairle nan Eilean Siar.

4.1.2. The Development Plan applicable to the Proposed Development therefore comprises of:

- The Outer Hebrides Local Development Plan (OHLDP) (adopted November 2018); and
- Supplementary Guidance.

4.1.3. There is no Supplementary Guidance of relevance to the Proposed Development and its ancillary works.

4.2. Local Development Plan

4.2.1. The Outer Hebrides Local Development Plan (OHLDP) provides the local context for assessing development proposals. The relevant policies of the OHLDP are included in full at Appendix 2 to this Planning Statement.

4.2.2. Table 4.1 sets out the policies considered to be of relevance to the Proposed Development and which it has been assessed against.

Table 4.1: Relevant Development Plan Policies

Topic	Policy
Development Strategy	**DS1 – Development Strategy**
Environment and Infrastructure	**Policy EI 1: Flooding** **Policy EI 3: Water Environment** **Policy EI 4: Waste Management** **Policy EI 5: Soils** **Policy EI 8: Energy and Heat Resources** **Policy El 9: Transport Infrastructure**
Natural and Built Heritage	**Policy NBH1: Landscape** **Policy NBH2: Natural Heritage** **Policy NHB3: Trees and Woodland** **Policy NBH4: Built Heritage**

4.3. Development Strategy

4.3.1. Policy DS1: Development Strategy is a principal policy which seeks to support the strategic role of Stornoway and other main settlements whilst supporting sustainable growth in rural areas where development should be sited and designed to a more open and rural setting. In remote areas development will only be acceptable where a locational need has been demonstrated such as an over-riding public interest.

4.3.2. Chapter 3 of the EIAR sets out the principles of the approach to the design of the Proposed Development. The nature and characteristics of an OHL development is such that it is not designed or intended for use by the public, nor would it be accessible to the public. As such aspects of the above policies are not considered entirely relevant to the assessment of large-scale transmission infrastructure. The layout of the Proposed Development is largely driven by technical requirements; however, the finalised design, siting and layout has been carefully considered by the Applicant to minimise where possible impacts on the local and wider environment.

4.3.3. The Proposed Development contributes to connecting renewable electricity generation capacity to the transmission network which is necessary to realise the potential of Scotland's renewable energy resources and in doing so helping to meet Scotland's climate change targets. The proposal also improves network resilience which serves the interests of the public in the Western Isles.

4.3.4. The proposal is therefore deemed to accord with Policy DS1.

4.4. Environment and Infrastructure

4.4.1. Policy EI 1: Flooding states that development proposals should avoid areas susceptible to flooding and promote sustainable flood management. Chapter 10 of the EIAR addresses flooding and confirms that, where possible, poles have been located outside a 30m buffer of watercourses and as such are not anticipated to be at risk of flooding.

4.4.2. The Proposed Development is not within areas assessed to be at risk of flooding from the sea. Areas assessed to be at risk of surface water flooding are identified along the Proposed Development, however the EIAR concludes that they do not present a significant flood risk. Further detailed assessments of potential vulnerability to flood risk were scoped out of the EIAR.

4.4.3. The Appointed Contractor at the detailed design stage would be responsible for designing Site drainage such that runoff rates are maintained equivalent to the pre-development greenfield situation.

4.4.4. The Proposed Development avoids areas susceptible to flooding, where possible, and flood management is proposed to ensure the Proposed Development does not give rise to flooding. The Proposed Development is in accordance with Policy EI 1.

4.4.5. Policy EI 3: Water Environment states that development should avoid adverse impacts on the water environment and that development proposals must provide a full assessment of the likely effects of the development. The water environment is considered in Chapter 10 of the EIAR.

4.4.6. The Proposed Development falls within a 30 m buffer of a number of small watercourses, lochs, lochans. The number of watercourse crossings required has been minimised. Best practice for watercourse crossing design is set out in Technical Appendix 10.1: Watercourse Crossing Assessment of the EIAR.

4.4.7. The southern half of the Proposed Development passes through two Drinking Water Protected Areas (DWPA) which are assessed as high sensitivity.

4.4.8. Chapter 10 of the EIAR outlines various mitigation measures to minimise the effects on both surface and ground water bodies from the Proposed Development including the implementation of a CEMP, General Environmental Management Plan (GEMP), buffer strips between any watercourse and proposed secondary access tracks, and storage of potentially contaminative materials carried out at least 50 m from watercourses.

4.4.9. Eight Private Water Supplies (PWSs) are identified in the study area which are considered to be of high sensitivity. Potential impacts on PWSs include alterations to the water quality through pollution or sedimentation and/or quantity of surface water and groundwater supplies which could impact the quality and quantity of water to PWSs. Following mitigation including detailed pre-construction PWS risk assessments and monitoring water quality during construction, no significant impacts are anticipated on PWSs.

4.4.10. Overall, Chapter 10 concludes that following mitigation, there are no significant residual effects on the water environment.

4.4.11. Policy EI 4: Waste Management states that a Site Waste Management Plan will be required to accompany proposals for Major developments and developments involving significant demolition works. Chapter 2 of the EIA states that there would be no significant waste emissions associated with the Proposed Development. Waste will be managed in accordance with good practice guidance including implementing a Site Waste and Materials Management Plan. The Proposed Development is considered to accord with Policy EI 4.

4.4.12. Policy EI 5: Soils states that development should be designed to minimise adverse impacts on soils including peat caused by ground disturbance, compaction or excavation. Soils are addressed in Chapter 10 Hydrology, Hydrogeology, Geology and Soils of the EIAR. The site is predominantly made up of class 1 and 2 soils. Peatland is identified in the study area.

4.4.13. Potential construction impacts to soils and peat habitats include compaction of soils, potential erosion of peat soils through disturbance, and loss of peatland habitats and carbon rich soils through excavations for infrastructure.

4.4.14. Where it has not been possible to avoid peatland habitats, infrastructure has been positioned as close to the edge of areas of those habitat types and on the shallowest peat, where possible, to reduce impacts on the natural functions of those habitats. The route of the Proposed Development has also been selected to avoid areas of higher quality, active and deep peat.

4.4.15. The Contractor will develop a detailed Peat Management Proposal (PMP) (Technical Appendix 10.2 of the EIAR) to mitigate potential impacts on peat and carbon rich soils throughout the construction phase. Further ground investigation works will also be carried out and monitored by the Ecological Clerk of Works (ECoW).

4.4.16. No potential operational phase impacts on peat and carbon rich soils are anticipated.

4.4.17. The residual effect on soils and peatland is assessed as not significant. As such the Proposed Development is considered to accord with Policy EI 5: Soils

4.4.18. Policy EI 8: Energy and Heat Resources states that the Council will support proposals that contribute to meeting climate change/renewable targets and objectives in relation to electricity grid reinforcement, infrastructure and renewable energy generation.

4.4.19. The Proposed Development is required to provide reinforcement to the existing transmission network and to facilitate the growth of renewable energy. The Proposed Development would contribute to connecting renewable electricity generation capacity to the transmission network, in turn displacing emissions associated with fossil fuel-based electricity generation elsewhere. The project would also support the Applicant's goal of one third reduction in greenhouse gas emissions, through the reduced need for diesel generation in the Western Isles due to unplanned outages. The design and siting of the Proposed Development has been carefully considered to minimise impacts on the local environment. The Proposed Development contributes to climate change and renewable energy targets and reinforces the electricity grid and as such draws significant support from Policy EI 8.

4.4.20. Policy El 9: Transport Infrastructure requires development proposals associated with new or improved transport infrastructure and traffic management measures to meet certain criteria. Chapter 11 of the EIA considers traffic and transport. Policy EL 9 is of limited relevance to the Proposed Development as the development, once operational would not be a travel generating use. The potential for impacts is therefore based solely around the construction period of the project. Mitigation measures would be implemented through a Construction Traffic Management Plan (CTMP) during the construction phase of the Proposed Development.

4.4.21. Construction traffic would result in a temporary increase in traffic flows on the road network surrounding the Proposed Development. Minor, non-significant effects could be expected along the A859 and within the village of Tarbert.

4.4.22. Four core paths are located within the vicinity of the Proposed Development. Following the implementation of a Path Management Plan, no significant effects are anticipated for core path users.

4.4.23. Following the implementation of appropriate mitigation, no significant residual effects are anticipated in respect of traffic and transport issues. The Proposed Development accords with Policy EL 9 insofar as it is relevant to electricity infrastructure.

4.5. Natural and Built Heritage

Policy NBH1: Landscape requires development proposals to relate to the specific landscape and visual characteristics of the local area, ensuring that the overall integrity of landscape character is maintained, and development proposals should not have an unacceptable significant landscape or visual impact. Where significant landscape or visual impacts are identified mitigation measures demonstrating how a satisfactory landscape and visual fit can be achieved will be required.

4.5.1. A SLVIA has been undertaken as part of the EIA and its findings are presented within Chapter 6 of the EIA Report. It is noted that the Proposed Development includes the removal of the existing 132 kV OHL upon the completion and energisation of the proposed new 132 kV OHL, thereby reducing the concentration of electricity infrastructure within the post-construction landscape to that which is broadly consistent with the current baseline.

4.5.2. The SLVIA concludes that there would be some direct locally significant effects on the fabric and host landscape character types (Rocky Moorland – Outer Hebrides LCT; Prominent Hills and Mountains LCT; and Boggy Moorland – Outer Hebrides) within the immediate area surrounding the poles during construction and operation. The effects would be highly localised and would reduce substantially over a short distance from the alignment, due to topography and other intervening elements, particularly along the central and southern extent of the Study Area. The EIAR details embedded mitigation including the careful siting and design of the OHL and other additional mitigation measures which seek to minimise the impact to the existing landscape. No significant adverse effects are anticipated on Seascape and Landscape Character Types as a result of the Proposed Development.

4.5.3. The SLVIA also identifies no significant visual effects attributed to the Proposed Development.

4.5.4. Policy NBH1 also deal withs National Scenic Areas and Wild Land. There are no significant adverse effects predicted on any designated or classified landscapes including South Lewis, Harris and North Uist NSA and Eisgein WLA and Harris – Uig Hills WLA. The SLVIA concludes that there would be no impacts on designated or classified landscapes which would adversely affect their special qualities or key characteristics, or impact upon their justification for their designation.

4.5.5. The SLVIA concludes that no significant landscape and visual effects are anticipated as a result of the Proposed Development. Moreover, no significant cumulative effects are identified. Given the localised nature of the effects, all set within a context of existing electricity infrastructure, it is considered that these would be acceptable in their context and in considering the nature and importance of the Proposed Development.

4.5.6. The Proposed Development is therefore considered to accord with Policy NBH1.

4.5.7. Natural Heritage interests are dealt with under Policy NBH2: Natural Heritage and relates to development proposals that may impact designated nature conservation sites, including Natura sites (special Areas of Conservation and Special Protection Areas), Site of Special Scientific Interest, National Nature Reserves and Ramsar sites. Protected Species are also protected under this policy.

4.5.8. One statutory designated nature conservation site for ecological features occurs within the field Survey Area. The Lewis Peatlands Ramsar site, a large area of blanket bog, is crossed by the Proposed Development to the north of Laxay. However, the Ramsar site's habitat features are found wholly within the boundary of the Lewis Peatlands Special Areas of Conservation (SAC) which lies 0.9km west of the Proposed Development. As such no impacts on the Lewis Peatlands Ramsar site are identified. Moreover, Technical Appendix 8.1 of the EIAR states that no direct or indirect impacts are anticipated on the Lewis Peatlands SAC given the separation of its habitat features from the Proposed Development.

4.5.9. The area of the Ramsar site crossed by the Proposed Development coincides with the Lewis Peatlands Special Protection Area (SPA), which is designated for bird features only. Chapter 9: Ornithology of the EIAR finds that following mitigation, no significant residual impacts are predicted on the Lewis Peatlands SPA.

4.5.10. Eight other statutory designated nature conservation sites occur within 10 km of the Proposed Development including the Lewis Peatlands SAC, North Harris SAC and Site of Special Scientific

Interest (SSSI), Langavat SAC, Inner Hebrides and the Minches SAC, Luskentyre Banks and Saltings SSSI, Tong Saltings SSSI, Loch nan Eilean Valley Bog SSSI, and Achmore Bog SSSI. No impacts are anticipated on nature conservation sites.

4.5.11. The EIAR notes that the dominant habitats present in the field Survey Area are blanket bog and wet heath alongside woodland, grassland and running and standing water habitats. Impacts on peatland/soils are considered above through Policy EI 5: Soils, with impacts on woodland addressed below in relation to Policy NHB3.

4.5.12. Three invasive non-native plant species were recorded: wall cotoneaster, rhododendron and giant rhubarb.

4.5.13. One potential high GWDTE and three potential moderate GWDTEs were recorded in the study area.

4.5.14. No field signs of protected species were recorded in the study area. However, habitats were considered to be suitable to support otter and slow worm.

4.5.15. The construction of the Proposed Development has the potential to activities degrade or destroy sensitive habitats either directly, through excavation, compaction, or modification (e.g. vegetation removal), or indirectly as a result of dewatering or from the accidental release of fuels, lubricants or other chemicals. The construction of the operational corridor would also cause permanent habitat loss.

4.5.16. The layout of the Proposed Development has, as far as possible, been designed to avoid the habitats of highest ecological importance and with the highest sensitivity to impacts, as detailed in Chapter 2 and 3 of the EIAR. A suitably qualified and experienced ECoW would be employed to input into the CEMP and oversee the implementation of surface water management and ecological mitigation measures during construction including habitat restoration measures.

4.5.17. Although there were no field signs of protected species, some habitats were considered suitable for otter and slow worm. The Applicant's Species Protection Plans (SPPs) would be adhered to during the construction phase with preconstruction surveys undertaken as part of these plans. In addition, potential protected Species Enhancements have been identified including providing sheltering opportunities for slow worm.

4.5.18. The EIAR concludes that following mitigation the Proposed Development would not result in a significant residual effect on any statutory or non-statutory conservation sites including the Lewis Peatlands Ramsar site and SPA, nor any habitats or species within the study area.

4.5.19. Chapter 9 of the EIAR considers potential ornithological effects. The EIAR predicts potential disturbance impacts during the construction of the Proposed Development on black-throated diver, red-throated diver, greylag goose, greenshank and other non-Schedule 1 birds including dunlin and golden plover. Potential collision risk impacts are predicted during operation for golden eagle, white-tailed eagle, black-throated diver, red-throated diver and greylag goose.

4.5.20. Proposed mitigation includes the use of a GEMP, SPPs, pre-construction surveys, monitoring and the use of line marking along key stretches of the Proposed Development to mitigate collision risk.

4.5.21. Following the implementation of mitigation, no significant residual impacts or cumulative effects on ornithological features are predicted.

4.5.22. Policy NHB3: Trees and Woodland states that there is a strong presumption against the removal of trees and woodland which have a landscape and amenity value and/or contribute to nature conservation, unless removal would achieve significant additional economic, environmental, or social benefits. Chapter 8 Ecology of the EIAR considers the impact of the Proposed Development on trees and woodland.

4.5.23. The route of the Proposed Development was carefully considered to avoid areas of woodland in the first instance, particularly by retaining areas of native woodland. Where this is not possible, infrastructure has been micro-sited to minimise the amount of felling required. The area of permanent loss woodland as a result of the Proposed Development is approximately 3.26ha or 14% of the total recorded within the field survey area (i.e. 250m either side of the Proposed Development). The loss of broadleaved woodland is considered to be an adverse effect at the local level as it has a high ecological value which provides habitat for a range of other ecological features.

4.5.24. Mitigation and good practice measures are proposed including native woodland retention measures, compensatory planting, and the implementation of a CEMP.

4.5.25. A long-term significant adverse residual effect would remain for the loss of woodland until such time as the replacement woodland areas are fully established and functional (from 50 years). It is noted that the woodland loss is only approximately 14% of the total recorded in the field survey area, and no trees of amenity, cultural or historic interest would be lost. The route of the Proposed Development was also carefully considered to avoid areas of woodland in the first instance, particularly by retaining areas of native woodland. The trees lost through the construction of the Proposed Development, would be fully restocked through compensatory planting.

4.5.26. Policy NHB3: Trees and Woodland states that there is a strong presumption against woodland, unless removal would achieve significant additional economic, environmental, or social benefits. The Proposed Development constitutes national development which is supported by National Policy in the public interest resulting in network resilience and facilitating the growth of renewable energy on the Western Isles. The proposal is strategically important for the delivery of enhanced electricity grid infrastructure which is an important material consideration which requires to be balanced with the aspiration to retain forestry land. As noted above, all trees lost will be fully restocked and are expected to be fully established in approximately 50 years. On balance, the impact of the tree removal (including the compensatory planting) is outweighed by the benefits of the provision of the OHL. On balance, the Proposed Development is considered to comply with Policy NHB3.

4.5.27. Policy NBH4: Built Heritage seeks to preserve or enhance the architectural, artistic, commemorative or historic significance of built heritage assets in the Western Isles. Chapter 7 of the EIAR address cultural heritage.

4.5.28. Within the outer study area 24 designated heritage assets have been identified: 3 Scheduled Monuments, 3 Category A Listed Buildings, 6 Category B Listed Buildings, 10 Category C Listed Buildings, 1 Conservation Area and 1 Inventory Garden and Designed Landscape.

4.5.29. A total of 88 non-designated heritage assets have been identified within the Inner Study Area.

4.5.30. The EIAR states that there is a moderate potential for archaeological remains to be buried in areas of the site.

4.5.31. Construction activities such as ground disturbance, vehicle movements and storage of materials have the potential to disturb or destroy features of cultural heritage interest.

4.5.32. There is potential for construction works to result in direct effects on 23 heritage assets. In addition, 18 heritage assets within the micrositing allowance (LOD) could be affected by micrositing of proposed poles or deviation in open ground access track routes. Without mitigation, there is only one potential major adverse (significant) effect, and 18 potential moderate (significant) effects. The other impacts are assessed as not being significant.

4.5.33. No direct operational effects are anticipated as any required maintenance works would use low ground pressure vehicles and trackway panels to avoid damage or compaction of the ground.

4.5.34. The Proposed Development would constitute a largely like-for-like replacement of the existing 132 kV OHL, with no significant change to the surroundings of any designated heritage assets. As such, there are no significant impacts on settings of any heritage assets as a result of the Proposed Development.

4.5.35. A Written Scheme of Investigation (WSI) will be developed and agreed with the County Archaeologist to ensure that suitable mitigation measures are put into place during construction. Proposed Mitigation includes the demarcation of assets for preservation in-situ and the implementation of watching briefs in areas with increased potential for the presence of archaeological features. If significant discoveries are made during the watching briefs and preservation in situ is not possible, provision would be made for an appropriate amount of investigation and recording to a programme to be agreed in writing with the Council.

4.5.36. Following mitigation, no significant residual or cumulative impacts on cultural heritage are predicted. The Proposed Development is not considered to have an unacceptable significant impact on built heritage and is considered to comply with Policy NBH4: Built Heritage.

4.6. Emerging Local Development Plans

4.6.1. Comhairle nan Eilean Siar (Western Isles Council) is in the early stages of preparing the next Outer Hebrides Local Development Plan. During 2022-23 the Council will commence work on the preparation of the Evidence Report. The Council are awaiting the publication of secondary legislation relating to the 2019 Planning Act before progressing further with the emerging plan.

4.7. Development Plan Conclusions

4.7.1. The objectives and policies of the Local Development Plan have a strong accordance with the environmental considerations that are relevant to the determination of this Section 37 consent application and the Schedule 9 duties of Scottish Ministers. Although there is no primacy of the Development Plan in an application for an electricity consent under the 1989 Act, the Development

Plan policies are useful to understanding in a local context, the generic duties under Schedule 9 to the 1989 Act and are material considerations in the decision-making process.

4.7.2. The Development Plan is set within the overarching policy framework of SPP and NPF3 and recognises the importance of electricity grid reinforcement in contributing to meeting the targets and objectives of the NPF3, the Climate Change Act, and the National Renewables Infrastructure Plan.

4.7.3. The detailed assessment of the Proposed Development and its ancillary works against the Development Plan policies for the principal planning issues, confirms that there is no conflict with the aims and objectives of the Development Plan. The Proposed Development will deliver vital grid infrastructure reinforcement and the Proposed Development has been designed and mitigated to ensure that there are no unacceptable adverse impacts on natural, built, and cultural heritage resources.

4.7.4. The Proposed Development has been designed to avoid and minimise environmental impacts and mitigate the likely significant environmental effects that are predicted, wherever possible, as detailed in the EIAR. The EIAR identifies a long-term significant adverse residual effect for the loss of woodland. This significant effect will remain until the replacement woodland areas are fully established and functional (from 50 years). Significant cumulative effects are also predicted on blanket bog and wet heath between the surrounding cumulative developments and the Proposed Development. It is noted that whilst significant cumulative effects are identified, the effect of habitat loss for the Proposed Development in isolation is considered to be not significant. The EIAR states that the implementation of mitigation, including peatland restoration, could reduce potential impacts and compensate for the loss of habitat by providing better quality blanket bog in the medium- to long-term.

4.7.5. No significant landscape and visual effects are anticipated as a result of the Proposed Development

4.7.6. The Proposed Development is a national development which is supported by National Policy in the public interest resulting in network resilience and facilitating the growth of renewable energy on the Western Isles. On balance, the impact of the tree removal (including the compensatory planting) and the significant cumulative effects on blanket bog and wet heath, are outweighed by the benefits of the provision of the OHL. There are no other significant adverse residual effects on the environment.

4.7.7. Given the project's wider benefits in terms of maintaining security of supply and reducing greenhouse gas emissions through a reduced reliance on diesel generation due to unplanned outages, the Proposed Development can draw support from the overarching aims of the Development Plan.

5. Conclusions

5.1. Overall conclusions

5.1.1. The Proposed Development requires to be considered under the terms of the 1989 Act, in particular the Schedule 9 duties.

5.1.2. Paragraph 3(2) of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals. The information that is contained within the individual topic sections of the EIAR for the Proposed Development addresses these. It is considered that the detailed work undertaken as part of the EIA and commitments made in terms of mitigation have confirmed that the Proposed Development is environmentally acceptable. On this basis the Applicant has fulfilled their obligations under Schedule 9 paragraph 3(1) to the 1989 Act.

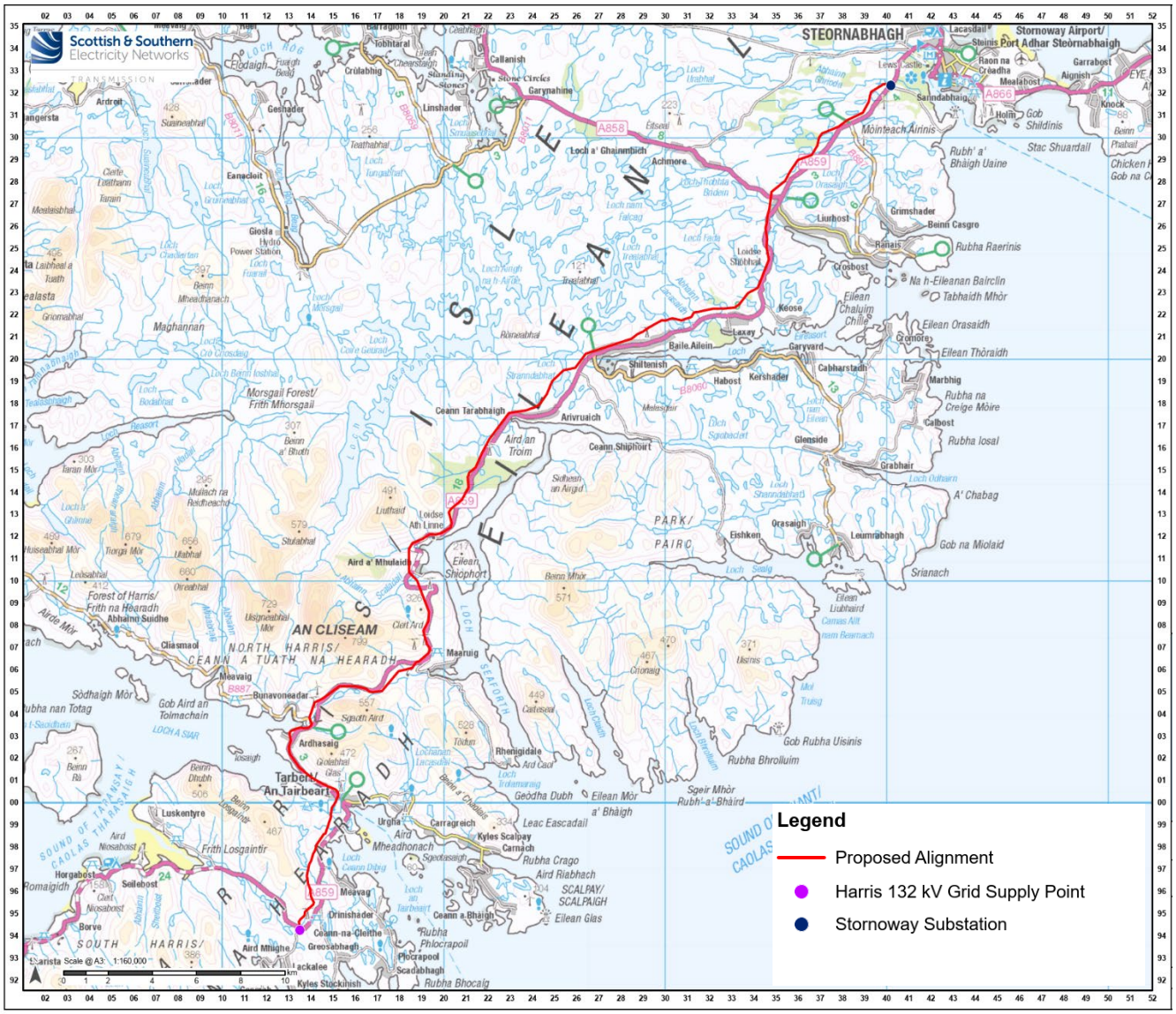
5.1.3. These duties apply whatever the relevant local policy circumstances expressed through a Development Plan may be. Therefore, the approach required in the consideration of the application in this case is fundamentally different to the conventional approach for planning decisions under section 25 of the 1997 Act. As has been explained, there is no primacy of the Development Plan in determining an application for an electricity consent under the 1989 Act. Development Plan policies are relevant to understanding in a local context, the generic duties under Schedule 9 to the 1989 Act.

5.1.4. The predicted adverse effects that would arise from the Proposed Development and its ancillary works are not of such magnitude that they significantly and demonstrably outweigh the estimated benefits. In accordance with Scottish Planning Policy the presumption in favour of development that contributes to sustainable development applies and is a material consideration in this case.

5.1.5. The Proposed Development would contribute to delivering a National Development project as defined in NPF3 and would support the security of energy supply and enhancement of the electricity grid infrastructure. Due regard has been given to the preservation of natural heritage, cultural heritage, ecology, ornithology, hydrology, hydrogeology, geology and soils, as well as assessing potential traffic and transport effects, and mitigation has been employed to reduce, avoid or minimise any effects that have been identified through the EIAR.

5.1.6. This Planning Statement has demonstrated that the Proposed Development can draw significant support from local and national planning policy and meets the terms required by Schedule 9 of the 1989 Act. This presents a strong case for the approval of Section 37 consent for the Proposed Development and deemed planning permission for those ancillary elements required to construct and operate the proposed development.

Appendix 1 – Location Plan



Appendix 2 – Comhairle nan Eilean Siar LDP Policy Schedule

Policy Schedule - Outer Hebrides Local Development Plan

Development Strategy

Policy DS1 – Development Strategy

Stornoway Core

The principal policy objective is to support and promote the strategic role of Stornoway within the Outer Hebrides by accommodating development which facilitates regeneration, successful placemaking and infrastructure to support growth. There will be a focus on promoting a compact, accessible and vibrant core with a diverse mix of uses. Assessing the impact of development on the character and amenity of Stornoway Core will be fundamental to sustaining a sense of place which will be attractive to residents, businesses and visitors. Development proposals within Stornoway Core should: a) respect the settlement pattern and historic character of the town; b) contribute to a positive streetscape and a quality and accessible public realm through good design, site layout, connectivity, landscaping and use of appropriate materials which are compatible with the surroundings and character of the area; c) be well connected and designed to incorporate or enhance routes for walking and cycling; and d) protect and retain functional Open Space which actively contributes to local amenity, recreation or biodiversity objectives. Developers will be required to justify the development of a greenfield site in preference over vacant buildings, brownfield, gap and derelict sites.

Main Settlements

The principal policy objective is to support and consolidate the strategic role of main settlements within their island groupings and to promote connectivity between transport and service infrastructure, while ensuring a quality of place-making appropriate to a port of entry and key service centre. New community, education, and healthcare facilities should be located close to transport nodes in order to optimise access. Development proposals within main settlements will be assessed against all of the following:

a) Siting and design should be appropriate to the characteristics of main settlements and should contribute positively to the key approaches to the settlement and any waterfront or quayside character.

b) Proposals for commercial uses should ensure the site layout and access arrangements contribute positively to the space onto which they publicly face. Appropriate landscaping may be required to achieve this.

c) Higher density development within the settlement centres will be acceptable where it is compatible with the surrounding built form and character.

d) The protection and retention of functional Open Space which actively contributes to local amenity, recreation or biodiversity objectives. Developments on ‘croft land’ should not adversely affect the operational use and sustainability of the croft, unless the development is required for reasons of over-riding public interest. Proposal sites should be sited to use the least amount of productive croft land where practical and should not fragment the croft in such a way that affects its potential to be used for cultivation or other ‘purposeful use’. An access corridor to the croft should be maintained.

Rural Settlements

The principal policy objective is to accommodate development to meet sustainable growth for local needs, particularly for residential, agriculture, tourism and service activities. Housing clusters and economic development proposals will be supported provided they are of an appropriate scale and do not threaten residential amenity. Development proposals within Rural Settlements will be assessed against all of the following:

a) A siting and design appropriate to the established rural character and settlement pattern of the local area.

b) Residential proposals should be of a lower level of density and respect the character of the individual settlement.

c) Developments on 'croft land' should not adversely affect the operational use and sustainability of the croft, unless the development is required for reasons of over-riding public interest. Proposal sites should be sited to use the least amount of productive croft land where practical and should not fragment the croft in such a way that affects its potential to be used for cultivation or other 'purposeful use'. Proposals should ensure access to the croft is maintained and of a suitable width for agricultural machinery to access. At a minimum this should be 4 metres in width.

Outwith Settlement

The principal policy objective is to direct appropriate resource based activity and ensure development has a quality of siting and design suitable to a more open and rural setting.

Development proposals for non-residential uses on green field sites must demonstrate a clearly justified need for the proposed development in that location, unless directed by the Wind Energy spatial strategy.

Development proposals for houses must be of a high quality in terms of design, scale, siting and materials to integrate positively with the surrounding landscape and achieve a sympathetic fit. In addition, proposals for small groups of related housing must demonstrate strong visual cohesion and a sense of place. Affordable housing proposals are required to be supported by a strong justification for the choice of site including evidence that sites within main or rural settlements have been explored and the reasons why these sites have been assessed as unsuitable.

Development proposals for recreational huts* should be located within reasonable walking distance of a public transport route. They must be designed to physically and visually integrate with the surrounding landscape and should contribute to the amenity value of the area. Small groupings of huts may be appropriate provided they will not have an unacceptable cumulative impact on the landscape, natural environment and amenity value of the area.

All development proposals will be assessed against the capacity of the surrounding landscape to accommodate the development. Development proposals should avoid raised or high level locations to minimise visual impact (supplementary information to support this is likely to be required early in the application process).

*Recreational Huts will only be considered in Outwith Settlement areas.

Remote Areas

The principal policy objective is to support the sustainable development of natural resources and manage change in the landscape to maintain and enhance distinctive character landscapes. There

will be a focus on protecting important environmental assets that underpin the sustainable development of natural resources* and tourism. Development in Remote areas will be limited. The creation of new houses will not be permitted and other developments will need to be clearly justified. Careful planning and design will be required to minimise environmental impacts. Proposals for development will only be acceptable where a locational need has been demonstrated and at least one of the following is met:

a) The development is required for reasons of over-riding public interest (including those of an economic or social nature) and demonstrates sensitive siting, design and scale of development to minimise impact on the open and rural character of the landscape and its qualities of remoteness; or

b) it is for a non-residential hut required for land management purposes (e.g. hill shelter / bird or fishing hide), is unobtrusive in the landscape and adheres to the principles of low impact, sustainable development in terms of design, materials, construction and access; or

c) it is for, or associated with, the sustainable development of a natural resource* and accords with any relevant Supplementary Guidance and associated spatial strategy; or

d) it is for the sustainable development of fish farming in freshwater environments

Proposals should avoid significant adverse effects on the area's ecological and landscape attributes, including the special qualities of NSAs and wildness characteristics of WLAs.

Only applications for detailed planning permission will be considered.

*Development of 'natural resources' for the purposes of this policy means the exploitation of naturally occurring resources (e.g. minerals, oil, plants, animals), including energy resources (e.g. wind, sunlight, water).

Marine and Shore Environment

The principal policy objective is to support the sustainable development of our aquaculture and marine energy resources (including any associated onshore facilities) and facilitate an integrated approach to management of the intertidal zone.

Marine fish farming development proposals must demonstrate accordance with the Marine Fish Farming Supplementary Guidance.

Development proposals within the marine and shore environment will be assessed in accordance with the National Marine Plan, and any subsequent statutory Regional Marine Plan, and may be assessed for potential impacts on other uses and activities in the marine and coastal area, including: commercial fisheries, wild fisheries, ports and harbours, MOD activities, navigational aids, anchorages and marine and water based recreational and tourism activities, including 'prime beaches'* and relevant environmental and cultural assets.

*Prime Beaches – as identified in Marine Fish Farming Supplementary Guidance.

Offshore Islands

The principal policy objective is to acknowledge the intrinsic value of our offshore islands and the fundamental role they play in shaping the region's sense of place and identity. The focus will be on protecting and enhancing the unique environmental qualities of the islands, while ensuring development remains limited and sustainable. Development is anticipated to largely relate to crofting activities, telecommunications, navigational aids and the operational use of lighthouses.

Development on offshore Islands will be limited. All development proposals must be clearly justified and should demonstrate a need for the development in that location. The sympathetic renovation of abandoned buildings will be preferable to new build development unless an exceptional quality of design and integration with the surrounding landscape can be demonstrated. The formation of new accesses from the shore to the site will not be permitted unless reasonable justification and sensitive design can be demonstrated. All development must demonstrate sensitive siting, design and scale of development to minimise impacts on the distinct and unspoilt character of offshore island landscapes and their qualities of remoteness, isolation and wildness. Development proposals should adhere to the principles of low impact, ecologically sustainable development and should avoid significant adverse effects on the area's ecological and landscape attributes, including the special qualities of National Scenic Areas and the character of areas of Wild Land. Only applications for detailed planning permission will be considered and should detail how it is anticipated the site will be used, serviced and accessed.

Environment and Infrastructure

Policy E1 – Flooding

General

Development proposals should avoid areas susceptible to flooding and promote sustainable flood management.

Where sustainable flood management measures are proposed they should incorporate environmental improvements, for example natural methods such as restoration of floodplains, wetlands and water bodies, which can also contribute to reducing flood risk and help implement the proposals within the Outer Hebrides Local Flood Risk Management Plan.

Development proposals should have regard to the probability of flooding from all sources. Where a proposal could lead to an increase in the number of persons affected or buildings at risk of being damaged by flooding then the submission of suitable information, which may include a Flood Risk Assessment will be required to demonstrate compliance with Scottish Planning Policy (SPP).

Flood Risk Assessments

Information which demonstrates compliance with Scottish Planning Policy (SPP) will be required for development proposals within or closely bordering a medium to high risk flood area (1:200 year extents (0.5% Annual Probability), or greater), as identified by the flood risk management dataset issued by SEPA.

It is not possible to plan for development solely according to the calculated probability of flooding and therefore a Flood Risk Assessment or other suitable information which demonstrates compliance with SPP may be required where:

a) a 'Most Vulnerable' land use or 'essential infrastructure' (as specified in the SPP flood risk

framework and in the SEPA Land Use Vulnerability Classification Guidance) is proposed in a

low to medium risk flood area (1:1,000 to 1:200 year extents (0.1% to 0.5% Annual

Probability);

b) a development proposal is within an area where local flood risk information (known to the

Comhairle, in terms of its flood prevention remit) suggests a risk of flooding; or

c) a development borders the coastal edge and its elevation relative to sea level suggests it may be at increased risk of flood due to extreme weather events; or

d) the site contains or is adjacent to a watercourse that suggests it may be at increased risk of flood.

Development permitted in medium to high risk flood areas (that accord with SPP) or civil and essential infrastructure and the most vulnerable uses located in low to medium risk areas (1000 year – 200 year (0.1% – 0.5% annual probability) should be built to a water resilient design to enable them to remain operational during flood events.

Where it can be demonstrated that the location is essential for operational reasons e.g., harbours, piers, offshore energy and fisheries related activities, development proposals will be allowed in flood risk areas subject to sustainable flood management measures being incorporated at design stage that mitigate against flood risk.

Allowances for Climate Change

The following allowances, or subsequent revised allowances, for climate change should be used when calculating estimated design flood levels:

Fluvial: at least 20% should be added to the estimated design flood peak;

Coastal: The following UK Climate Change Projections (UKCP09) sea level rise projections should be used to derive an allowance above the extreme still water design flood level: • Lewis and Harris - 0.55m • North Uist and Berneray - 0.53m • Benbecula, South Uist and Barra - 0.52m

Policy E1 3 – Water Environment

Development proposals should avoid adverse impact on the water environment. All proposals involving activities in or adjacent to any water body must be accompanied by sufficient information to enable a full assessment to be made of the likely effects, including environmental effects, of the development.

Where a site contains or is adjacent to a watercourse or the sea then all the following must be demonstrated:

a) the site layout avoids development within the water environment unless the location is essential for operational reasons, e.g. for navigation and water-based uses. A minimum buffer strip of 6m should be incorporated between the water body* and the proposed development, to enable access and maintenance all year round. Engineering activities such as culverts, bridges, watercourse diversions, bank modifications or dams should be avoided unless there is no practicable alternative;

b) the management or enhancement of existing and new habitats such as the provision of riparian/green corridors, natural flood management within flood plains, control of invasive non-native species, removal of redundant structures such as weirs or culverts;

c) no significant effect both during construction and after completion on:

• Water quality in groundwater, adjacent watercourses or areas downstream;

• Existing groundwater abstractions within 250m;

• Water quantity and natural flow patterns and sediment transport processes in all water bodies.

For Major developments, where a site contains or is adjacent to a wetland or boggy area then a Phase 1 habitat survey should be carried out for the whole site and a 250m buffer around it. Where a Groundwater Dependent Terrestrial Ecosystem is identified then the site layout should avoid it and drainage designed to ensure groundwater flows to the habitat are maintained.

**May be subject to technical assessment and possible consultation with statutory consultees*

Policy E1 4: Waste Management

The LDP Context Map identifies (licensed) waste management and recycling sites.

Provision of new waste management sites should be taken into account when considering sites suitable for a range of industrial, business, storage, and distribution uses and the development and/or reinstatement of mineral extraction sites or other previously developed land.

New sites for, or incorporating, waste management facilities will require to meet all the following criteria:
a) to safeguard landscape interests and the natural environment, the siting and operation of new or additional waste facilities should avoid significant adverse impacts on the environment (including landscape and visual impact);
b) details of on-site management arrangements are submitted as part of any planning application and deemed acceptable;
c) appropriate buffer zones in accordance with Paragraph 191 of Scottish Planning Policy;
d) where applicable, the programme of remediation, including end use, is submitted as part of any planning application and deemed acceptable;
e) any proposal for energy from waste facilities should first seek to utilise or store energy on site, or where feasible be designed to enable links to be made to potential users of heat and/or power generated at the site;
f) the proposal accords with Scotland's Zero Waste Plan.

Space to accommodate the provision of recycling facilities must be designed and built into all new industrial, commercial, retail and residential development proposals both during the construction phase as well as the completed development.

Preparation of a Site Waste Management Plan will be required to accompany proposals for Major developments and developments involving significant demolition works. For all other developments, waste will be managed in accordance with the Waste Hierarchy. Details of how waste is to be managed should be provided as part of the sustainability label required through Policy PD4 Zero and Low Carbon Buildings.

Policy EI 5: Soils

Development should be designed to minimise adverse impacts on soils caused by ground disturbance, compaction or excavation. Developers should assess the likely effects associated with any development work on soils, particularly machair soil, peat, or other carbon-rich soils and associated vegetation, and aim to mitigate any adverse impacts arising.

Where disturbance of peat or other carbon-rich soil is likely to give rise to significant emissions of carbon dioxide, developers may be required to justify the location of the proposed development and to show how emissions will be minimised.

For Major developments, minerals and some large scale renewable energy proposals (see Supplementary Guidance for Wind Energy Development), development will only be permitted where it has been demonstrated that unnecessary disturbance of carbon rich soils such as peat and any associated vegetation is avoided. A peat survey must be submitted which demonstrates that areas of deepest peat have been avoided and the impacts on carbon-rich soils and associated habitats minimised. Where required, a peat management plan must also be submitted along with any planning application which demonstrates best practice in the movement, storage, management and reinstatement of soils.

Large scale commercial peat extraction will not be permitted. Other commercial peat extraction will only be permitted in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.

Policy E1 8 – Energy and Heat Resources

The Comhairle will support proposals that contribute to meeting the targets and objectives of the National Planning Framework 3, the Climate Change Act, and the National Renewables Infrastructure Plan in relation to electricity grid reinforcement, infrastructure and renewable energy generation.

Development proposals for all scales of onshore wind energy development will be assessed against the Supplementary Guidance for Wind Energy Development.

The Comhairle supports the principle of wind farm development in Areas with Potential for Wind Farms (SG Map 1) subject to a satisfactory assessment against other policies in this plan and the Supplementary Guidance. Many of these areas, particularly in the Uists, will however be constrained by MoD radar. The Supplementary Guidance will give further details of the radar constraints.

The Comhairle will also consider wind farm development in Areas of Constraint, with potential in certain circumstances (Map 1) subject to a satisfactory assessment against other policies in this plan and the Supplementary Guidance.

The Comhairle will not support wind farm developments in Areas Unacceptable for Wind Farms (Map 1).

Proposals for all other renewable energy projects and oil and gas operations (including land based infrastructure associated with offshore projects) will be required to demonstrate all the following:

a) appropriate location, siting and design including the technical rationale for the choice of site;

b) no significant adverse impact (including cumulative) on: landscape, townscape and visual aspects; natural, built and cultural heritage resources; the water environment; peatlands; aviation, defence and telecommunications transmitting and receiving systems, e.g., broadband; public health and safety, and amenity (including noise); neighbouring land uses, transport management and core paths;

c) appropriate decommissioning and site reinstatement arrangements;

d) phasing arrangements, where appropriate;

e) the contribution towards meeting national energy supply targets and local economic impact.

Micro generation* renewable energy developments, not subject to the Supplementary Guidance for Wind Energy Development, will be required to meet criteria a) to c) above and all the following criteria:

f) the proposal does not have a significant adverse direct, indirect or cumulative impact on residential amenity; and

g) colour, form, finish and height are appropriate to the setting and are designed to minimise visual impact and distraction; and

h) sufficient information is provided to enable a balanced assessment of any other likely effects of the development.

The type, scale and size of the proposed development will have a significant effect on the way the Comhairle will consider an application and the level of accompanying information that will be required. Conditions and, where necessary, a planning agreement may be used to control the detail

of the development. Non-permanent elements of a development will be granted permission consistent with their lifespan and/or projected period of use.

In line with the Zero Waste Plan the Comhairle will support 'energy from waste' developments subject to wider Plan policies.

Opportunities to co-locate or connect with district heating schemes or heat producers should be investigated.

*micro generation is the production of heat (less than 45 kilowatt capacity) and/or electricity (less than 50 kilowatt capacity) from zero or low carbon source technologies.

Policy EL 9 – Transport Infrastructure

The priority areas for the upgrading and development of the transport infrastructure within, and

serving the Outer Hebrides, are:

a) the spinal and inter island routes;

b) the airports at Barra, Balivanich and Stornoway;

c) ports and harbours, including ferry facilities for mainland and inter island connections.

Development proposals associated with new or improved transport infrastructure and traffic management measures will be required to meet all the following:

1. fit with the character of the area in relation to the Development Strategy and the immediate surrounding area and include a landscaping plan;

2. utilise a sustainable drainage system (SuDS) to deal with surface water;

3. accommodate pedestrians (within settlements) and cyclists, and secure improved road safety related to the proposal, in particular around schools, community or leisure facilities.

The Comhairle will support the provision of electric car charging points in new development (subject to appropriate design and layout).

Natural and Built Heritage

Policy NBH1 – Landscape

Development proposals should relate to the specific landscape and visual characteristics of the local area, ensuring that the overall integrity of landscape character is maintained.

The Western Isles Landscape Character Assessment (WI-LCA) will be taken into account in determining applications and developers should refer to Appendix 1 of this Plan for a summary of this guidance.

Development proposals should not have an unacceptable significant landscape or visual impact. If it is assessed that there will be a significant landscape or visual impact, the applicant will be required to provide mitigation measures demonstrating how a satisfactory landscape and visual fit can be achieved.

National Scenic Areas

Development that affects a National Scenic Area (NSA) will only be permitted where:

the objectives of designation and the overall integrity of the area will not be compromised;

or

b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Wild Land

Development proposals should be able to demonstrate no unacceptable adverse impact on the character of areas of Wild Land, as identified on the 2014 SNH Maps, and that any significant effects on these qualities can be substantially overcome by siting, design or other mitigation.

Policy NBH2 – Natural Heritage

Development which is likely to have a significant effect on a Natura site and is not directly connected with or necessary to the conservation management of that site will be subject to an Appropriate Assessment by the Comhairle.

Development which is likely to have a significant effect on a Natura site will only be permitted where:

a) an Appropriate Assessment has demonstrated that it will not adversely affect the integrity of the site; or

b) there are no alternative solutions; and

c) there are imperative reasons of overriding public interest, including those of a social or economic nature; and

d) compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

Development that affects a Site of Special Scientific Interest (SSSI) or National Nature Reserve (NNR) will only be permitted where:

a) the objectives of designation and the overall integrity of the area will not be compromised; or
b) b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar wetland sites are also Natura sites and/or Sites of Special Scientific Interest and are included in the statutory requirements noted above.

Development that affects a Marine Protected Area will only be permitted where there is no significant risk of the activity hindering the achievements of the conservation objectives of the Nature Conservation Marine Protected Area (NC MPA) or:

c) there is no alternative that would have a lesser impact on the Conservation objectives of the NC MPA; and

d) the public benefit outweighs the environmental impact; and

e) the applicant will arrange for measures of equivalent environmental benefit to offset the anticipated damage.

Where there is good reason to suggest that a European Protected Species (EPS)* is present on site, or may be affected by a proposed development, the Comhairle will require any such presence to be established and, if necessary, a mitigation plan provided to avoid or minimise any adverse impacts on the species, prior to determining the application.

Planning permission will not be granted for development that would be likely to have an adverse effect on an EPS unless the Comhairle is satisfied that:

f) there is no satisfactory alternative; and

g) the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and

h) the development will not be detrimental to the maintenance of the population of an EPS at a favourable conservation status in its natural range.

Planning permission will not be granted for development that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended in Scotland)* unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.

Applicants should submit supporting evidence for any development meeting these tests, demonstrating both the need for the development and that a full range of possible alternative courses of action have been properly examined and none found to acceptably meet the need identified.

Development affecting the Loch Stiapavat Local Nature Reserve should aim to enhance the site and will not be permitted if it will have an unacceptable impact on the features of interest of the site.

Development proposals should avoid having a significant adverse effect on, and where possible should enhance, biodiversity and ecological interests of the site. Developers are encouraged to assess the impacts of their proposed development on UK Biodiversity Action Plan (BAP) priority

species and habitats and Local BAP habitats and species. Developers should refer to the Scottish Biodiversity List** for a full list of animals, plants and habitats considered to be of principal importance for biodiversity conservation in Scotland (this list includes all UK priority species).

Development proposals that would potentially damage or destroy geological interests, such as those found within Geological Conservation Review sites, are unlikely to be supported. Applications for development potentially affecting geological interests must demonstrate how damage will be avoided or minimised so that the interest of the site is preserved. The Comhairle will also seek to consider how geological interests can be created or enhanced through development.

**Developers should refer to the list of protected species and supporting information on the SNH website http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/.*

***http://www.snh.gov.uk/protecting-scotlands-nature/biodiversity-scotland/scottishbiodiversity-list*

Policy NHB3: Trees and Woodland

The Comhairle will safeguard individual trees, groups of trees and woodland areas where they are considered important for amenity or their cultural or historic interest by establishing Tree Preservation Orders.

There is a strong presumption against the removal of established individual trees and woodland of mixed native species which have a landscape and amenity value and/or contribute to nature conservation, unless removal would achieve significant additional economic, environmental or social benefits.

In order to minimise any adverse impacts on amenity, biodiversity or landscape value, developers will be required to incorporate existing trees and woodland into developments through sensitive siting and design. Where loss is unavoidable, appropriate replacement planting should be sought through the use of planning conditions or through a legal agreement if appropriate.

The Comhairle will seek opportunities to create new woodland and plant native trees in association with new development.

The Comhairle will support proposals associated with the restoration and enhancement of the native woodland resource as identified in the Western Isles Native Woodland Restoration Survey Report.

Policy NBH4 – Built Heritage

All Development

Development which preserves or enhances the architectural, artistic, commemorative or historic significance of built heritage assets will be supported.

Where there is clear evidence of historic significance, development which would have a substantial adverse impact on this significance will only be permitted where it can be demonstrated that:

a) all reasonable measures will be taken to mitigate any loss of this significance; and

b) any lost significance which cannot be mitigated is outweighed by the social, economic, environmental or safety benefits of the development.

Listed Buildings

The Comhairle will seek to manage the special architectural and historical interest of listed buildings and their settings and will support sympathetic conversions and extensions to secure their future 59 use. Every effort will be made to retain listed buildings and bring them back into use.

Development

All proposals for listed buildings shall have special regard to the desirability of preserving the building and its setting or any features of special historic, architectural or cultural interest which it possesses.

Proposals should identify the special interest of the building and seek to preserve the building in its existing state, or subject only to such alterations or extensions as can be carried out without an adverse impact to its character. A record of any special features of the building may be required, in proportion to what is proposed.

Where a proposal involves alteration or adaptation which is likely to have an adverse impact on the special interest of the building, all the following criteria must be considered:

a) the special interest of the building; and

b) the impact of the proposals on that special interest; and

c) the impact of the proposed layout, siting, design, materials, and use on that special interest; and

d) whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest.

Proposals that do not protect, enhance, retain or reinstate the special interest and character of a listed building will not be supported.

Where work to a listed building also requires planning permission, the listed building consent application shall be accompanied by a detailed planning application. An application for a planning permission in principle will not be acceptable.

Demolition

A listed building; or any structure or object in the curtilage of a listed building, may only be demolished where evidence is provided to demonstrate that every effort has been made to retain it and:

a) the building is no longer of sufficient architectural or historic interest to meet the criteria for designation as a listed building; or

b) the building is incapable of repair; or

c) the demolition of the building is essential to delivering significant benefits to sustainable economic growth or the wider community; or

d) the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

Applications for demolition of listed buildings will require to be accompanied by detailed proposals for the future use of the site. In addition, for proposals within Conservation Areas, Stornoway Core and Main Settlements, where the principle of redevelopment is accepted, detailed planning consent for the future use of the site will be required before consent for demolition will be granted. In the event of any demolition consent, the developer will be required to notify Historic Environment Scotland to allow for the building to be recorded should this be required. At least three months must be allowed for such recording to take place.

Thatched Buildings

Where works are proposed to thatched buildings, either listed or located within a Conservation Area, it is required that they are restored to their original style. Where planning permission is required for unlisted thatched buildings within a Conservation Area, restoration of the roof in a traditional manner is preferred.

All roof restoration measures will be required to reflect the local traditional style of thatched roof including pitch, ridge and eave details and where appropriate the use of skylights. Where it is considered necessary, the use of sarking boards* or a layer of building paper will be permitted, however the use of felt will not be acceptable.

Locally sourced (i.e. Outer Hebrides) thatching materials should be used and the use of imported material from outwith the Outer Hebrides will be strongly discouraged** unless it can be evidenced that local materials are not available.

Sympathetic alterations and extensions to the original thatched building will also be considered acceptable where these will give the building a viable future.

The use of solar panels or photo voltaic panels is not appropriate on thatched buildings. However, such installations, where discreetly sited separate from the building or on an extension, may be acceptable where the impact on the site is sufficiently minimised.

**Sarking is defined as individual boards (not sheet or foil covered materials) – a minimum of 5mm between boards is advised.*

***Guidance for the Historic Environment Scotland Thatched Buildings Maintenance Grant scheme states that material should preferably be sourced locally*

Commemorative Sites

The Comhairle will seek to manage the special architectural, historic and cultural interest of war memorials, and commemorative sites of local importance. Any site with features which are known to have been formally dedicated as a memorial to a person or event will be deemed to have commemorative significance. In addition, any site with features which are widely understood to be closely associated with a person or event may be considered to have commemorative significance.

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