Energy and Climate Change Directorate
Energy Consents Unit

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Ms Joanne Nicolson
Lead Consents & Environment Manager
Scottish Hydro Electric Transmission plc
10 Henderson Road
Inverness
IV1 1SN

9 June 2025

Our ref: ECU00003395

Your ref: LT000091_s37_application

Dear Ms Nicolson,

APPLICATION FOR CONSENT UNDER SECTION 37 OF THE ELECTRICITY ACT 1989 AND DIRECTION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TO INSTALL AND KEEP INSTALLED THE SKYE REINFORCEMENT PROJECT, LOCATED WITHIN THE PLANNING AUTHORITY AREA OF THE HIGHLAND COUNCIL

Application

1. I refer to the application ("Application") made on 15 September 2022 under section 37 of the Electricity Act 1989 ("the Electricity Act") by Scottish Hydro Electric Transmission plc ("the Company"), a company incorporated under the Companies Acts with company number SC213461, and having its registered office at Inveralmond House, 200 Dunkeld Road, Perth, PH1 3AQ, to install and keep installed:

    - A 132kV double circuit steel structure overhead transmission line, approximately 110km in length, between Fort Augustus substation and Edinbane substation;
    - A 132kV single circuit trident H wood pole overhead transmission line, approximately 27km in length, between Edinbane substation and Ardmore substation; and
    - A temporary diversion of the existing 132kV overhead transmission line at Inchlaggan for approximately 750 metres,

2. The project encapsulates development ancillary to the overhead line including, but not limited to, installation of new 132kV underground cable, construction of cable sealing end compounds, formation of access tracks, upgrade of existing, or creation of new bellmouths at public road access points, tree felling and vegetation clearance. The project also includes the dismantling and removal of the existing 132kV overhead transmission line between Fort Augustus substation and Ardmore substation following installation of the new overhead lines.

3. This electricity transmission project is called the Skye Reinforcement Project and hereafter is referred to as the "proposed Development".

4. The proposed Development is entirely within the Highland Council area.

5. **This letter contains the Scottish Ministers' decision to grant section 37 consent for the proposed Development as described at Annex 1.**

Planning Permission

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

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

Background

8. The existing 132 kV overhead line ("OHL") from Fort Augustus to Ardmore on the Isle of Skye is the sole connection from the mainland electricity transmission system to Skye and the Western Isles. Recent studies undertaken by the Company into the condition of the existing OHL have confirmed that the OHL between Quoich Tee Switching Station (near Kingie) and Ardmore Substation requires to be rebuilt in order to ensure security of supply.

9. The site covers a length of 160km from Ardmore on the Isle of Skye to Fort Augustus. It broadly follows the alignment of the 132kV OHL to be replaced. The land along the replacement line comprises predominantly moorland, and includes remote and mountainous landscapes of national importance, with the line also intersecting internationally and nationally important designated sites for natural heritage conservation.

10. During its studies of identifying route options, the Company concluded that it would also, as part of the Application, seek consent for an Alternative Alignment within the section of the proposed Development between Broadford and Kyle Rhea (also called Section 3). This Alternative Alignment would follow the same alignment as the Proposed Alignment from Broadford Substation to the minor road to Glen Arroch. At this point, the Proposed Alignment would continue eastwards following a similar course to the existing OHL around the headland to the existing crossing towers at Kyle Rhea, whereas the Alternative Alignment would follow the minor road through Glen Arroch and Kylerhea Glen. Prior to reaching the settlement at Kylerhea, the Alternative Alignment is routed in a northerly direction via the lower slopes of Beinn Bhuidie and through commercial forestry to the existing crossing towers at Kyle Rhea. The total length of the Alternative Alignment would be approximately 20.8 km in length, whereas the Proposed Alignment in Section 3 would be 20 km.

11. The Company's decision to include both options within the Application was due to both the Proposed Alignment, and the Alternative Alignment, crossing the Kinloch and Kyleakin Hills Special Area of Conservation ("SAC"). This is a European site for nature, and its designation as such means the Scottish Ministers have duties to consider, as

the competent authority under the Conservation of Habitats and Species Regulations 2017, prior to making a decision on whether the proposed Development should receive consent. Part of these considerations is whether feasible alternatives exist.

12. **Consent is granted by the Scottish Ministers for the Proposed Alignment only. Consent is withheld for the Alternative Alignment.**

13. As well as the Application, the Company submitted to the Scottish Ministers on 21 February 2023 Additional Information regarding the case for derogations, peat probing, additional visualisations, and a clarification of the EIA Volume 2, Chapter 9 – Forestry. Then, on 1 August 2023, the Company submitted further Additional Information regarding a Compensation Plan, a Compensation Strategy, a Peat Landslide and Hazard Risk Assessment, a Technical Note to NatureScot, and an update to Annex E of the Shadow HRA for Kinloch and Kyleakin Hills SAC.

Legislation

14. Under paragraph 2(1) of Schedule 8 to the Electricity Act, the relevant Planning Authority, in this case The Highland Council, is required to be notified in respect of a section 37 consent application.

15. In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the EIA Regulations"), the Company submitted an EIA Report dated September 2022 in support of the Application describing the proposed Development and giving an analysis of its environmental effects. The proposed Development falls within Schedule 1 of the EIA Regulations as it meets the criteria of the paragraph 4 of Schedule 1, and therefore an EIA Report is mandatory.

16. In addition, to comply with the EIA Regulations, Scottish Ministers are required to consult the Planning Authority, as well as Scottish Natural Heritage, acting under its operating name NatureScot, the Scottish Environment Protection Agency ("SEPA") and Historic Environment Scotland ("HES") as well as other public bodies that are likely to be concerned by the proposed Development by reason of their specific environmental responsibilities.

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

18. The Company submitted two rounds of Additional Information. In accordance with regulation 20(2) of the EIA regulations, notices were published and an opportunity provided members of the public wishing to make a representation. Both submissions of Additional Information were made available for comment to those consulted by the Scottish Ministers.

19. The Scottish Ministers have had regard to the requirements regarding publicity and consultation laid down in the Consents Regulations and the EIA Regulations and are satisfied the general public, as well as statutory and other consultees, have been

afforded the opportunity to consider and make representations on the proposed Development.

20. In terms of Schedule 8 paragraph 6 of the Electricity Act 1989, where an application for consent under section 37 of the Act states that all necessary wayleaves have not been agreed with owners and occupiers of the land proposed to be crossed by the electric line, the Scottish Ministers may either:

- give notice to the applicant that they do not intend to proceed with the application until they are satisfied, with respect to all the land over which wayleaves have not been agreed, that the applicant has applied to the Scottish Ministers for consent under paragraph 6 (acquisition of wayleaves) of Schedule 4 to the Act; or
- grant consent subject to the condition (either in respect of the whole of the line or in respect of any part of it specified in the consent) that the work is not to proceed until the Scottish Ministers have given their permission.

21. The Company has confirmed that it has secured all the required landowner/tenant consents associated with the proposed Development. There are no outstanding land rights matters that may give rise to statutory process.

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

23. The Scottish Ministers are satisfied that the EIA Report has been produced in accordance with the EIA Regulations. Scottish Ministers have assessed the environmental impacts of the proposed Development and taken the environmental information, being the Application and both submissions of Additional Information, EIA Report, consultation responses including those from NatureScot, SEPA, HES and the Planning Authority into consideration in reaching their decision.

24. The Scottish Ministers consider there is sufficient information to be satisfied the Company has had regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna, and geological and physiographical features of special interest and of protecting sites, buildings, and objects of architectural, historic, or archaeological interest.

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

26. The Scottish Ministers are satisfied the Company has avoided, so far as possible, causing injury to fisheries or to stock of fish in any waters.

Conservation of Habitats and Species Regulations

27. The principal legislation in Scotland to implement the Habitats Directive (Council Directive 92/43/EEC of 21 May 1992) was The Conservation (Natural Habitats, &c.) Regulations 1994 ("the 1994 Regulations"). The 1994 Regulations set out legal requirements to be followed in relation to projects that may affect SACs. However, the 1994 Regulations are superseded in relation to certain functions of the Scottish Ministers in relation to reserved matters, including applications for consent under section 37 of the Electricity Act 1989 and deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997. In these cases (which include the proposed Development) the Conservation of Habitats and Species Regulations 2017 ("the 2017 Regulations")

Public Inquiry

28. In accordance with paragraph 2(2) of Schedule 8 of the Electricity Act and regulation 8 of the Consents Regulations, where the relevant Planning Authority objects to an application within 2 months of the date of the application (or such longer period as may be agreed in writing by the Planning Authority with both the Scottish Ministers and the Company) the Scottish Ministers shall cause a public inquiry to be held unless the objection is withdrawn, or consent is to be granted subject to such modifications or conditions as will give effect to the objection of the Planning Authority.

29. The Planning Authority was consulted on the Application on 5 October 2022 and was granted an extension in accordance with regulation 8 on the Consents Regulations which extended the period within which the Planning Authority were to respond until 12 April 2023 (no further extension was agreed beyond this date). Additional Information in support of the Application was then received by the Scottish Ministers on 21 February 2023, and the Planning Authority were consulted on 23 February 2023. The Planning Authority then responded, within the agreed time period, on 11 April 2023 raising no objection. Subsequently, a second round of Additional Information was received on 1 August 2023, and a request was sent to the Planning Authority for comments on 4 August 2023. The Planning Authority responded to this request on 15 November 2023 now objecting to the proposed Development.

30. This objection was however received outside the extended period agreed between the Company, the Planning Authority and the Scottish Ministers (which ended on 12 April 2023). The Scottish Ministers therefore, in terms of the Consents Regulations may disregard that objection for the purposes of the duty under paragraph 2(2) of Schedule 8 of the Electricity Act to cause a public inquiry to be held.

31. The Scottish Ministers are of the view that they have all the information required to make an informed decision on the Application without the need for a public inquiry, and therefore disregard the objection for the purposes of paragraph 2(2) of Schedule 8 of the Electricity Act, and, in accordance with paragraph 3(2) of that Schedule, having considered those objections together with all other material considerations, including consultation responses and representations received, have determined that it is not appropriate to hold a public inquiry in this instance.

Consultation Responses

32. A summary of the consultation responses is provided below, and the full responses are available on the Energy Consents Unit website www.energyconsents.scot

33. **The Highland Council ("THC")** object to the proposed Development and state it is not supported by Policies 4 and 11 of National Planning Framework 4 ("NPF4") because NatureScot's objection was not resolved due to the impacts of the proposed Development on the Kinloch and Kyleakin Hills SAC and the West Inverness-shire Lochs Special Protection Area ("SPA"). The Planning Authority noted NatureScot considered there to be significant adverse effects on some of the qualifying features leading to a likely adverse effect on site integrity.

34. THC on their initial consultation response dated 11 April 2023 did not object to the proposed Development following their Planning Committee meeting on 22 March 2023 subject to the Company's Proposed Alignment being consented and not the Alternative Alignment, the conclusion of legal agreements, and the inclusion of its recommended conditions.

35. THC stated the considerations for the proposed Development were the Development Plan and other planning policy, energy and economic benefit, construction impacts, roads, transport and access, water, drainage and peat, natural heritage including ornithology, design landscape and visual impact, built and cultural heritage and any other material considerations. It assessed the application against relevant policies which included NPF4, Highland Wide Local Development Plan 2012, West Highland and Islands Local Development Plan 2019 ("WHILDP") and the Inner Moray Firth Local Development Plan ("IMFLDP")

36. THC recognised the proposed Development is required to replace existing, ageing infrastructure at the end of its operational life, and to provide additional capacity on the transmission network for renewable energy generation.

37. THC identified likely adverse effects caused by construction traffic and disruption as well as some adverse economic impact which may occur on tourism. THC noted the proposed Development is anticipated to be constructed over a period of approximately 36 months, and a further 7 months required for the removal of the existing infrastructure (being based on work being carried out 7 days per week). It raised concerns regarding residential amenity and impact on local communities and has suggested a condition to limit construction hours.

38. THC raised concerns surrounding the impact on local public roads with relatively large increases in HGV traffic during the construction phase which, without additional mitigation measures secured by condition, could lead to significant adverse impacts on residential amenity, fear/intimidation caused by passing traffic, severance, driver delay and accident/road safety issues.

39. THC suggested a Construction Environmental Management Document be secured by condition to mitigate against potential sources of pollution and stated any proposed infrastructure located within areas of flood risk will require a detailed construction method statement.

40. THC noted a Habitat Management Plan has been proposed; however, it commented no biodiversity metric had been submitted to demonstrate an overall enhancement

across the area of the proposed Development which brought the Application into conflict with both the IMFLDP and NPF4.

41. THC acknowledged the proposed Development has been designed to minimise impacts on important habitats, peatlands and protected species as far as practical, but overlaps with the Kinloch and Kyleakin Hills SAC and SSSI. It also noted the proposed Development passes through areas listed on the Ancient Woodland Inventory and protected species are likely to be within the area.

42. THC stated the proposed Development sits across several Landscape Character Types where adverse landscape effects are predicted, and which are more sensitive to this type of development.

43. THC were generally content with the Company's visual assessment except for the Alternative Alignment where it identified additional significant adverse effects. THC had considerable concern for the route of the Alternative Alignment, including the human impact, and did not support this. It believed the decision between the Proposed Alignment and the Alternative Alignment was critical to any determination, and that the landscape and visual impacts associated with the Alternative Alignment are avoidable should the Proposed Alignment be consented. It emphasised the Alternative Alignment follows the ferry tourist route where significant adverse long-term impact and disruption would occur for its users, and there would be a requirement to install a new permanent access track which would traverse the hillside below the road at Bealach Udal which would be of concern. It further highlighted the Alternative Alignment would cut across above the settlement of Kyle Rhea and adverse landscape and visual impacts during the long-term operation phase of the proposed Development would occur.

44. THC considered in its original consultation response that with the removal of the Alternative Alignment, the proposal would accord with the principles and policies within the Development Plan and acceptable in all other applicable material considerations.

45. However, after the Company's second round of Additional Information, and following a Planning Committee meeting on 8 November 2023, THC provided an objection to the proposed Development on 15 November 2023.

46. At this time, THC also noted there had been an updated Peat Landslide Hazard Risk Assessment, technical note on collision risk to common scoter, and had itself amended previously suggested conditions.

47. Scottish Ministers have attached conditions within Annex 2, which give effect to THC's recommendations on conditions.

48. **NatureScot** advised the proposed Development was likely to have a significant effect on the conservation objectives for the Kinloch and Kyleakin SAC, the West Inverness-shire Lochs Special Protection Area SPA, the Cuillins SPA, and for the Proposed Alignment only, the Lochs Duich, Long and Alsh Reefs SAC. As such, NatureScot advised the Scottish Ministers, as the competent authority, to carry out appropriate assessments in view of the sites' conservation objectives for each of these sites qualifying interests.

49. In relation to the Sligachan Peatlands SAC, the Mointeach nan Lochain Dubha SAC and the the Lochs Duich, Long and Alsh Reefs SAC (for the Alternative Alignment only) NatureScot advised that it was unlikely the proposed Development would have a significant effect on any qualifying interests either directly or indirectly and no appropriate assessments were required.

50. Regarding Sites of Special Scientific Interest ("SSSIs"), NatureScot objected to the proposed Development due to its impacts on the Kinloch and Kyeakin Hills SSSI (due to the interests of the SSSI largely overlapping with those of the SAC). NatureScot also advised the proposed Development passes through a number of geology sites (An Cleirach SSSI, Druim losal SSSI and Quoich Spilllway SSSI) but their features are unlikely to be affected.

51. NatureScot's advice on landscape and visual impacts focussed on the likely impacts to National Scenic Areas ("NSAs") and Wild Land Areas. Regarding the Knoydart NSA, NatureScot advised there will be significant adverse effects on the Special Landscape Qualities of the NSA. However, NatureScot considered there was good potential to further reduce impacts and suggested to the Scottish Ministers that additional mitigation measures should be secured.

52. NatureScot also advised the proposed Development would result in a short term (up to 10 years) significant adverse effects on the Special Landscape Qualities of the Cuillin Hills NSA and supported the mitigation set out by the Company in the EIA Report.

53. NatureScot also commented on the impacts regarding priority peatland habitats, wider countryside birds and protected species. On peatland habitats, NatureScot considered that given the areas of blanket bog affected a substantial area of peatland restoration would be required to compensate for the loss and recommended that a total area of compensatory peatland restoration should be in the order of 10 times that the area lost from the proposed Development. On wider countryside birds, NatureScot welcomed the Company's proposal to provide a Species Protection Plan for breeding birds and recommended that the Plan show appropriate mitigation. NatureScot also noted the EIA Report indicated that protected species licenses may be required.

54. The Scottish Ministers have considered the issues of concern raised by NatureScot, have taken into account those issues, and imposed conditions at Annex 2 which give effect to some of its concerns.

55. **Historic Environment Scotland ("HES")** raised no objection, advising there was sufficient information in the EIA Report to allow a view on the proposed Development to be made. HES concluded that the proposed Development would not raise issues of national interest for its historical environment remit.

56. **SEPA** raised no objection, and recommended conditions are applied to secure a Peat Management Plan, a Habitat Management Plan, and an Ecological Clerk of Works.

57. Scottish Ministers have attached conditions within Annex 2, which gives effect to SEPA's recommendations.

58. **Royal Society of the Protection of Birds ("RSPB")** raised serious concerns regarding the proposed Development and suggested further mitigation be considered to avoid adverse impacts on species of highest conservation concern. In particular, the RSPB raised concerns around the section of line between Edinbane to North of Sligachan where there is potential collision risk to White-tailed eagles, Golden Eagle, raptors and Curlew. Undergrounding would be the RSPBs preferred mitigation; however, bird deflectors should be required as a minimum.

59. The RSPB also said it had serious concerns regarding other sections of the proposed Development such as Kylerhea to Loch Cuaich, and Loch Cuaich to Invergarry, with potential risk of collision to Common Scoters and Black-throated Diver. Again, the RSPB recommended undergrounding certain sections, and at the very least would strongly recommend bird deflectors on certain stretches. Regarding power line diverters, the RSPB did suggest it had concerns whether these will be effective in adverse weather and nocturnal conditions when the birds' perception of the diverter objects will be poor. The Scottish Ministers have considered the issues of concern raised by the RSPB and have taken into account those considerations and imposed conditions at Annex 2 which give effect to some of the concerns of the RSPB.

60. **Kylerhea Community Forum ("KCF")** raised an objection to the Alternative Alignment of the proposed OHL (through Kylerhea township and along the road over Bealach na Udal and Glen Arroch) and advised it was strongly in favour of the Proposed Alignment. KCF advised that the Alternative Alignment would result in permanent environmental, social, cultural and economic harm.

61. **Kyleakin and Kylerhea Community Council ("KKCC")** also raised concerns in relation to the Alternative Alignment, highlighting impacts on the local community, including landscape and visual impacts, private water supplies, and public health. KKCC advised that it fully supports the Proposed Alignment, and requested the Scottish Ministers approve this route in favour of the Alternative Alignment.

62. **Glenelg and Arnisdale Community Council** also raised an objection to the Alternative Alignment.

63. A condition has been included within Annex 2 which requires the establishment of a Community Liaison Group, to be set up in collaboration with the Planning Authority and affected local community groups, to ensure that local communities are kept informed of, and given opportunities to comment on, progress of the proposed Development.

64. **Scottish Water ("SW")** raised no objection and requested the Company notify SW three months in advance of any construction works to enable SW to be aware of activities in the catchment area, and to determine if a site meeting would be appropriate and beneficial.

65. Appropriate wording addressing SW's request has been included within a condition requiring a Construction Environment Management Document, to be agreed prior to commencement of development, at Annex 2.

66. **The Woodland Trust** objected to the proposed Development due to, in its view, unacceptable adverse impacts on a number of areas of ancient woodland. A condition

has been included within Annex 2, requiring that a compensatory planting plan is agreed prior to commencement of development.

Internal consultee responses

67. **Scottish Forestry ("SF")** raised no objection and advised that a compensatory planting plan should be agreed prior to commencement of development.

68. A condition has been included within Annex 2, requiring the provision of such a compensatory planting plan, to be agreed with the Scottish Ministers prior to commencement of development.

69. **Transport Scotland ("TS")** raised no objection in terms of impacts on the trunk road network. TS suggested that conditions should be attached to any consent, requiring the preparation and agreement of a Construction Traffic Management Plan, and details of any proposed alterations to the trunk road network to be submitted and approved prior to commencement of development.

70. Scottish Ministers have attached a condition within Annex 2, which gives effect to Transport Scotland's recommendations.

71. **Ironside Farrar** - advisors to Scottish Ministers on Peat Landslide Hazard Risk Assessment ("PLHRA") – provided advice relative to the Company's PLHRA for the proposed Development.

72. Ironside Farrar considered there were sections of the OHL route that traverse class 1 and class 2 peat which had not been probed, and consequently these areas will require probing pre-construction and the PLHRA developed with the results.

73. Ironside Farrar also queried the Company's single mitigation measure of 'localised' excavation considered for all risk areas along the route. The Company therefore provided further mitigation measures relating to peat storage, drainage, and monitoring during and post works. The Company also committed to providing further updates to the PLHRA as part of the proposed Development's detailed design stage.

74. Scottish Ministers have attached a condition within Annex 2, which gives effect to Ironside Farrar's recommendations regarding further probing.

75. Other consultees that provided no objection are as follows: Joint Radio Company, NATS Safeguarding, BT, Defence Infrastructure Organisation/MoD, Highlands and Islands Airports Limited, Mountaineering Scotland, Fisheries Management Scotland, Skye and Lochalsh Rivers Trust, Marine Scotland, ScotWays and Forestry and Land Scotland.

76. Consultees who did not respond to the consultation are as follows: British Horse Society, Broadford and Strath Community Council, Civil Aviation Authority – Airspace, Crown Estate Scotland, Dunvegan Community Council, Fort Augustus and Glenmoriston Community Council, Glengarry Community Council, John Muir Trust, Ness District Salmon Fishery Board, Office of Nuclear Regulation, Portree Community Council, Sconser Community Council, Scottish Wild Land Group, Struan Community

Council, Visit Scotland, Waternish Community Council, and West of Scotland Archaeology Service.

Representations

77. Representations made to Scottish Ministers in respect of the proposed Development are available to review in full on the Energy Consents Unit website at: www.energyconsents.scot .

78. There were 255 representations received objecting to the proposed Development. Key issues raised in the objections included the following:

- The Proposed Alignment is more acceptable than the Alternative Alignment;
- The need for the proposed Development has not adequately been demonstrated. Skye generates more energy than it uses, as such there will be no benefit to the local community from the reinforcement;
- Concern due process has not been followed as the line is required in anticipation of future wind farm developments;
- New capacity will be monopolised by wind farms with no scope for micro generation, with profits going to foreign organisations rather than the local community;
- Restriction on options for future local development;
- Proximity of the new line to residential properties;
- Constructing an OHL rather than undergrounding the cables;
- Visual impact of the proposed Development; cumulative visual impact when considered with anticipated wind farm applications, disproportionate in comparison to other areas of Scotland;
- Impact on the local economy and tourism, leading to job losses and potential business closure;
- Impact on historic Skye Ferry due to disruption to service during construction, possibly leading to closure;
- Impact on the environment, including wildlife, local flora, habitats, pollution, watercourses;
- Disturbance and damage to peat and blanket bog;
- Impact on local water supply including contamination;
- Impact on Crofting arable land and disruption to livestock management during construction phase;
- Impacts on local infrastructure including traffic disruption and damage to existing roads that are already overburdened;
- Transportation of building materials will be damaging for the environment;
- Noise and light pollution during both construction and operation phases;
- Impact on human wellbeing and the community including loss of sense of place/way of life, wind farm syndrome and micro plastic contamination;
- Disturbance and loss of archaeological and cultural heritage, including listed buildings and the ancient drove road and its boundaries and bridges;
- Application does not contain enough information on compensatory planting, biodiversity net gain and habitat restoration;

- Insufficient mitigation fails to meet the requirements of NPF4;
- Visualisations not clearly showing where pylons will be placed and how large they are, also missing details such as houses, access roads, bell-mouths and common grazings;
- Planning Authority response provided before all community comments were received;
- Application is being considered in isolation when it should form part of a public inquiry considering all proposed windfarms and OHLs together;
- Concerns that statutory consultee responses are lacking in evidence and out with their responsibilities;
- The Scottish Government renewables strategy lacks coherence, and it cannot be evidenced that the Habitats Regulations should be set aside due to national priorities.

79. Objections raised with reference to the impact on property values or financial community benefit as a result of the proposed Development are not material considerations. As such, these matters raised in objection have not been considered by the Scottish Ministers in the determination of the Application.

80. Key issues raised in support of the proposed Development included the following:

- The Proposed Alignment will not adversely affect communities or businesses in the area;
- Community Interest Company will continue to support local economies and businesses will continue trading and expand if the Proposed Alignment is adopted;
- Current line nearing the end of its working life;
- Improved supply reliability;
- Increased capacity leading to community benefits through community led renewable energy schemes;
- Limited visual impact of the Proposed Alignment;
- Existing and consented renewable energy projects require improved infrastructure to run efficiently;
- New and skilled local jobs at risk if planned projects abandoned due to lack of sufficient infrastructure.

81. The Scottish Ministers are satisfied that the matters raised in the objections to this Application have been appropriately assessed and considered in the determination of the proposed Development.

The Scottish Ministers Considerations

Main determining Issues

82. Having considered the Application, the EIA Report, both rounds of Additional Information, responses from consultees, and Scottish Government policies, Ministers consider that the main determining issues are:

- The environmental impacts of the proposed Development including the impact on the Kinloch and Kyleakin Hills SAC;
- The landscape and visual effects;
- The consideration of alternatives, including the Alternative Alignment;
- The extent to which the proposed Development accords with, and is supported by Scottish Government policies; and
- Security of electricity supply to Skye and the Western Isles and the contribution the proposed Development will make to realising the wider benefits of renewable electricity generation connection to the National Grid.

83. These issues are considered in turn below.

Assessment of the Determining Issues

Environmental Matters

84. Included in the assessment of environmental matters, the Scottish Ministers have considered the impact on site integrity of the Kinloch and Kyleakin Hills SAC; landscape and visual effects, effects on woodland; ornithology; cultural heritage and archaeology; hydrology, hydrogeology, and soils; socioeconomics including tourism; and traffic and transport.

Kinloch and Kyleakin Hills SAC

85. The Appropriate Assessment ("AA") for the proposed Development was unable to conclude beyond reasonable scientific doubt that there would be no adverse effect on four of the qualifying features of the Kinloch and Kyleakin Hills SAC. These features are blanket bogs, European dry heaths, wet heathland and cross-leaved heath, and Western acidic oak woodland. The AA concluded there would be no likely significant effect on two other qualifying features, Alpine and subalpine heaths and mixed woodland on base-rich soils associated with rocky slopes.

86. A separate AA reached a conclusion regarding otter within the Kinloch and Kyleakin Hills SAC. This concluded that there would be no adverse effects on site integrity for the otter qualifying feature of the SAC.

87. Given the AA identified adverse effects at the site, the Scottish Ministers, as the competent authority, can only agree to the proposed Development if the requirements of the derogation provisions as contained in the 2017 regulations are met (the derogation provisions are set out at Regulations 64 and 68) and the Scottish Ministers have considered the proposed Development against the requirements of these provisions.

88. Regulation 64 of the 2017 Regulations states that the competent authority may agree to a project if: firstly, it is satisfied that there are no alternative solutions; secondly, the project must be carried out for imperative reasons of overriding public interest ("IROPI"), notwithstanding a negative assessment of the implications for a European site. Thirdly, section 68 of the 2017 Regulations further requires that where a project is agreed to in accordance with regulation 64 of the 2017 Regulations, notwithstanding a negative assessment of the implications for a European site, the Scottish Ministers shall secure that any necessary compensatory measures are taken to ensure that the

overall coherence of the UK site network is protected. These three derogation tests have been considered by the Scottish Ministers sequentially, and each one satisfied.

89. The Scottish Ministers' considerations in respect of each of these tests, which were assessed in the following sequential order:

- alternative solutions to the proposed Development have been considered;
- consideration has been given to whether there are IROPI justifying the proposed Development proceeding; and
- compensatory measures put forward by the Company to ensure the protection of the overall coherence of the network have been considered.

are contained in the full assessment of the proposed Development under the 2017 Regulations contained within Annex 5 "Scottish Ministers' Consideration of the case for a derogation under the Conservation (Natural Habitats, &c.) Regulations 1994 and the Conservation of Habitats and Species Regulations 2017".

90. In summary, the Scottish Ministers considered the information on alternatives submitted by the Company in the context of the appropriate and primary objectives of the proposed Development, and are of the view that there are no less damaging alternatives to the proposed Development that would satisfy the objectives, and be technically, legally and financially viable (the consideration of the Alternative Alignment as an alternative is considered below). The Scottish Ministers therefore conclude that alternative solutions are not available. The Scottish Ministers are also satisfied that there are IROPI for the proposed Development to proceed, subject to adequate compensatory measures being implemented. In arriving at this decision, the Scottish Ministers have considered how the proposed Development provides a public benefit which is essential and urgent, and which has been assessed to outweigh the harm to the integrity of the designated sites.

91. Regarding the compensatory measures put forward by the Company in its Compensation Plan, the Scottish Ministers consider this Plan proposes suitable areas and measures to create, restore or improve the condition of sufficient qualifying habitat to compensate for the SAC habitat losses incurred by the project.

92. To ensure compensatory measures are implemented and demonstrated to be effective before the commencement of construction works, the Scottish Ministers have attached a condition within Annex 2.

<u>Landscape and visual effects</u>

93. In consideration of landscape and visual effects, the Scottish Ministers have reviewed the EIA Report, both sets of Additional Information, the consultation responses, and representations.

94. The Scottish Ministers are satisfied and content with the information contained within Volume 2 Chapter 3 of the EIA Report for the Landscape Visual Impact Assessment ("LVIA") and the responses from both the Planning Authority and NatureScot. The Company's LVIA states that the majority of landscape and visual effects arising from the proposed Development would be not significant. There would be some localised significant adverse landscape, visual and cumulative effects resulting from the

proposed Development during construction, and a small and very localised number of significant adverse effects during the operation of the proposed Development. Longer term effects would be focussed within areas where the proposed Development would involve the replacement of the wood pole OHL with a steel lattice tower OHL. This would form a more prominent feature within the landscape, through the section from Edinbane to North of Sligachan and parts of the section between North of Sligachan to Broadford, and between Loch Quoich to Invergarry. The use of an underground cable connection, replacing an existing wood pole OHL through the remainder of North of Sligachan to Broadford and all between Invergarry to Fort Augustus, and localised realignment between Ardmore to Edinbane, would lead to some limited localised beneficial effects.

95. Although the Scottish Ministers broadly agree with the LVIA conclusions, successfully minimising the long-term effects of access tracks will rely on the quality of restoration put in place. Even with high quality restoration, there will still be long term significant adverse effects on the Special Landscape Qualities of the Knoydart NSA as a result of new and upgraded access tracks.

96. The Scottish Ministers have taken all the environmental information into account and agree the proposal would have significant landscape, visual and cumulative effects both positive and adverse.

Forestry

97. Impacts on Forestry are assessed within Volume 2 Chapter 9 of the Company's EIA Report. Due to the requirement to create an operating corridor for the construction and safe operation of the OHL, including the creation of access tracks, the proposed Development is predicted to result in the direct loss of 100 ha of commercial woodland, 11 ha of ancient woodland, and 7 ha of semi-natural woodland. There will also be the potential indirect (secondary) effect of woodland removal outside of the operating corridor (predicted to be 82 ha) (under separate felling licences obtained by landowners and not under the control of the Company).

98. The Scottish Ministers have taken all the environmental information into account and agree the proposed Development would have an impact on woodland which can be mitigated by way of condition.

Ornithology

99. NatureScot advised the proposed Development may have an adverse impact on the West Inverness-shire Lochs SPA, given the collision risk to common scoters and therefore requested further information on the implications of the increased height of the proposed Development, and the efficacy of line marking in reducing the potential collision risk for common scoters which may fly at night. The Company provided this information which allowed NatureScot to comment that in relation to collision risk to common scoters, available information suggested the probability of flights across the proposed Development's line in low/poor light, or at night, appeared to be very small. In NatureScot's view therefore, the potential for collision with the OHL is therefore small and would be further reduced by the deployment of appropriate bird flight diverters on the earth wire. Regarding the collision risk to black-throated divers from the proposed Development, NatureScot considered the use of bird flight diverters

would also reduce the collision risk to an acceptable level. Furthermore, by undertaking construction and dismantling works (including access) within 750m of the SPA outside the breeding season, or implementing an appropriate Breeding Bird Protection Plan, the risk of disturbance to both common scoters and black-throated divers could be mitigated.

100. Due to NatureScot's advice being that the proposed Development would likely have a significant effect on the West Inverness-shire Lochs SPA's populations of common scoters and black throated divers, the Scottish Ministers, as competent authority, were required to undertake an appropriate assessment in view of the site's conservation objectives. NatureScot also advised the proposed Development would likely have a significant effect on the Cuillins SPA's population of golden eagles and as such an appropriate assessment was also required in view of the site's conservation objectives.

101. There is unlikely to be significant effects on existing bird populations resulting from habitat loss from the construction of the proposed Development, nor from cumulative effects with existing and planned developments in the region.

102. RSPB Scotland confirmed its preference for the Proposed Alignment due to concerns surrounding the Alternative Alignment and its potential for serious collision risk for white tailed eagle, and potentially golden eagle. The RSPB also strongly recommended bird diverters for certain sections of the OHL.

103. The Scottish Ministers have taken all the environmental information into account and agree the proposed Development would have an impact on ornithological interests which can be mitigated by way of suitable condition attached within Annex 2.

Cultural heritage and Archaeology

104. Impacts on cultural heritage were assessed by the Company in Volume 2 Chapter 8 of the EIA Report. In its assessment, the Company identified and evaluated any cultural heritage interests present within an Inner Study Area covering the site of the proposed Development and associated access tracks, through the examination of desk-based resources and walk-over field survey. It is also identified and evaluated heritage assets within an Outer Study Area extending up to 2.5 km around the proposed Development. For the purposes of the EIA Report, these assets comprised scheduled monuments, listed buildings and a conservation area, in respect of which their settings could be affected.

105. The EIA Report identified there would be no significant adverse impacts on designated assets (monuments and buildings) as a result of the proposed Development. Mitigation measures were recommended for undesignated assets that aim to reduce predicted adverse impacts. These included marking-out and avoidance with buffers, micro-siting, additional investigation and recording.

106. Historic Environment Scotland confirmed the proposed Development does not raise issues of national interest for the historic environment, and it agreed with the conclusions of the EIA Report

107. The Scottish Ministers have taken all the environmental information into account and consider the proposed Development would not have a significant impact on cultural heritage and archaeology. Any other impacts can be mitigated by way of condition.

Hydrology, Hydrogeology, and Soils

108. Hydrology, hydrogeology and soils were assessed by the Company in Volume 2 Chapters 6 and 7 of the EIA Report. To protect the water environment, the Company have outlined a number of measures including the adoption of sustainable drainage principles and measures to mitigate against effects of potential chemical contamination, sediment release and changes in supplies to Ground Water Dependent Terrestrial Ecosystems. Any proposed infrastructure located within areas at flood risk will require the principal contractor to prepare a detailed Construction Method Statement. This will ensure no new permanent features which are sensitive to flooding are located within the floodplain. Additionally, any watercourse crossings within the proposed Development will be regulated under SEPA's Controlled Activities Regulations (CAR) regime and will be designed to allow continuous flow. A detailed drainage strategy will also be developed.

109. In terms of maintaining drinking water quality, some water sources lie close to, or downstream of, the proposed Development. The Company will therefore use mitigation such as micro-siting, and good practice techniques that prevent pollution of surface water and which maintain the integrity of the distribution pipework. These will be required to safeguard these private water supplies.

110. The Company, prior to development commencing, will provide a Peatland Management Plan for each section of the proposed Development or subsequent phase of works. In some areas of deep peat, probing has not yet been undertaken. In these specific locations, the Company will provide details of further probing and provide an assessment of likelihood, and where relevant, a calculation of consequence and risk of peat slide. The Company will also demonstrate how post consent layout modifications will further minimise peat disturbance.

111. The Scottish Ministers have taken all the environmental information into account and consider the proposed Development would not have a significant impact on Hydrology, Hydrogeology, and Soils. Any impacts can be mitigated by way of condition.

Socio-economics and Tourism

112. The Company estimate that the proposed Development will result in a cost of approximately £488 million. Within the EIA Report, the Company estimated the potential employment benefits of the proposed Development in Person Year Employment ("PYE") (PYE is used due to contracts being for fixed lengths). The estimated benefit of the proposed Development across the construction and dismantling period i.e. three years construction and seven months dismantling, show a total of 638 PYEs over this period. Given the origin of these jobs, displacement and multiplier effect, this would result in 167 PYEs in the Highlands, and 431 PYEs at the Scottish level. This equates to a Gross Added Value impact of £10.4 million to the Highlands, and £27.4 million at the Scottish level over the construction period.

113. Tourism is a key contributor to the local economy with pre-pandemic visitor numbers to Skye and Raasay being around 650,000 in 2019. Despite Skye's popularity, the main routes affected by the proposed Development, including the A87, are not 'promoted' tourist routes. The Company's EIA Report outlined there are no notable visitor attractions located in close proximity to the proposed Development, and similarly, a review of core paths, rights of way and hill tracks/mountain routes has shown these are largely unaffected.

Traffic and Transport

114. Traffic and transport impacts were considered by the Company in Volume 2 Chapter 10 of its EIA Report. The Company assessed the proposed Development would lead to a temporary increase in traffic volume on the road network within the study areas during the construction phase. Traffic volumes would then fall considerably outside the peak period of construction. The Company also confirmed there will be no requirement for any abnormal load movements. The potential cumulative impact of other major developments taking place, including consented wind farms on Skye was considered. Such developments are however assumed to be reliant upon the construction and operation of the proposed Development and are therefore considered by the Company unlikely to be built out at the same time. Specific mitigation measures that will be incorporated by the Company include:

- Use of helicopters for delivery of materials (Section 0 and part of Section 3a);
- A site worker transport plan to move the workforce to and from the site;
- Maximising site working days and hours during daylight;
- Routing to avoid use of the B885 wherever possible;
- Project website construction updates and local newsletters;
- 20mph speed limits through local villages / towns; and
- 15mph speed limits on access tracks / private roads.

115. The Planning Authority commented that the extent of local public roads impacted will be significant. It suggested there will be significant lengths of the public road network that will experience relatively large increases in construction traffic. However, sufficient confidence can be taken from the level of detail and assessment provided by the Company and the Company committing to undertaking a series of advanced road improvements to ensure that the traffic and transportation impacts of the development can be suitably managed.

116. Transport Scotland to have confirmed there would be no capacity constraints on their affected network.

117. The Scottish Ministers have taken all the environmental information into account and consider the proposed Development will have an impact on traffic and transport in the area; however, any impacts can be mitigated by way of condition.

The Consideration of Alternatives including the Alternative Alignment

118. The Company identified and assessed a number of alternatives to the proposed Development:

- Do nothing;

- Smaller scale of development;
- Different technology;
- NeSTS (alternative type of steel structure support);
- Subsea cables;
- Underground cables;
- Different routes or alignments; and
- Different construction methodology.

119. The Scottish Ministers have considered the information on alternatives submitted by the Company in the context of the appropriate and primary objectives of the proposed Development and are of the view that there are no less damaging alternatives to the proposed Development that would satisfy its primary objectives, and be technically, legally, and financially viable. The Scottish Ministers therefore conclude that alternative solutions are not available. Further information on the consideration of alternatives can be found in the 'Scottish Ministers' Consideration of the case for a derogation under the Conservation (Natural Habitats, &c.) Regulations 1994 and the Conservation of Habitats and Species Regulations 2017'.

120. Comparing the Company's Proposed Alignment and the Alternative Alignment impacts on the Kinloch and Kyleakin SAC, the Alternative Alignment would have a reduced effect on the SAC, impacting 14.42 ha of qualifying habitat during construction, as opposed to 16.73 ha for the Proposed Alignment (or 0.27% of the site rather than 0.32%).

121. The Alternative Alignment would however follow a well-travelled tourist route, including the seasonal ferry crossing of Kyle Rhea, bringing the OHL and associated infrastructure down through Glen Arroch to within the immediate vicinity of the community of Kylerhea. Consequently, the Planning Authority considered the human impacts of developing the Alternative Alignment were a concern. The Alternative Alignment route would have significant adverse landscape character impacts, as well as significantly adverse visual impacts which would be experienced by residents and the wider community on both sides of Kyle Rhea, including from the Glenelg where main views from this settlement and its waterfront would be directly towards the Alternative Alignment. This routing would also require the removal of a further 10.5 ha of woodland which would draw more attention to the presence of the line in the landscape.

122. The Planning Authority also suggested the existing road which traversed down Glen Arroch is unsuitable in its current form to facilitate the level of construction traffic proposed to support the Alternative Alignment. Its extensive use during construction of the Alternative Alignment would likely cause significant disruption to ferry services for a prolonged period.

123. In terms of ornithological impacts resulting from the Alternative Alignment, the results of baseline surveys have identified high white-tailed eagle flight activity around Kyle Rhea. The majority of white-tailed eagle activity within this area is to the south of the existing OHL crossing tower at Kyle Rhea. Therefore, the frequency of flight activity in proximity to the Alternative Alignment is considered to be significant and is likely to give rise to an increase in collision effects to those already presented by the existing OHL. RSPB Scotland commented that the Alternative Alignment route through

Kylerhea and Glen Arroch would result in a serious collision risk for White-Tailed Eagle, in particular, but also potentially for Golden Eagle.

124. The Alternative Alignment would have a very small, reduced impact on the Kinloch and Kyleakin SAC, however, the Scottish Ministers have taken into account the wider social (human), economic and other environmental implications and have determined that the Company's Proposed Alignment is the preferable option.

The Scottish Government Policy Context

National Planning Framework 4

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

126. Part 2 sets out National Planning Policy. NPF4 should be read as a whole, and the weight given to its policies decided on a case-by-case basis. The greatest weight in consideration of the proposed Development on the context of NPF4 is afforded to Energy policy. The policy establishes an intent to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This description includes new and replacement transmission and distribution infrastructure. The desired outcome is the expansion of renewable, low carbon and zero emissions technologies. The proposed Development will facilitate the transmission of electricity across Scotland and the islands and improve security of supply for the residents of Skye and the Western Isles. The proposed Development has sought to mitigate impacts on the environment as far as is reasonably possible.

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

Area Local Development Plans

Highland wide Local Development Plan

128. The Highland wide Local Development Plan supports the broad principle of energy development. Policy 69 specifically highlights the "Council will have regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption." "It will support proposals which are assessed as not having unacceptable impact on the environment including natural, built and cultural heritage features." Where development is assessed as not having unacceptable significant impact on the environment, then the proposal would accord with the Development Plan.

Energy Strategy and draft Energy Strategy and Just Transition Plan

129. Scottish Ministers have placed significant weight on the benefits of the proposal in terms of the replacement of the end-of-life electricity infrastructure and security of supply, as well as its provision of a significant contribution to national renewable energy targets, reducing emissions and addressing the global climate emergency.

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

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

Security of electricity supply to Skye and the Western isles and the contribution the proposed Development will make to realising the wider benefits of renewable electricity generation connection to the National Grid

132. The existing OHL is the sole connection from the mainland electricity transmission system to Skye and the Western Isles. The existing OHL, having been constructed over a period mostly from the late 1970's through to the late 1980's, is approaching the end of its economic and operational life. The Company's assessment of the condition of the transmission asset components within the geographical sections between Quoich to Ardmore was carried out to identify the need for remedial works as part of developing an asset intervention strategy. The studies identified deterioration on wood poles in the trident wood pole section between Broadford and Ardmore, and loss of galvanisation and extensive surface corrosion in the more exposed areas between Quoich to Broadford in which steel lattice towers are used as the support structures. As a result, the poles and towers themselves, as well as fittings, earth-wires and phase conductors, require upgrade or replacement throughout most of the existing single 132 kV circuit to maintain security of supply to over 32,000 homes and businesses on Skye and the Western Isles.

133. The area served by the existing OHL contains opportunity for new renewable generation projects but lacks available additional transmission capacity to connect them to the National Grid. The Company is already contracted to provide an additional 472 MW of generation on the Skye circuit by 2027, with a further 289 MW in the connection application process.

The Scottish Ministers' Conclusions

Reasoned Conclusions on the Environment

134. The Scottish Ministers concluded it could not be ascertained that the proposed Development would not adversely affect the integrity of the Kinloch and Kyleakin SAC. As the competent authority, the Scottish Ministers can therefore can only agree to the proposed Development if the requirements of the derogation provisions in the 2017 Regulations are met. The Scottish Ministers have considered the proposed Development against the requirements of these provisions and determine that consent can be granted for the proposed Development.

135. It is also the opinion of the Scottish Ministers that there will be significant landscape, visual and cumulative effects and other residual environmental effects in relation to the proposed Development.

136. Mitigation measures are proposed within the EIA Report, and the Scottish Ministers have secured these by conditions attached to this consent and deemed planning permission. The Scottish Ministers conclusion is that the benefits of the proposal outweigh the adverse effects it would have. The Scottish Ministers are satisfied having regard to current knowledge and methods of assessment that this reasoned conclusion is up to date.

Acceptability of the proposed Development

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

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

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

The Scottish Ministers' Determination

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

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

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

Section 37 consent and expiry of Planning Permission

143. The consent hereby granted will last for a period of 50 years from the earlier of:

i) The date of final energisation of electric lines consented forming part of the Development; or
ii) The date falling two years from the date of commencement of development.

144. Section 58(1) of the Town and Country Planning (Scotland) Act 1997 provides that planning permission lapses if development has not begun within a period of 3 years.

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

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

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

148. Copies of this letter have been sent to the public bodies consulted on the Application including the Planning Authority, NatureScot, SEPA and Historic Environment Scotland. This letter has also been published on the Scottish Government Energy Consents website at www.energyconsents.scot.

149. Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine

applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts:

150. chapter-58-judicial-review.pdf (scotcourts.gov.uk)

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

Yours faithfully

Mark Christie

Mark Christie

A member of the staff of the Scottish Ministers

Annex 1 – Description of Development
Annex 2 – Section 37 and Deemed Planning Conditions
Annex 3 – Site Layout Plan
Annex 4 – Habitats Regulations Appraisals
Annex 5 – Derogation Case

ANNEX 1

Part 1

Description of Development

The proposed Development comprises:

- A 132kV overhead transmission line, approximately 110km in length, between Fort Augustus substation and Edinbane substation;
- A 132kV overhead transmission line, approximately 27km in length, between Edinbane substation and Ardmore substation; and
- A temporary diversion of the existing 132kV overhead transmission line at Inchlaggan.

Ancillary works for the construction and maintenance of the OHL, include:

- The installation of approximately 24km of new double circuit 132kV underground cable;
- The construction of cable sealing end compounds to facilitate the transition between the OHL and sections of underground cable, including permanent access to these compounds;
- The formation of access tracks (permanent, temporary and upgrades to existing tracks) and the installation of bridges and culverts to facilitate access;
- The upgrade of existing, or creation of new, bellmouths at public road access points;
- Establishment of temporary measures to protect road and water crossings (e.g. scaffolding)
- Working areas around infrastructure to facilitate construction;
- Tree felling and vegetation clearance to facilitate construction and operation of the proposed Development, to comply with the Electricity Safety, Quality and Continuity Regulations 2002;
- Foundation works required at the existing crossing and anchor towers at Kyle Rhea that are to be utilised as part of the proposed Development; and
- Dismantling of the existing 132kV OHL following completion and commissioning of the proposed Development.

As more particularly described in the Application made to the Scottish Ministers by the Company on 15 September 2022 and the accompanying EIA Report, both rounds of Additional Information, and as shown on the Approved Plans comprising Annex 3 of the decision letter.

Consent is withheld for the Company's Alternative Alignment.

ANNEX 2

Part 1

Conditions Attached to Section 37 Consent

1. Commencement of Development

(1) The Commencement of Development shall be no later than five years from the date of this consent, or in substitution, such other period as the Scottish Ministers may hereafter direct in writing.

(2) Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

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

2. Non-assignation

(1) This consent shall not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignation, with or without conditions.

(2) The Company shall notify the Planning Authority and Scottish Ministers in writing of the name of the assignee, principal named contact and contact details within fourteen days of the consent being assigned.

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

3. Serious Incident Reporting

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

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

4. Notification of Date of Final Energisation

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

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

5. Woodland Planting Strategy

No development shall commence unless and until a Woodland Planting Strategy has been submitted to and approved in writing by the Scottish Ministers, in consultation with the Planning Authority.

The Woodland Planting Strategy shall set out an approach for the replanting of trees felled by the Company as a result of the Development, to be carried out in The Highland Council Planning Authority Area.

The approved Woodland Planting Strategy (or as the case may be, an approved amended Woodland Planting Strategy) shall thereafter be implemented as approved and maintained as such for the lifetime of this consent, unless otherwise approved in writing by the Scottish Ministers in consultation with the Planning Authority.

Reason: *To address the impacts of woodland felling associated with the Development.*

6. Securing of Compensatory Measures

No later than six months prior to the Commencement of Development within the Kinloch and Kyleakin Hills SAC, the Company must submit a SAC Habitat Compensation Plan in writing to the Scottish Ministers for their written approval.

The SAC Habitat Compensation Plan must be in accordance with the Skye Reinforcement Project Kinloch and Kyleakin Hills SAC Compensation Plan submitted by the Company to the Scottish Ministers dated 27 July 2023, unless otherwise agreed in writing by the Scottish Ministers. It must demonstrate that the compensatory measures will compensate for any adverse effects on Blanket bogs; European dry heaths; Wet heathland and cross-leaved heath; and Western acidic oak woodland, as identified in the Appropriate Assessment for the Development. The SAC Habitat Compensation Plan must include the following:

a) Confirmation of the exact amounts of SAC habitat that will be affected to set the baseline for what compensation measures need to achieve;
b) Timetable of implementation and maintenance of the compensatory measures;
c) The location of the compensatory measures;
d) A description of the characteristics and methods of the proposed compensatory measures;
e) The predicted outcomes of each compensatory measure, including timescales of when those outcomes will be achieved;
f) Details of monitoring and reporting of the effectiveness of the compensatory measures including —

i) survey methods;
ii) survey programmes;
iii) success criteria;
iv) timescales for monitoring reports to be submitted to the Scottish Ministers;
v) reporting of meeting success criteria, and
vi) measures to adapt, and where necessary increase, compensatory measures and the criteria used to trigger any adaptation of compensatory measures as a result of the above monitoring.

The Company must implement the measures set out in the approved SAC Habitat Compensation Plan in accordance with the timescales detailed in the SAC Habitat Compensation Plan.

Any requests for amendments to the approved SAC Habitat Compensation Plan must be submitted, in writing, to the Scottish Ministers for their written approval.

The Company must make such alterations to the approved SAC Habitat Compensation Plan as directed by the Scottish Ministers and submit the updated SAC Habitat Compensation Plan to the Scottish Ministers for approval within such a period as directed in writing by the Scottish Ministers.

The SAC Habitat Compensation Plan must include reportable milestones of the progress of the compensatory measures which will be agreed by the Scottish Ministers in consultation with NatureScot. The Company must then, within one month, notify the Scottish Ministers and NatureScot in writing of the completion of each of the agreed milestones set out in the SAC Habitat Compensation Plan.

Reason: *To ensure the coherence of the UK site network is secured.*

Part 2

Conditions Attached to Deemed Planning Permission

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

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

8. Accordance with the Provisions of the Application

(1) The Development shall be constructed and operated in accordance with the provisions of the Application, the Environmental Impact Assessment Report ("EIAR") and Additional Information ("AI"), except in so far as amended by the terms of this consent. All overhead line ("OHL") wood poles, steel lattice towers, cable sealing end compounds and new construction access roads (temporary and permanent) shall be constructed in the locations shown in Figures V1-3.1 (A through to Z) and V1-3.1 (AA through to QQ) of the 2022 EIAR. The Development may however be adjusted within the following Limits of Deviation ("LOD")

a) Overhead line – 40m horizontal LOD either side of the proposed alignment and 3m vertical LOD above or below the proposed tower or pole height;
b) Underground cable - 40m horizontal LOD either side of the proposed alignment;
c) Cable Sealing End (CSE) compound – 40m horizontal LOD from the proposed location; and
d) Access tracks – 25m horizontal LOD either side of the proposed alignment, or as otherwise agreed with the Planning Authority in order to provide safe access to infrastructure that has moved utilising a-c above.

And subject to the following LOD variations, as per Chapter 3, Table V1-3-1 of the 2022 EIAR:

LOD Variation	Section / Area	LOD Variation	Reason
1	Section 0: DA159 to DA168	Reduced to 10 m on western side and extended up to 120 m on eastern side of wood pole alignment.	To ensure sufficient flexibility to avoid interference with Beinn na Mointeich radio station.
2	Section 1: Track within vicinity of Glenmore River and Abhainn an Acha-Leathain	Shift of track LoD to west.	To allow micro-siting of tracks to maintain a suitable buffer between the rivers and track construction, except at crossing points.

3	Section 1: Within vicinity of CSE Compound (BE32 to BE34)	Up to 50 m either side of OHL on approach to CSE Compound, in addition to the CSE compound LoD	To allow for tie in of OHL towers with CSE compound.
4	Section 2: Within vicinity of Abhainn Torra-mhichaig	Shift of LoD to west	To maintain a buffer of 10 m between underground cabling works and the Abhainn Torra-mhichaig, apart from at crossing points.
5	Section 2: Within vicinity of CSE Compound (BE29 to BE31)	Up to 50m either side of OHL on approach to CSE Compound, in addition to the CSE compound LoD	To allow for tie in of OHL towers with CSE compound.
6	Section 2: Between BE19 and BE20.	Up to 180 m at widest point.	Following existing access track, LoD widens in this location due to terrain and potential for micro-siting.
7	Section 2: Track to BE17	Restricted on eastern side	To exclude the Allt Strollamus from the new temporary track LoD.
8	Section 3: Track between BF20 and BF21.	Restricted on southern side at SAC boundary.	To avoid works within the Mointeach nan Lochain Dubha SAC.
9	Section 3: Track between BF57 to BF62.	Up to 80 m (40 m to either side).	Widened to allow for further micrositing in an area with difficult terrain.
10	Section 3: BF59 to BF60	Up to 60 m on southern side of OHL alignment	Widened by up to 60 m on southern side of alignment to allow for further micrositing in an area with difficult terrain.
11	Section 3: BF77 to BF79	Up to 100 m either side	To allow for works within the vicinity of anchor and crossing towers, including wiring requirements.
12	Section 4: BF80 to BF81	Up to 100 m either side	To allow for works within the vicinity of anchor and crossing towers, including wiring requirements.
13	Section 4: Track to BF81	Up to 50 m on east side	To allow greater flexibility at this access point.
14	Section 4: BF102	Up to 50m on east side	To allow flexibility in tower position

15	Section 4: Track within vicinity of Glenmore River	Restricted on northern side.	To exclude the river from the track LoD.
16	Section 4: Track from Balavoulin to BF106	Up to 40 m either side	To allow flexibility in micrositing track due to difficult terrain.
17	Section 4: Track within vicinity of Abhainn a' Ghlinne Bhig and Srath a' Chomair	Restricted on riverbank side of track.	To restrict access works to one side of the rivers, except at crossing points.
18	Section 4: Track between BF134 and BF145	Up to 100 m wide	To allow flexibility in micrositing track due to difficult terrain.
19	Section 4: Track within vicinity of Gleanndubhlochain	Restricted on riverbank side of track.	To restrict access works to one side of the river, except at crossing points.
20	Section 4: Track between BF166 and BF169	Restricted on southern side of track.	To maintain a 10 m buffer between the Lochan Torr a' Choit and track upgrading works and restrict works to one side of the Allt a' Choire Reidh, except at the crossing point.
21	Section 4: Construction access within vicinity of Loch Coire Shubh	Restricted on southern side.	To exclude the loch from the track LoD.
22	Section 5: BF261 to BF264	Up to 100 m either side of OHL	To allow for micro-siting and tie in of OHL towers within vicinity of proposed Quoich Tee Switching Station.
23	Section 5: BF284 to BF288	Up to 125 m wide.	To accommodate a temporary diversion to the existing OHL during construction works.
24	Section 5: Track to BF332	Up to 80 m wide	To allow flexibility in upgrading track either side of fence line.
25	Section 6: Within vicinity of Doire Mor	Up to 120 m	To allow for flexibility in siting cable route to minimise effects on blanket bog and deeper areas of peat.
26	Section 6: Within vicinity of Doire Daraich	Up to 130 m	To allow for flexibility in siting cable route to minimise effects on blanket bog and deeper areas of peat.

27	Section 6: On approach to Fort Augustus Substation	Up to 200 m	To ensure flexibility on cable entry into Fort Augustus Substation.

(2) At least three months prior to the Commencement of Development, finalised details of the proposed access track routing and form within the LOD, shall be submitted for the prior written approval of the Planning Authority, in consultation with the relevant area Access Officer and the Community Liaison Group(s), with the agreed details to be reflected in the Recreational Access Management Plan(s) for the site.

(3) No later than one month after the Date of Final Energisation, the Company must submit a finalised site plan to the Planning Authorities, copied to Scottish Ministers, showing the final position of the overhead line, all towers, access tracks, and associated infrastructure forming part of the Development. The plan must also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the approval from the Environmental Clerk of Works ("ECoW") or Planning Authority, as applicable.

Reason: *To control environmental impacts while taking account of local ground conditions.*

9. Elevations and Site Formation Levels

(1) No development shall commence unless and until location, elevation, and cross section drawings of the proposed above ground infrastructure (within and for each Development section (Section 0,1,2,3,4,5,6)), including site boundary treatments and scheme of landscaping, have been submitted to and approved in writing by the Planning Authority.

These details shall include:

(a) The external materials, colours and finishes of all external structures, including above ground cable joint boxes and site fencing such as for sealing end compounds, with a non-reflective finish to be specified throughout (note that no further details of the wood pole, steel lattice tower supporting structures or access tracks require to be provided);

(b) any raised areas of hardstanding to support all onsite infrastructure, such as raised above ground foundations or platforms; and

(c) No element of the Development shall have any text, sign or logo displayed on any external surface of the facility, save those required by the applicant's safety systems and law under other legislation.

(2) Thereafter, the Development shall be built out in accordance with these approved details and, with reference to part (a) above, the site shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the Development is decommissioned.

Reason: *In the interest of visual amenity.*

10. Construction Environment Management Document

No later than three months prior to the Commencement of Development, a Construction Environment Management Document ("CEMD") shall be submitted for the written approval of the Planning Authority, in consultation with SEPA, NatureScot and other consultees as appropriate. The Development shall then proceed in accordance with the approved CEMD unless otherwise agreed in writing by the Planning Authority. The CEMD shall include details of:

a) An updated Schedule of Mitigation ("SM") as it relates to construction highlighting mitigation set out within each chapter of the EIAR, within the EIAR AI, and the conditions of this consent;

b) Processes to control / action changes from the agreed SM;

c) Construction Environmental Management Plans ("CEMPs") for the construction phase, covering:

i. Habitat and Species Protection; to include but not limited to:

- A site-specific Species Protection Plan ("SPP") for otters covering construction of the new overhead line and associated infrastructure, removal of the existing overhead line and associated access is to be agreed with the Planning Authority, in consultation with NatureScot, in advance of works commencing;
- Construction and dismantling works (including access) within 750 metres of the West Inverness-shire Lochs SPA being avoided during the black-throated divers breeding season (1 April to 31 August). If this is not possible, a Breeding Bird Protection Plan for Black-throated divers (West Inverness-shire Lochs SPA) must be agreed by the Planning Authority, in consultation with NatureScot;
- A Bird Protection Plan for Common Scoter must be agreed by the Planning Authority in consultation with NatureScot;
- Details of the site-specific drainage, silt and pollution prevention measures that would be in place during the construction of the underground cable section to the east of Loch Lundie must be agreed by the Planning Authority, in consultation with NatureScot;
- Where possible, construction and dismantling works (including access) should be avoided between towers BE11 and BE15 during the breeding season (1 February to 31 August). If this is not possible, specific mitigation for this area is to be agreed with the Planning Authority in consultation with NatureScot;
- For all other areas within the Cuillins SPA, if works (construction or dismantling) are proposed between 1 February and 31 August, a suitably qualified ornithologist must confirm there are no golden eagle breeding sites within disturbance distance of the works.

ii) Pollution Prevention and Control, with works to be carried out in line with the requirements outlined in EIAR Appendix V1-3.5, Appendix V1-3.6 and Appendix V1-3.7.

iii) An Invasive Non-Native Species protocol;

iv) Construction Noise and Vibration;

v) Temporary Site Lighting;

vi) Site Waste Management;

vii) Surface and Ground Water Management, including: drainage and sediment management measures from all construction areas including access tracks; further construction design details for access tracks running parallel within 20m of a watercourse; permanent watercourse crossing works to follow the designs outlined in EIAR Appendix V2-6.2; mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; a programme of water quality monitoring; and bespoke risk assessment for groundwater supply sites identified as high risk (PWS0.5, PWS0.15, PWS2.8, PWS3.1, PWS3.5, PWS3.8 and PWS5.16) in line with SEPA guidance (currently LUPS-GU31); along with further investigation for abstraction locations identified within the EIAR as either unconfirmed or where there are locations where information is missing;

viii) Peatland Management Plan for each section of the Development or subsequent phase of works. Each Plan should provide quantitative information on acrotemic, catotelmic and amorphous peat disturbance and reuse. In areas of deep peat where probing has not yet been undertaken, details of further probing in these areas, and an assessment of likelihood, and where relevant, a calculation of consequence and risk of peat slide must be undertaken prior to work within those specific locations. The Peatland Management Plan requires to demonstrate how post consent layout modifications will further minimise peat disturbance, informed by further peat probing work. Permanent tracks are to be shown to avoid areas of deepest peat and use methods such as floating construction to minimise peat excavation. Any substantial temporary peat storage should also be quantified and outlined. It requires to incorporate the findings and mitigation measures set out within the applicant's Peat Landslide Hazard and Risk Assessment, Revision 3, or any subsequent revision to this document, and shall incorporate further site-specific construction plans for peat;

ix) Soil Management, with details of soil placement and measures to utilise the soils' existing seed base in the finalised construction phase restoration plans;

x) Public and Private Water Supply Protection Measures, including a programme of water quality monitoring;

xi) Emergency Response Plans;

xii) Phasing Plans for construction and removal of the existing OHL; and

xiii) Other relevant environmental management information as may be relevant to the development.

d) A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and methods for monitoring, auditing, reporting and the communication of environmental management on site and with the applicant, Planning Authority and other relevant parties.

e) Details of Contractor Environmental Management Team and Responsibilities, to include:

i) Undertaking a further pre-construction breeding bird and protected species site walkover survey in advance of any works or development within any specific area or section;

ii) updating and implementing Species Protection Plans;

ii) implementing a Breeding Bird Protection Plan, detailing where works are planned within the breeding season and securing the use of bird deflector markers on Sections of the overhead line deemed to be of higher collision risk as set out in the EIA Report and advised by NatureScot.

Reason: *To ensure protection of surrounding environmental interests and general amenity.*

11. Kinloch and Kyleakin SAC Construction Environmental Management Plan

(1) No later than three months prior to the Commencement of the Development, a separate Kinloch and Kyleakin CEMP shall be submitted for the written approval of the Planning Authority, in consultation with NatureScot and other consultees as appropriate. The Development shall then proceed in accordance with the approved Kinloch and Kyleakin CEMP unless otherwise agreed in writing by the Planning Authority. The Kinloch and Kyleakin CEMP shall include details of:

a) A detailed site-specific Construction Method statement for the SAC.

b) full details of the mitigation that would be in place to minimise impacts (including but not necessarily limited to the measures set out in Section 10 of the Shadow HRA and Appendix V1-3.6 Schedule of Mitigation Measures of the EIAR).

c) where micro siting may be required within the Limits of Deviation, a commitment that micro siting should not result in the movement of infrastructure into habitats of greater value than the currently assessed locations.

d) details of ancillary works within the SAC such as road improvements, etc.

(2) Prior to the start of restoration works, a final site-specific Site Restoration Plan for the SAC is to be agreed with the Planning Authority in consultation with NatureScot, including full details of the reinstatement and restoration measures proposed. This must include (but not be limited to) appropriate track restoration measures where narrowing of new permanent and upgraded existing access tracks are proposed.

(3) A final site-specific Operational Wayleave Maintenance Plan for the SAC to be agreed with the Planning Authority in consultation with NatureScot.

(4) Prior to the start of dismantling of the existing line, a final site-specific Dismantling Plan for the Existing Overhead Line within the SAC to be agreed with the Planning Authority in consultation with NatureScot.

(5) All work must be carried out according to the recommendations in Section 1.7 (Recommendations and Mitigation) of Appendix V2-4.6: Kinloch and Kyleakin Hills SAC/SSSI Bryophyte and Lichen Survey Report and Para 4.8.3 of the EIAR Vol 2 Ch4 - Ecology.

Reason: *To ensure protection of environmental interests within the Kinloch and Kyleakin SAC.*

12. Construction Traffic Management Plan

(1) No later than three months prior to the Commencement of the Development, finalised Construction Traffic Management Plans ("CTMPs") for affected routes on the public road network, must be submitted for the prior written approval of the Planning Authority, in consultation with Transport Scotland and the relevant Community Liaison Group(s). The CTMPs shall detail:

a) A Construction Phase Plan including a timetable for all routes intended for construction access, with:

i) Provision of an updated cumulative assessment to take account of all other consented major development projects and their associated construction impacts on the road network; and

ii) A finalised site access strategy required for Section 1 of the development which restricts access to the site from Portree via the B885 and provides further justification for any use of the southern section of the B885.

b) A schedule of advanced Road Mitigation Works to be undertaken on the public road network, with all identified mitigation works to be completed on each defined route prior to it being used by construction traffic associated with the development. This schedule shall include, but not limited to, areas of road widening, any proposed alterations to the trunk road, road strengthening, provision of improved and new passing places, and junction improvements. Such works will also include suitable drainage measures, improved road geometry, measures to protect the public road and the provision and maintenance of appropriate visibility splays.

c) Details of: construction vehicle trip rates; measures to avoid school opening and closing times; limit construction traffic speeds; utilise local materials (e.g. aggregate); alternative means of transport with the use of helicopters to deliver construction materials for Section 0 and Section 3 of the line; avoid convoying of construction vehicles; mark vehicles with unique project identifiers; a site worker transport plan to move the workforce to and from the site; road sweeping and wheel washing arrangements; access and egress arrangements for any heavy goods vehicles; and a local signage scheme.

d) The scheduling of pre and post construction road condition surveys, and a programme and methodology for any repairs as a consequence of any damage caused by construction traffic, with provision of a wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984.

e) Contact details for a community traffic liaison officer for the developer whom will be responsible for: providing the Community Liaison Group(s) with information relating to

the arrangements for the delivery of all road and construction traffic mitigation measures required for the development; and to provide regular project updates on the applicant's website and in local newsletters.

Reason: *To ensure road safety and that transportation will not have any detrimental effect on the road and structures along the route and to minimise interference with the safety and free flow of the traffic on the local and trunk roads and to minimise adverse impacts on residents and local businesses in the area.*

13. Notification to Scottish Water

Written confirmation of the intended date of Commencement of Development shall be provided to Scottish Water at protectdwsources@scottishwater.co.uk no later than three calendar months before that date.

Reason: *To enable Scottish Water to be aware of activities in the catchment and to determine if a site meeting would be appropriate and beneficial.*

14. Construction Phase Landscaping and Restoration Method Statement

No development shall commence unless and until a construction phase Landscaping and Restoration Method Statement ("LRMS") has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The LRMS shall be based on the proposals outlined in the EIAR Schedule of Mitigation and Outline Site Restoration Plan; setting out restoration / reinstatement provisions for any temporary disturbed ground not required for the ongoing operation of the development, including: access tracks (specifically the narrowing of spine road tracks and adoption of green running routes), and all other temporary construction areas for which this consent applies. The LRMS shall include: details of the appointment of a suitably qualified and experienced Landscape Clerk of Works to monitor and oversee the site works at regular intervals in key locations; as well as plan review provision during the construction period, with any amendments requiring the prior written approval of the Planning Authority in consultation with NatureScot. The approved LRMS shall be implemented in full within 24 months of final energisation.

Reason: *To ensure the restoration of the site following construction to limit the environmental impacts of the development.*

15. Environmental Clerk of Works

No development shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent Environmental Clerk of Works ("ECoW"). The terms of appointment shall:

a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Environmental Impact Assessment Report, Supplementary Environmental Information and Construction and Environmental Management Document (CEMD) and other plans approved. Impose a duty to oversee

site construction tree protection; and to monitor compliance with all pollution prevention measures including water quality monitoring ("the ECoW Works");
b) Require the ECoW to report to the applicant's nominated construction project manager any incidences of non-compliance with the ECoW Works at the earliest practical opportunity;
c) Require the ECoW to submit a report every three months to the Planning Authority and Planning Monitoring Officer, or monthly at the further written request of the Planning Authority, summarising progress with the development and environmental works undertaken on site;
d) Provide the ECOW with the ability to stop the job / activities being undertaken within the development site when ecological interests dictate and / or when a breach or potential breach of environmental legislation occurs to allow for a briefing of the concern to the applicant's nominated construction project manager; and
e) Require the ECoW to report to the Planning Authority any instances of significant non-compliance with the ECoW Works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from pre-construction survey work ahead of the Commencement of Development, throughout any period of construction activity, ground reinstatement and landscaping as well as for any post site completion monitoring requirements.

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

16. Operational Noise

Noise arising from the operation of the overhead lines, and cable sealing end compounds hereby permitted, when measured and/or calculated as an Leq, 5min, in the 100Hz one third octave frequency band must not exceed 30 dB at noise-sensitive premises*.

*Note: For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other existing or consented development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat, static residential caravan.

Reason: *In the interest of residential amenity.*

17. Construction Noise Management Plan

Unless otherwise agreed through an approved Noise Management Plan, operations, during construction of the Development, for which noise is audible at the curtilage of any noise-sensitive properties*, shall only be permitted between:

i. 0800 hours and 1900 hours Monday to Friday, and
ii. 0800 hours and 1300 hours on Saturdays.

Prior to the Commencement of the Devlopment, the Company shall submit, for the written approval of the Planning Authority's Environmental Health Service, a Noise Management

Plan. For the purposes of the Noise Management Plan, where it is proposed to undertake work, which is audible at the curtilage of any noise-sensitive properties, out with the hours Mon-Fri 8am to 7pm; Sat 8am to 1pm, or on recognised Bank Holidays in Scotland, the Planning Authority's written approval of the Noise Management Plan is subject to prior consultation with the Community Liaison Groups.

Where noise levels during the above periods are likely to exceed 75dB(A) for short term works or 55dB(A) for long term works. Both measurements to be taken as a 1hr LAeq at the curtilage of any noise sensitive receptor. (Generally, long term work is taken to be more than 6 months).

The Construction Noise Management Plan should be carried out in accordance with BS 5228-1:2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise" with details of mitigation measures. Thereafter the development shall progress in accordance with the approved Construction Noise Management Plant and all approved mitigation measures shall be in place prior to the commencement of operations or as otherwise may be agreed in writing by the Planning Authority.

*Note: For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other existing or consented development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat, static residential caravan.

Reason: *In the interest of residential amenity.*

18. Air Quality Management Plan

Prior to the Commencement of the Development, the Company must submit, for the written approval of the Planning Authority, details of a dust mitigation scheme (in the form of an Air Quality Management Plan) designed to protect neighbouring properties from dust arising from this project.

Thereafter the Development shall progress in accordance with the approved dust suppression scheme (in the form of an Air Quality Management Plan) and all approved mitigation measures shall be in place prior to the commencement of operations, or as otherwise may be agreed in writing by the Planning Authority.

Reason: *In the interest of residential amenity.*

19. Recreational Access Management Plan

No development shall commence on any individual section of the development unless and until an updated Recreational Access Management Plan (RAMP) covering that location, has been submitted to, and agreed in writing by, the Planning Authority, in consultation with the Council's Access Officer and any affected Community Liaison Groups. The updated plan should look to maintain public access during construction of the Development, as far as it is

practicable and safe to do so. The RAMP as agreed shall be implemented in full for the period of construction unless otherwise approved in writing with the Planning Authority.

Reason: *In the interests of maintain public access rights and pedestrian safety.*

20. Habitat Management Plans

(1) Not later than two years following the Commencement of the Development, for each Development section (Section 0,1,2,3,4,5,6), a finalised Habitat Management Plan ("HMP") shall be submitted to and approved in writing by the Planning Authority, in consultation with SEPA and NatureScot. The HMP shall set out proposed habitat management of the site and associated landholdings during the period of construction and operation of the site.

(2) The HMP shall include information on how and where any disturbed peat that cannot be used in site reinstatement will be used for peat restoration. This should include (a) location plan of the proposed peatland re-use/restoration area, clearly showing size of individual areas where peat re-use is proposed and total area to be restored, (the area restored must be to the improvement to good quality of at least 377ha of peatland) (b) evidence, in the form of photographs, aerial imagery, or surveys to demonstrate that the area identified is appropriate for peat re-use and is capable of supporting carbon sequestration and (c) basic calculations which demonstrate that the proposal will make use of all excavated material (this information could alternatively be included in the Peat Management Plan).

(3) The HMP shall include post construction and existing OHL removal restoration measures in accordance with the dismantling plan Appendix V1-3.8 of the EIA Report and Section 10 of the Shadow HRA, for the most sensitive habitats, peatland restoration proposals, provide enhancement of Annex 1 habitats, habitats for protected species and mitigation measures for birds.

(4) The approved HMP will include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved habitat management plan will be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the Planning Authority for written approval, in consultation with SEPA and NatureScot.

(5) The approved HMP shall be implemented in full.

Reason: *In the interests of the protection of the habitats and species identified in the EIAR and EIAR Additional Information.*

21. Archaeology

No development (including site clearance) shall commence within and for each development section (Sections 0,1,2,3,4,5,6 as described in EIAR Volume 2: Chapter 2) until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for

investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: *To protect the archaeological and historic interest of the site.*

22. Aviation

No development shall commence until the following information has been sent to UK DVOF and Powerlines at the Defence Geographic Centre:

a) Proposed location of the Development;
b) Date of commencement of construction;
c) Date of completion of construction;
d) The height above ground level of the tallest structure;
e) The maximum extension height of any construction equipment; and
f) Details of any aviation warning lighting fitted to the structure(s)*.

Post micro-siting of infrastructure undertaken during construction, no later than one month after the date of final commissioning of the development, updated details showing the final position of the overhead line supporting infrastructure must be submitted.

*Note: No visible aviation lighting on any overhead line or supporting structures are hereby permitted.

Reason: *In the interest of aviation safety and visual amenity.*

23. Community Liaison Groups

No development shall commence unless and until a Community Liaison Group ("CLG"), or a series of groups for each section of the line, are established by the Company, in consultation with the Planning Authority and affected local Community Councils.

The CLG shall act as a forum for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport related mitigation measures and performance of the Construction Traffic Management Plan.

The CLG must ensure that local events and tourist seasons are considered, and appropriate measures to co-ordinate deliveries and work with these and any other major projects in the area to minimise conflict between construction traffic and the increased traffic generated by such events / seasons / developments.

The CLG, or element of any combined CLG relating to the Development, must be maintained until the construction of the Development and all site infrastructure becomes fully operational.

Reason: *To assist project implementation, ensuring community dialogue and the delivery of appropriate mitigation measures for example to minimise potential hazards to road users, including pedestrians, travelling on the road networks*.

24. Planning Monitoring Officer

No development shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the Company of a suitably qualified environmental specialist to assist the Planning Authority in monitoring compliance with the planning permission and conditions attached to this consent. The terms of Planning Monitoring Officer ("PMO") appointment shall:

a) Impose a duty to monitor compliance with the planning permission and conditions attached to this consent;

b) Require the PMO to submit a report at least every three months to the Planning Authority, or monthly at the further written request of the Planning Authority, summarising works undertaken on site; and

c) Require the PMO to report to the Planning Authority any incidences of non-compliance with the planning permission and conditions attached to this consent at the earliest practical opportunity.

The PMO must be appointed on the approved terms throughout the period from the Commencement of Development to completion of post construction restoration works.

Reason: *To enable the development to be suitably monitored to ensure compliance with the consent issued*

Definitions

In this consent and deemed planning permission: -

"Approved Plans" means the plans included in the Environmental Impact Assessment Report submitted with the Application.

"the Application" means the application submitted by the Company on 15 September 2022, the EIA Report, Additional Information submitted on 21 February 2023, Additional Information submitted on 1 August 2023, and any other environmental information submitted by the Company in support of the Application**.**

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

“the Company” means Scottish Hydro Electric Transmission plc), a company incorporated under the Companies Act (Registered company number SC213461) having its registered office at Inveralmond House, 200 Dunkeld Road, Perth, PH1 3AQ, or such other person who from time to time may lawfully have the benefit of this consent.

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

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

“public holidays” means all public holidays, be they set out in statute. Public holidays are determined by local planning authorities and can differ between areas.

“HES” means Historic Environment Scotland.

“Planning Authority Area” means the boundary of Argyll and Bute Area.

“SEPA” means Scottish Environmental Protection Agency.

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

“the Planning Authority” means The Highland Council, within whose boundary the proposed Development is situated.

Scottish & Southern Electricity Networks

TRANSMISSION

Ardmore Substation

Section 0

Dunvegan Substation

Edinbane Substation

Section 1

Section 2

Broadford Substation

Section 3

Section 4

Fort Augustus Substation

Section 5

Section 6

N

0 2.75 5.5 11 16.5 22 Kilometers

Scale - 1:400,000

Key

- Proposed Alignment - Overhead Line
- Alternative Alignment - Overhead Line
- Proposed Underground Cable
- Proposed Cable Sealing End Compound
- Existing Substation
- Section Divider

Energy and Climate Change Directorate
Energy Consents Unit

Scottish Government
Riaghaltas na h-Alba
gov.scot

This is the map referred to in the consent by the Scottish Ministers in terms of section 37 of the Electricity Act 1989 to install and keep installed the Skye Reinforcement Project, between Fort Augustus substation and Ardmore substation, within the Planning Authority area of The Highland Council

Dated 09 June 2025

Signed *Mark Christie* _____

MARK CHRISTIE
Head of Grid and New Technologies, Energy Consents Unit
A member of the staff of the Scottish Ministers

Project No: LT91

Project: Skye Reinforcement Project
EIA Report

Title: Figure V1-1.1a
Overview of Proposed Development

Drawn by: SK 25/08/2022

Drawing: 119026-D-EIA-V1-1.1a-1.0.0

Scottish & Southern Electricity Networks
TRANSMISSION

Ardmore Substation
Ardmore Point
Section 0 - Ardmore to Edinbane
Dunvegan/Dun Bheagan
Dunvegan Substation
Edinbane Substation
Section 1 - Edinbane to North of Sligachan
Section 2 - North of Sligachan to Broadford
Sligachan
Broadford Substation
Broadford
Section 3 - Broadford to Kyle Rhea
Kyle Rhea

THE STORR
THE CUILLINS
BLÀ BHEINN
GLAMAIG
RONA/RONAIGH
ISLE OF RAASAY
SCALPAY
CROWLIN ISLANDS
SOUND OF RAASAY
SOUND OF SLEAT
LOCH SNIZORT
LOCH BRACADALE
LOCH TORRIDON
Applecross Forest

N
3 hrs 30 mins
0 1.25 2.5 5 7.5 10 Kilometers
Scale - 1:200,000

Key

- Proposed Alignment - Overhead Line
- Alternative Alignment - Overhead Line
- Proposed Underground Cable
- Proposed Cable Sealing End Compound
- Existing Substation
- Section Divider

Project No:	LT91
Project:	Skye Reinforcement Project EIA Report
Title:	Figure V1-1.1b Overview of Proposed Development
Drawn by:	SK 25/08/2022
Drawing:	119026-D-EIA-V1-1.1b-1.0.0

Scottish & Southern Electricity Networks

TRANSMISSION

Section 4 - Kyle Rhea to Loch Cuaich

Section 5 - Loch Cuaich to Invergarry

Section 6 - Invergarry to Fort Augustus

Kyle Rhea

Loch Quoich

Invergarry

Fort Augustus

Fort Augustus Substation

0 1.75 3.5 7 10.5 14 Kilometers

Scale - 1:250,000

Key

- Proposed Alignment - Overhead Line
- Alternative Alignment - Overhead Line
- Proposed Underground Cable
- Proposed Cable Sealing End Compound
- Existing Substation
- Section Divider

Project No:	LT91
Project:	Skye Reinforcement Project EIA Report
Title:	Figure V1-1.1c Overview of Proposed Development
Drawn by:	SK 25/08/2022
Drawing:	119026-D-EIA-V1-1.1c-1.0.0

ANNEX E

Habitats Regulations Appraisal ("HRA") Proformas

Conservation of Habitats and Species Regulations 2017

Assessment of the implications of the proposed Skye Reinforcement Project development for the Kinloch and Kyleakin Hills Special Area of Conservation ("SAC") in view of the conservation objectives of the SAC.

May 2025

The following assessment has been prepared by the Scottish Ministers as the Competent Authority for the Project.

	Description	
1	Brief description of the project	On 15 September 2022, Scottish Hydro Electric Transmission PLC ("SHET") made an application under section 37 of the Electricity Act 1989 for consent for Skye Reinforcement Project within the planning authority area of The Highland Council. The proposal comprises of the construction and operation of approximately 110 km of double circuit steel structure 132 kV overhead line between Fort Augustus and Edinbane Substation, approximately 27 km of new single circuit trident H wood pole overhead line between Edinbane Substation and Ardmore Substation and approximately 750 m temporary diversion of the existing 132 kV overhead line at Inchlaggan. The electricity project would also include approximately 24 km of underground cable.
2	Name of European site potentially affected	Kinloch and Kyleakin Hills Special Area of Conservation
3	European site qualifying interest(s)	Kinloch and Kyleakin Hills SAC • Alpine and subalpine heaths (Alpine and Boreal heaths) • Blanket bogs* • European dry heaths • Otter • Wet heathland with cross-leaved heath (Northern Atlantic wet heaths with Erica tetralix) • Western acidic oak woodland (Old sessile oak woods with Ilex and Blechnum in the British Isles) • Mixed woodland on base-rich soils associated with rocky slopes (Tilio-Acerion forests of slopes, screes and ravines*).

		* Priority habitats
4	Conservation objectives for qualifying interest(s)	SAC habitats: • To avoid deterioration of the qualifying habitats (listed above) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and • To ensure for the qualifying habitats that the following are maintained in the long term: 1. Extent of the habitat on site 2. Distribution of the habitat within site 3. Structure and function of the habitat 4. Processes supporting the habitat 5. Distribution of typical species of the habitat 6. Viability of typical species as components of the habitat 7. No significant disturbance of typical species of the habitat Otter: • To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and - To ensure for the qualifying species that the following are maintained in the long term: 1. Population of the species a viable component of the site 2. Distribution of the species within site 3. Distribution and extent of habitats supporting the species 4. Structure, function and supporting processes of habitats supporting the species 5. No significant disturbance of the species
5	Is the proposal directly connected with, or necessary to, conservation management of the European site?	No – the proposal is not directly connected with or necessary to site management for Nature Conservation.
6	Is the plan or project (either alone or in combination with other plans or projects) likely to	Yes – On both alignment options. For the Proposed Alignment there will be a likely significant effect on the following SAC habitats:

	have a significant effect on the site?	• Blanket bogs • European dry heaths • Wet heathland and cross-leaved heath • Western acidic oak woodland This significant effect would be due to long-term direct and indirect habitat loss and modification of habitats as a result of the construction process for the proposed development. The project would require stripping vegetation and soils/peat from permanent infrastructure leading to permanent loss of some habitats. There would be further modification and some potential loss of habitats from the construction of temporary infrastructure. Required ongoing maintenance of the wayleave would result in an operational effect on the oak woodland habitat. It is considered that there shall be a likely significant effect for otter due to disturbance. This is documented on Appropriate Assessment – Kinloch and Kyleakin Hills SAC – Otter. There will be no likely significant effect on: • Alpine and subalpine heaths (Alpine and Boreal heaths) • Mixed woodland on base-rich soils associated with rocky slopes (Tilio-Acerion forests of slopes, screes and ravines) This is because alpine and subalpine heaths do not occur on or close to the works area and are also unlikely to receive longer distance adverse effects from, for example, pollutant dispersal. The mixed woodland on base rich soils is limited in extent and impacts have been avoided due to the route selected. For the Alternative Alignment there will be a likely significant effect on the following SAC habitats: • Blanket bogs • European dry heaths • Wet heathland with cross-leaved heath • Western acidic oak woodland (Old sessile oak woods with Ilex and Blechnum) The reasons outlined above for the proposed alignment also apply here for the alternative

		alignment. It is considered that there shall be a likely significant effect on otter due to disturbance. This is documented on Appropriate Assessment – Kinloch and Kyleakin Hills SAC – Otter. There will be no likely significant effect on: • Alpine and subalpine heaths (Alpine and Boreal heaths) • Mixed woodland on base-rich soils associated with rocky slopes (Tilio-Acerion forests of slopes, screens and ravines) This is because alpine and subalpine heaths and Tilio-Acerion forests do not occur on or close to the works area and are also unlikely to receive longer distance adverse effects from, for example, pollutant dispersal. For the Removal of the Existing Line It is considered that there shall be a likely significant effect for otter due to disturbance. This is documented on Appropriate Assessment – Kinloch and Kyleakin Hills SAC – Otter.
7	Undertake an appropriate assessment of the implications for the site in view of its conservation objectives.	There is a greater amount of infrastructure required for the Proposed Alignment. Impacts from direct and indirect losses combined are greater for the Proposed Alignment than the Alternative Alignment for oak woodland, blanket bog, wet heath and dry heath. For both alignment options it would be beneficial to limit the amount of infrastructure as far as possible so as to minimise impacts through direct habitat losses. For the Alternative Alignment, habitat losses could potentially be further reduced if it were possible to: 1) Use helicopters to assist construction, thus negating the need for crane access so allowing a narrower track width, as is intended for the Proposed Alignment. 2. Between Bealach Udal and Kylerhea, follow a route between the road and the Kylerhea River,

		which is for the most part outside the SAC boundary. The Shadow HRA notes that the option of undergrounding the cable was not taken forward due to higher impacts on the SAC habitats. If it was technically feasible, following a route outside the SAC would be expected to significantly reduce the amount of SAC qualifying habitats that would be affected. Assessment of conservation objectives Total areas of habitat loss from direct impacts are contained within the Shadow HRA in Table 8.5 and indirect impacts are within tables 8.5 and 8.8. Both Proposed and Alternative Alignments options would affect the conservation objective “Extent of the habitat on site” as per the losses contained within the tables noted above. It is deemed that this conservation objective would not be maintained on the consent of either alignment option. Blanket bog and wet heath For both alignment options, the conservation objectives Extent of habitat on site; to maintain the structure and function of the habitat and processes supporting the habitat will not be met, for both Blanket Bog and Wet Heath qualifying interests Provided work is carried out according to the recommendations in section 1.7 (Recommendations and Mitigation) of the EIAR Appendix V2-4.6: Kinloch and Kyleakin Hills SAC/SSSI Bryophyte and Lichen Survey Report), the conservation objectives Distribution of typical species, the Viability of typical species as components of the habitat will be maintained, for both route alignments. The conservation objective Distribution of the habitat within the site will be maintained. The impacts on the Proposed Alignment on the blanket bog qualifying habitat are greater than that of the Alternative Alignment. The impacts on wet heath are also considered to be greater on the Proposed Alignment than on the Alternative Alignment considering direct and indirect impacts.

		Western acidic oak woodland The extent of the habitat on site conservation objective will not be met for either alignment as a result of direct impacts from both temporary and permanent infrastructure. Predicted losses from permanent and temporary infrastructure are greater for the Proposed Alignment (0.39ha) then for the Alternative Alignment (0.24ha). Distribution of the habitat within the site conservation objective will be maintained for both alignment options. It is considered the structure and function of the habitat and processes supporting the habitat conservation objectives will be maintained over both alignment options. Provided work is carried out according to the recommendations in section 1.7 (Recommendations and Mitigation) of the EIAR Appendix V2-4.6: Kinloch and Kyleakin Hills SAC/SSSI Bryophyte and Lichen Survey Report), the conservation objectives Distribution of typical species, the Viability of typical species as components of the habitat will be maintained, for both route alignments. It is agreed as contained within the Shadow HRA the impacts of the Proposed Alignment on the Western acidic oak woodland qualifying interest are greater than those of the Alternative Alignment. Dry heath It is deemed the extent of the habitat on site conservation objective will not be met for either alignment options. The Distribution of the habitat within the site will be maintained for both alignment options although there shall be a greater loss within the proposed alignment. The conservation objectives to maintain the structure and function of the habitat and Processes supporting the habitat will be met for both alignments.

		Provided work is carried out according to the recommendations in section 1.7 (Recommendations and Mitigation) of the EIAR Appendix V2-4.6: Kinloch and Kyleakin Hills SAC/SSSI Bryophyte and Lichen Survey Report), the conservation objectives Distribution of typical species, the Viability of typical species as components of the habitat will be maintained, for both route alignments. It is agreed as contained with the shadow HRA that the impacts of the Proposed Alignment on the dry heath qualifying habitat are greater than those of the Alternative Alignment.
8	Modifications required to ensure adverse effects are avoided and reasons for these	An update to the Peat Landslide Hazard Risk Assessment (PLHRA); to include a table similar to Table 1-6 detailing the risk rating for the access tracks on both the Proposed and Alternative Alignments, and an assessment of risk and any further mitigation that may be required. Although these measures will not ensure adverse effects are avoided it is recommended by NatureScot to be conditioned should consent be given to minimise impacts as far as possible: 1. Details of any further ground investigation works within the SAC to be agreed in advance with NatureScot. 2. Following detailed ground investigation works, updated areas of each habitat to be affected within the SAC to be confirmed to the Competent Authority and NatureScot. 3. Details of the final site-specific Construction Environmental Management Plan (CEMP) for the SAC to be agreed with the Competent Authority in consultation with NatureScot which includes: - A detailed site-specific Construction Method statement for the SAC. - Full details of the mitigation that would be in place to minimise impacts as far as possible (including but not necessarily limited to the measures set out in Section 10 of the Shadow HRA and Appendix V1-3.6 Schedule of Mitigation Measures of the EIAR). - Where micrositing may be required within the LoD, a commitment that micrositing should not result in

		the movement of infrastructure into habitats of greater value than the currently assessed locations. - Details of any ancillary works within the SAC such as road improvements, etc. 4. Prior to the start of restoration works a final site-specific Site Restoration Plan for the SAC to be agreed with the Competent Authority in consultation with NatureScot, including full details of the reinstatement and restoration measures proposed. This should include (but not be limited to) appropriate track restoration measures where narrowing of new permanent and upgraded existing access tracks are proposed. 5. A final site-specific Operational Wayleave Maintenance Plan for the SAC to be agreed with the Competent Authority in consultation with NatureScot. 6. Prior to the start of dismantling of the existing line a final site-specific Dismantling Plan for the Existing Overhead Line within the SAC to be agreed with NatureScot. 7. Work is carried out according to the recommendations in Section 1.7 (Recommendations and Mitigation) of Appendix V2-4.6: Kinloch and Kyleakin Hills SAC/SSSI Bryophyte and Lichen Survey Report and Para 4.8.3 of the EIAR Vol 2 Ch4 - Ecology.
	Conclusion	
9	Can it be ascertained that the proposal will not adversely affect the integrity of the site?	It has not been ascertained that the proposal will not adversely affect the integrity of the site.

Assessment of the implications of the proposed Skye Reinforcement Project development for the Kinloch and Kyleakin Hills Special Area Conservation ("SAC") in view of the conservation objective of the SAC in relation to Otter.

May 2025

The following assessment has been prepared by the Scottish Ministers as the Competent Authority for the Project.

	Description	
1	Brief description of the project	On 15 September 2023, Scottish Hydro Electric Transmission PLC ("SHET") made an application under section 37 of the Electricity Act 1989 for consent for Skye Reinforcement Project within the planning authority area of The Highland Council. The proposal comprises of the construction and operation of approximately 110 km of double circuit steel structure 132 kV overhead line between Fort Augustus and Edinbane Substation, approximately 27 km of new single circuit trident H wood pole overhead line between Edinbane Substation and Ardmore Substation and approximately 750 m temporary diversion of the existing 132 kV overhead line at Inchlaggan. The electricity project would also include approximately 24 km of underground cable.
2	Name of European site potentially affected	Kinloch and Kyleakin Hills SAC
3	European site qualifying interest(s)	Otter The SAC includes a number of upland and woodland habitat features, but this assessment only relates to otter. Impacts on SAC habitats are assessed separately within Appropriate Assessment – Kinloch and Kyleakin Hills SAC
4	Conservation objectives for qualifying interest(s)	To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, ensuring that the integrity of the site is maintained, and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are maintained in the long term: • Population of the species a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species

		• No significant disturbance of the species
5	Is the proposal directly connected with, or necessary to, conservation management of the European site?	No – the proposal is not directly connected with or necessary to site management for Nature Conservation.
6	Is the plan or project (either alone or in combination with other plans or projects) likely to have a significant effect on the site?	Yes, there is a Likely Significant Effect ("LSE") for otters through potential for disturbance from both the proposed and alternative alignment options, and from the removal of the existing line.s there are otter breeding or resting sites within 200m of the proposed works. Otter spraint has also been found on the upslope side of the power line and track on larger burns so otters will cross the alignment. There is also the chance of natal holts close to the works – these can be up to 1km inland. The proposed access tracks are likely to increase human activity in the area on a long-term basis. Removal of the existing power line will cause disturbance. Standard mitigation is available to address some but not all of these aspects.
7	Undertake an appropriate assessment of the implications for the site in view of its conservation objectives.	In summary, neither the Proposed nor Alternative Alignments will compromise achieving the conservation objectives, provided appropriate mitigation is in place. Overall, the level of long-term disturbance is unlikely to be significant in the context of the population across the SAC, and this conservation objective will be maintained. Subject to appropriate mitigation measures being in place (most of which are also in the generic Species Protection Plan ("SPP")), and taking into account the temporary nature of the work, it should be possible to conclude that there will be no significant disturbance of the species; and also that the population of the species as a viable component of the site and distribution of the species within the site will be maintained for both alignments and removal of the existing line. The structure, function and supporting processes of habitats supporting the species will also be maintained.
8	Modifications required to ensure adverse effects are avoided and reasons for these	A site-specific Species Protection Plan (SPP) for otters, covering construction of the new overhead line and associated infrastructure, removal of the existing overhead line and associated access is to be agreed with the consenting authority, in consultation with NatureScot, in advance of works commencing. Reason: Avoid disturbance to otter holts in this area Helicopter removal of existing pylons and line from Rubha Buidhe to Rubha na Caillich (area west of Rubha Buidhe

		is already helicopter only) Reason: Avoid disturbance to otter holts in this area
	Conclusion	
9	Can it be ascertained that the proposal will not adversely affect the integrity of the site?	The Scottish Ministers consider that it has been ascertained that the proposal will not adversely affect the integrity of the site (in relation to the otter feature only).

Assessment of the implications of the proposed Skye Reinforcement Project for the Cuillins Special Protection Area ("SPA") in view of the conservation objectives of the SPA.

May 2025

The following assessment has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	Description	
1	Brief description of the project	On 15 September 2022, Scottish Hydro Electric Transmission plc ("SHET") made an application under section 37 of the Electricity Act 1989 for consent for Skye Reinforcement Project within the planning authority area of The Highland Council. The proposal comprises of the construction and operation of approximately 110 km of double circuit steel structure 132 kV overhead line between Fort Augustus and Edinbane Substation, approximately 27 km of new single circuit trident H wood pole overhead line between Edinbane Substation and Ardmore Substation and approximately 750 m temporary diversion of the existing 132 kV overhead line at Inchlaggan.
2	Name of European site potentially affected	Cuillins Special Protection Area
3	European site qualifying interest(s)	Golden eagle
4	Conservation objectives for qualifying interest(s)	To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained. To ensure for the qualifying species that the following are maintained in the long term: • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species
5	Is the proposal directly connected with, or necessary to, conservation management of the European site?	No – the proposal is not directly connected with or necessary to site management for Nature Conservation.

6	Is the plan or project (either alone or in combination with other plans or projects) likely to have a significant effect on the site?	The proposed development is within the boundary of the SPA. There is potential for a likely significant effect through disturbance, displacement and collision mortality to golden eagle during construction and operation of the development and the dismantling of the existing overhead line (OHL).
7	Undertake an appropriate assessment of the implications for the site in view of its conservation objectives.	***Disturbance at nest sites*** Current guidance suggests a 1km buffer zone for golden eagle during the breeding season to reduce the likelihood of disturbance. The applicant's shadow HRA notes that: • All phases of works within the SPA will be undertaken during the nonbreeding season (taken as between September to the end of February) or checked and confirmed by the ECoW that such activities can progress; and • Works will be temporally short-term and at distances greater than 1500 m from known golden eagle breeding sites. The Shadow HRA considers that the potential for disturbance to breeding golden eagle from construction, operational maintenance and dismantling of the existing OHL could be effectively mitigated through the provision of a Species Protection Plan (SPP) as a condition of the S37 consent. A buffer of 1.5km is suggested in line with previous guidance (Ruddock & Whitfield 2007). While current guidance recommends a buffer of 1km, it is also recognised that the published disturbance buffers are guidance only, and observing maximum or minimum buffers does not guarantee that birds will not be disturbed. Scottish Ministers therefore welcome the precautionary approach proposed by the applicants. Scottish Ministers agree that disturbance could be mitigated but as current guidance gives the breeding season for golden eagles as February to August inclusive this should be reflected in the Species Protection Plan. Advice from NatureScot is that it is likely that only towers BE11 to BE15 and associated access tracks fall within 1500m of the nearest known SPA alternate golden eagle nest sites. Given the extent of works within the SPA it may not be possible to avoid all works within the SPA during the breeding season. It would however be preferable to avoid works between BE11 and BE15 during the breeding season.

		A more appropriate summary of the required mitigation would be: • **Where possible, construction and dismantling works (including access) should be avoided between towers BE11 and BE15 during the breeding season (1 February to 31 August). If this is not possible, specific mitigation for this area is to be agreed in consultation with NatureScot.** • **For all other areas within the SPA, if works (construction or dismantling) are proposed between 1 February and 31 August, an ECoW will be required to confirm that there are no golden eagle breeding sites within disturbance distance of the works.** In relation to operational (maintenance) impacts the shadow HRA notes that due to the distance of the Proposed Development to known breeding sites and the nature of routine operation and maintenance activities, operational disturbance would be at a level which would not cause *significant disturbance*. An exception may occur if maintenance activities replicate those during construction (e.g. replacement of a tower) and in such cases the temporal restrictions which would be enacted during the construction phase would also apply. The EIAR also states that future maintenance operations would be surveyed and mitigated at that time. Provided this mitigation applies from 1 February to 31 August Scottish Ministers agree that significant disturbance would be unlikely to occur. The applicant's assessment does not consider the possibility that changes in nest site locations could occur during the OHL's operational lifetime. This could also be mitigated by programming any maintenance works outside the breeding season, or adhering to the measures identified in the SPP. ***Displacement from foraging habitats*** Scottish Ministers agree with the conclusions of the Shadow HRA that, if construction and dismantling works led to the displacement of golden eagles from suitable foraging habitat, this would amount to a reduction in the use of a relatively small area of foraging habitat when compared to the species' core foraging range. This is because:

		• The works are located on low ground, and follow to a large extent the A87 where existing human activity occurs. • Baseline survey work and GET modelling do not suggest that the overhead line is within a favoured foraging area. For these reasons it is considered that there will not be significant disturbance or displacement to foraging birds during construction or operation of the proposal, or dismantling of the existing OHL. Although not critical to the conclusion of this assessment, it is also notable that currently there is 22km of OHL within the SPA. Approximately 15km of this is to be undergrounded and overlying habitats restored. ***Disturbance at roost sites*** The applicant's shadow HRA notes that a recent study has shown that roosting golden eagles use a variety of roost sites with the majority used for only one night. Territorial pairs will typically roost close to or on the nest sites. NatureScot's guidance now advises a 250-500m buffer around non-breeding roosting birds – this is therefore unlikely to be an issue for territorial birds. Any residual risk of disturbance would be mitigated through the provision of a Species Protection Plan as a condition of S37 consent. With the mitigation above it is concluded that the conservation objective ***No significant disturbance of the species*** is met. **<u>Structure, function and supporting processes of habitats supporting the species; Distribution and extent of habitats supporting the species</u>** NatureScot baseline prey surveys indicate that the SPA pairs affected have a varied diet likely comprising grouse, rabbits, corvids and other medium sized live prey, as well as carrion. There is no indication that the habitat on the proposed alignment is of particular importance (e.g. there are no rabbit warrens) and therefore the prey species are likely to be widely distributed. Construction and dismantling effects could result in short-term damage to habitats. However this will be temporary for the duration of works and/or until vegetation is restored. For the reasons outlined previously a relatively small area of habitat would be affected and evidence suggests this is

		not favoured foraging habitat. No nest or roost sites are expected to be directly affected. **These conservation objectives are therefore considered met.** **<u>Distribution of the species within site</u>** With an agreed Species Protection Plan to avoid significant disturbance as a condition of planning there should be no effect on the distribution of breeding birds within the SPA. As discussed above, any effects on the distribution of foraging birds is likely to be very limited and of short duration. **This conservation objective is therefore considered to be met.** **<u>Population of the species as a viable component of the site</u>** ***Disturbance and displacement*** With an agreed Species Protection Plan to avoid significant disturbance Scottish Minsters agree with the Shadow HRA conclusion that there should be no effect on the distribution of breeding and foraging birds within the SPA, during either the construction or operation of the proposal, or dismantling of the existing line. ***Collision related mortality*** The applicant's shadow HRA notes that due to their flight behaviour golden eagles are generally considered to be at low risk of collision with OHLs. Advice from NatureScot is that the larger pylon lines appear to be less of a collision risk to golden eagles than the wooden pole lines. The thicker conductors on the metal pylon lines are more visible [and also help them to avoid the less visible earth wire] and the extra height does not appear to be an issue. There is also an electrocution risk on some parts of trident wooden pole lines i.e where they turn or go underground. The conductors on larger pylons are further apart and do not present an electrocution risk. Currently approximately 22km of OHL runs through the

		SPA and there are no known issues with collision. The proposed application would see 15km of the OHL undergrounded which would remove the risk of collision for this section. For the remaining 7 km, the existing wood pole line would be replaced with steel lattice tower overhead line. The applicant's shadow HRA suggests that adult eagles will have become, at least partially, habituated to the presence of the existing line. However, the scale of the OHL will change between Luib and Broadford (wood pole line is typically 13-16m high; new pylons will typically be 27-33m high). The alignment will also change slightly. These issues are considered briefly in the Shadow HRA. For the reasons stated above, Scottish Ministers do not consider that the change from wood pole to lattice towers will increase the collision risk. The shadow HRA also notes that there were no indications from baseline surveys that the areas affected by the OHL route through the SPA were favoured as foraging areas. As the proposed overhead line is located on low ground on the periphery of the SPA they consider that these areas will be less important for foraging eagles, meaning levels of flight activity in these areas will be commensurately low. They note that these predictions are supported by the results of Golden Eagle Territory (GET) modelling undertaken. NatureScot advised, although the GET modelling illustrates higher levels of flight activity are possible along some parts of the line, there is little evidence from available data of dense prey (especially rabbits) in these areas. Scottish Ministers conclude for the above reasons that the proposed development does not present a significant collision risk to golden eagles. Scottish Ministers therefore consider that the conservation objective Population of the species as a viable component of the site is met.
8	Modifications required to ensure adverse effects are avoided and reasons for these	• Species Protection Plan to avoid significant disturbance (to be agreed in consultation with NatureScot). • Where possible, construction and dismantling works (including access) should be avoided between towers BE11 and BE15 during the breeding season (1 February to 31 August). If this is not possible, specific mitigation for this area is to be agreed in consultation with NatureScot. • For all other areas within the SPA, if works (construction or dismantling) are proposed between 1 February and 31 August, an ECoW will

		be required to confirm that there are no golden eagle breeding sites within disturbance distance of the works.
	Conclusion	Likely significant effect, but information provided / assessment already undertaken shoes the effect on integrity can be avoided with changes / mitigation.
9	Can it be ascertained that the proposal will not adversely affect the integrity of the site?	The Scottish Ministers consider that it has been ascertained that the proposal will not adversely affect the integrity of the site.

Assessment of the implications of the proposed Skye Reinforcement Project for the Lochs Duich, Long and Alsh Reefs Special Area of Conservation ("SAC") in view of the conservation objectives of the SAC.

May 2025

The following assessment has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	Description	
1	Brief description of the project	On 15 September 2022, Scottish Hydro Electric Transmission PLC ("SHET") made an application under section 37 of the Electricity Act 1989 for consent for Skye Reinforcement Project within the planning authority area of The Highland Council. The proposal comprises of the construction and operation of approximately 110 km of double circuit steel structure 132 kV overhead line between Fort Augustus and Edinbane Substation, approximately 27 km of new single circuit trident H wood pole overhead line between Edinbane Substation and Ardmore Substation and approximately 750 m temporary diversion of the existing 132 kV overhead line at

		Inchlaggan.
2	Name of European site potentially affected	Lochs Duich, Long and Alsh Reefs Special Area of Conservation
3	European site qualifying interest(s)	Lochs Duich, Long and Alsh Reefs SAC - Reefs
4	Conservation objectives for qualifying interest(s)	Conservation objectives for the Lochs Duich, Long and Alsh Reefs SAC: 1. To ensure that the qualifying features of Lochs Duich, Long and Alsh Reefs SAC are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status. 2. To ensure that the integrity of Lochs Duich, Long and Alsh Reefs SAC is maintained in the context of environmental changes by meeting objectives 2a, 2b and 2c: 2a. Extent and distribution of reefs within the site. 2b. Structure and function of reefs and the supporting environment on which it relies. 2c. Distribution and viability of typical species of reefs.
5	Is the proposal directly connected with, or necessary to, conservation management of the European site?	No – the proposal is not directly connected with or necessary to site management for Nature Conservation for the SAC qualifying habitats.
6	Is the plan or project (either alone or in combination with other plans or projects) likely to have a significant effect on the site?	A new permanent access track adjacent to the Lochs Duich, Long and Alsh Reefs SAC is proposed to allow plant and materials for towers to the east of the SAC on the Proposed Alignment to be transported across the water by landing craft during construction and operation of the development. A temporary jetty would be used for the landing craft, utilising an area that has previously been used for timber extraction. There may be boulder clearance on the foreshore to create a track to the temporary jetty and construction of the temporary jetty will also require localised excavations. Since the foreshore forms part of the Lochs Duich, Long and Alsh Reefs SAC, and there is connectivity, there would be likely significant effect. For the Alternative Alignment it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate

		assessment is therefore not required for this route option. This is because this access point is not required for the Alternative Alignment.
7	Undertake an appropriate assessment of the implications for the site in view of its conservation objectives.	For the Proposed Alignment, a new permanent access track is planned adjacent to the SAC to allow plant and materials to be transported by landing craft. The Company's proposal is for the new temporary jetty to be constructed on the intertidal and extending into the sub-tidal area. As such, this will be assessed as part of the Marine Licence process. Further survey and assessment has been undertaken by the Company and NatureScot as part of a pre-application process for a Marine licence application. NatureScot concluded the foreshore and sub-littoral zone in the location of the temporary jetty and track do not support qualifying reef habitat. This is because, although the communities are similar, intertidal reefs must extend uninterrupted into the sub-littoral to be considered qualifying habitat, which is not the case in this instance due to a band of fine sediment around Mean Low Water Springs. For Ground Investigation works associated with this project the Company provided a comprehensive Method Statement which demonstrated how direct impacts to the SAC habitat would be mitigated. If the landing craft is to land and temporary jetty be constructed within the SAC, it is considered that provided works are carried out in line with a similar Method Statement, the conservation objectives will be met and the proposal will not adversely affect the integrity of the site.
8	Modifications required to ensure adverse effects are avoided and reasons for these	If a temporary jetty is to be constructed within the SAC, mitigation measures will be included within the necessary Marine Licence.
	Conclusion	Likely significant effect, but information provided shows that the proposal will not adversely affect the integrity of the site.
9	Can it be ascertained that the proposal will not adversely affect the integrity of the site?	The Scottish Ministers consider that it has been ascertained that the proposal will not adversely affect the integrity of the site.

Assessment of the implications of the proposed Skye Reinforcement Project for the West Inverness-shire Lochs Special Protection Area ("SPA") in view of the conservation objectives of the SPA.

May 2025

The following assessment has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	Description	
1	Brief description of the project	On 15 September 2022, Scottish Hydro Electric Transmission PLC ("SHET") made an application under section 37 of the Electricity Act 1989 for consent for Skye Reinforcement Project within the planning authority area of The Highland Council. The proposal comprises of the construction and operation of approximately 110 km of double circuit steel structure 132 kV overhead line between Fort Augustus and Edinbane Substation, approximately 27 km of new single circuit trident H wood pole overhead line between Edinbane Substation and Ardmore Substation and approximately 750 m temporary diversion of the existing 132 kV overhead line at Inchlaggan.
2	Name of European site potentially affected	West Inverness-shire Lochs Special Protection Area ("SPA")
3	European site qualifying interest(s)	Common scoter Black-throated diver
4	Conservation objectives for qualifying interest(s)	To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained. To ensure for the qualifying species that the following are maintained in the long term: • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species
5	Is the proposal directly connected with, or necessary to, conservation	No – the proposal is not directly connected with or necessary to site management for nature conservation.

	management of the European site?	
6	Is the plan or project (either alone or in combination with other plans or projects) likely to have a significant effect on the site?	The proposed development is close to the SPA boundary. There is a likely significant effect for common scoter and black-throated diver as a result of disturbance and displacement during the construction and operation of the proposed Development, as a result of collision risk from the operation of the overhead line, and the risk of adverse changes to water quality while undergrounding the cable close to Loch Lundie.
7	Undertake an appropriate assessment of the implications for the site in view of its conservation objectives.	**No significant disturbance of the species** 1. **Disturbance at nest sites** Recommended buffer distances to reduce the likelihood of disturbance to breeding birds are 750m for black-throated diver and 500m for common scoter. Advice from NatureScot Ornithologist is that, to reduce the likelihood of disturbance, this buffer should apply to the boundary of the SPA, not just the nest site. This would therefore account for disturbance at the nest site and when the female is caring for the young on the water. The applicant's shadow HRA considers that there would be no significant disturbance as all construction and dismantling works within 500 m of the SPA boundary would be undertaken during the non-breeding season (taken as being the period between the end of August to the end of March) when black-throated diver and common scoter are not present (or that checks would be carried out by the ECoW to confirm these activities could progress). Scottish Ministers do not agree and consider that a 750m buffer should be adopted to reduce the risk of disturbance. Given the difficulty and sensitivity in surveying for common scoters, if works were proposed in the breeding season, survey methods and mitigation would require further consideration. **If works will not avoid the breeding season a Species Protection Plan would be required to set out the mitigation that would be in place to identify breeding birds and avoid the risk of disturbance during construction of the proposed development and removal of the existing overhead line (including access requirements).** In relation to operational (maintenance) impacts the

		shadow HRA notes that due to the nature of routine operation and maintenance activities, operational disturbance would typically not be at a level which would cause significant long-term disturbance. An exception may occur if maintenance activities replicate those during construction (e.g. replacement of a tower) and in such cases the temporal restrictions which would be enacted during the construction phase would also apply. For Section 5 a replacement line with steel lattice towers is proposed. The Shadow HRA notes that as the proposed route follows close to the route of the previous line that SPA birds will have become, at least partially, habituated to its presence. Scottish Ministers agree that this would reduce any risk of disturbance and displacement from the operation of new infrastructure. 2. **Displacement from foraging habitats** Common scoters and black-throated divers are unlikely to be susceptible to disturbance or displacement impacts outside the breeding season. Effects of displacement during the breeding season would be most significant when foraging birds are caring for their young. This could however be mitigated by the preparation and implementation of a Species Protection Plan. **Conclusion: conservation objective is met for both common scoter and black-throated diver if the proposal is carried out in accordance with the following mitigation:** • ***Where possible, construction and dismantling works (including access) within 750m of the SPA should be avoided during the breeding season (1 April to 31 August). If this is not possible, a Breeding Bird Protection Plan is to be agreed in consultation with NatureScot.*** *This should include the measures that would be in place to protect birds from disturbance for any works or access proposed within 750m of the SPA boundary during the breeding season.* **<u>Distribution and extent of habitats supporting the species and Structure, function and supporting</u>**

processes of habitats supporting the species

The overhead line works will be undertaken outside the SPA and none of the supporting habitats will be directly affected. It is likely that indirect effects from construction activities close to the SPA can be mitigated by implementing standard best practice construction measures. However, the section of cable to be undergrounded to the east of Loch Lundie represents a higher risk of silt and pollutant release to the SPA, due to its proximity, habitats to be crossed and the degree of soil exposure required. The underground cable also crosses two small tributaries of Loch Lundie near the north end of the loch. For this section site specific details of the drainage and pollution and silt control measures should be provided to show that the freshwater habitat (which foraging birds depend on) is not adversely affected. With this site specific mitigation in place these conservation objectives will be met for both qualifying species.

Distribution of the species within site

With an agreed Species Protection Plan to avoid significant disturbance as a condition of planning there should be no effect on the distribution of breeding birds within the SPA as a result of disturbance.

Population of the species as a viable component of the site

1. **Disturbance and displacement**

   With an agreed Species Protection Plan secured as a condition of planning there should be no effect on the number or distribution of breeding birds within the SPA. For the reasons outlined above the impacts on foraging habitat are also unlikely to affect this conservation objective.

2. **Potential collision risk**

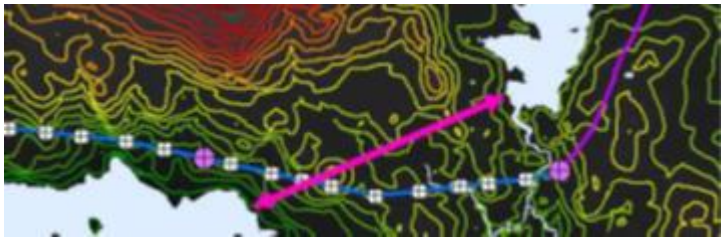
   2.a. Aspects of assessment relevant to both species

The loss of birds from the SPA through collision has the potential to affect the population of both species. Both species are rare, are present on the SPA in relatively small numbers, are relatively long-lived and site faithful.

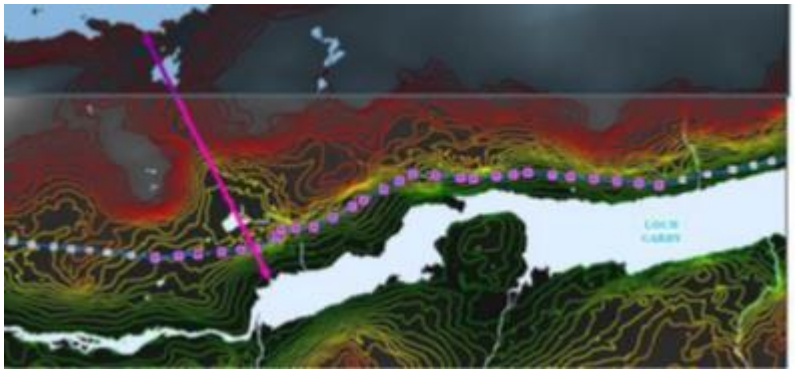
The proposed alignment follows a route to the north of

		Loch Garry (between the SPA components Lochs Garry and Loyne) and to the south of Loch Lundie (between the SPA components Lochs Garry and Lundie). Section 6 of the proposed development, which lies to the east of Loch Lundie, is to be undergrounded thus avoiding any risk of collision from this part of the development. The applicants have sought to minimise the collision risk from Section 5 through following the route of the previous overhead line as far as possible. The Shadow HRA notes there are no indications from the baseline surveys carried out that black-throated diver or common scoter regularly commute between the SPA lochs and no flights at collision risk were recorded. The Shadow HRA includes a robust assessment of theoretical flight corridors between Lochs Garry and Loyne and Lochs Garry and Lundie. This predicts that flights will follow the lowest topography and avoid flying over higher ground to minimise energetic cost and effort, as well as minimising the risk of predation. The theoretical flight corridors presented follow the shortest direct flight route between the lochs over the lowest topography. Mitigation measures (line marking of the earth wire) are proposed to reduce any risk of collision across these routes between Towers BF327 to BF337 and Towers BF279 to BF306. Markers will be spaced at 5 m intervals and maintained for the duration of the operational period. The Shadow HRA notes that the new OHL will run very close to the existing line and birds are habituated to the presence of OHL in these areas. However the shadow HRA has not considered that the proposed height of the new overhead line will be greater than the previous one. The previous steel lattice towers were typically 20-27m in height. The Skye Reinforcement Project towers would typically be 27-33m in height (+/- 3m vertical LOD). Initial advice from Simon Cohen (NatureScot Ornithology Advisor - maintained once further information was provided on changes to tower height) is that birds habituated to the presence of lines at a certain height may be more likely to hit lines that have increased in height by up to 30%. Further information submitted by SSE by email dated 16 January 2023 shows the expected changes in height of the new steel lattice towers compared with the previous ones. These are described in the context of the maps below. Map 1 - Map showing line marked area between BF327 (shown as further west purple tower) and BF337 (further

east purple tower) between Loch Lundie and Garry. Pink arrow shows theoretical flight line. The new steel lattice towers are on average 6.9m taller than the previous towers at this location (range 2.3 to 12.4m taller).



Map 2 - Map showing line marked area between BF279 and BF306 numbered west to east and shown in purple between Lochs Garry and Loyne. Pink arrow shows theoretical flight line. The new steel lattice towers are on average 7.4m taller than the previous towers at this location (range 0.8m smaller to 15.4m taller).



Implications for each species are assessed separately below.

2.b Common scoter

It is rare to record diurnal flights of common scoter at their UK breeding sites and there is little known about their movements into and out of the SPA complex and between breeding lochs. It has previously been suggested that birds move between lochs at night (this point is addressed further below).

Lochs Garry and Loyne are currently the most important breeding sites for scoters within the SPA, and the theoretical flight route between Lochs Garry and Loyne is close to areas of both lochs which are favoured by scoters. The applicant's assessment of the likely flight routes taken between Loch Garry and Loch Loyne and Loch Garry and Loch Lundie are reasonable. Common scoter have not been recorded breeding recently on Loch Lundie.

		The Shadow HRA notes that nocturnally migrating common scoters typically fly high over land, but NatureScot are not aware of any information on flight heights during non-migratory local movements between lochs and over more varied topography. The Shadow HRA also notes that, as the towers sit within forestry this will also encourage increased height. The possibility that flights could occur at collision risk therefore cannot be ruled out. The SPA scoter feature is in 'unfavourable declining' condition due to declining numbers of breeding birds. Productivity in common scoters is also very low. It is assessed that the potential for increased collision risk from this development cannot currently be ruled out. Further information was provided by the applicant on 1 August 2023 and 28 February 2024 with regards to common scoters. The expert opinion received for Bunloinn Wind farm indicated that flights between the main breeding lochs were unlikely to occur on a regular basis during the main breeding season. Bunloinn wind farm was positioned between Loch Loyne and Loch Cluanie (with Cluanie not currently thought to be used by scoters) which further reduced the risk. The Skye Reinforcement Project overhead line is located between the two main breeding lochs of the SPA, with the lochs thought to currently support all of the SPA population. A precautionary approach is therefore required. For Bunloinn wind farm the applicant's "back-calculation" of collision risk indicated a negligible collision risk that would seem very unlikely to reduce the number of excess males in the SPA to a level where the population is no longer viable. Collision risk modelling is not currently carried out for overhead lines. Current guidance instead recommends emphasis is put on mitigation. While line marking is the most common form of mitigation, several factors influence the efficacy of markers, including the morphology, behaviour and visual capacity of the species at risk, the overall visual effect of the markers against the background landscape and engineering factors such as marker durability and the structural integrity of the power line/mast. Further information provided by the Company includes:

		i. ***Site specific considerations*** – noting that the proposed overhead line will replace the existing 132kv steel lattice OHL between Quoich dam and Kingie. Between Kingie and Aberchalder it will replace the 132kv wood pole line and redundant 132kv steel lattice line (which remains in situ with the earth wire but no conductors in place). No bird flight diverters are present on these existing lines (and no collisions are known to have occurred). ii. ***Differences in height between the existing OHLs and the proposed replacement OHL*** – the replacement OHL largely follows the route of the previous line with the exception of a short section which will be moved further from the SPA. Differences in height are summarised in our assessment above therefore not repeated here. iii. ***Discussion of the theoretical flight corridor used by common scoter between Loch Garry and Loch Loyne*** – the applicants note that if such flights did occur they would be likely to follow the lowest topography. Again this is summarised in our assessment above therefore not repeated here, other than to note that the wirelines showing topography from loch height are useful and show that the lowest point from some locations on the loch are around tower BF279, which forms the western extent of the BFD zone. iv. ***Flight behaviour of common scoter in daytime (including good lighting and poor visibility conditions), under twilight conditions, and, at night*** – while acknowledging that nocturnal flights are highly unlikely (scoters are not adapted to flying at night), the applicants also note that if such flights were to occur scoters flying from Loch Garry to Loch Loyne would be expected to take a flight trajectory that takes them from water level and over the intervening topography/vegetation above the skyline. The applicants note that the back-clothing effect of topography could influence the flight altitude of scoters flying on brighter nights, as birds will tend to fly into open spaces, meaning infrastructure which is back-clothed is less likely to produce a collision risk. Conversely, sky-lining infrastructure may pose a Greater risk. Areas of higher risk are identified in the Company's report and considered to: i. be mitigated to some extent by existing forestry which would encourage higher flights. The applicants note that provided the proposed OHL is

			back-clothed by the intervening topography/vegetation then any flights at night will always be higher than the powerlines. They also consider due to the height birds must gain to fly from Loch Loyne to Garry then it is unlikely they would fly at collision height.
		ii.	Effectiveness of BFDs to avoid collision risk for common scoters based on:
		iii.	***Scientific knowledge of identifiable bird vision parameters that apply to common scoters*** – this acknowledges that common scoters have a visual acuity similar to Canada geese and other wildfowl (i.e. low).
		iv.	***Proposed design of BFDs to enable common scoters to detect the BFDs and alter their flight path to avoid the OHL*** – the applicant notes that to be effective bird flight diverters should meet the following criteria: ***1. A high degree of internal contrast so that their visibility is not dependent upon contrast with the background (which can be highly variable); 2. Embody an element of movement or flicker (a swinging or rotating device); 3. Be as large as possible; 4. Be deployed at small intervals along the line, and 5. Be durable in the predicted weather conditions.*** The effectiveness of BFD for Canada geese are referenced in this respect.
		v.	***Proposed spacing of BFDs on the earth wire*** – proposed to be at 5m intervals.
		vi.	***Overall conclusion on collision risk of common scoters based on above scientific considerations and site-specific factors*** – the applicants conclude that due to the expected very low number of flights and accounting for avoidance action there is a negligible risk of collision. The applicants conclude that the use of bird flight diverters, coupled with the alignment of the Proposed Development with the existing tree cover and back-clothing effect of the landform, would be effective in reducing the likelihood of an already extremely small risk of collision to common scoter.
		vii.	***Identification of the sections of the proposed 132kV OHL for which the deployment of BFDs is recommended and the deployment strategy, together with explanation for not recommending undergrounding as mitigation*** – the applicants conclude that the mitigation measures proposed in the form of BFDs, designed to meet the characteristics set out in Martin (2022), and at a spacing of 5m intervals on the earth wire of the OHL

		between towers BF279 to BF306 inclusive, together with the back clothing effect of the topography and the screening effect of the existing tree canopy, means that it is the considered opinion of both the Applicant and its advisors that the Proposed Development would not adversely affect the integrity of the SPA. **NatureScot's Appraisal** **Summary** The likelihood of common scoters, of any age or breeding status, flying across the line of the OHL in low / poor light or at night appears to be very small. This means the potential for collision with the OHL is very small and as shown from expert opinion to be most likely in the least important portion of the population, unpaired males. The deployment of the Hawkeye BFDs at 5 metre spacing will increase the visibility of the earth wire and further reduce the already minimal likelihood of common scoter or black-throated divers suffering collision mortality. Based on this appraisal, the Scottish Ministers consider this proposal will not affect the distribution of the species within the site or the population as a viable species of the site. **Likelihood of common scoter movements between lochs** Based on the expert opinion of the likelihood of nocturnal flights of common scoter at the West Inverness-shire Lochs SPA for Bunloinn wind farm, it is considered unlikely that adult breeding male and female common scoter will undertake flights between breeding lochs in the dark or in poor visibility during the breeding season. This leaves unpaired male and non-breeding female common scoter as being the parts of the population that may make nocturnal flights, particularly in the early part of the breeding season when young birds may be trying to form new pairings and exploring potential new nesting sites. The potential collision mortality of unpaired males is considered to have a minimal impact on the long-term viability of the population due to the biased sex distribution of scoter at the West Inverness-shire Lochs SPA. Breeding female common scoter have been shown to return to the same loch each year and not to move between lochs. It therefore seems likely that young female

		scoter will return to the loch they were fledged on. Nesting habitat does not appear to be a limiting factor on the population of common scoter in the SPA so unpaired females will probably not move away from their natal lochs while exploring future potential nest sites. It therefore seems unlikely that unpaired females will fly to other lochs at night or in poor visibility when their intention is to find suitable future nesting sites. It is therefore considered that overall there is also a very low likelihood of non-breeding female common scoter flying between the constituent lochs of the SPA at night or in poor visibility. This includes movements between Loch Dubha (the lochan system between Lochs Loyne and Garry) and Loch Garry. **Design of Bird Flight Diverters (BFD**) The BFD suggested by SSEN is 'Hawk Eye' Bird Flight Diverters, produced by Power Line Sentry. They intend to deploy them at 5m intervals along the earth wire. This incorporates most of the five characteristics of BFDs recommended by Dr Martin, an acknowledged expert in avian visual acuity. The only criteria this BFD does not entirely meet is 3, regarding size. However, it appears there are no BFDs that meet the other criteria and are larger than the 'Hawkeye'. The intended 5m spacing is less than half the 12.5m spacing that that Dr Martin recommended for his larger theoretical diverters to be effective at deflecting Canada Goose flights. This smaller spacing should increase visibility of the line despite the small size of the diverters by increasing the number of diverters visible within the birds' field of vision as they approach the earth wire. The applicants note that back-clothing and tree presence may also contribute to flight trajectories avoiding the OHL. It is highly unlikely that any flights in poor light would occur, and the expected effectiveness of the bird flight diverters, for the avoidance of doubt, Scottish Ministers do not consider that maintenance of the existing forestry is required to mitigate collision risk as this element would mainly relate to nocturnal flights. The western extent of bird flight diverters is tower BF279. Examination of the wirelines provided by SSE and corresponding contours indicate the topography on the west end of Loch Garry to be lowest around BF279. The applicants note that a consideration of the proposed design of BFDs is to enable common scoters to detect the

		BFDs and alter their flight path to avoid the OHL. No calculations are provided on detection distance and flight speed to demonstrate that avoidance is likely. It is however considered that the design proposed is largely in line with that recommended for Canada geese and is therefore acceptable. ***Black-throated divers*** Is is considered that the level of baseline surveys undertaken are adequate and the assessment of theoretical flight lines appears reasonable. While the Shadow HRA makes no assessment of the implications of the implications of the increased height of the OHL, advice is that line marking has been accepted on other developments as appropriate mitigation for this species which is mainly active between sunrise and sunset. Whilst line marking does not completely remove the collision risk, it is considered to mitigate it, and reduce the risk of collision.
8	Modifications required to ensure adverse effects are avoided and reasons for these	• Where possible, construction and dismantling works (including access) within 750 metres of the SPA should be avoided during the breeding season (1 April to 31 August). If this is not possible, a Breeding Bird Protection Plan is to be agreed in consultation with NatureScot. This should include the measures that would be in place to protect birds from disturbance for any works or access proposed within 750 metres of the SPA boundary during the breeding season. • Details of the site specific drainage, silt and pollution prevention measures that would be in place during the construction of the underground cable section to the east of Loch Lundie to be agreed by the Planning Authority in consultation with NatureScot. • Bird flight diverters are to be fitted to the earth wire between Towers BF279 to BF306, and Towers BF327 to BF337, inclusive, within Section 5 of the proposed Development. Details of the design and spacing are to be agreed with NatureScot prior to the installation. The bird flight diverters should be inspected each year before 15 March to ensure they remain in place and effective, with any necessary replacements or maintenance carried out before this date, to ensure the diverters remain effective during the lifetime of the development.
	Conclusion	**Likely significant effect, but information provided / assessment already carried out shows the effect on**

		integrity can be avoided with changes / mitigation.
9	Can it be ascertained that the proposal will not adversely affect the integrity of the site?	The Scottish Ministers consider that it has been ascertained that the proposal will not adversely affect the integrity of the site.

Scottish Government
Riaghaltas na h-Alba

SCOTTISH MINISTERS' CONSIDERATION OF THE CASE FOR A DEROGATION UNDER THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994 AND THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

APPLICATION FOR CONSENT UNDER SECTION 37 OF THE ELECTRICITY ACT 1989, AND FOR DEEMED PLANNING PERMISSION UNDER THE TOWN AND COUNTRY (SCOTLAND) ACT 1997 FOR THE CONSTRUCTION AND OPERATION OF THE SKYE REINFORCEMENT PROJECT, TO BE LOCATED WITHIN THE PLANNING AUTHORITY AREA OF THE HIGHLAND COUNCIL

Name	**Date**
Mark Christie	16 May 2025

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SECTION 1: INTRODUCTION

1. Requirement for Derogation

1.1 The Skye Reinforcement Project ("the Project") comprises:

- A 132kV overhead transmission line, approximately 110km in length, between Fort Augustus substation and Edinbane substation;
- A 132kV overhead transmission line, approximately 27km in length, between Edinbane substation and Ardmore substation; and
- A temporary diversion of the existing 132kV overhead transmission line at Inchlaggan.

1.2 The Appropriate Assessment ("AA") for the Project was unable to conclude beyond reasonable scientific doubt that there would be no adverse effect on four of the qualifying features of the Kinloch and Kyleakin Hills Special Area of Conservation ("SAC"). These features are blanket bogs, European dry heaths, wet heathland and cross-leaved heath, and Western acidic oak woodland. The AA concluded there would be no likely significant effect on two other qualifying features, Alpine and subalpine heaths and mixed woodland on base-rich soils associated with rocky slopes.

1.3 Energy Consents Unit ("ECU") has, within a separate AA, reached a conclusion regarding otter within the Kinloch and Kyleakin Hills SAC. This concluded that there would be no adverse effects on site integrity ("AESI") for the otter qualifying feature of the SAC, and as such, this feature will therefore not be considered further in this derogation case.

1.4 A copy of the two AAs can be found in Annex B: Appropriate Assessments.

1.5 The principal legislation in Scotland to implement the Habitats Directive (Council Directive 92/43/EEC of 21 May 1992) was the Conservation (Natural Habitats, &c.) Regulations 1994 ("the 1994 Regulations"). The 1994 Regulations set out legal requirements to be followed in relation to projects that may affect SACs. However, the 1994 Regulations are superseded in relation to certain functions of the Scottish Ministers including applications for consent under section 37 of the Electricity Act 1989 and deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997. In these cases (which include the Project) the Conservation of Habitats and Species Regulations 2017 ("the 2017 Regulations") apply to the assessment of the application. The 2017 Regulations transpose Article 6(3) and (4) of the Habitats Directive which

deal with the assessment of plans and projects that affect a site protected under the Habitats Directive.

1.6 Given that the AA identified adverse effects at the site listed above, the Scottish Ministers, as the competent authority, can only agree to the Project if the requirements of the derogation provisions in the 2017 Regulations are met (these provisions are set out at Regulations 64 and 68 of the 2017 Regulations) and the Scottish Ministers have considered the Project against the requirements of these provisions to determine whether the Project can be consented.

1.7 Regulation 64 of the 2017 Regulations states that the competent authority may agree to a project if: firstly, it is satisfied that there are no alternative solutions; secondly, the project must be carried out for imperative reasons of overriding public interest ("IROPI"), notwithstanding a negative assessment of the implications for a European site. Thirdly, section 68 of the 2017 Regulations further requires that where a project is agreed to in accordance with regulation 64 of the 2017 Regulations, notwithstanding a negative assessment of the implications for a European site, the Scottish Ministers shall secure that any necessary compensatory measures are taken to ensure that the overall coherence of the UK site network is protected. These three derogation tests must be considered by the Scottish Ministers sequentially, and each one must be satisfied before consent can be granted on the basis of these provisions.

1.8 The following sections document the Scottish Ministers' considerations in respect of each of these tests, which have been assessed in the following sequential order:

- alternative solutions to the Project have been considered;
- consideration has been given to whether there are IROPI justifying the Project proceeding; and
- compensatory measures put forward by the Company to ensure the protection of the overall coherence of the network have been considered.

1.9 The Company submitted a Derogation Case and an Environmental Compensation Strategy to the Scottish Ministers in February 2023 and in July 2023 respectively.

SECTION 2: CONSIDERATION OF ALTERNATIVE SOLUTIONS

2. Project Objectives

2.1 The Company has outlined at section 4.3.1 of its Derogation Case a series of objectives for the Project as follows:

- To develop and maintain an efficient, co-ordinated and economical system of electricity transmission within its licence area;
- To replace the existing transmission infrastructure including electric lines and plant between Fort Augustus and Ardmore with new transmission infrastructure, due to the age and deteriorating condition of the existing infrastructure;
- To install additional transmission capacity to allow new electricity renewables generating stations to connect to the transmission network, by increasing the transmission capacity to a double circuit from Fort Augustus to Edinbane, and single circuit from Edinbane to Ardmore;
- To maintain security of supply of electricity to the residents of Skye and the Western Isles;
- To contribute to and support the British Energy Security Strategy; and
- To contribute to and support the delivery of the UK and Scottish Government policy on a transition to net zero.

2.2 Having regard to the objectives identified by the Company, the Scottish Ministers have considered these in the context of Scottish and UK policy frameworks. This includes the Scottish Government's legislative commitments and policy framework, which set out key national ambitions for Scotland's energy future to achieve net zero emissions by 2045 to mitigate the effects of climate change. The construction of infrastructure is necessary as the existing transmission network does not have the capacity to transport the volume of renewable electricity which will be generated in Scotland to where it is needed – to our homes, businesses and communities across Scotland and Great Britain. A significant amount of renewable generation in Scotland is currently 'constrained' as there is not enough space on the electricity network to transport the power that is being generated to where is it needed. New electricity infrastructure will reduce existing constraints on the system and support increased demand for renewable power across the country as we transition to a net zero economy.

2.3 The Scottish Ministers have considered the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, the Scottish Government's draft Energy Strategy and Just Transition Plan ("ESJTP") (2023), the Onshore Wind Policy Statement (2022), and Scotland's National Planning Framework 4 ("NPF4").

2.4 In addition, the Scottish Ministers have also had due regard to the UK Government's Overarching National Policy Statement for energy ("EN-1"), published on 22 November 2023 and updated on 17 January 2024, and its National Policy Statement for Electricity Networks Infrastructure ("EN-5"), published and updated on the same dates . These policies provide a framework for delivering the UK's international commitments on climate change. The Scottish Ministers have taken particular account of EN-1's identification of nationally significant low carbon infrastructure (which includes grid infrastructure) as a critical national priority ("CNP"). EN-1 states that when considering derogations under the Habitat Regulations the starting point for CNP infrastructure is that energy security and decarbonising the power sector to combat climate change (1) requires a significant number of deliverable locations for CNP Infrastructure and for each location to maximise its capacity, and (2) are capable of amounting to imperative reasons of overriding public interest. Although these policies apply to England and Wales, the Scottish Ministers consider they provide a context of UK-wide policy support for the Project as infrastructure which is of critical national priority.

2.5 The Scottish Ministers consider the following to be the appropriate and primary objectives of the Project, and consider that the benefits from the Project to Scotland could alternatively be provided by any projects with these same objectives:

i. Ensuring security of supply of electricity to the residents of Skye and the Western Isles;
ii. Facilitating the integration of renewable energy sources by installing additional capacity;
iii. To replace the existing transmission infrastructure between Fort Augustus and Ardmore with new transmission infrastructure, due to the age and deterioration of the existing infrastructure, thus improving network resilience;
iv. To develop and maintain an efficient, co-ordinated and economical system of electricity transmission within the Company's licence area; and
v. To contribute to and support the delivery of Scotland, and the rest of the UK to net zero.

3. Identification of Alternative Solutions

3.1 The Company has identified, and assessed at section 4.4 of its Derogation Case, several alternatives to the Project.

3.2 The Scottish Ministers consider that any alternative identified must be capable of meeting the identified policy objectives, be legally, technically and financially feasible, and have a lower impact on the designated site. The alternative must be viable from a financial standpoint, meaning it must be affordable and does not impose unreasonable costs compared to the original proposal. The alternative must also be technically capable of achieving the same project objectives. This includes considerations such as engineering constraints, grid capacity requirements and technology availability. The alternative must comply with existing laws and regulations relating to issues such as the environment, planning and land ownership. It follows that identification of reasonable alternative solutions will consist of either a 'Do Nothing' approach, or consideration of an alternative technology, scale or design or different route/alignment.

3.3 The Scottish Ministers have also taken into consideration the policy on HRA derogations for CNP infrastructure contained in the UK's EN-1, which provides that the need for energy security and decarbonisation of the power sector to combat climate change requires a significant number of deliverable locations for CNP Infrastructure, across the UK, and for each location to maximise its capacity. On this basis, EN-1 notes that "other potential plans or projects deliverable in different locations to meet the need for CNP Infrastructure is unlikely to be treated as an alternative solution" (para 4.2.21).

4. Consideration of Alternative Solutions

4.1 *Do Nothing*

4.2 The Company considers a 'Do Nothing' scenario at section 4.5 of its Derogation Case. It provides that not proceeding with the Project would result in security of supply issues to Skye because of the deterioration of the existing assets due to most of the assets requiring to be replaced in the short term.

4.3 Doing nothing would also mean that additional capacity for the connection of renewable generation projects would not be provided.

4.4 The Scottish Ministers consider that not proceeding with the Project would remove the risk of impacts to the qualifying features of the designated site. However, this would mean failing to meet any of the identified Project objectives, and would not be consistent with the Draft Energy Strategy and Just Transition Plan which states "significant investment in Scotland's

transmission system is needed to ameliorate constraints and enable more renewable power to flow to centres of demand" (page 136). The Scottish Ministers also consider that taking a 'do nothing' approach would hinder meeting the ambitions set out in the Onshore Wind Policy Statement of a minimum installed capacity of 20GW of onshore wind in Scotland by 2030.

4.5 The Scottish Ministers have considered the 'do nothing approach', however do not consider the 'do nothing' approach to be a feasible alternative solution.

4.6 *Smaller scale of development*

4.7 One potential alterative would be a different project design in terms of scale. For example, instead of double circuit 132kV overhead transmission line on steel towers, an alternative could be two 132kV single circuit overhead transmission lines on trident wooden poles.

4.8 The Scottish Ministers have considered this alternative, however, are of the opinion that the scale of the Project is such that a smaller scale would not meet the objective of increasing the transmission capacity on the Skye circuit. As such, it is not believed to be a feasible alternative solution.

4.9 *Different technology*

4.10 The Company's Derogation Case at section 4.7 provides detailed information on three different technology types that may avoid or reduce adverse effects on the site integrity of the SAC. These are: 1) New Suite of Transmission Structures ("NeSTS"); 2) subsea cables; and 3) underground cables within the SAC.

4.11 NeSTS

4.12 The Company considered the use of an alternative type of steel structure support for the Project. NeSTS towers are a series of steel pole structures that have been developed as part of a Network Innovation Competition. The technology comprises of steel pole sections making up the main body of the structure, with the cross arms that hold the conductor and associated fittings/components, attached to the top section. These can be taller than the traditional lattice towers, so theoretically there could be a reduction in the number of towers required. However, the Company state that due to the challenging terrain and topography along the proposed route, the greater line spans which would result in fewer towers would not be

achieved (it was estimated by the Company that there would potentially only be a reduction of three towers). NeSTS towers also require greater civil engineering works and could not be delivered by helicopter, instead, would have to be delivered by road, resulting in access tracks being widened from the proposed four metres to six metres width. Overall, the Company estimate that NeSTS towers would result in a greater affected area overall, and therefore would not offer a solution to the likely significant effects on the SAC. The Scottish Ministers agree with this conclusion.

4.13 Subsea cables

4.14 The Company undertook a desktop study to consider the feasibility of using subsea cables to avoid the impacts on the SAC. Two options were considered that would have the potential to avoid or reduce impacts. One involved approximately three kilometres of cable from the existing overhead line on the Scottish mainland to a Kyle landfall. The other option involved approximately 4.7km of cable from the Kyle area to Loch na Beiste. However, both options contain areas of significant tidal current velocities and therefore present substantial technical and engineering challenges. The Company suggested that Remotely Operated Vehicles required for the safe installation of subsea cables would have difficulty operating in such strong currents, and the cable itself would likely be exposed to higher levels of strain during installation. The Company also claim that the cable would also require significant engineering works to ensure it remained in position with the seabed morphology suggesting bedrock and hard substrates not suitable for cable burial. Even if it were possible to overcome these technical challenges, the Company were of the view that standard cable repairs would not be possible. For example, instead of replacing the damaged element of the cable, the Company state that it would likely have to replace the whole cable which would take months to organise and deploy given potential sea conditions. As such the objective of security of supply would not be met by subsea installation. Due to the aforementioned reasons, the Scottish Ministers do not consider subsea cables as a feasible alternative.

4.15 Underground cables

4.16 Underground cabling was considered by the Company as a possible way to mitigate likely significant impact along the route. It was however concluded within the Company's Shadow HRA (a report submitted as part of the application to assess the potential impact of the Project on protected species and habitats) for the Kinloch and Kyleakin Hills SAC that for the proposed route it was not feasible to underground due to the site's topography and sensitive habitat. The main adverse effects resulting from

underground cabling arise from the larger working corridor and increased habitat loss/disturbance required for underground cable works, which is typically approximately 37 metres in width along the length of the full cabling alignment to accommodate tracks, trenches and excavated spoil; however, the Company suggested this working corridor may actually need to extend locally dependent on slopes and prevailing environmental conditions. This larger continuous and partially excavated working corridor also increases the risk of pollution events and watercourse contamination and increases the requirement for watercourse crossings or drilling under watercourses to install cables. The working corridor for an overhead line ("OHL") is typically much less, with stone tracks between approximately 4 to 6 metres in running width. The Scottish Ministers consider that underground cabling is not a suitable construction method within the SAC due to the notably greater impacts compared to towers/OHL, and consequently underground cabling is not considered as a viable alternative solution.

4.17 Different routes or alignments

4.18 The Company claim that the selection of the route is constrained by the Project's objective i.e. it must connect Skye to the GB mainland electricity transmission system. As such, any routes not involving a connection from the mainland to Skye can therefore be discounted. The process for selection of the route to meet that need is set out in detail within the Company's Environmental Impact Assessment Volume 1 Chapter 4. Guidelines for the routeing of new high voltage OHLs have been established within the electricity supply industry. These guidelines are known as the 'Holford Rules' and have been widely used throughout the UK since the 1960s. The 'Holford Rules' set out a hierarchical approach to routeing which advocates avoiding areas of high amenity value, minimise changes in direction, take advantage of topography and minimise visual interaction with other transmission infrastructure. The Company has also developed its own guidance, based on the principles set out in the Holford Rules, but broadening the basis for routeing decisions to reflect contemporary practice, and to provide a framework to ensure environmental, technical and economic considerations are identified and appraised at each stage of the routeing process. The approach to the Project's route and alignment selection has therefore been informed by the Company's guidance. Each stage is an iterative process and involves an increasing level of detail and resolution, bringing cost, technical and environmental considerations together in a way which seeks to achieve the best balance at each stage. The stages that are carried out can vary depending on the type, nature of and size of a project and consultation is carried out at each stage of the process.

4.19 There was other alignment options considered within the section of the Project that crosses the Kinloch and Kyleakin Hills SAC (Section 3) which were, for various reasons (legal, technical or financial) narrowed to two main alternatives: routes 3A and 3B. The Company's preferred option is route 3A ("the Proposed Alignment"), and route 3B was the Company's Alternative Alignment.

4.20 A shadow HRA was undertaken for both routes 3A and 3B which concluded there were only very slight differences in the magnitude of impact between the two Alignments. The Company concluded those differences were insubstantial, and the effect on site integrity is comparable when having regard to the conservation objectives affected. The Company estimated route 3A has no greater than 0.115% greater impact for any one feature of the SAC. Although route 3B it is a feasible alternative in that it meets policy objectives and is technically and financially possible, the Scottish Ministers do not consider it an alternative). An alternative solution must be one which delivers the project's objectives but is also less damaging to the site. The difference in impact on the site by route 3B is so insignificant that the impact is, in effect, the same as that of route 3A and therefore has no benefit to the site over route 3A. In addition to this, the Scottish Ministers consider route 3B has other material planning issues, and have concerns surrounding the wider social, economic and other environmental implications of route 3B that would make it challenging to consent. Consequently, the Scottish Ministers consider that route 3B is not an alternative solution.

4.21 Different construction methodology

4.22 In its assessment of different construction methodologies, the Company has sought to avoid or reduce adverse effects on site integrity through a range of construction techniques. This is in line with its duty under Schedule 9 of the 1989 Act to do what it reasonably can to mitigate any effects of the Project on the natural beauty of the countryside and on any such flora, fauna and features. Different methods of construction are considered within the EIA and Shadow HRA. For example, it is proposed within the Shadow HRA that tower components will be flown in, and some tower erection undertaken by helicopter. Whilst this does not remove the need for access tracks, it does avoid the need to transport cranes along the route and will reduce the overall volume of traffic, as well as the width of track required. Other construction techniques are considered by the Company, however, its conclusion is that there are no feasible alternatives, to those already identified, which would result in a lesser impact on the SAC whilst also meeting project objectives. The Scottish Ministers agree there are

no alternative construction methodologies which would reduce the impact on the SAC whilst achieving the project objectives.

4.23 Conclusion on Alternative Solutions

4.24 The Scottish Ministers have considered the information on alternatives submitted by the Company in the context of the appropriate and primary objectives of the Project identified at section 2.5, and are of the view that there are no consentable less damaging alternatives to the Project that would satisfy the objectives, and be technically, legally and financially viable. The Scottish Ministers therefore conclude that alternative solutions are not available and IROPI must be considered.

SECTION 3: IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST

5. Imperative Reasons of Overriding Public Interest

5.1 The parameters of IROPI are explored in guidance provided by the Department for Environment, Food & Rural Affairs ("DEFRA") and the European Commission, which identify the following principles:

- **Imperative** – Urgency and importance: There would usually be urgency to the objective(s) and it must be considered "indispensable" or "essential" (i.e., imperative). In practical terms, this can be evidenced where the objective falls within a framework for one or more of the following:

  i) Actions or policies aiming to protect fundamental values for citizens' life (health, safety, environment);
  ii) Fundamental policies for the State and the Society; or
  iii) Activities of an economic or social nature, fulfilling specific obligations of public service.

- **Public interest**: The interest must be a public rather than a solely private interest (although a private interest can coincide with delivery of a public objective);
- **Long-term**: The interest would generally be long-term; short-term interests are unlikely to be regarded as overriding because the conservation objectives of protected sites are long term interests.
- **Overriding**: The public interest of development must be greater than the public interest of conservation of the relevant protected site(s).

5.2 The IROPI test under the Habitat Regulations identifies certain grounds for IROPI that may be advanced in favour of such a project. Of note is that when the designated site hosts a priority natural habitat or species, grounds for IROPI should include human health, public safety or beneficial consequences of primary importance to the environment, or any other IROPI. The Company's IROPI submission within its Derogation Case therefore considers:

- Whether the Proposed Development is undertaken for imperative reasons;
- Whether those reasons are in the long-term public interest; and
- Whether those reasons are overriding.

5.3 In demonstrating the IROPI test, the Scottish Ministers must firstly be satisfied that the Project serves a public interest, and if so, the Scottish Ministers are required to weigh that public interest against the conservation interest which will be put at risk by the Project, therefore deciding whether the public interest overrides the potential harm to the integrity of the designated sites.

5.4 **Imperative reasons**

5.5 The Project is necessary, in part, because the condition of the existing infrastructure (which is required for the supply of electricity to the public) is deteriorating and at risk of failure. The existing OHL was built in sections between 1956 and 1989, and despite intensive maintenance by the Company, there is an increasing risk of failure.

5.6 For example, within the 64km section of OHL between Quoich and Broadford, there is a significant presence of surface rust on the tower steelwork in the more exposed coastal regions, and approximately 23% of earthwire fittings and attachments are now graded by the Company as poor overall, with medium to high levels of rusting and component wear. The insulator components in this section are also beyond their 40-year design life (the Company confirm there was a failure of an insulator shackle within this section of line in March 2021 which was due to mechanical wear and resulted in the circuit being out of service for an extended period).

5.7 Furthermore, the Company's testing of certain wood poles in 2010/2011 identified that there is a significant increase in the risk of wood pole failure, particularly in exposed environmental conditions typical to their location. A pole failure in the Broadford to Edinbane circuit in February 2021

was because of wood decay (white rot fungi) which causes a significant loss of pole strength.

5.8 Due to the existing condition of the current infrastructure, there is a serious and genuine threat of interruption to the supply of electricity to the public.

5.9 It is also of note that when the infrastructure is replaced, it will be upgraded to accommodate significant additional capacity. Without this, the anticipated additional renewable capacity within the Skye and Western Isles region (424MW contracted for 2027 with an additional 57MW in the connection application process) will not be capable of connection to the grid and will therefore not materialise.

5.10 Taking the above into consideration, the Scottish Ministers are of the opinion that the Project would be undertaken for imperative reasons.

6. The Public Interest test

6.1 The Scottish Ministers consider that the appropriate and primary objectives of the Project (paragraph 2.5) are relevant to assessing and weighing IROPI for the Project.

6.2 The replacement of the existing line to ensure security of supply of electricity to the public, and to enable the growth in renewable electricity generation and to assist in the decarbonisation of the Scottish and UK energy network are reasons which are in the long-term public interest.

6.3 In 2019 the Scottish Government declared a climate emergency, recognising the global and unprecedented impacts from this emergency and the urgent response required. The consequences of not achieving those objectives would be severely deleterious to societies across the globe, including Scotland and the rest of the UK, to human health, to social and economic interests, and to the environment.

6.4 Under the Climate Change (Scotland) Act 2009, the Scottish Ministers must ensure that the net Scottish emissions account for 2045 are 100% lower than 1990 levels. In addition, at a UK level the UK Climate Change Act 2008 places a duty on the Secretary of State to ensure that the UK achieves a 100% reduction in greenhouse gas emissions by 2050 compared to 1990 levels. In this regard, the Scottish Ministers consider that the Project will make an important material contribution to delivering on these statutory duties. Expansion of the electricity grid will play a crucial role in delivering

our energy ambitions and maximising the economic opportunities of Scotland's abundant renewable resources.

6.5 NPF4

6.6 New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132KV or more are designated as National Developments in Scotland's NPF4. NPF4 states that a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. The need for this Project arises from that additional electricity generation from renewables. Electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports network resilience in rural and island areas. Consequently, this Project is a National Development.

6.7 ESJTP

6.8 The Scottish Government's Draft Energy Strategy and Just Transition Plan was published on 10 January 2023. The draft Strategy's vision is that by 2045, "Scotland will have flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business". The strategy recognises that there is a need for significant infrastructure investment in Scotland's transmission system to relieve constraints and enable more renewable power to flow to centres of demand. It states that the Scottish Government is working closely with the network companies to support the timely delivery of required electricity network infrastructure and to explore opportunities to accelerate planned network investment to relieve constraints.

6.9 UK Government Policy

6.10 The global climate emergency and energy pressure, ensures that UK-wide energy security and energy policy, although a reserved matter, is a crucial consideration for Scottish Ministers.

6.11 EN-1 came into force on 17 January 2024, and sets out UKG policy on delivering major energy infrastructure. Whilst a UK Government policy, it may be a relevant consideration for Scottish Ministers when they are exercising their functions on licensing and consenting of grid infrastructure. EN-1 notes that as the electricity system grows in scale, dispersion, variety, and complexity, work will be needed to protect against the risk of large-scale supply interruptions in the absence of sufficiently robust electricity networks. While existing transmission and distribution networks must adapt and evolve

to cope with this reality, development of new lines of 132kV (and over 2km) and above will also be necessary to preserve and guarantee the robust and reliable operation of the whole electricity system.

6.12 EN-5 sets out that the security and reliability of the UK's current and future energy supply is highly dependent on having an electricity network which will enable the new electricity generation, storage, and interconnection infrastructure that the UK needs to meet the rapid increase in electricity demand required to transition to net zero, while maintaining energy security. It goes on to state that, as identified in EN-1, the UK government has concluded that there is a critical national priority for the provision of nationally significant low carbon infrastructure. This includes certain electricity grid infrastructure, including network reinforcement and upgrade works, and associated infrastructure such as substations.

6.13 Considering the importance of security of supply of electricity and of facilitating growth in renewable electricity generation, alongside both Scottish and UK policy support, the Scottish Ministers conclude that the long-term public interest in the Project is established.

7. The Overriding Test

7.1 On the basis that the reasons to proceed with the Project are both imperative, and in the long-term public interest, those reasons must override the protection afforded to the qualifying interests. This assessment involves balancing the weight of the IROPI against the effect on site integrity.

7.2 The AA completed for the Project was unable to conclude beyond reasonable scientific doubt that there would be no adverse effect on four of the qualifying features of the Kinloch and Kyleakin Hills SAC. The Scottish Ministers consider the adverse effect on site integrity which cannot be ruled out must be seen in the context of the limited area affected by the Project. Taken overall, the spatial extent of all affected habitat in the Proposed Alignment is 16.717ha, whereas the SAC covers a total of 5275.63ha. This relatively small area of habitat upon which the Project has an adverse effect, although clearly important, should be considered against the long-term public interest benefits of the Project.

7.3 On this basis, the Scottish Ministers are of the opinion that the IROPI outweigh the likely negative effects on site integrity of the SAC.

8. Conclusion of Overriding Public Interest

8.1 The Scottish Ministers are satisfied that there are IROPI for the Project to proceed subject to adequate compensatory measures being

implemented. In arriving at their decision, the Scottish Ministers have considered how the Project provides a public benefit which is essential and urgent and which has been assessed to outweigh the harm to the integrity of the designated sites.

SECTION 4: COMPENSATORY MEASURES

9. Aims of Compensatory Measures

9.1 This section determines in the absence of alternative solutions and the presence of IROPI whether compensatory measures can be secured which will ensure the protection of the overall coherence of the national Natura site network.

9.2 The AA completed for the Project's likely impacts on the Kinloch and Kyleakin SACcould not demonstrate the Project would not have an adverse effect on site integrity ("AEOSI") on the following habitats of site:

- Western Acidic Oak Woodland;
- Blanket Bog (priority habitat);
- Wet Heathland and cross-leaved heath; and
- European Dry Heath.

9.3 Further, NatureScot advised their assessment concluded no likely significant effect for the following SAC habitats. Due to the sequential nature of the tests, NatureScot concluded these features did not require consideration in the AA:

- Alpine and subalpine heaths; and
- Mixed woodland on base-rich soils associated with rocky slopes.

A separate AA reached the conclusion regarding otter within the Kinloch and Kyleakin Hills SAC. This concluded there would be no adverse effects on site integrity for the otter qualifying feature subject to appropriate mitigation.

9.4 For the relevant conservation objectives, the extent of the predicted habitat loss, the likely range of compensation ratios, and potential areas required for compensation are noted in the following Table 1:

Table 1: Potential Compensation Areas Required for SAC Qualifying Habitats (based on estimated areas of habitat as presented in the EIA Report)

SAC Qualifying Habitat	Conservation Objectives Affected	Maximum Habitat Loss	Likely Compensation Ratio Range	Potential Compensation Areas Required
Western Acidic Oak Woodland	The 'extent of the habitat on site' conservation objective will not be met for either alignment as a result of direct impacts from both temporary and permanent infrastructure. Predicted losses would be 0.39ha for the Proposed Alignment and 0.24ha for the Alternative Alignment.	0.856	1:1.77 to 1:12[1]	1.5 to 10 ha
Blanket Bog	For both alignment options, the conservation objectives 'extent of habitat on site'; to maintain the 'structure and function of the habitat' and 'processes supporting the habitat' will not be met. Predicted losses would be 4.7ha for the Proposed Alignment and 3.68ha for the Alternative Alignment.	4.692	1:1 to 1:10[2]	4.7 to 47 ha
Wet Heathland and cross-leaved heath	For both alignment options, the conservation objectives 'extent of habitat on site'; to maintain the 'structure and function of the habitat' and 'processes supporting the habitat' will not be met. Predicted losses would be 10.38ha for the Proposed Alignment and 10.08ha for the Alternative Alignment.	10.381	1:1 to 1:10[3]	10.4 to 104 ha
European Dry Heath	The 'extent of the habitat on site' conservation objective will not be met	0.88	1:1 to 1:3[4]	1 to 3 ha

[1] 1:1.77 based on agreed compensation for Glen Beasdale SAC where the SAC was extended to include an adjacent area of existing oak woodland in unfavorable condition due to the presence of rhododendron and deer impacts. 1:12 based on agreed compensation for loss of ancient woodland from A1 Morpeth to Ellingham Road in Northumberland. The higher compensation ratio here reflected the need to establish a new woodland.
[2] 1:1 assumes an adjacent area of blanket bog in favourable condition and 1:10 is based on restoring heavily degraded blanket bog to favourable condition (e.g. forest to bog restoration)
[3] As wet heath shares similar supporting hydrological processes to blanket bog, the same compensation ratios are assumed
[4] Dry heath is likely to be easier and quicker to restore than blanket bog, wet heath and woodland and therefore a smaller compensation ratio is assumed

SAC Qualifying Habitat	Conservation Objectives Affected	Maximum Habitat Loss	Likely Compensation Ratio Range	Potential Compensation Areas Required
	for either alignment options. Predicted losses would be 0.89ha for the Proposed Alignment and 0.43ha for the Alternative Alignment.			

10. Details of Proposed Measures

10.1 In its Compensation Report, the Company states that three 'Compensation Search Areas' were initially identified in consultation with NatureScot and Forestry and Land Scotland ("FLS") which are directly adjacent to the SAC and located within the FLS boundary. Surveys of these areas were then completed to facilitate the identification of the boundaries for the selected compensation areas. Details of each Compensation Search Area, and the justification for the selection of the finalised Compensation Areas are outlined below.

10.2 Compensation Search Area A (target habitats: blanket bog and wet heath)

10.3 Compensation Search Area A includes an area of approximately 406 ha north-west of the SAC where it is bordered by the SAC on two sides (the final area selected was approximately 157 ha). From the Company's desk based review and survey information, it was determined that blanket bog and wet heath would be the principal focus of the compensatory measures in Area A. This is due to the extent of these existing habitats and potential for their expansion through the restoration of adjacent afforested land. The qualifying habitats of dry heath and western acidic oak woodland are also present, however, due to their minor and fragmented nature, and restrictions on expansion due to surrounding unsuitable habitat, management measures are not proposed to target their expansion. However, management measures for the enhancement and restoration of blanket bog and wet heath are considered in terms of their wider benefit on dry heath and woodland.

Table 2: Consideration against Compensation criteria – Compensation Area A

Criteria	Consideration
Targeted	For blanket bog, the focus of the compensation for direct habitat loss is to address the loss of extent of habitat on site. For indirect habitat loss, the focus of the compensation is to address the adverse effects on structure and function and processes supporting the blanket bog habitat. The Company state that the loss of extent of habitat on site is compensated by targeting the restoration and enhancement of a total of 116.43ha of blanket bog habitat (largely within Compensation Areas A and B) and extending the SAC to include this area. For wet heath and dry heath, consideration is provided in Compensation Area B. For Western Acidic Oak woodland, consideration is provided for under Compensation area C
Effective and Technical Feasibility	The restoration work will follow techniques recommended by the Scottish Government funded Peatland Action Programme to ensure that it is effective and technically feasible.
Extent	Compensation Area A (with more minor contributions from Compensation Areas B and C) would deliver compensation for the loss of blanket bog habitat (a 1:24.8 compensation ratio leading to 69.57ha of additional compensation). Compensation Area A will also provide 0.32ha of dry heath and 2.58 ha of western acidic oak woodland.
Location	Compensation Area A is in close proximity to the location of the impact – most of the impact on blanket bog from the Proposed and Alternative Alignment occurs in the north-west of the SAC close to the compensation area.
Timing	The DEFRA biodiversity metric[5] provides estimates on the likely time for various habitats to achieve poor to good condition. For blanket bog, it is estimated that it would take 30 years to move from 'moderate' to 'fairly good' condition, 30+ years from 'fairly poor' to 'fairly good' and 30 years from 'poor' to 'good'. Given that the existing blanket bog within the Compensation Areas is in good condition, a timescale of zero years for restoration would be reasonable. However, restoring blanket bog from commercial plantation (poor condition) would be expected to take 30+ years to achieve good condition. So to achieve good condition across the entire compensation area may require 30+ years. This timescale may be reduced given the existence of good quality bog within and surrounding the existing commercial plantation.

[5] Calculate biodiversity value with the statutory biodiversity metric - GOV.UK (www.gov.uk)

Long-term implementation	Monitoring is required to ensure that the compensatory measures are successfully delivered for each qualifying habitat. Compensation Area A is the main area for the compensatory measures regarding blanket bog and wet heath, with small areas subject to management and monitoring in Compensation Areas B and C. • Monitoring of Invasive Non-Native Species and self-seeding conifers within Compensation Area to inform removal programme (every 4-5 years). • Annual monitoring for the first 5 years to assess the effectiveness of the restoration measures and inform supplemental works • Proposed that additional points are established in the Compensation Area and surveys are repeated every 4-5 years to track progress.

10.4 Compensation Area A (with more minor contributions from Compensation Areas B and C) would therefore deliver more than enough compensation for the loss of blanket bog habitat (a 1:24.8 compensation ratio leading to 69.57ha of additional compensation). Compensation Area A will also provide 0.32ha of dry heath and 2.58ha of western acidic oak woodland.

10.5 Compensation Search Area B (target habitats: oak woodland, wet heath and dry heath)

10.6 Compensation Search Area B includes an area of 167ha immediately adjacent to the SAC boundary in the east (the final area selected was approximately 76ha). Area B is comprised of wet heath, layered with areas of conifer plantation and other trees/woodland. Small areas of dry heath extend into the west of the Search Area boundary. A small area of birch woodland is also mapped along the Allt a' Choire Bhuidhe river. The soils in in Area B are comprised of peat, peaty gleys, peaty podzols and some peaty rankers. Compensation Area B is focussed on the wet heath and dry heath habitats in the west of the Search Area.

Table 3: Consideration against Compensation criteria – Compensation Area B

Criteria	Consideration
Targeted	The key focus of the compensation for this impact is to address the loss of extent of wet heath habitat on site. The focus of the compensation of the indirect habitat loss impact is to address the adverse effects on structure and function and processes supporting wet heath habitat. The extent of habitat on site is compensated by targeting the restoration and enhancement of a total of 110.67ha largely within Areas A and B and extending the SAC to include this area. The conservation objectives related to the structure, function and supporting processes are compensated by the peatland/organic soils within Compensation Area B being hydrologically and ecologically connected to the SAC. The blanket bog and wet heath habitats are continuous with the habitats within the adjacent SAC. Area A contributes 56.88ha of wet heath (7.79ha existing and 49.09ha targeted for restoration). Area B contributes 52.8ha of wet heath (35.21ha existing and 17.62ha targeted for restoration). Regarding dry heath, the principle focus of the compensation for this impact is to address the loss of extent of habitat on site. The extent of habitat on site is compensated by targeting the enhancement of 4.76ha of existing habitat and the restoration of approximately 2.32ha and extending the SAC to include these areas.
Effective and Technical Feasibility	Forest to bog restoration techniques form part of the Scottish Government funded Peatland Action Programme. The restoration work would follow this approved guidance to ensure it is effective and technically feasible. Some of these techniques may be appropriate for dry heath restoration (ridge, furrow reprofiling and removing as much wood debris from the site as possible).
Extent	With 43.96ha of existing wet heath (Areas A, B and C combined) and 66.71ha targeted for restoration, a compensation ratio of 1:10.7 would be achieved for wet heath. With 4.76 ha of existing dry heath (Areas A, B and C combined) and 2.89ha targeted for restoration, a compensation ratio of 1:8.0 would be achieved for dry heath.

Location	Compensation Area B is in close proximity to the location of the impact – most of the impact on wet heath and dry heath from the Proposed and Alternative Alignment occurs in the north of the SAC in close proximity to the compensation area.
Timing	The DEFRA biodiversity metric provides estimates on the likely time for various habitats to achieve poor to good condition. For upland heath, it is estimated that it would take 10 years to move from 'moderate' to 'fairly good' condition, 20 years from 'fairly poor' to 'fairly good' and 30 years from 'poor' to 'good'. Given that the existing wet heath within the Compensation Areas is in moderate to good condition a time scale of 10 years would be reasonable. Restoring wet heath from commercial plantation (poor condition) would however be expected to take 30+ years to achieve good condition For dry heath, the DEFRA metric suggests that it would take 10 years to achieve a condition change from 'moderate' to 'fairly good'. It is considered that with the appropriate management to remove bracken encroachment and improve the age-structure that good condition can be achieved within 5-10 years for areas of existing dry heath subject to management. The restoration of 2.32ha of dry heath to a diverse dry heath habitat by removal of bracken would be expected to take up to 20 or 25 years based on the expected growth rate and life cycle of *Calluna vulgaris* (heather)
Long-term implementation	Monitoring is required to ensure that the compensatory measures are successfully delivered for each qualifying habitat. Compensation Area B is the main area for the compensatory measures regarding Dry Heath, with small areas subject to management and monitoring in Compensation Areas A and C. • Monitoring of Invasive Non-Native Species, bracken and self-seeding conifers within Compensation Area to inform removal programme (every 4-5 years). • Annual monitoring for the first 5 years to assess the effectiveness of the restoration measures and inform supplemental works. • Proposed that additional sample points are established in the compensation area and surveys are repeated every 4- 5 years to track progress.

10.7 Compensation Area B (with contributions from Areas A and C) would therefore deliver appropriate compensation for the loss of wet heath habitat – with a total compensation ratio of 1:10.7 being achieved. Compensation Area B (with contributions from Areas A and C) would also provide 7.08ha of dry heath compensation – with a total compensation ratio of 1:8.0 being achieved.

10.8 Compensation Search Area C (target habitats: oak woodland, dry heath, blanket bog and wet heath)

10.9 Compensation Search Area C includes an area of 120 ha immediately adjacent to the SAC boundary to the north (the final area selected was approximately 22ha). It is bordered to the east by an area of Class 1 peatland as mapped on the Carbon and Peatland Map 2016, and to the south by the SAC where there is existing ancient woodland. Data shows areas of birch woodland on the fringes of Compensation Search Area C to the north, east, south and west, with oak woodland also present adjacent to the southern boundary.

Table 4: Consideration against Compensation criteria – Compensation Area C

Criteria	Consideration
Targeted	The principle focus of the compensation for the impact on Western Acidic Oak Woodland is to address the loss of extent of habitat on site. The Company state that the extent of habitat on site will be compensated by targeting the restoration and creation of an ecologically coherent area of approximately 17.66ha of western acidic oak woodland and extending the SAC to include this area. Compensation of Blanket Bog is provided for under Compensation Area A, however 2.73ha of modified Blanket Bog within Area C will contribute to the compensation for this habitat type. Regarding wet heath, 0.96ha within Area C will contribute to the compensation for this habitat type. Regarding dry heath, 0.26ha of dry heath exists within Area C that will contribute to the compensation for this habitat type.
Effective and Technical Feasibility	Well established and approved methods exist for woodland establishment techniques and for the removal of exotics and deer control.
Extent	With 4.56 ha of existing western acidic oak woodland (Compensation Areas A, B, C combined) and 15.92 ha targeted for restoration, a compensation ratio of 1:23.9 would be achieved for western acidic oak woodland. The existing 4.56 ha of western acidic oak woodland habitat in the proposed Compensation Areas is in poor condition due to its fragmented nature and a number of failures against condition criteria. This was generally found for woodland within Compensation Areas A and B also

Location	Compensation Area C is in close proximity to the location of the impact – most of the impact on western acidic oak woodland from the Proposed and Alternative Alignment occurs in the north of the SAC close to the compensation area.
Timing	The DEFRA biodiversity metric provides estimates on the likely time for various habitats to achieve poor to good condition. For upland oak woodland, it is estimated that it would take 30+ years to achieve good condition.
Long-term implementation	Monitoring is required to ensure that the compensatory measures are successfully delivered for each qualifying habitat. Compensation Area C is the main area for the compensatory measures regarding Western acidic oak woodland (there are some measures with small areas subject to management and monitoring in Compensation Areas A and B). • Monitoring of Invasive Non Native Species, bracken and self-seeded conifers within Compensation Area to inform removal programme (every 4-5 years). • Monitoring of planted and regenerating trees to inform weeding programmes and further supplementary planting for the first 5 years and then every 4th year. • It is proposed that sample points are increased within the Compensation Area and surveys are repeated every 4-5 years to track progress. • Herbivore Impact Assessment surveys every 4-5 years to track progress.

Compensation Area C (with minor contributions from Areas A and B) would therefore deliver appropriate compensation for the loss of western acidic oak woodland – with a total compensation ratio of 1:23.9 being achieved.

10.10 Summary of Compensation for Qualifying Habitats

The following table of the extent of compensation within each Compensation Area per qualifying habitat.

Table 5: Summary of extent of compensation within each Compensation Area

Qualifying Habitat	Area A (ha)		Area B (ha)		Area C (ha)		Total	Comp Ratio	Required Comp Ratio	Area (ha) Additional Compensation
	Existing	Creation	Existing	Creation	Existing	Creation				
Western Acidic oak woodland	0	0	0	0	1.74	15.92	17.66	1:20.53	1:10	11.92
Dry Heath	0.32	0	4.18	2.32	0.26	0	7.08	1:8.0	1:3	4.44
Blanket Bog	18.52	79.08	16.1	0	2.73	0	116.43	1:24.8	1:10	69.51
Wet Heath	7.79	49.09	35.21	17.62	0.96	0	110.67	1:10.7	1:10	6.86
Total	**29.21**	**128.17**	**55.73**	**19.94**	**5.69**	**15.92**	**254.66**			**92.73**

11. Conclusion on Compensatory Measures

11.1 The Company have submitted a Compensation Plan for the Kinloch and Kyleakin SAC which details compensation proposals for the predicted impacts from the Project on the SAC's qualifying habitats. The Scottish Ministers have considered the Compensation Plan and have consulted NatureScot on its contents. The Plan proposes three Compensation Areas (as outlined above) to compensate for losses to SAC qualifying habitats. Management of Compensation Areas A, B, and C would focus respectively on wet heath and blanket bog; wet heath and dry heath; and Western acidic oak woodland. The compensation areas also include areas proposed for restoration and positive management which are additional to the SAC compensation requirements. The Company proposes these additional areas will help compensate for losses of non-designated habitats on sections of the Project outside the SAC. It is proposed that all compensation areas A, B, and C would all be included within a future extension to the SAC. The Scottish Ministers are satisfied the compensatory measures will target the same habitat that will be affected by the Project ensuring the ecological structure, function and supporting processes are replicate as closely as possible. The Scottish Ministers are also satisfied there will be no net loss of conservation value, and the compensation is commensurate with the scale and significance of the impact.

11.2 The Scottish Ministers consider that the Company's Compensation Plan proposes suitable areas and measures to create, restore or improve the condition of sufficient qualifying habitat to compensate for the SAC habitat losses incurred by the project. However, the time required for restored and created habitats to reach 'good' condition is likely to be 30+ years for most habitats and as such it will not be possible to reach 'good' condition for the created habitats prior to the construction works starting within the SAC. Therefore, to ensure that a time lag does not compromise the objective of 'no net losses' to the UK site network, the Scottish Ministers will ensure that a SAC Habitat Compensation Plan is provided by the Company which will include details on how the compensatory measures will be implemented, monitored, maintained and protected in the long term. The SAC Habitat Compensation Plan will be agreed prior to the commencement of the Project within the SAC and contain an agreed timing schedule so as to avoid any delays.

12. Implementation & Monitoring

12.1 The Company's Compensation Plan proposes the establishment of a Compensation Management Group, and that management prescriptions within the Plan may be amended in light of monitoring results. NatureScot considers the establishment of an effective monitoring and maintenance programme to be an essential element of the compensatory measures package. The Detailed Final Habitat Compensation Plan will include an agreed monitoring and follow up management strategy to ensure the long term effectiveness of the compensatory measures proposed.

12.2 Following approval of the Detailed Final Habitat Compensation Plan by the Scottish Ministers, in consultation with relevant stakeholders including NatureScot, the proposed compensatory measures will be implemented.

13. Securing of Compensatory Measures

13.1 A condition will be added to the section 37 consent to ensure that a Habitat Compensation Plan is agreed prior to any works staring within the SAC, and that the compensatory measures are implemented. The condition is likely to require that -

> *No later than six months prior to the Commencement of Development within the Kinloch and Kyleakin Hills SAC, the Company must submit a SAC Habitat Compensation Plan in writing to the Scottish Ministers for their written approval.*

The SAC Habitat Compensation Plan must be in accordance with the Skye Reinforcement Project Kinloch and Kyleakin Hills SAC Compensation Plan submitted by the Company to the Scottish Ministers dated 27 July 2023, unless otherwise agreed in writing by the Scottish Ministers. It must demonstrate that the compensatory measures will compensate for any adverse effects on Blanket bogs; European dry heaths; Wet heathland and cross-leaved heath; and Western acidic oak woodland, as identified in the Appropriate Assessment for the Development. The SAC Habitat Compensation Plan must include the following:

a) Confirmation of the exact amounts of SAC habitat that will be affected to set the baseline for what compensation measures need to achieve;
b) a timetable of implementation and maintenance of the compensatory measures;
c) the location of the compensatory measures;
d) a description of the characteristics and methods of the proposed compensatory measures;
e) the predicted outcomes of each compensatory measure, including timescales of when those outcomes will be achieved;
f) details of monitoring and reporting of the effectiveness of the compensatory measures including—
i) survey methods;
ii) survey programmes;
iii) success criteria;
iv) timescales for monitoring reports to be submitted to the Scottish Ministers;
v) reporting of meeting success criteria, and
vi) measures to adapt, and where necessary increase, compensatory measures and the criteria used to trigger any adaptation of compensatory measures as a result of the above monitoring.

The Company must implement the measures set out in the approved SAC Habitat Compensation Plan in accordance with the timescales detailed in the SAC Habitat Compensation Plan.

Any requests for amendments to the approved SAC Habitat Compensation Plan must be submitted, in writing, to the Scottish Ministers for their written approval.

The Company must make such alterations to the approved SAC Habitat Compensation Plan as directed by the Scottish Ministers and submit the updated SAC Habitat Compensation Plan to the Scottish Ministers for approval within such a period as directed in writing by the Scottish Ministers.

The SAC Habitat Compensation Plan must include reportable milestones of the progress of the compensatory measures which will be agreed by the Scottish Ministers in consultation with NatureScot. The Company must then, within one month, notify the Scottish Ministers and NatureScot in writing of the completion of each of the agreed milestones set out in the SAC Habitat Compensation Plan.

Reason: To ensure the coherence of the UK site network is secured

ANNEX B

Appropriate Assessments

Assessment of the implications of the proposed Skye Reinforcement Project development for the Kinloch and Kyleakin Hills Special Area of Conservation ("SAC") in view of the conservation objectives of the SAC.

May 2025

The following assessment has been prepared by the Scottish Ministers as the Competent Authority for the Project.

	Description	
1	Brief description of the project	On 15 September 2022, Scottish Hydro Electric Transmission PLC ("SHET") made an application under section 37 of the Electricity Act 1989 for consent for Skye Reinforcement Project within the planning authority area of The Highland Council. The proposal comprises of the construction and operation of approximately 110 km of double circuit steel structure 132 kV overhead line between Fort Augustus and Edinbane Substation, approximately 27 km of new single circuit trident H wood pole overhead line between Edinbane Substation and Ardmore Substation and approximately 750 m temporary diversion of the existing 132 kV overhead line at Inchlaggan. The electricity project would also include approximately 24 km of underground cable.
2	Name of European site potentially affected	Kinloch and Kyleakin Hills Special Area of Conservation
3	European site qualifying interest(s)	Kinloch and Kyleakin Hills SAC • Alpine and subalpine heaths (Alpine and Boreal heaths) • Blanket bogs* • European dry heaths • Otter • Wet heathland with cross-leaved heath (Northern Atlantic wet heaths with Erica tetralix) • Western acidic oak woodland (Old sessile oak woods with Ilex and Blechnum in the British Isles) • Mixed woodland on base-rich soils associated with rocky slopes (Tilio-Acerion forests of slopes, screes and ravines*). * Priority habitats
4	Conservation objectives for qualifying interest(s)	SAC habitats: • To avoid deterioration of the qualifying habitats (listed above) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and • To ensure for the qualifying habitats that the following are maintained in the long term: 1. Extent of the habitat on site 2. Distribution of the habitat within site 3. Structure and function of the habitat

		4. Processes supporting the habitat 5. Distribution of typical species of the habitat 6. Viability of typical species as components of the habitat 7. No significant disturbance of typical species of the habitat Otter: • To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and - To ensure for the qualifying species that the following are maintained in the long term: 1. Population of the species a viable component of the site 2. Distribution of the species within site 3. Distribution and extent of habitats supporting the species 4. Structure, function and supporting processes of habitats supporting the species 5. No significant disturbance of the species
5	Is the proposal directly connected with, or necessary to, conservation management of the European site?	No – the proposal is not directly connected with or necessary to site management for Nature Conservation.
6	Is the plan or project (either alone or in combination with other plans or projects) likely to have a significant effect on the site?	Yes – On both alignment options. For the Proposed Alignment there will be a likely significant effect on the following SAC habitats: • Blanket bogs • European dry heaths • Wet heathland and cross-leaved heath • Western acidic oak woodland This significant effect would be due to long-term direct and indirect habitat loss and modification of habitats as a result of the construction process for the proposed development. The project would require stripping vegetation and soils/peat from permanent infrastructure leading to permanent loss of some habitats. There would be further modification and some potential loss of habitats from the construction of temporary infrastructure. Required ongoing maintenance of the wayleave would result in an operational effect on the oak woodland habitat. It is considered that there shall be a likely significant effect for otter due to disturbance. This is documented on Appropriate Assessment – Kinloch and Kyleakin Hills SAC – Otter. There will be no likely significant effect on: • Alpine and subalpine heaths (Alpine and Boreal heaths) • Mixed woodland on base-rich soils associated with rocky slopes (Tilio-Acerion forests of slopes, screes and ravines) This is because alpine and subalpine heaths do not occur on or close to the works area and are also unlikely to receive

		longer distance adverse effects from, for example, pollutant dispersal. The mixed woodland on base rich soils is limited in extent and impacts have been avoided due to the route selected. For the Alternative Alignment there will be a likely significant effect on the following SAC habitats: • Blanket bogs • European dry heaths • Wet heathland with cross-leaved heath • Western acidic oak woodland (Old sessile oak woods with Ilex and Blechnum) The reasons outlined above for the proposed alignment also apply here for the alternative alignment. It is considered that there shall be a likely significant effect on otter due to disturbance. This is documented on Appropriate Assessment – Kinloch and Kyleakin Hills SAC – Otter. There will be no likely significant effect on: • Alpine and subalpine heaths (Alpine and Boreal heaths) • Mixed woodland on base-rich soils associated with rocky slopes (Tilio-Acerion forests of slopes, screens and ravines) This is because alpine and subalpine heaths and Tilio-Acerion forests do not occur on or close to the works area and are also unlikely to receive longer distance adverse effects from, for example, pollutant dispersal. For the Removal of the Existing Line It is considered that there shall be a likely significant effect for otter due to disturbance. This is documented on Appropriate Assessment – Kinloch and Kyleakin Hills SAC – Otter.
7	Undertake an appropriate assessment of the implications for the site in view of its conservation objectives.	There is a greater amount of infrastructure required for the Proposed Alignment. Impacts from direct and indirect losses combined are greater for the Proposed Alignment than the Alternative Alignment for oak woodland, blanket bog, wet heath and dry heath. For both alignment options it would be beneficial to limit the amount of infrastructure as far as possible so as to minimise impacts through direct habitat losses. For the Alternative Alignment, habitat losses could potentially be further reduced if it were possible to: 1) Use helicopters to assist construction, thus negating the need for crane access so allowing a narrower track width, as is intended for the Proposed Alignment. 2. Between Bealach Udal and Kylerhea, follow a route between the road and the Kylerhea River, which is for the

		most part outside the SAC boundary. The Shadow HRA notes that the option of undergrounding the cable was not taken forward due to higher impacts on the SAC habitats. If it was technically feasible, following a route outside the SAC would be expected to significantly reduce the amount of SAC qualifying habitats that would be affected. Assessment of conservation objectives Total areas of habitat loss from direct impacts are contained within the Shadow HRA in Table 8.5 and indirect impacts are within tables 8.5 and 8.8. Both Proposed and Alternative Alignments options would affect the conservation objective “Extent of the habitat on site” as per the losses contained within the tables noted above. It is deemed that this conservation objective would not be maintained on the consent of either alignment option. Blanket bog and wet heath For both alignment options, the conservation objectives Extent of habitat on site; to maintain the structure and function of the habitat and processes supporting the habitat will not be met, for both Blanket Bog and Wet Heath qualifying interests Provided work is carried out according to the recommendations in section 1.7 (Recommendations and Mitigation) of the EIAR Appendix V2-4.6: Kinloch and Kyleakin Hills SAC/SSSI Bryophyte and Lichen Survey Report), the conservation objectives Distribution of typical species, the Viability of typical species as components of the habitat will be maintained, for both route alignments. The conservation objective Distribution of the habitat within the site will be maintained. The impacts on the Proposed Alignment on the blanket bog qualifying habitat are greater than that of the Alternative Alignment. The impacts on wet heath are also considered to be greater on the Proposed Alignment than on the Alternative Alignment considering direct and indirect impacts. Western acidic oak woodland The extent of the habitat on site conservation objective will not be met for either alignment as a result of direct impacts from both temporary and permanent infrastructure. Predicted losses from permanent and temporary infrastructure are greater for the Proposed Alignment (0.39ha) then for the Alternative Alignment (0.24ha). Distribution of the habitat within the site conservation objective will be maintained for both alignment options. It is considered the structure and function of the habitat and processes supporting the habitat conservation objectives will be maintained over both alignment options.

		Provided work is carried out according to the recommendations in section 1.7 (Recommendations and Mitigation) of the EIAR Appendix V2-4.6: Kinloch and Kyleakin Hills SAC/SSSI Bryophyte and Lichen Survey Report), the conservation objectives Distribution of typical species, the Viability of typical species as components of the habitat will be maintained, for both route alignments. It is agreed as contained within the Shadow HRA the impacts of the Proposed Alignment on the Western acidic oak woodland qualifying interest are greater than those of the Alternative Alignment. Dry heath It is deemed the extent of the habitat on site conservation objective will not be met for either alignment options. The Distribution of the habitat within the site will be maintained for both alignment options although there shall be a greater loss within the proposed alignment. The conservation objectives to maintain the structure and function of the habitat and Processes supporting the habitat will be met for both alignments. Provided work is carried out according to the recommendations in section 1.7 (Recommendations and Mitigation) of the EIAR Appendix V2-4.6: Kinloch and Kyleakin Hills SAC/SSSI Bryophyte and Lichen Survey Report), the conservation objectives Distribution of typical species, the Viability of typical species as components of the habitat will be maintained, for both route alignments. It is agreed as contained with the shadow HRA that the impacts of the Proposed Alignment on the dry heath qualifying habitat are greater than those of the Alternative Alignment.
8	Modifications required to ensure adverse effects are avoided and reasons for these	An update to the Peat Landslide Hazard Risk Assessment (PLHRA); to include a table similar to Table 1-6 detailing the risk rating for the access tracks on both the Proposed and Alternative Alignments, and an assessment of risk and any further mitigation that may be required. Although these measures will not ensure adverse effects are avoided it is recommended by NatureScot to be conditioned should consent be given to minimise impacts as far as possible: 1. Details of any further ground investigation works within the SAC to be agreed in advance with NatureScot. 2. Following detailed ground investigation works, updated areas of each habitat to be affected within the SAC to be confirmed to the Competent Authority and NatureScot. 3. Details of the final site-specific Construction Environmental Management Plan (CEMP) for the SAC to be agreed with the

		Competent Authority in consultation with NatureScot which includes: - A detailed site-specific Construction Method statement for the SAC. - Full details of the mitigation that would be in place to minimise impacts as far as possible (including but not necessarily limited to the measures set out in Section 10 of the Shadow HRA and Appendix V1-3.6 Schedule of Mitigation Measures of the EIAR). - Where micrositing may be required within the LoD, a commitment that micrositing should not result in the movement of infrastructure into habitats of greater value than the currently assessed locations. - Details of any ancillary works within the SAC such as road improvements, etc. 4. Prior to the start of restoration works a final site-specific Site Restoration Plan for the SAC to be agreed with the Competent Authority in consultation with NatureScot, including full details of the reinstatement and restoration measures proposed. This should include (but not be limited to) appropriate track restoration measures where narrowing of new permanent and upgraded existing access tracks are proposed. 5. A final site-specific Operational Wayleave Maintenance Plan for the SAC to be agreed with the Competent Authority in consultation with NatureScot. 6. Prior to the start of dismantling of the existing line a final site-specific Dismantling Plan for the Existing Overhead Line within the SAC to be agreed with NatureScot. 7. Work is carried out according to the recommendations in Section 1.7 (Recommendations and Mitigation) of Appendix V2-4.6: Kinloch and Kyleakin Hills SAC/SSSI Bryophyte and Lichen Survey Report and Para 4.8.3 of the EIAR Vol 2 Ch4 - Ecology.
	Conclusion	
9	Can it be ascertained that the proposal will not adversely affect the integrity of the site?	It has not been ascertained that the proposal will not adversely affect the integrity of the site.

Assessment of the implications of the proposed Skye Reinforcement Project development for the Kinloch and Kyleakin Hills Special Area Conservation (“SAC”) in view of the conservation objective of the SAC in relation to Otter.

May 2025

The following assessment has been prepared by the Scottish Ministers as the Competent Authority for the Project.

	Description	
1	Brief description of the project	On 15 September 2023, Scottish Hydro Electric Transmission PLC ("SHET") made an application under section 37 of the Electricity Act 1989 for consent for Skye Reinforcement Project within the planning authority area of The Highland Council. The proposal comprises of the construction and operation of approximately 110 km of double circuit steel structure 132 kV overhead line between Fort Augustus and Edinbane Substation, approximately 27 km of new single circuit trident H wood pole overhead line between Edinbane Substation and Ardmore Substation and approximately 750 m temporary diversion of the existing 132 kV overhead line at Inchlaggan. The electricity project would also include approximately 24 km of underground cable.
2	Name of European site potentially affected	Kinloch and Kyleakin Hills SAC
3	European site qualifying interest(s)	Otter The SAC includes a number of upland and woodland habitat features, but this assessment only relates to otter. Impacts on SAC habitats are assessed separately within Appropriate Assessment – Kinloch and Kyleakin Hills SAC
4	Conservation objectives for qualifying interest(s)	To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, ensuring that the integrity of the site is maintained, and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are maintained in the long term: • Population of the species a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species
5	Is the proposal directly connected with, or necessary to, conservation management of the European site?	No – the proposal is not directly connected with or necessary to site management for Nature Conservation.
6	Is the plan or project (either alone or in combination with other plans or projects) likely to have a significant effect on the site?	Yes, there is a Likely Significant Effect ("LSE") for otters through potential for disturbance from both the proposed and alternative alignment options, and from the removal of the existing line.s there are otter breeding or resting sites within 200m of the proposed works. Otter spraint has also been found on the upslope side of the power line and track on larger burns so otters will cross the alignment. There is also the chance of natal holts close to the works – these can be up to 1km inland. The proposed access tracks are likely to increase human activity in the area on a long-term basis. Removal of

		the existing power line will cause disturbance. Standard mitigation is available to address some but not all of these aspects.
7	Undertake an appropriate assessment of the implications for the site in view of its conservation objectives.	In summary, neither the Proposed nor Alternative Alignments will compromise achieving the conservation objectives, provided appropriate mitigation is in place. Overall, the level of long-term disturbance is unlikely to be significant in the context of the population across the SAC, and this conservation objective will be maintained. Subject to appropriate mitigation measures being in place (most of which are also in the generic Species Protection Plan ("SPP")), and taking into account the temporary nature of the work, it should be possible to conclude that there will be no significant disturbance of the species; and also that the population of the species as a viable component of the site and distribution of the species within the site will be maintained for both alignments and removal of the existing line. The structure, function and supporting processes of habitats supporting the species will also be maintained.
8	Modifications required to ensure adverse effects are avoided and reasons for these	A site-specific Species Protection Plan (SPP) for otters, covering construction of the new overhead line and associated infrastructure, removal of the existing overhead line and associated access is to be agreed with the consenting authority, in consultation with NatureScot, in advance of works commencing. Reason: Avoid disturbance to otter holts in this area Helicopter removal of existing pylons and line from Rubha Buidhe to Rubha na Caillich (area west of Rubha Buidhe is already helicopter only) Reason: Avoid disturbance to otter holts in this area
	Conclusion	
9	Can it be ascertained that the proposal will not adversely affect the integrity of the site?	The Scottish Ministers consider that it has been ascertained that the proposal will not adversely affect the integrity of the site (in relation to the otter feature only).