



T: 07733 308 485
E: alan.brogan@gov.scot

Stephen Jack
SP Transmission PLC
By email

14 February 2025

Our References: ECU00002124
ECU00002125
ECU00002126
ECU00002127
ECU00002128

Your References: KTR/200/01
KTR/200/02
KTR/200/03
KTR/200/04
KTR/200/05

Dear Mr Jack,

CONSENT UNDER SECTION 37 OF THE ELECTRICITY ACT 1989 AND DIRECTION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 THAT PLANNING PERMISSION BE DEEMED TO BE GRANTED TO INSTALL AND KEEP INSTALLED OVERHEAD ELECTRIC LINES, KNOWN COLLECTIVELY AS THE KENDOON TO TONGLAND 132KV REINFORCEMENT PROJECT LOCATED WITHIN THE PLANNING AUTHORITY AREA OF DUMFRIES AND GALLOWAY

Applications

1. I refer to the applications ("applications") made on 28 August 2020 under section 37 of the Electricity Act 1989 ("the Act") by SP Transmission Plc, a company incorporated under the Companies Acts with company number SC189126, and having its registered office at 320 St. Vincent Street, Glasgow, Scotland, G2 5AD ("the Company") to install and keep installed:

- 1. ECU00002124 - approximately 10.1 km of double circuit overhead line ("OHL") supported on steel towers (Polquhanity to Glenlee)

- 2. ECU00002125 - approximately 2.6 km of single circuit OHL supported on 'trident' wood poles (Carsfad to Kendoon)
- 3. ECU00002126 - approximately 1.6 km of single circuit OHL supported on 'trident' wood poles (Earlstoun to Glenlee)
- 4. ECU00002127 - approximately 1.2 km of double circuit OHL supported on steel towers (BG Route Deviation)
- 5. ECU00002128 - approximately 32.3 km of double circuit OHL supported on steel towers (Glenlee to Tongland)

The project encapsulates ancillary development, including the laying of 250m of underground cabling to connect into Glenlee substation, the decommissioning and removal of 43.3km of existing OHL known as the N and R routes, removal of existing towers BG098 – BG102, tree felling, access tracks, watercourse crossings, and temporary construction compounds. Together, the proposed OHLs and the ancillary development are referred to in this letter as the "proposed Development".

2. The proposed Development is entirely within Dumfries and Galloway planning authority and the overhead lines are proposed to be located between the following points:

- 1. Polquhanity to Glenlee - between existing sealing end tower DE102R (grid reference NX590893) at Polquhanity and the existing Glenlee substation (grid reference NX606804), via Kendoon substation;
- 2. Carsfad to Kendoon - between existing substation at Carsfad hydroelectric power station (grid reference NX605854), at the southern end of Carsfad loch, to the existing Kendoon substation (grid reference NX605876);
- 3. Earlstoun to Glenlee - between the existing substation at Earlstoun hydroelectric power station (grid reference NX614819) and the existing Glenlee substation (grid reference NX606804);
- 4. BG Route Deviation - between the existing tower BG097 (grid reference NX605803) and the existing Glenlee substation (grid reference NX606804);
- 5. Glenlee to Tongland - between the existing Glenlee substation (NX606804) and the existing Tongland substation (grid reference NX694536).

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

Planning Permission

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

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

Background

6. The proposed Development is situated within Dumfries and Galloway and is located within the Glenkens Valley and Galloway Hills, forming part of the southern reaches of the Southern Uplands. The route covers a linear area, running broadly north to south, from Polquhanity (approximately 3 kilometres to the north of the existing Kendoon substation), to the existing substation at Tongland (approximately 1.5 kilometres to the north of Kirkcudbright). The area is bounded by the A762 and Loch Ken to the east and the eastern periphery of the Galloway Forest Park and forested hilltop summits to the west.

7. The northern section of the proposal is located in an area mainly rural in nature comprising land cover of rough pasture and grazing farmland before entering the coniferous forestry of the Galloway Forest Park on the western side of the Glenkens Valley, west of New Galloway. The central section of the project is located in an area that consists of extensive commercial forestry, including the eastern periphery of the Galloway Forest Park and Laurieston forest immediately to the south. The southern part of the area is predominantly rural and characterised by a pattern of farmland and scattered coppices of deciduous woodland.

8. The proposal would consist of the five separate overhead line connections which are proposed to replace the existing 132kV transmission overhead lines between Polquhanity in the north, through the existing Glenlee substation, and south to the Tongland substation. The 132kV transmission lines to be replaced, currently connect five hydro-electric power stations in Galloway that serve the populations of Galloway, Dumfries and Ayrshire. As well as the five new overhead line connections, the proposal would also result in the decommissioning and removal of approximately 43.3 kilometres of existing 132kV overhead lines known as the N and R routes. The N route is the existing 132kV overhead line between Polquhanity and Kendoon and the R route is the existing 132kV overhead line between Kendoon and Tongland, via Glenlee.

9. **Polquhanity to Glenlee (via Kendoon)** - This route would run south-eastwards before entering forestry east of Barlae Hill and continuing broadly south through the forestry. The route would emerge from forestry to the south-west of Dundough where the overhead line would deviate eastwards to cross the A713 and the Water of Ken to access Kendoon substation via a new L7 terminal tower which would sit within the Kendoon substation compound. From the Kendoon substation the route would follow the alignment of the existing 132kV overhead line between the Kendoon and Glenlee substations, running southwards along the western slopes of the Glenkens Valley, and broadly parallel with the A713. South of Knocknalling Wood, the route would cross the forest estate public road near Polharrow Bridge, continuing broadly south and south-east paralleling the existing 132kV overhead line to the west of the A713. The overhead line route would cross the mid-slopes of the Glenkens valley, avoiding the highest ground, before passing through Hag Wood and descending towards, and crossing, Coom Burn, where it would then connect into Glenlee substation. The overhead line would terminate onto a new gantry within the existing Glenlee substation compound.

10. The Polquhanity to Glenlee connection would comprise a new 132kV double circuit overhead line between Polquhanity (approximately 3 kilometres north of the existing Kendoon substation) and the existing Glenlee substation, via the existing

Kendoon substation. This proposed overhead line, of approximately 10.1 kilometres in length, would connect to the recently consented and constructed overhead line which runs from Polquhanity to the existing New Cumnock substation, 3 kilometres north-east of Dalmellington. Deemed planning permission is also being sought for the removal of the N route towers between Polquhanity and Kendoon (comprising towers N230 to N240 -approximately 2.5 kilometres), and the R route (north) between Kendoon and Glenlee (comprising towers R000A to R29 – approximately 7.6 kilometres).

11. **Carsfad to Kendoon** - From the Carsfad hydroelectric power station at the southern end of Carsfad Loch, the overhead line route would cross the A713 westwards before remaining west of the road and running in a northward's direction across the western slopes of the Glenkens Valley. At the head of Carsfad Loch, the route would cross eastwards over the A713 towards and crossing the Water of Ken to connect into Kendoon substation. The overhead line would terminate within the existing Kendoon substation using a 'slack span' between two new terminal wood poles.

12. The Carsfad to Kendoon connection would comprise a new 132kV single circuit overhead line, of approximately 2.6 kilometres in length, between the hydroelectric power station at Carsfad and the existing substation at Kendoon. The overhead line would be supported on a 'trident' design wood pole.

13. **Earlstoun to Glenlee** - This overhead line route would head south-westerly, and then southerly from Earlstoun hydroelectric power station, following the existing 132kV overhead line across the western slopes of the Glenkens Valley, to the west of the A762. The overhead line would then route south-westerly where it passes through Hag Wood, before crossing Coom Burn in parallel with the existing 132kV overhead line. Once adjacent to the Glenlee hydroelectric power station, the 'trident' wood pole overhead line would terminate and an underground cable would follow the alignment of the minor public roads to access the south-westerly extension to Glenlee substation.

14. The Earlstoun to Glenlee connection would comprise a new 132kV single circuit overhead line, of approximately 1.6 kilometres in length, between the hydroelectric power station at Earlstoun and the existing substation at Glenlee. The overhead line would be supported on a 'trident' design wood pole. A short section of approximately 250 metres of underground cable would be required to connect into the Glenlee substation. During construction, three wood poles would require to be erected on a temporary basis to facilitate safe removal of the existing R route. Following its removal, the line would be diverted onto the final alignment.

15. **BG Route Deviation** - The existing BG route (of which the BG Route Deviation forms part) comprises a 132kV overhead line between the existing Glenlee substation and the substation at Newton Stewart. The overhead line is currently supported on lattice steel towers.

16. To facilitate construction and operation of the proposed overhead line for the Glenlee to Tongland connection five existing towers (BG098-BG102) would be removed and replaced with five new L4m towers located approximately 40 metres north of those towers to be removed. Existing tower BG097 would remain in its location

and be strengthened to accommodate an increased angle onto new tower BG098. The relocation of these towers would result in an approximate 1.2 kilometres deviation of the existing BG overhead line which would connect into Glenlee substation. The existing BG route terminal tower would remain in situ within the existing substation compound and would form part of the proposed new Glenlee to Tongland circuit.

17. **Glenlee to Tongland** - From the south-western extension to Glenlee substation, the route would ascend the western slopes of the Glenkens Valley utilising the existing alignment of the 132kV overhead line (comprising the 'BG' route which connects Glenlee and Newton Stewart substations). The route would then run south until deviating south/south-eastwards at the public road west of Bucks Linn Bridge to cross the lower slopes of Gallows Knowe before crossing the A712 (also known as the Queensway) and Knocknairling Burn. The route would enter forestry heading south-westwards around the western lower flanks of Peal Hill, before heading south and then south-eastwards to contour around the southern slopes of Cairn Edward Hill and Bennan Hill, before passing east of Stroan Loch and crossing the old railway line. The route would then head broadly southwards after crossing the River Dee, passing along the lower eastern slopes of Slogarie Hill within commercial forestry, before continuing south/south-eastwards around the western flanks of Kenick Hill and crossing the minor road running west from Laurieston at Kenick Wood to Gatehouse of Fleet. The route would continue south-eastwards before emerging from the forestry at the south-eastern extent of Laurieston Forest, to cross the A762 and passing to the west of Bargatton Loch. From here the overhead line route would meet and cross the alignment of the existing 132kV overhead line south-west of Dunlop and follow a closely parallel alignment to the existing overhead line southwards, passing east of Upper Balannan before crossing the A75 to the north-east of Ringford. The overhead line route would continue to follow a closely parallel alignment to the existing 132kV overhead line as it crosses relatively higher ground between the valleys of Tarff Water to the west and the River Dee to the east, before running adjacent to the existing quarry north of Tongland and then descending to Tongland substation, west of the A711.

18. The Glenlee to Tongland connection would comprise a new 132kV double circuit overhead line, of approximately 32.3 kilometres in length, between Glenlee substation and the existing Tongland substation. The overhead line would be supported on L4 steel lattice towers, which have six cross-arms (three on each side) and have a standard design height of 26 metres. Deemed planning permission is also being sought for the removal of a section of the R route (south), approximately 33.1 kilometres, between Glenlee and Tongland (comprising towers R30 to R153).

19. In addition to the steel towers and wood poles, additional temporary infrastructure would be required during the felling and construction phase only. Land used for temporary development would be reinstated once the new overhead lines were operational and the N and R routes removed. Deemed planning permission is sought for the following temporary/permanent ancillary development:

- Forestry wayleave (tree felling)
- Timber stacking areas
- Accesses and access tracks (including passing places and turning bays)
- Quarries

- Construction compounds
- Watercourse crossings
- Working areas (around towers and wood poles)
- Undergrounding of distribution voltage network

20. Ancillary development includes minor realignment works at the existing substations at Kendoon, Carsfad, Earlstoun and Tongland. An extension to the existing 132kV Glenlee substation compound is also required to support the wider proposal. An application for planning permission was approved on 11 August 2020. The application for the extension was accompanied by an Environmental Impact Assessment Report and has been considered within the cumulative assessment as part of the Environmental Impact Assessment Report for this proposal.

Legislation

21. Under paragraph 2(1) of Schedule 8 to the Act, notice of an application for section 37 consent must be served on the relevant planning authority. The Scottish Ministers consulted the relevant planning authority, Dumfries and Galloway Council, on 10th September 2020.

22. The applications were submitted in accordance with the paragraph 1 of Schedule 8 to the Act. The Electricity (Applications for Consent) Regulations 1990 ('the consents regulations') apply in relation to an application made under section 37 of the Act. In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Electricity Works (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 ("the EIA Regulations") the Company submitted an Environmental Impact Assessment report ("the EIA report") in support of the applications describing the proposed Development and giving an analysis of its environmental effects.

23. In accordance with requirements of both the consents regulations and the EIA regulations, notice of the proposed Development was published on the Company's website and advertised in local and national press. The applications were made available in the public domain, and the opportunity given for those wishing to make representations to do so. In addition to serving notice on the relevant planning authority, to comply with the EIA Regulations, Scottish Ministers are required to consult NatureScot ('NS'), the Scottish Environment Protection Agency ("SEPA") and Historic Environment Scotland ("HES"), as well as any other public body which in their opinion is likely to be concerned by the proposed Development by reason of that body's specific environmental responsibilities or local and regional competencies. The Scottish Ministers therefore consulted NS, SEPA and HES, and a range of public bodies, in addition to Dumfries and Galloway Council, on 10th September 2020.

24. The Company submitted additional information on 21 July 2021. In accordance with regulation 20 (2) of the EIA regulations, notices were published and an opportunity provided to members of the public wishing to make a representation. The additional information was also made available for comment to those consulted by the Scottish Ministers.

25. 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 representation on the proposed Development.

26. The Scottish Ministers have, in considering the applications, 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. The Scottish Ministers have also had regard to and are satisfied with, in consideration of the environmental information, the extent to which the Company have complied with their duty to do what they reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects. The Scottish Ministers are also satisfied that the proposed Development will avoid, so far as is possible, causing injury to fisheries or to the stock of fish in any waters.

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

Conservation of Habitats and Species Regulations

28. The Conservation of Habitats and Species Regulations 2017 and the Conservation (Natural Habitats, &c.) Regulations 1994 (“the Habitats Regulations”) require Scottish Ministers to consider whether the proposed Development would be likely to have a significant effect on a European site or European offshore marine site (either alone or in combination with other plans or projects), as defined in the Habitats Regulations.

Loch Ken and River Dee Marshes Special Protection Area (SPA)

29. The Loch Ken and River Dee Marshes SPA lies approximately 2.1 kilometres from the nearest point of the proposed development. Sections of the existing R route (south of Glenlee), proposed to be removed as part of the proposal, lie within and in the vicinity of the SPA. The Loch Ken and River Dee SPA is classified for its qualifying interests: greylag goose and Greenland white-fronted goose. The status of the SPA means that the requirements of the Habitats Regulations apply. Consequently, Scottish Ministers are required to consider the effect of the proposed Development on the SPA by carrying out a Habitats Regulation Appraisal (“HRA”).

30. NatureScot advise that the proposed Development is likely to have a significant effect on the qualifying interests of the SPA. Accordingly Scottish Ministers are required to carry out an appropriate assessment in view of the site’s conservation objectives.

31. NatureScot advised that based on the information provided, the proposal would not adversely affect the integrity of the site. Their advice considered the following factors:

- The only work to be carried out within or in close proximity to the Special Protection Area and with potential to disturb roosting or feeding geese within or in close proximity to the site, is the removal of part of the R route (south), where it crosses the Special Protection Area. Any of this work within 500 metres of the site boundary would be undertaken outside the winter period when the geese are not present on the site.
- Any disturbance of geese feeding outside the Special Protection Area would be temporary and wouldn't affect favoured feeding areas. The geese use a variety of foraging areas over a wide area, providing alternative areas to feed if disturbed.
- The risk of collisions with the new overhead line connections while geese are moving between the Special Protection Area and surrounding foraging areas is very low.

32. The appropriate assessment concluded, following advice from NatureScot, that the proposed Development alone and in combination with other projects or proposals that could have impacts on the Loch Ken and River Dee Marshes SPA, will not adversely affect the integrity of the SPA. The appropriate assessment is provided in Annex 4 of this letter.

Public Inquiry

33. In terms of paragraph 2(2) of Schedule 8 to the Electricity Act, if the relevant planning authority makes an objection to an application and that objection is not withdrawn, the Scottish Ministers must cause a public inquiry to be held unless the Scottish Ministers propose to accede to the application subject to such modifications or conditions as will give effect to the objection.

34. The planning authority objected to the applications. In accordance with paragraph 2 (2) the Scottish Ministers referred the applications to the DPEA in order that a public inquiry be held. By 12 October 2022, the planning authority had changed its position on all 5 applications to one of no objection.

35. Paragraph 3 (2) of Schedule 8 to the Act sets out that where, in the case of an application for consent under section 37 of the Act, the Scottish Ministers are not required to hold an inquiry by virtue of paragraph 2 (2), but objections have been sent to the Scottish Ministers in pursuance of the consents regulations, the Scottish Ministers must consider those objections together with all other material considerations with a view to determining whether a public inquiry should be held with respect to the application and, if the Scottish Ministers think it appropriate to do so, shall cause a public inquiry to be held. Having undertaken this consideration, the Scottish Ministers considered it appropriate to hold a public inquiry, and on 19th October 2022, reporters were appointed by the Scottish Ministers for that purpose.

Report of Inquiry

36. The reporters held a pre examination meeting on 15 June 2022. Five inquiry, seven hearing and one evening session were held. (24 October 22 to 28 November 2022 and 29 March 2023). Various further written submissions (including five procedural notices) were considered. Unaccompanied site inspections (August 2022 and 28 March 2023) and accompanied site inspections (30 November 2022 and 28 March 2023) were undertaken by the reporters.

37. The report of Inquiry and recommendation was submitted to Scottish Ministers on 7 February 2024.(the “PI Report”) The PI Report is set out under the following headings and provides the following:

Chapter 1 - Background

Chapter 2 - The technical and economic justification for the project

Chapter 3 - The justification for the Environmental Impact Assessment methodology

Chapter 4 - Strategic alternatives including undergrounding – comparison of benefits/harms

Chapter 5 – Strategic route selection, design strategy and consultation

Chapter 6 – Impact on forestry

Chapter 7 – Landscape and visual impact (including cumulative and sequential impacts, impacts of the on and off-site access works, visual impact on residential amenity and the combined implications for residential properties)

Chapter 8 – Socio economic, tourism and recreation impacts

Chapter 9 – Traffic and transport impacts – particularly on residential amenity and including the combined implications for residential properties

Chapter 10 – Impact on other nature conservation interests (including ornithology)

Chapter 11 – The renewable energy and other benefits of the proposal

Chapter 12 – Other matters for Ministers’ consideration

Chapter 13 – Local amenity impacts (evening session)

Chapter 14 – Proposed conditions and legal agreement

Chapter 15 – Conclusions and recommendation

Appendix 1 – Recommended conditions

Appendix 2 – Draft legal agreement

Appendix 3 – Core documents and webcasts

Appendix 4 – The Company’s summary of case and documents

Appendix 5 – Scottish Forestry summary of case

Appendix 6 – The Galloway without Pylons Group summary of case and documents

Appendix 7 – The Galloway and Southern Ayrshire Biosphere Reserve summary of case

Appendix 8 – Lord Sinclair – Knocknalling Estate summary of case and documents

Appendix 9 – Alistair Kerr inquiry statement

38. The reporters’ recommendation is that the Scottish Ministers should refuse to grant section 37 consent. For the reasons given in this letter, the Scottish Ministers have taken a different view and have determined to grant consent.

Consultation Responses

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

Statutory Consultees

40. **The Planning Authority, Dumfries and Galloway Council** objected following the meeting of its Planning Applications Committee on 14 April 2021, on the basis that “it (had) not been proved as yet that the proposals would not have an unduly adverse effect on the landscape character due to (the) proposal running through two Regional Scenic Areas and that underground would be the preferred option to protect those sensitive areas, landscape views and visual amenity”. This was contrary to the planning officer’s report to committee which recommended that no objection be made to the applications, subject to conditions being attached.

41. The planning authority later stated in an email dated 29 June 2022 that it was not maintaining its objections regarding three of the five applications, namely the applications in relation to the BG Route Deviation, Carsfad to Kendoon and Earlstoun to Glenlee. The planning authority at that point maintained its objections to Glenlee to Tongland and Polquhanity to Glenlee. On 12 October 2022 a further email from the planning authority stated that as a consequence of considering information contained in a document submitted by the Company on 23 September 2022 (APP004.004 Inquiry Report: Landscape and Visual Impact) they had concluded that the concerns regarding the proposed Development’s potential impact on Regional Scenic Areas, as identified in their prior objection, had been addressed. The elements of the planning authority’s objection on the grounds of the impacts on tourism and absence of undergrounding were predicated on their concerns regarding the original Landscape and Visual Impact Assessment; it was considered that there was no basis for the maintaining of their opposition to the applications and the planning authority withdrew their objection.

42. **HES** raised no objection, stating that the proposals do not raise historic environment issues of national interest.

43. **NatureScot** raised no objection, stating that significant adverse effects on Annex 1 and Schedule 1 birds can be avoided – key to this will be pre-construction surveys, a bird protection plan, and employment of an ecological clerk of works to oversee implementation of that plan. Removal of the R route will allow regeneration of woodland within that corridor. NatureScot considers that there are natural heritage interests of international importance on and close to the site (wintering goose interest of the Loch Ken and River Dee Marshes Special Protection Area) and SSSI interests on and close to the areas proposed for development, but these would not be adversely affected by the proposal. The proposal would not have an adverse effect on the integrity of the Fleet Valley National Scenic Area and East Stewartry Coast National Scenic Area, or the objectives of these designations; and the proposal would not have a significant effect on the Merrick Wild Land Area. The Scottish Ministers have imposed conditions at Annex 2 requiring pre construction surveys, bird protection plans and the appointment of an ecological clerk of works.

44. **SEPA** initially objected to the proposal. This objection was subsequently withdrawn, further to the review of additional information received from the Company, and subject to various information being provided via condition/s. The information to be provided by condition includes a monitoring regime, details of mitigation measures, a forestry management plan, general wetland ecology mitigation/micro-siting and a restoration strategy. The Scottish Ministers have imposed conditions, recommended by the reporters, at Annex 2, which give effect to the concerns of SEPA.

Internal Scottish Government Advisors

45. **Marine Scotland Science (“MSS”)** did not respond to the consultation.

46. **Scottish Forestry** objects to all five applications due to the loss of 242.97 hectares of woodland, including 42.37 hectares of Ancient and Semi-Natural Woodland Sites (ASNW) sites identified within the Native Woodland Survey of Scotland (NWSS) and Plantations on Ancient Woodland Sites (PAWS). The Scottish Ministers have imposed a condition requiring submission of a woodland planting strategy, which must set out an approach for the replanting of any trees felled as a result of development undertaken in pursuance of the proposed Development.

47. **Transport Scotland** was satisfied with the submitted Environmental Impact Assessment for the proposal, in terms of the proposed Development’s likely impact on traffic and transport but asked for some additional information in relation to the A75 crossing. Subsequently, as part of the inquiry, Transport Scotland gave further written advice on this matter and now considers the Company’s approach to be acceptable, subject to the addition of a condition. The Scottish Ministers have imposed a condition requiring a construction traffic management plan to be submitted before any development commences, which must include details of the methodology to be adopted in relation to the crossing of the A75 trunk road east of Ringford.

48. **Ironside Farrar**, advisors to Scottish Ministers on Peat Landslide Hazard Risk Assessment (“PLHRA”) advised the Scottish Ministers on 23 August 2024, following an audit of all information against the Scottish Government’s best practice guidance, that the peat landslide hazard risk assessment carried out by the Company in relation to the proposed Development was acceptable and that all issues of risk have been appropriately addressed.

Non-statutory consultees

49. **Galloway Fisheries Trust** objects to the proposal unless reassurances are provided that a suitable Fish Monitoring Plan would be undertaken to ensure that sensitive fish populations are identified and monitored. This should cover pre-construction, during construction and post construction phases and include all watercourses supporting fish. If impacts are found, then appropriate mitigation should be completed to address the impacts. The Scottish Ministers have imposed a condition in order to give effect to the concerns of the Galloway Fisheries Trust.

50. **The Royal Society for the Protection of Birds (RSPB)** objects to the Glenlee to Tongland application due to the potential impacts through collision risk to nightjar (which is a European Commission Directive 1 Annex 1 species). Additional concerns

are expressed regarding potential impacts to wildfowl and breeding raptors through collision along this line and additional sections of this project. Mitigation measures along the Polquhanity to Glenlee, Carsfad to Kendoon and Glenlee to Tongland sections are recommended to reduce this risk. RSPB also refers to the impact on broadleaf woodland from the proposal as a whole and that the impact on this resource should be addressed through mitigation measures which may include the re-routing of sub-sections of the route. Undergrounding of the Glenlee to Tongland section in its entirety or as sub-sections would also mitigate the impacts for this resource. Reporters have considered the issues of concern raised by the RSPB and the Scottish Ministers have taken into account those considerations and imposed conditions, recommended by the reporters, at Annex 2, which give effect to some of the concerns of the RSPB.

51. **Ministry of Defence** has no safeguarding objections to the proposal provided that the development is fitted with Ministry of Defence accredited aviation safety lighting. The height of the development would necessitate that aeronautical and mapping records are amended. A condition should be attached in respect of location; notification of commencement and completion of construction; heights; and details of aviation lighting. The Scottish Ministers have imposed conditions, recommended by the reporters, at Annex 2, which give effect to the concerns of the Ministry of Defence.

52. **Royal Burgh of New Galloway and Kells Community Council** objects to the Glenlee to Tongland application. Concerns are expressed about poverty in the area as well as the impact on tourism, the beautiful/iconic countryside, the UNESCO Biosphere and the National Park application. In addition, the adverse impact on access routes, many of which are core paths and of works traffic through villages are referred to. The community councils considers that whole route should be underground.

53. **Twynholm Community Council** (accepted as a late representation by reporters) has responded to state that the route close to the community council boundary replicates the previous route and appears to be appropriate and the optimal solution. However, it states that the current height of the pylons is 20 metres and the new height is expected to be a minimum of 26 metres, an increase of 30%. The 29 metre pylons would bring a 45% increase in height and the 35 metre pylons, a 75% increase. It considers that the structures would also be bulkier. The current pylons have three arms and the new pylons would have a doubling of arms to six. In addition, there would be a doubling of cable. The effect would be to increase the density of the infrastructure, twofold, to viewers. The community council states that the area is dependent on tourism. The cables, in its view, should be underground for a distance on either side of the A75.

54. **Balmaghie Community Council** has responded in relation to the Glenlee to Tongland application. It is of the opinion that the new pylons would be detrimental to the local countryside and that undergrounding either substantial sections or ideally all of the new line would be most desirable. Overhead lines in the Fleet Valley National Scenic Area are already being removed in favour of undergrounding. The potential collision risk to, for example, nightjars and red kites is referred to. Also, the community council note that construction period could run to five to seven years, to allow for project slippages. The heightened vehicular activity during the construction phase would have not only a human impact on the community, for example, vehicular

emissions and noise, but also a road safety aspect for walkers, cyclists and horse riders (on the B795, C13 and A762).

55. **Gatehouse of Fleet Community Council** has registered its concern about the proposed installation of 120 pylons in the Glenlee to Tongland application in spite of the fact that, since the original planning of the project, they consider that the demand for electricity has reduced. As members of the Biosphere area, the Area of Natural Beauty, possibly a National Park, and an area that relies on tourism, the visual aspect of these erections would be in their view, detrimental to all the local views. The electricity supply on wooden poles to Gatehouse down the road from Gatehouse station has been put underground. They note the Company's admittance that "the underground option is technically feasible and, on balance, environmentally preferable having regard to landscape and visual as well as forestry impacts". The argument is therefore purely one of the cost. Concern is also expressed about the consequential damage to forestry in particular on the road from Gatehouse to Lauriston (B727), as well as the possibly harmful emissions that the pylons produce in their vicinity.

56. **Borgue Community Council** has responded to recommend that an underground cable should be pursued for the Glenlee to Tongland section. The community council recognise the need to upgrade the power distribution infrastructure in the region but, the proposed replacement of the existing overhead power lines with a larger set of pylons, in a different location, would have a significant negative impact on the landscape and environment of the Galloway Glens. There are concerns about the effect of the power lines on bird species and the impact of the construction process on mammals, reptiles and amphibian species. In addition, the community council raise concerns about the impact on popular tourist sites and paths and tracks that are popular with walkers and cyclists (such as the Queen's Way, Stroan Loch, Raiders' Road, Laurieston Forest, and Barstobrick). The extra cost of undergrounding, in the community council's view, does not take into account the long-term benefits of reduced maintenance costs and additional protection from environmental factors such as strong winds and lightning strikes. The community council's view is that the future of Dumfries and Galloway is strongly dependant on supporting tourism which brings in around £300 million a year to the region. The installation of underground power cables has already been achieved in other areas of natural beauty including the Lake District, the Cairngorms National Park and even more locally, in the Fleet Valley.

Consultees who do not object

57. The following consultees have no objection to the proposed Development:

- RSP Safeguarding
- Met Office
- Scottish Water
- British Telecom
- Coal Authority
- The Office for Nuclear Regulation
- Network Rail
- The British Horse Society
- Glasgow Prestwick Airport

- Scotways

58. Consultees who did not respond to the consultation are as follows: Glasgow Airport, Civil Aviation Authority, Crown Estate Scotland, Fisheries management Scotland, John Muir Trust, Mountaineering Scotland, Scottish Wildlife Trust, National Trust for Scotland, Sustrans Scotland, Visit Scotland, Association of the Protection of Rural Scotland, West of Scotland Archaeological Service, Balmaclellan Community Council, Dalry Community Council, Royal Burgh of Kirkcudbright and District, Tongland and Ringford Community Council, Kellon Community Council and Mossdale Residents Association.

Representations

59. The Scottish Ministers received 984 objections from members of the public. Grounds of objection raised in representations included:

- Impacts, including cumulative impacts, on landscape character and visual amenity;
- Impact on the UNESCO biosphere;
- Impact on bid for National Park status for the area;
- Impact on the economy and local businesses;
- Impacts on tourism;
- Recreation impacts including impacts on users of the Southern Upland Way;
- Impact on roads including an increase in vehicle movements;
- Loss of forestry, including ancient and semi natural woodland and native woodland;
- Impacts on watercourses;
- Impact on peat;
- Impact on cultural heritage assets;
- Impact on Non-Inventory Designed Landscape;
- Impact on birds, butterflies and insects;
- Length of construction period (approximately 58 months) which could easily extend to six or seven years;
- That the proposal is not in accordance with the Holford Rules;
- That the proposal is not compliant with Schedule 9 of the Act;
- That the proposal should be placed underground;
- That the document estimating the cost of undergrounding wasn't independent as it was funded by the Company;
- That the existing overhead line should be upgraded instead;
- That assessment of alternatives was inadequate;
- That the needs case for the project has not been demonstrated;
- That the area should be 'kept as a carbon sponge';
- That the proposal is contrary to Scottish Government and Dumfries and Galloway climate change strategies;
- That it would result in disruption to Laurieston, Mossdale, Tongland and New Galloway during construction;
- Impact on Stroan Loch, Otter pool, Kennick Burn, Loch Whinyeon, Lochenbrek Loch, Neilson's Monument, Barstobrick Hill, the Bruce Mausoleum, Red Kite Feeding Station and the Galloway Kite Trail;

- There are shortcomings in the Environmental Assessment, species/habitat assessment, and field work;
- That the EIA concentrates on designated features and assets, and that impacts on intervening countryside are less well considered;
- That the consultation process was inappropriate;
- That the underground study never presented to community for views;
- The lack of hard copies for public view;
- Impact of Electro Magnetic Fields (EMFs) on health, including micro shocks;
- The appearance and colour of the pylons.

60. The Scottish Ministers are satisfied that the matters raised in the representations and in consultation responses have been appropriately assessed and taken into account in the determination of the proposed Development.

The Scottish Ministers' Considerations

61. The Scottish Ministers have considered the main deciding factors advised by the reporters at paragraph 1.33 of the PI report. While the need for and benefits of the proposal are key considerations, Scottish Ministers consider that the technical and economic justification as considered in chapter 2 of the PI report goes beyond what Scottish Ministers require to consider, in examining the roles of the system operator and the authority, and the decisions or assessments made by them in undertaking those roles, in advance of submission of the applications.

62. Scottish Ministers have taken into account the reporters' considerations as regards the Environmental Impacts Assessment methodology and agree with the reporter's conclusions in Chapter 3.

63. The Scottish Ministers have considered chapters 4 and 5 relating to the consideration of alternatives and find that the Company have complied with their statutory obligations in that regard under the EIA regulations. The EIA report was subject to transitional provisions therefore schedule 4 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 applied to the content of the EIA report. The EIA report contained, as required by the schedule, a description of the main alternatives studied by the Company and the main reasons for the choice made in the applications, taking into account the environmental effects. The Company has complied with this requirement and supplied information that goes beyond that requirement.

64. In consideration of the applications, the EIA report, responses from consultees, and the PI report, Scottish Ministers consider that the Company have done what they reasonably can to mitigate the effects of the proposed Development, which is the installation of an overhead line, in accordance with schedule 9 of the Electricity Act 1989. A wide range of alternatives were considered prior to submission of the applications and a description of the measures envisaged in order to avoid, reduce and if possible, remedy significant adverse effects was provided.

Main determining Issues

65. Having considered the applications, the EIA report, responses from consultees, the PI report and relevant Scottish Government policies, Scottish Ministers consider that the main determining issues are:

- the environmental impacts of the proposed Development, in particular the landscape and visual impacts and the impacts on woodland;
- other impacts of the proposed Development –socio economic impacts, and impacts on recreation and tourism;
- the contribution the proposed Development will make to energy security, and in realising the wider benefits of renewable electricity generation connection to the national grid;
- the extent to which the proposed Development accords with and is supported by Scottish Government policies.

These issues are considered in turn below.

Assessment of the Determining Issues

Environmental Matters

Landscape and visual effects

66. Chapter 7 of the PI report summarises the landscape and visual impacts of the proposed Development as contained in the EIA report and identifies that no statutory consultees maintained an objection to the proposed Development on those grounds following the planning authority's withdrawal of its objection.

67. The reporter's conclusions on landscape and visual impacts are set out in paragraphs 7.5 – 7.185 of the PI Report with the overall conclusions on landscape and visual impacts set out in paragraphs 7.186 to 7.192.

68. The Scottish Ministers have considered paragraphs 7.186 – 7.192 of the PI report and agree with the reporter's findings on the likely significant effects of the proposed Development on landscape and visual receptors.

69. Reporters in their overall conclusions in chapter 15 (conclusions and recommendations) at paragraph 15.62 of the PI report consider that *"the proposal would have significant landscape, visual and cumulative effects (positive and negative). It would not compromise the overall integrity of the Galloway Hills and Solway Coast Regional Scenic Areas or breach the Residential Visual Amenity Thresholds for any properties. As a consequence of the extent on new significant effects and the increase in size of the new connections, we do not consider that the positive impact of the removal of existing infrastructure would offset the negative impacts of the new infrastructure. Although the effects would be localised from locations along its length, we have concluded that they would not be localised or limited in extent in terms of sequential impacts on residents and visitors, when travelling along its length. However, we do accept that major infrastructure projects such as this proposal would inevitably have a certain level of adverse effects."*

70. The Scottish Ministers have taken all of the environmental information into account and agree with the findings and conclusions of the reporters that the proposal would have significant landscape, visual and cumulative effects both positive and adverse.

Effects on woodland

71. Chapter 6 of the PI report summarises the findings of the EIA report in relation to forestry.

72. The reporters note that Scottish Forestry has objected to the loss of woodland associated with the proposed Development. The Royal Society for the Protection of Birds – Scotland, the Galloway and Southern Ayrshire Biosphere Reserve Partnerships Boards, two community councils, the Galloway Without Pylons Group and a large number of the third-party representations, also refer to concerns with regards to the impact on forestry.

73. The reporters identify at paragraph 6.7 that all parties agree that the proposed Development would result in losing an area of approximately 242.97 hectares of forestry, comprising 163.47 hectares within the wayleave, 7.71 hectares for access tracks, 2.26 hectares for site compounds and 69.33 hectares for quarry sites. This would include approximately 42.37 hectares of Ancient and semi-natural woodlands (ASNW), sites identified within the native Woodland Survey of Scotland (NWSS) and Plantations on Ancient Woodland Sites (PAWS) to be felled. The Company differentiates between the 26.01 hectares registered as ASNW or NWSS and the 16.36 hectares designated as PAWS. The reporter has indicated in paragraph 6.10 of the PI Report that a precautionary approach has been taken that assumes the PAWS woodland is equally worthy of protection. The remaining 200.6 hectares of forestry lost would comprise of predominately coniferous commercially planted forestry.

74. Within the reporter's conclusions, they consider that the compensatory planting proposed by the Company would not compensate for the 42.37 hectare loss of ASNW, NWSS and PAWS and planting new native woodland off site would not recreate it. Reporters do not consider that the mitigation of woodland impacts proposed by the Company would avoid, prevent or off set the significant adverse effects on the ASNW, NWSS or PAWS, to an acceptable degree.

75. In chapters 4 (paragraphs 4.35 – 4.37) and 5 (paragraph 5.29) of the PI report, reporters advance the view that the Company's consideration of alternatives was inadequate, and that an alternative approach to such consideration may have identified opportunities to reduce the amount of felling required. The reporters further speculate that in the current policy climate a different approach to consideration of avoidance of woodland may have been taken.

76. In Chapter 15 (paragraph 15.67) the reporters found that one of the disbenefits of the proposal would be - *“a significant detrimental impact on woodland, including Ancient and Semi Natural Woodland Sites, sites identified within the Native Woodland Survey of Scotland and Plantations on Ancient Woodland Sites, in terms of both loss and fragmentation, with a corresponding negative contribution towards reducing*

emissions by the removal of a natural carbon sink and towards addressing the global nature crisis.”

77. The Scottish Ministers have taken account of the EIA Report, consultation responses and public representations alongside the reporters’ considerations and subsequent conclusions. The Scottish Ministers agree with the reporter that the significant adverse impacts of the proposed Development on woodland are a main issue to be weighed in the overall balance.

Other Environmental Matters

78. Chapter 10 of the PI report summarises the nature conservation effects including those on ornithology. The reporter concludes that subject to mitigation measures, to be secured by conditions imposed on the deemed planning permissions, that there would be no significant residual nature conservation effects. The Scottish Ministers agree with this conclusion.

79. At Chapter 12 reporters consider other matters for Minister’s consideration namely: intra-connection and intra KTR effects; archaeology and cultural heritage impacts, including impact on setting; impact on geology, hydrology, hydrology and water resources (including impacts on water supplies, flood risk, water quality, fishing interests, peat and groundwater dependant territorial ecosystems); other construction impacts including noise; and electromagnetic field (EMF) radiation.

80. The reporters identify at paragraph 12.4 that Historic Scotland has no objection to the proposed Development. The council’s Built Heritage Policy Officer and archaeologist have no objections, subject to the imposition of conditions. The council Flood Risk Management Team has no objection to the proposal and SEPA has no objection subject to the imposition of conditions. The reporters consider that various representations refer to concerns to these matters, including the Galloway without Pylons Group, the Galloway Fisheries Trust and the Gatehouse and Kirkcudbright Angling Association.

81. Reporters consider at paragraph 12.37 that most of the matters discussed in chapter 12 did not attract significant comment from objectors to the proposal and none were issues raised in an objection by any statutory consultee. Reporters concluded that the combined effects of the proposed Development (‘intra connection and intra KTR effects’) would not be significant. In terms of archaeology and cultural heritage impacts reporters note that there will be localised significant adverse effects on the setting of an archaeological site (moderate (significant) effect on the setting of the Stroan settlement). Reporters also note that the EIA report identifies a small number of locations across the project route where construction processes would have a moderate and significant effect on peat. On the water environment, a moderate significant but highly localised effect on two rush pasture GWDTEs is predicated by the Company within the Glenlee to Tongland connection due to loss of habitat.

82. The reporters conclude that there would be no significant effects relating to construction or operational noise and accept the Company’s position that there would be no significant effects arising from EMF exposure.

83. The Scottish Ministers have taken account of the EIA Report, consultation responses and public representations alongside the reporters' considerations and subsequent conclusions. The Scottish Ministers agree with the findings and conclusions of the reporters on other environmental matters.

Socio-economic, tourism and recreation impacts

84. At Chapter 8 of the PI Report, the reporters summarise the socio-economic, tourism and recreation impacts of the proposed Development.

85. The reporters identify at paragraph 8.6 of the PI Report that many of the representations received objecting to the proposal cite adverse socio economic, tourism and/or recreation impacts, including the Galloway Without Pylons Group, The Galloway and Southern Ayrshire Biosphere Partnership Board and the Royal Burgh of New Galloway and Kells; Twynholm; Balmaghie: Gatehouse of Fleet and Borgue Community Councils.

86. Reporters found in their overall conclusions (paragraphs 8.38-8.41) that the proposal would have a moderate (significant) beneficial short term effect on the forestry sector during the construction phase due to the level of additional employment required for proposed tree felling works and that during this same period there would be a moderate adverse (significant) short term effect on designated walking and recreation routes. Once the proposed line was operational, reporters found that a moderate (significant) adverse effect would remain for designated walking and recreation routes and this would be the proposed Development's only significant long term effect within the tourism and recreation sector, overall, there would be no significant effect on that sector. Reporters consider that the electricity transmission sector would experience a moderate (significant) positive long term effect once the proposed line became operational.

87. Reporters consider that the concerns of local residents and tourism and recreation providers that the proposal might reduce visitor numbers are understandable. However, they are not supported by substantive and corroborated evidence that visibility of energy infrastructure has a significant adverse effect on visitor numbers. Reporters therefore agree with the Company that in the absence of any clear empirical link between the visibility of energy infrastructure and visitor numbers to tourist areas, the long term effect of the proposal as a whole on the tourism and recreation sector would be minor adverse (not significant).

88. The Scottish Ministers have taken account of the EIA Report, consultation responses and public representations alongside the reporters' considerations and subsequent conclusions. The Scottish Ministers agree with the findings and conclusions of the reporters regarding the socio-economic, tourism and recreation impacts of the proposed Development and adopt them as their own.

The need for and benefits of the proposed Development

89. The existing connections now need to be replaced as they are at the end of their operational life, having served the populations of Galloway, Dumfries and Ayrshire with electricity since the 1930s. The existing lines are running at full capacity,

and due to the age of the infrastructure, they are at increased risk of outages. Replacement is essential to provide long term energy security.

90. The Company estimates that the proposed Development would provide prospective generators with 334 MW of secure export capacity and a further 334 MW on a 'non-firm' basis. This transmission capacity would benefit both contracted generators, future generators, and also electricity generators in the locality that are already connected to the network but are unable to output electrical energy to their full potential due to the restricted capacity of that network.

91. In Chapter 11 of the PI Report, the reporters consider the Renewable Energy and other benefits of the proposed Development. A hearing session was held on 2 November 2022.

92. Reporters set out at paragraph 11.2 the Company's argument that substantial weight should be given to the contribution that the proposed Development would make to assisting in the transmission of renewable energy, and the associated benefits of contributing to measures that will address the climate emergency. Reporters note that the Galloway Without Pylons Group and other representations accept the importance of a transition to a low carbon energy generation, but believe that, due to a number of factors the proposed Development would not have a materially positive effect.

93. Reporters identify at paragraph 11.3 that the Company also stresses the necessity of dealing with the end of life status of the existing transmission assets, many of which are around 90 years old. This outcome, and the security of supply that it would provide for around 30,000 customers is argued to be a further benefit of the scheme to which significant weight should be given.

94. Reporters in their overall conclusions (paragraphs 11.35 - 11.36) on the renewable energy and other benefits of the proposal consider that *"having regard to the seriousness of the global climate change emergency and the importance this is given in United Kingdom and Scottish Government policy, the vital role that onshore wind will play in achieving the targets that have been set in order to address this emergency, and the significant level of renewable electricity generation that the proposal is predicted to facilitate, we conclude that, when weighing positive and negative consequences in the planning balance, its renewable energy benefits should be given significant weight."* Reporters also conclude that the additional significant weight should be given to the proposal's ability to secure electricity supply to local consumers.

95. The Scottish Ministers have taken account of the EIA Report, consultation responses and public representations alongside the reporters' considerations and subsequent conclusions. The Scottish Ministers agree that significant weight should be given to renewable energy benefits and the ability of the proposed Development to secure electricity supply to local consumers.

The Scottish Government Policy Context

National Planning Framework 4

Part 1 – A national spatial strategy for Scotland

96. Strategic electricity transmission infrastructure development such as the proposed Development is designated as a national development in NPF4. National developments are significant developments of national importance that will help to deliver the spatial strategy. Their designation means that the principle of the development does not need to be agreed in later consenting processes, providing more certainty for communities, business and investors.

97. Strategic electricity transmission infrastructure supports the delivery of sustainable places. 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 electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. The need for this National Development is on the basis that additional electricity generation from renewables, and electricity transmission capacity at scale, is fundamental to achieving a net zero economy and supports network resilience.

Part 2 – National Planning Policy

98. Scottish Ministers have considered the policies in NPF4, noting that the policies should be read as a whole. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies.

99. The reporters have concluded that the proposed Development would be supported by policy 11 of NPF4. Policy 11 states that development proposals such as grid transmission infrastructure will be supported. The policy intent is to encourage, promote and facilitate all forms of renewable energy development onshore and offshore, including new and replacement transmission infrastructure. Scottish Ministers consider that, in considering NPF4 holistically, most weight should be placed on policy 11 in considering whether the proposed Development is supported by NPF4.

100. The reporters conclude that the Company has done all that could be reasonably expected to maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities in accordance with this criterion. The Scottish Ministers agree.

101. Scottish Ministers are satisfied that project design and mitigation have demonstrated how the impacts set out in 11 e) i. – xiii have been addressed. Scottish Ministers agree with the statement of the reporters in paragraph 15.20 of the PI report, including that the proposed removal of 242.97 hectares of woodland including 42.37 hectares of Ancient and Semi-Natural Woodland Sites, sites identified within the Native Woodland Survey of Scotland and Plantations on Ancient Woodland Sites, even with the compensatory planting and biodiversity enhancements proposed, would not conserve, restore or contribute to the enhancement of biodiversity overall. Scottish Ministers agree that there would be a number of significant residual impacts on woodland which cannot be mitigated.

102. Scottish Ministers agree with reporters that significant weight should be placed on the contribution of the proposed Development to renewable energy generation targets and on greenhouse gas emission reduction targets. Grid capacity should not constrain renewable energy development. Consideration has been given by the Company to the possibility of an underground connection. Overall, Scottish Ministers consider there is strong support for the proposed Development in policy 11.

103. Scottish Ministers have considered other relevant policies and agree with the reporter that policies 1, 3, 4, and 6 are most relevant to the proposed Development.

104. The intent of policy 1 is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. The reporters accept that the proposal would enable the expansion of renewable energy capacity, allowing renewable generation to make a contribution to renewable energy generation targets within the key timescale of before 2030. It would provide prospective generators of renewable energy with 334MW of secure export capacity and a further 334MW on a non-firm basis. The contribution that the development would make towards the delivery of that renewable generation capacity, would in turn enable emissions reductions. The reporters attach significant weight to the proposal's contribution overall, in reducing emissions and addressing the global climate emergency.

105. The reporters also attach significant weight to the global nature crisis. The proposed Development would result in the loss of 242.97 hectares of woodland including 42.37 hectares of Ancient and Semi-Natural Woodland Sites (ASNW), sites identified within the Native Woodland Survey of Scotland (NWSS) and Plantations on Ancient Woodland Sites (PAWS). The re-planting of new woodland as proposed by the Company would take time to reach a similar level of maturity in terms of both its carbon capture role in tackling the climate emergency and its biodiversity role in tackling the nature crisis. As accepted by the Company, the compensatory planting would not fully compensate for the loss of Ancient and Semi-Natural Woodland Sites, sites identified within the Native Woodland Survey of Scotland and Plantations on Ancient Woodland Sites, given the special qualities of these areas. The ecological and ornithological benefits cited by the Company through the proposed Forest Design Concept (within the wayleave corridor on land owned by Forestry and Land Scotland and targeted at areas to give maximum environmental benefits), the Green Networks Scheme and the removal of the R route from the Loch Ken and River Dee Marshes Special Protection Area and the River Dee (Parton to Crossmichael) Site of Special Scientific Interest would not fully mitigate the impact.

106. Reporters do not expressly set out whether in their view, the proposed Development finds support overall from policy 1. Reporters set out that significant weight must be given to the proposal's contribution in addressing the climate emergency, as well as to the global nature crisis. Mitigation as proposed would not counterbalance the loss of an of an irreplaceable resource.

107. On balance, Scottish Ministers consider the proposed Development is supported by policy 1. The policy does not require proposals to respond equally to both the climate emergency and the nature crisis. While significant weight must be given to the environmental impacts of the removal of woodland, and to the conclusion

that those impacts will not be fully mitigated, the resultant emissions and biodiversity impacts would be offset to an extent over time by planting and other measures committed to by the Company and secured by conditions. More significant weight is afforded to the long term environmental benefits associated with an expanded grid, capable of connecting a significant amount of renewable energy over the lifetime of the assets. The contribution that the proposed Development would make to tackling the global climate emergency would in time assist in mitigating the damage to natural habitats and biodiversity caused by climate change itself.

108. Policy 3's intent is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Scottish Ministers have considered the reporters' reflections on whether the proposed Development is supported by policy 3, and agree that the proposal would contribute towards some nature based solutions; biodiversity enhancement in addition to mitigation; and local community benefits in terms of criterion (b)(ii), (iv) and (v), through the proposed Green Networks Scheme, the Forest Design Concept and the removal of the R route from the Loch Ken and River Dee Marshes Special Protection Area and the River Dee (Parton to Crossmichael) Site of Special Scientific Interest. However, the proposal would be contrary to criteria 3 (b) and (d).

109. The reporters have not identified any conflict in terms of policy 4 and Scottish Ministers accord with this assessment. Scottish Ministers similarly agree with the reporters' consideration of policy 6 in that the proposed Development does not protect and expand forests, woodland and trees, and that the proposed Development will result in the loss of ancient and native woodlands.

110. Considering the document as a whole Scottish Ministers conclude that the proposed Development, on a balance of the relevant policies therein, is supported by NPF4.

The Development Plan

111. Scottish Ministers have considered the conclusion reached by reporters on whether the proposed Development accords with the local development plan (LDP). The LDP is a material consideration for the purposes of this decision. The LDP incorporates NPF4. The reporters have adopted the conclusion, based on similar reasoning to the prior assessment made under NPF4, that on balance the proposed Development does not accord with the LDP. Although the policies of some of the LDP are considered to support the proposed Development, reporters have assigned significant weight, in their conclusion that the proposed Development would be contrary to LDP2, to the global climate emergency and the nature crisis.

112. The Scottish Ministers agree with the reporters that the proposed Development would accord with the relevant overarching policies (OP1, OP2) of the LDP, and with policies NE2 (Regional Scenic Areas), and ED10 (the Galloway and Southern Ayrshire Biosphere). In terms of policy NE8, Scottish Ministers agree that the proposal does not fully protect, nor enhance, ancient woodland sites, however the Company have sought through design to avoid where possible the requirement to fell areas of ancient woodland and to reduce the loss of natural woodland as evidenced in the EIA report (2.131). The proposed Forest Design Concept seeks to incorporate, to an extent,

woodland resource into the scheme, by undertaking some replanting in the wayleave corridor and reconnecting severed woodland areas by creating biodiversity corridors. 42.64 hectares of native woodland replanting will require to be undertaken under conditions imposed by Scottish Ministers, although due to the linear nature of the proposed Development the majority of that planting could only ever be undertaken off site. In regard to policy IN1, it is not clear that this is relevant to the proposed Development as it deals with electricity generation and storage development.

113. In assessing the proposed Development against the LDP overall the Scottish Ministers consider that the contribution that the proposed Development would make to tackling the global climate emergency should be afforded greatest weight. The proposed Development makes an important contribution to reduction of carbon emissions and seeks to mitigate where possible to avoid worsening the nature crisis. Scottish Ministers accept that there are significant adverse environmental impacts associated with the required removal of 42.37 hectares of Ancient and Semi-Natural Woodland Sites (ASNW), sites identified within the Native Woodland Survey of Scotland (NWSS) and Plantations on Ancient Woodland Sites (PAWS), which will not be avoided. However, the twin climate and nature crises are in Scottish Ministers' view best served by securing mitigation of the overall impacts on biodiversity and emissions by imposition of conditions to secure native and other woodland replanting and delivery of a green networks scheme, and significantly reducing carbon emissions, by providing considerable additional network capacity for renewable energy.

114. In that regard Scottish Ministers disagree that the proposed removal of woodland would bring the proposed Development into conflict with LDP, and that when read as a whole, the proposed Development is supported by it.

Energy Strategy and draft Energy Strategy and Just Transition Plan

115. 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.

116. 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”*.

117. 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.

Other policy matters

118. The reporters have taken into account the 2022 Onshore Wind Policy Statement, and the Scottish Biodiversity Strategy to 2045. Scottish Ministers do not consider these policy documents should be taken into account in determining this application and have given no weight to them. It is clear this development proposal is neither for construction of a **wind energy generating station**, nor is it, in and of itself, intended to be a development that halts nature loss or sets out to provide nature restoration.

The Scottish Ministers' Conclusions

Reasoned Conclusions on the Environment

119. The Scottish Ministers conclude that the significant effects on the environment are as set out at paragraph 15.2 of the PI report. There are a number of significant residual landscape and visual effects, and effects on woodland, which cannot be fully mitigated. There are significant residual effects in relation to groundwater and cultural heritage. Mitigation measures are set out in appendix 5.2 of the EIA report and as secured by conditions attached to the s37 consents and deemed planning permissions.

120. The Scottish Ministers are satisfied having regard to current knowledge and methods of assessment, that this reasoned conclusion addresses the likely significant effects of the proposed Development on the environment. Scottish Ministers are satisfied that this reasoned conclusion is still up to date.

Imposition of conditions

121. Chapter 14 of the PI report considers a list of conditions for each of the five connections as submitted for consideration by the Company ahead of a hearing session on 23rd November. The hearing session was participated in by the Company, the planning authority, Scottish Forestry, the Galloway Without Pylons Group and Alastair Kerr. While the Company stated to the reporters that it would be beneficial to enter into one or more legal agreement(s) to address the recovery by the council of extraordinary expenses incurred by it in maintaining the public roads due to damage from vehicles involved in the proposal, it is not appropriate to attach any condition requiring the Company to enter into any such agreement; while wording of a draft agreement under section 96 of the Roads (Scotland) Act 1984, agreed between the planning authority and the Company, was provided within the reporters' report, it is for the parties to agree and undertake any finalised agreement in accordance with the provisions of that Act.

122. Similarly, Scottish Ministers consider that it is not appropriate to impose a condition requiring the Company to enter into a planning agreement under section 69 of the Local Government (Scotland) Act 1973 in order to secure financial contributions towards nightjar monitoring work. Scottish Ministers have instead imposed a condition requiring a scheme for monitoring, reporting and mitigation measures for nightjar to be submitted to the planning authority in consultation with RSPB, in recognition of the position agreed between the three parties at inquiry, before any development takes place.

123. Scottish Ministers note the suggestion by the Company and subsequently reporters that there be a condition of the consent requiring the formation and operation of a Community Liaison Group. The condition is proposed to keep residents informed of how the Development is progressing and to ensure a proper mechanism for discussion until restoration and reinstatement of the site is completed. The imposition of such a condition is suggested on the basis of potential construction traffic impacts on local communities. The condition is considered to be unnecessary because conditions requiring mitigation of construction traffic impacts, including through a construction traffic management plan, have been imposed. It will be for the planning authority to approve any construction traffic management plan, in consultation with such other authorities as are relevant. Reporters acknowledge that community participation in the finalisation and subsequent monitoring of the Construction Traffic Management Plan could be secured as part of the planning authority's handling of a condition. **The proposed Community Liaison Officer**, to be secured as proposed by the Company by imposition of a planning condition, is sufficient for the purposes of facilitating any exchange of information between members of the public, community councils and the Company and its contractors.

124. Scottish Ministers have imposed the recommended conditions securing pre-construction species surveys, and Bird Protection Plans both for installation of new overhead lines as well as for removal of routes and towers. Although RSPB are recommended to be added as consultees for discharge of these conditions by the reporters, Scottish Ministers disagree that this is necessary. Consultation by the Planning Authority with NatureScot, as the statutory body responsible for advising on such matters, will be required.

125. Scottish Ministers have considered that the proposed Development includes the removal of N and R routes and a condition requiring implementation of the proposed Development in accordance with the Application and the EIA report has been imposed. Conditions relating to environmental management, monitoring, traffic management and restoration have been imposed specifically to control the removal of N and R routes as this work can only begin at a later date, after the lines to be installed have been connected and have transmitted electricity. Scottish Ministers consider that the conditions they have imposed will secure mitigation and monitoring of environmental impacts where it is appropriate to do so.

Acceptability of the proposed Development

126. **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.

127. **Scotland's energy policies and planning policies are 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.

128. Scottish Ministers have considered the conclusions of the reporters and their recommendation that the applications should be refused. The reporters place significant weight on the security of supply driver for the proposed Development and also place significant weight on the export capacity that would be provided. The reporters find that the proposal is supported by some aspects of Scottish government policy. Reporters note that there is policy conflict which arises as a result of the proposed felling of 42.37 hectares of Ancient and Semi-Natural Woodland Sites, sites identified within the Native Woodland Survey of Scotland and Plantations on Ancient Woodland Sites; and, that significant adverse landscape visual and cumulative effects would arise.

129. Reporters have weighed the benefits and disbenefits of the proposal. While recognising that significant weight must be placed on security of supply and the provision of network capacity for renewable energy, they ultimately advise that the removal of woodland, and the landscape and visual and other significant environmental effects, weigh against granting consent for the proposed Development.

130. Reporters state that it may have strengthened the Company's case if it had explored in more detail, less environmentally harmful alternative routes/designs to feed into the planning balance. Scottish Ministers, however, consider that a robust consideration of reasonable alternatives was carried out by the Company.

131. Scottish Ministers consider that it is not appropriate to reduce the weight to be applied to the need for and benefits of the proposed Development for this reason, and that greater weight must be applied to the need for and benefits of the proposed Development than that of the disbenefits in this case. The public interest lies in the need for the urgent upgrade of strategic electricity transmission infrastructure; NPF4 establishes a need for substantial electricity network reinforcement.

132. It is regrettable that the proposed Development will result in the loss of a significant area of irreplaceable woodland. Scottish Ministers have attached conditions to the consent requiring a woodland planting strategy to address the loss of woodland, but it is accepted that this is an impact that cannot be fully mitigated. Scottish Ministers have given significant consideration to this impact but consider that the proposed Development is both urgent, and necessary. The greater weight is attached to the benefits of the proposal in terms of the replacement of end of life electricity infrastructure and a need for security of supply for local people. The proposed Development will make a significant contribution to national renewable energy targets, reducing emissions and addressing the global climate emergency. The Scottish Ministers conclude, for the reasons set out above, that the proposed Development is supported by Scottish Government policies.

133. There are significant adverse environmental impacts which will arise. Scottish Ministers consider these to be acceptable in consideration of the need for and benefits of the proposed Development, which are significant considerations that strongly support the decision to grant consent for the applications.

The Scottish Ministers' Determination

134. 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**).

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

136. 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

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

- (1) the date on which all electric lines, having been installed and which form part of the Development, first transmit electricity, for reasons other than testing;
- (2) The date falling four years from the date of Commencement of the Development.

138. 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.

139. 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.

140. 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.

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

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

[chapter-58-judicial-review.pdf \(scotcourts.gov.uk\)](http://www.scotcourts.gov.uk/chapter-58-judicial-review.pdf)

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

Yours faithfully

A Brogan

Alan Brogan

A member of the staff of the Scottish Ministers

Annex 1 – Descriptions of Development

Annex 2 – Section 37 and Deemed Planning Conditions

Annex 3 – Site Layout Plans

Annex 4 – Appropriate Assessment

Annex 5 – Public Inquiry Report

Annex 1

Description of Development – Polquhanity to Glenlee ECU00002124

The Development comprises the installation of 10.1 kilometres of overhead electric line and ancillary development.

The principal components of the overhead line and ancillary development comprise:

- 10.1km of 132kV double circuit overhead line supported on 37 steel lattice L7 towers, with an average height of 31.24m, which extends to a maximum height of 39.09 m;
- ancillary development including:
 - 80m wayleave through woodland;
 - timber stacking area;
 - Accesses and access tracks (including passing places and turning bays);
 - Quarries;
 - Construction compounds;
 - Watercourse crossings;
 - Working areas;
 - Winching areas for conductor pulling; and
 - Permanent undergrounding of existing 11KV overhead lines;
 - Decommissioning and removal of N route towers N230 to N240
 - Decommissioning and removal of R route towers R000A – R29

Located between OS grid reference: NX590893 and NX606804 between existing tower DE102R at Polquhanity and the existing Glenlee Substation.

All as more particularly described in the Application made to the Scottish Ministers by the Company on 28 August 2020, in the approved plans, and as shown on site layout plans comprising Annex 3 to this decision letter.

Description of Development – Carsfad to Kendoon ECU00002125

The Development comprises the installation of 2.6 kilometres of overhead electric line and ancillary development.

The principal components of the OHL and ancillary development comprise:

- 2.6km of 132kV single circuit overhead line supported on 24 'trident' wood poles, having an average height of 13.99m and extending to a maximum height of 17.24m;
- ancillary development including:
 - 70m wayleave through woodland;
 - Timber stacking areas;
 - Accesses and access tracks (including passing places and turning bays)
 - Quarries
 - Construction compounds
 - Watercourse crossings
 - Working areas;

- Winching areas for conductor pulling;
- Minor modifications to Carsfad substation.

Located between OS grid reference: NX605854 and NX605876 between existing Carsfad substation and the existing Kendoon Substation.

All as more particularly described in the Application made to the Scottish Ministers by the Company on 28 August 2020, in the approved plans, and as shown on site layout plans comprising Annex 3 to this decision letter.

Description of Development – Earlstoun to Glenlee ECU00002126

The Development comprises the installation of 1.6 kilometres of overhead electric line and ancillary development.

The principal components of the overhead line and ancillary development comprise:

- 1.6km of 132kV single circuit overhead line supported on 15 ‘trident’ wood poles having an average height of 13.99m and extending to a maximum height of 16.74m);
- ancillary development including:
 - 70m wayleave through woodland;
 - Timber stacking areas;
 - Accesses and access tracks (including passing places and turning bays)
 - Quarries
 - Construction compounds
 - Watercourse crossings
 - Working areas; and
 - Winching areas for conductor pulling;
 - Approximately 250m of underground cable to connect into Glenlee substation
 - Minor modifications to Glenlee substation

Located between OS grid reference: NX614819 and NX606804 between existing Earlstoun substation and the existing Glenlee Substation.

All as more particularly described in the Application made to the Scottish Ministers by the Company on 28 August 2020, in the approved plans, and as shown on site layout plans comprising Annex 3 to this decision letter.

Description Of Development – BG Route Deviation ECU00002127

The Development comprises the installation of 1.2 kilometres of overhead electric line and ancillary development.

The principal components of the overhead and ancillary development comprise:

- 1.2km of 132kV double circuit overhead line supported on 5 steel towers having an average height of 29.7m and extending to a maximum height of 32.13m);
- ancillary development including:
 - 80m wayleave through woodland;
 - Timber stacking areas;
 - Accesses and access tracks (including passing places and turning bays)
 - Quarries
 - Construction compounds
 - Watercourse crossings
 - Working areas; and
 - Winching areas for conductor pulling;
 - Decommissioning and removal of existing towers BG098 – BG102.

Located between OS grid reference: NX605803 and NX606804 between existing tower BG097 and the existing Glenlee Substation.

All as more particularly described in the Application made to the Scottish Ministers by the Company on 28 August 2020, in the approved plans, and as shown on the site layout plans comprising Annex 3 to this decision letter.

Description of Development – Glenlee to Tongland ECU00002128

The Development comprises the installation of 32.3 kilometres of overhead electric line and ancillary development.

The principal components of the overhead line and ancillary development comprise:

- 32.3km of 132kV double circuit overhead line supported on 119 L4 lattice steel towers having an average height of 29.49m and extending to a maximum height of 35.13m);
- ancillary development including:
 - 80m wayleave through woodland;
 - Timber stacking areas;
 - Accesses and access tracks (including passing places and turning bays)
 - Quarries
 - Construction compounds
 - Watercourse crossings
 - Working areas; and
 - Winching areas for conductor pulling;
 - Modifications to Tongland substation;
 - Decommissioning and removal of R route towers R30 – R153

Located between OS grid reference: NX6068047 and NX694536 between existing Glenlee substation and the existing Tongland Substation.

All as more particularly described in the Application made to the Scottish Ministers by the Company on 28 August 2020, in the approved plans, and as shown on the site layout plans comprising Annex 3 to this decision letter.

Annex 2 – Section 37 and deemed planning permission conditions

ECU00002124 - Polquhanity to Glenlee

Part 1

Conditions attached to Section 37 Consent

1. Commencement of Development and Transmission

- (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. Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month before that date.
- (2) The Company shall notify the Scottish Ministers within 1 month of the date on which all electric lines having been installed and which form part of the Development, first transmit electricity, for reasons other than testing.

Reason: To avoid ensure that the consent is implemented within a reasonable period and to ensure Scottish Ministers are aware of the date of Final Energisation.

2. Non-assignment

This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may assign the consent (with or without conditions) or refuse assignment as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignment having been granted.

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

3. Serious Incident Reporting

In the event of any serious breach of health and safety or environmental obligations relating to the Development during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the Scottish Ministers, including confirmation of remedial measures taken and/ or to be taken to rectify the breach, within 24 hours of the breach first becoming known to the Company.

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

4. Woodland Planting Strategy

(1) 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 Scottish Forestry.

(2) The Woodland Planting Strategy shall set out an approach for the replanting of any trees felled by the Company as a result of the construction of the Polquhanity to Glenlee via Kendoon Connection forming part of the Development. The Woodland Planting Strategy shall cover an area of no less than 29.81 hectares, of which not less than 5.5 hectares shall be of native woodland tree species.

(3) The Woodland Planting Strategy must comply with the requirements set out in the UK Forestry Standard (Forestry Commission, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, or such replacement standard as may be in place at the time of submission of the Woodland Planting Strategy for approval.

(4) The Woodland Planting Strategy shall include details of the location of the area(s) to be planted, the nature, design and specification of the proposed woodland to be planted as well as the phasing and timescales for its implementation (which must be within 5 years of the date of this consent).

(5) The approved Woodland Planting Strategy shall then be implemented in full, unless otherwise agreed in writing by the Scottish Ministers (in consultation with Scottish Forestry).

Reason: To secure compensatory planting in line with the Control of Woodland Removal Policy and mitigation of biodiversity impacts.

5. Forest Design Concept

There shall be no Commencement of Development unless and until a Forest Design Concept (FDC) has been submitted to and approved in writing by the Scottish Ministers (in consultation with Scottish Forestry). The FDC shall:

(1) Be based on the concept and apply to the land owned by Forestry and Land Scotland illustrated on the Map entitled Forest Design Concept forming Appendix 1 to the Company's Written Submissions on Further Policy Considerations (February 2023);

(2) Reflect the terms of Appendix 5.1: Forest Design Concept – Approach to Mitigation and Enhancement of the EIAR; and

(3) Include details of phasing, associated timescales for its implementation and long term management.

The approved FDC shall thereafter be implemented in full, unless otherwise agreed in advance in writing by the Scottish Ministers.

Reason: To secure mitigation of biodiversity impacts.

6. Green Networks Scheme

No development shall commence unless and until proposals for the establishment of a Green Networks Scheme have been submitted to and approved in writing by the Scottish Ministers (in consultation with the Planning Authority). The Green Networks Scheme shall be based upon the outline approach for its delivery as set out in paragraphs 1.64 -1.70 of Appendix 5.1: Forest Design Concept – Approach to Mitigation and Enhancement of the EIAR. The Green Networks Scheme shall include:

i) Proposals for the formation and operation of a Green Networks Partnership Group which shall be responsible for the governance of the Green Networks Scheme, as described in (A) below; and

ii) Proposals for the community led identification of candidate schemes (“GNS Schemes”) to be agreed by the Green Networks Partnership Group and implemented by the Company. The final criteria for GNS Schemes will be set by the Partnership Group but will be limited to areas within 2km of the overhead lines forming part of the Development and affected by those overhead lines in reliance on the Green Networks Partnership Group, as described in (B) below.

The Green Networks Scheme as approved shall thereafter be implemented in full, unless otherwise agreed in writing by the Scottish Ministers in consultation with the Planning Authority.

A. Green Networks Partnership Group

Those entitled to participate in the Green Networks Partnership Group shall include:

- A member of the Scottish Government Energy Consents Unit or a representative appointed by it, who shall act as the Chairperson;
- Councillors within whose ward the Development site falls;
- Representatives of the Company;
- Any professional advisors of the Company;
- The Community Liaison Officer; and
- A representative(s) of the Dumfries and Galloway Council;

The Company shall determine when to hold the Green Networks Partnership Group meetings, having regard to the particular stage of the Green Networks Scheme and taking account of the views of those entitled to attend. Nevertheless, the Company shall ensure that the Green Networks Partnership Group meets on a regular basis (and not less than two times per year) until the Green Networks Scheme is implemented in full.

The Company shall issue an agenda in advance of each Green Networks Partnership Group meeting, take minutes of each meeting and issue those minutes to the Green Networks Partnership Group. The agenda and minutes shall be made available online and in hard copy at an accessible location within the community.

B. GNS Schemes

Once established and with a view to implementation of the GNS Schemes, the Green Networks Partnership Group shall:

- (1) Set out and agree a clear strategy for implementation of the GNS Schemes;
- (2) Agree a project funding structure for implementation of the GNS Schemes;
- (3) Agree on a suitable management structure and mechanism to implement the GNS Schemes;
- (4) Agree on an appropriate scoring rationale for candidate GNS Schemes based on the potential mitigation benefits, deliverability (through control over land) and location of the scheme relevant to the overhead lines forming part of the Development;
- (5) Invite the local communities, local groups and individuals to submit ideas for candidate GNS schemes to the Green Networks Partnership Group; and publish a guide for those invited to submit ideas for GNS schemes to the Green Networks Partnership Group detailing the application process (including mechanism such as community drop-ins and structured 'workshop' style events), a timescale for applications to be submitted, and the intended focus of the GNS Schemes, namely maximising environmental benefits for communities affected by the Development through landscape and visual enhancement and local access improvements including:
 - i) Additional forestry and woodland planting (including hedgerows / shelterbelts) providing screening of the overhead lines forming part of the Development,
 - ii) Planting around and within settlements;
 - iii) Integrated habitat networks (separate to the Forest Design Concept areas to be delivered through condition 5;
 - iv) Greenspace improvements;
 - v) Local access improvements (such as linking existing core paths) and signage of paths;
 - vi) Nature trails; and
 - vii) Cycleways and other routes.
- (6) Select GNS Schemes and oversee their implementation in line with terms set out at (1) – (5) above, subject to the Company securing the necessary land rights through voluntary agreements with the relevant landowners.

Reason: To promote and secure additional schemes of environmental mitigation within the areas and communities affected by the overhead lines forming part of the Development.

ECU00002124 - Polquhanity to Glenlee

Part 2

Conditions Attached to Deemed Planning Permission

7. Implementation in accordance with approved plans and requirements of this consent

Except as otherwise required by the terms of this consent and deemed planning permission, the Development, including the decommissioning and removal of R route towers R000A – R29, and the decommissioning and removal of N Route towers N230 – N240, shall be undertaken in accordance with the Application and the accompanying Environmental Impact Assessment (EIA) Report dated 20th August 2020, (as supplemented or amended by any further or additional environmental information) and other documentation lodged in support of the application.

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

8. Commencement of Development

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.

9. Design of Ancillary Development

No development shall commence unless and until final details of the modifications to existing substations, construction compounds, welfare facilities, areas of hardstanding and turning areas, internal access tracks, any construction compound boundary fencing, external lighting and parking areas (“ancillary development”) have been submitted to and approved in writing by the Planning Authority.

The ancillary development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the environmental impacts of the ancillary development forming part of the Development conform to the impacts assessed in the EIAR and in the interests of visual amenity.

10. Micro-siting and Infrastructure Location Allowance

All steel lattice towers, areas of hardstanding and tracks shall be constructed in the locations shown on the approved plans. Steel lattice towers, areas of hardstanding and tracks may be adjusted by micro-siting within the Infrastructure Location Allowance (ILA) specified in this condition. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and NatureScot), the micro-siting and ILA are subject to the following requirements and restrictions:

(a) No steel lattice towers shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on the approved plans, within EIAR Figures 4.7.1 to 4.7.4;

(b) No steel lattice towers or area of hardstanding shall be moved more than 50m from the position shown on the original approved plans;

(c). No steel lattice towers, electric lines or other apparatus will be moved more than 50m from the centre line shown on the approved plans within EIAR Figures 4.7.1 to 4.7.4;

(d) No access track shall be moved more than 50m from the position shown on the original approved plans;

(e) All micro-siting permissible under this condition shall be implemented and controlled through the proposed detailed Construction Environmental Management Plan (CEMP). All micro-siting will be subject to the written approval of the Ecological Clerk of Works (ECoW) in consultation with the Planning Monitoring Officer (PMO) and records of all approvals shall be retained until the date of Final Energisation. The ECoW shall also undertake monitoring of all micro-siting carried out;

(f) Any steel lattice towers located in relative proximity (within 200m) to Residential Properties will not be micro-sited any closer to the relevant receptors unless approved in writing by Planning Authority with input from the ECoW. Before micro-siting a steel lattice tower already within 200m of a Residential Property closer to that property, the Company shall instruct an independent landscape architect who is a Chartered Member of the Landscape Institute to provide the Planning Authority with a report taking account of Chapter 3 and Table 4.1 of the Residential Visual Amenity Assessment Report ("RVAA Report") and advising whether the proposed micro-siting would result in the Residential Visual Amenity Threshold being reached. If the Planning Authority has not confirmed to the Company within 7 days of the receipt of the RVAA Report whether any further information is reasonably required and if so, the nature of that information, the Company shall be entitled to assume that the RVAA Report and the micro-siting are acceptable.

(g) Where possible, effects on forestry will be avoided or reduced through the refining of steel lattice tower and related infrastructure locations utilising the 50m infrastructure location allowance.

(h) Micro-siting of infrastructure within the 50m ILA closer to or within the watercourse buffers will not be undertaken. Micro-siting will be undertaken to move

infrastructure further away from sensitive water features, PWS and deeper peat, where possible having regard to other considerations.

No later than one month after the date of Final Energisation, an updated site plan must be submitted to the Planning Authority showing the final position of all steel lattice towers, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW's approval, as applicable.

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

11. Planning Monitoring Officer (PMO)

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

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

(b) Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site;

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

(d) Require the PMO to provide input responding to a consultation request by the ECoW in relation to a proposal for counter-signing the written approval of micro-siting of steel lattice towers in line with condition 10 (other than in terms of condition 10 (f) where approval by the Planning Authority is required).

The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works unless otherwise agreed in writing by the Planning Authority.

Reason: To enable the Development to be suitably monitored to ensure compliance with the consent issued.

12. Ecological 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 Ecological Clerk of Works (ECoW) in consultation with NatureScot and SEPA. The terms of appointment shall:

(a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the EIA Report and other information lodged in support of the application, the Construction Environmental Management Plan, and other plans approved in terms of condition 13 (“the ECoW works”);

(b) Require the ECoW to report to the PMO and to the Company’s nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;

(c) Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and

(d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works unless otherwise agreed in writing by the Planning Authority.

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

13. Construction Environmental Management Plan

No development shall commence unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by Planning Authority (in consultation with NatureScot, and SEPA). The Plans and any other Details specified below in relation to particular activities, shall outline any mitigation required in accordance with the EIAR methodology and Appendix 5.2 of Volume 3 of the EIAR on embedded and additional mitigation. The CEMP shall include but not be limited to the following matters:

(a) A Site Waste Management Plan;

(b) A Sustainable Drainage System (SUDS) design concept, including run-off and sediment control measures; and flood risk management;

(c) Details of any foul drainage arrangements;

(d) Details of the formation of ancillary development referred to in condition 9 above;

(e) A Pollution Prevention Plan (PPP);

(f) An Environmental Management Plan (EMP). The EMP shall include details of the procedure for evaluating requests for micro-siting as referred to within condition 10 which shall include consideration of baseline environmental information, seeking and considering environmental advice from retained specialists and the notification of relevant statutory consultees including the Planning Authority;

- (g) A finalised Peat Management Plan;
- (h) Details of any tree crown reduction and tree felling, felling, waste mulching and replacement planting;
- (i) Details of on-site storage of materials, including fuel and other chemicals;
- (j) Details of on-site storage and off-site disposal of excavated material;
- (k) Details and timetable for phasing of construction works;
- (l) Details of turning arrangements for vehicles on site;
- (m) Cleaning of site entrances, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to /from the site to prevent spillage or deposit of any materials on the public road;
- (n) Details and timetable for post-construction restoration and / or reinstatement of the working areas and any other temporary works (including those carried out within the public road boundary);
- (o) Details of the management of noise and vibration during construction;
- (p) The height and location of all stockpiles of aggregate;
- (q) Details of the reinstatement, restoration and aftercare ("Restoration Works") of the areas at the bases of the steel lattice towers following the construction period to include: proposed landscaping including details of all trees and shrubs to be planted, existing and proposed site levels accompanied by cross sections including details of slope gradients and a programme for carrying out the Restoration Works.

Thereafter, the construction of the Development shall be carried out in complete accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority in consultation with NatureScot and SEPA.

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

14. Reinstatement of Temporary Works

No development shall commence unless and until a scheme setting out details of reinstatement works, in respect of all temporary and ancillary development as identified in either Chapter 5 of Volume 1 of the EIAR or the CEMP required under condition 13 carried out as part of the construction phase, has been submitted to and approved in writing by the Planning Authority.

The scheme shall include, inter alia, location and site plans drawn to a recognised metric scale showing site levels and any details of proposed landscaping together

with a programme for implementation. The reinstatement works shall thereafter be undertaken in full accordance with the scheme as approved.

Reason: In the interests of amenity and to secure early reinstatement.

15. Precise Locations and Details of Structures

The Company shall notify the UK Digital Vertical Obstruction File (DVOF) & Powerlines at the Defence Geographic Centre of the following information prior to the Commencement of Development:

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

Reason: In the interest of aviation safety.

16 Aviation Warning Lighting

The Steel lattice towers forming part of the Development shall be fitted with MOD accredited aviation safety lighting. Prior to the date of Final Energisation, the steel lattice towers should be fitted with infrared lighting (IR) with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point and at a distance no greater than every 500m (or such distance as otherwise agreed in writing with the Planning Authority in consultation with the Defence Infrastructure Organisation) between each light. The lighting shall be retained in an effective operational condition for as long as the steel lattice towers remain in place.

Reason: In the interest of aviation safety.

17. Pre-Construction Species Survey Work

No development shall commence unless and until a Species Mitigation and Management Plan (SMMP) has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot.

The preparation of the SMMP shall be informed by the results of surveys for protected species carried out by a suitably qualified person or persons in a manner appropriate to the phasing of the Development. The Development shall thereafter be carried out in complete accordance with the SMMP as approved unless otherwise agreed in writing in advance by the Planning Authority.

Reason: To minimise disruption to protected species and their habitats.

18. Fish Monitoring Plan

No development shall commence unless and until a Fish Monitoring Plan (FMP) has been submitted to and approved in writing by the Planning Authority (in consultation with the Galloway Fisheries Trust).

The FMP shall ensure that sensitive fish populations are identified, monitored and, if required, mitigation works are put into place to address any negative impacts identified by the FMP as having taken place due to the Development. The FMP shall address the preconstruction, during construction and postconstruction phases and include all watercourses impacting fish.

The FMP shall include the following details:

- (a) Proposals for the monitoring of sensitive fish populations which may be adversely impacted by the Development including mitigation measures;
- (b) Proposals for fish rescues by electrofishing where fish populations are present in water courses potentially impacted as a result of the Development; and
- (c) Silt control measures and a water quality monitoring plan.

The development shall thereafter be carried out in accordance with the measures contained in the FMP as approved unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To protect sensitive fish populations.

19. Bird Protection Plan

(1) No development shall commence in any area where breeding birds may be present unless and until a preconstruction ornithological survey is completed, a report of that survey and a Bird Protection Plan (BPP) have been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot.

(2) The preconstruction ornithological survey shall cover the area of both the consented infrastructure and areas of suitable habitat up to 500 metres in all directions from it and the report of survey shall include mitigation measures where any impact, or potential impact, on protected birds or their habitat has been identified.

(3) Construction and any other operational works shall progress in accordance with any mitigation measures contained within the approved BPP and the timescales contained therein.

(4) The Bird Protection Plan shall include, but not be limited to details of the following:

(a) The design and distribution of line marking to reduce collision risk for raptors and wildfowl and details of an inspection and maintenance schedule.

The approved Bird Protection Plan shall thereafter be implemented in full, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise disruption to protected birds and their habitats.

20. Construction Hours

Construction work which is audible from any noise-sensitive receptor shall only take place between the hours of:

- 07.00 to 19.00 for felling and access installation purposes in both winter and in summer (October to March and April to September, respectively);
- 08.00 to 17.00 (or as daylight allows) for all other activities in winter (October to March);
- 07:00 to 19:00 for all other activities in summer (April to September).

There shall be no construction work on a Sunday or national public holidays.

Outwith the specified hours, Development on the site shall be limited to maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority.

HGV movements to and from the site shall be limited to the days and hours listed above unless otherwise approved in advance in writing by the Planning Authority.

Reason: In the interests of local amenity.

21. Construction Traffic Management Plan

No development shall commence unless and until a comprehensive Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority (in consultation with Dumfries and Galloway Council's Roads Department and Police Scotland).

The CTMP shall reflect the terms of the Framework CTMP included within Appendix 13.1 to the EAIR and insofar as not already included it shall address the entire construction period, and include a detailed programme, breakdown of deliveries by type and month, agreed access and excluded routes, mitigation measures, vehicle tagging system details and contact list and a driver code of conduct.

The approved CTMP shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority.

Reason: To minimise interference and maintain the safety and free flow of traffic on local roads.

22. Roads – Temporary and Altered Points of Access

No development shall commence unless and until detailed proposals for temporary and altered points of access for construction traffic (including timescales) have been submitted to and approved in writing by the Planning Authority in consultation with Dumfries and Galloway Council's Roads Department.

Thereafter, the works to form the temporary and altered points of access shall be fully implemented in accordance with the approved proposals prior to any other construction operations commencing unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

23. Roads – Off-Site Accommodation Works

No development shall commence unless and until detailed plans identifying off-site accommodation works (to include passing places, verge strengthening / carriageway widening and associated works, all supported by swept path analysis) have been submitted to and approved in writing by the Planning Authority.

Thereafter, all required off-site accommodation works shall be implemented in full accordance with the detailed plans as approved, all at the Company's expense, to the specification and satisfaction of the Planning Authority prior to the commencement of any haulage operations.

Reason: In the interests of road safety.

24. Roads – Post Construction Restoration

No development shall commence unless and until details of the extent and details of 'post construction' carriageway, verge and public road boundary restoration works (including a programme for implementation) have been submitted to and approved in writing by the Planning Authority.

The restoration works shall be implemented in full accordance with the detailed proposals and programme as approved to the satisfaction of the Planning Authority unless otherwise agreed in writing.

Reason: In the interests of road safety.

25. Roads - Detailed Proposals for Access Routes

Notwithstanding the supplied information regarding preferred access routes outlined in Appendix 13.2 (Volume 3 of the submitted EIAR), prior to the commencement of

any work on site, detailed proposals for access routes must be submitted to and approved in writing by the Planning Authority. Only the access routes as approved shall thereafter be used for the Development unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

26. Community Liaison Officer

No development shall commence unless and until the Company has appointed a Community Liaison Officer (CLO) and the appointment shall endure for the period from Commencement of Development until all restoration and reinstatement works are completed on site. The terms of appointment shall impose duties on the CLO to:

(a) Provide community and third-party stakeholder feedback on matters such as local road issues to the Company and;

(c) Impose a duty on the CLO to keep local communities informed of progress on site and warning them of upcoming activities which may give rise to increased construction vehicle movements.

The Company shall ensure its existing dedicated website for the Development is updated with information on the expected construction programme and contact telephone numbers for relevant staff at the Company, such as the CLO, to ensure that any issues can be reported and resolved. The dedicated website shall be maintained for the duration of the period from the Commencement of Development until all restoration and reinstatement works are completed on site.

Reason: To ensure the Company receives stakeholder feedback from residents on matters such as local road issues and that the community is informed of progress of the Development, particularly activities which may give rise to increased construction traffic.

27. Programme of Archaeological Works

No development shall commence unless and until the Company has secured a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority. Thereafter, the Company shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the Development site is undertaken to the satisfaction of the Planning Authority.

In addition, the Company shall afford access at all reasonable times to the Planning Authority Archaeologist or a nominated representative and shall allow them to observe archaeological work in progress.

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

28. Archaeological Mitigation

The embedded archaeological mitigation measures which apply to the Development as detailed in Appendix 5.2: Embedded and Additional Mitigation and Monitoring Measures of the EIAR, shall be fully implemented to the satisfaction of the Planning Authority during the construction period.

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

29. Private Water Supplies

No development shall commence unless and until a method statement has been submitted to and approved in writing by the Planning Authority (in consultation with SEPA).

The method statement shall detail all mitigation measures to be delivered to secure the quality, quantity, and continuity of water supplies to those properties served by and which rely on private water supplies (PWS) at the date of this consent (including those identified in Appendix 5.2: Embedded and Additional Mitigation and Monitoring Measures of the EIAR), and which may be affected by the Development.

The method statement shall include proposals for the monitoring of water quality to be undertaken before, during and after construction to ensure no contamination of the supply. The method statement shall include details of the water quality sampling methods, the monitoring locations/abstraction points to be used. The quality of water within the PWS shall be benchmarked prior to any construction works commencing.

If the water quality within the PWS deteriorates during construction for example it becomes discoloured or contains high sediment content or hydrocarbons as a result of the construction works, the Company shall deliver an alternative supply of potable drinking water within a maximum period of 24 hours from the occurrence of the deterioration in water quality becoming known. The alternative supply shall continue to be provided until the water quality within the PWS is no worse than the benchmark quality.

The approved method statement shall thereafter be implemented in full unless otherwise agreed in writing by the Planning Authority.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies which may be affected by the Development.

30. Decommissioning Scheme

In the event that the overhead line to be installed under this permission fails, following the Date of Final Energisation, to transmit electricity for a continuous period of 1 year, a Decommissioning Scheme shall be submitted to and for the further approval in writing by the relevant Planning Authority. The scheme shall include details about the removal of all elements of the Development, relevant access tracks and all cabling, including where necessary details of:

- (a) justification for retention of any relevant elements of the Development;

- (b) the treatment of disturbed ground surfaces;
- (c) management and timing of the works;
- (d) environmental management provisions, including species protection plans;
- (e) the removal of all components of the line from the site for recycling or disposal;
- (f) a traffic management plan to address any traffic impact issues during the decommissioning period; and
- (g) all in accordance with the relevant legislative requirements and published best practice at time of decommissioning, unless a subsequently amended scheme is submitted to and agreed in writing by the relevant Planning Authority.

Thereafter the scheme shall be implemented in accordance with the approved details and timetable.

Reason: *To ensure that should the overhead line to be installed under this permission no longer be required, that an appropriate mechanism is in place for decommissioning of the Development.*

31. Removal of R Route (North) and N Route - Planning Monitoring Officer (PMO)

No development which is required for the decommissioning of R000A – R29 and N230 – N240 shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent (“PMO”). The terms of appointment shall:

- (a) Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent;
- (b) Require the PMO to submit a monthly report to 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 terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity.

The PMO shall be appointed on the approved terms throughout the period from commencement of the decommissioning of R000A – R29 and N230 – N240 to its completion unless otherwise agreed in writing by the Planning Authority.

Reason: *To enable the Development relating to the decommissioning of towers R000A – R29 and N230 – N240 to be suitably monitored to ensure compliance with the consent issued.*

32. Removal of R Route (North) and N Route - Ecological Clerk of Works

No development which is required for the decommissioning of R000A - R29 and N230 - N240 shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with NatureScot and SEPA. The terms of appointment shall:

(a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the EIA Report and other information lodged in support of the application, the Decommissioning Environmental Management Plan, and other plans approved in terms of condition 33 ("the ECoW works");

(b) Require the ECoW to report to the Company's nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;

(c) Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and

(d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the decommissioning of R000A - R29 and N230 - N240 unless otherwise agreed in writing by the Planning Authority.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the removal of R route (North) and N route.

33. Removal of R Route (North) and N Route - Environmental Management Plan

No development which is required for the decommissioning of R000A - R29 and N230 - N240 shall commence unless and until a Decommissioning Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Planning Authority (in consultation with NatureScot and SEPA). The DEMP shall include the following matters:

(a) A Site Waste Management Plan;

(b) A Sustainable Drainage System (SUDS) design concept, including run-off and sediment control measures; and flood risk management;

(c) Details of any foul drainage arrangements;

(d) Details of the formation of ancillary development including but not limited to any proposed temporary site compound for storage of materials, machinery, designated car parking areas, and access tracks;

(e) A Pollution Prevention Plan (PPP);

- (f) An Environmental Management Plan (EMP);
- (g) A finalised Peat Management Plan;
- (h) Details of ecological monitoring over the decommissioning period including all necessary pre-decommissioning surveys as required;
- (i) Details of any tree crown reduction, tree felling, felling, waste mulching and replacement planting;
- (j) Details of on-site storage of materials, including fuel and other chemicals;
- (k) Details of on-site storage and off-site disposal of excavated material;
- (l) Details and timetable for phasing of the decommissioning of R000A - R29 and N230 - N240, which shall be submitted within one month of the date of Final Energisation. The decommissioning of R000A - R29 and N230 - N240 shall be completed within 18 months of the date of Final Energisation unless otherwise agreed in writing with the Planning Authority;
- (m) Details of turning arrangements for vehicles on site;
- (n) Cleaning of site entrances, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or materials to / from the site to prevent spillage or deposit of any materials on the public road;
- (o) Details and timetable for restoration and /or reinstatement of the working areas and any other temporary works (including those carried out within the public road boundary);
- (p) Details of the management of noise and vibration during decommissioning of R000A - R29 and N230 - N240;
- (q) The height and location of all stockpiles of aggregate; and
- (r) Details of the reinstatement, restoration, and aftercare ("Restoration Works") of the areas at the bases of the steel lattice towers following their permanent removal to include: proposed landscaping including details of all trees and shrubs to be planted, existing and proposed site levels accompanied by cross sections including details of slope gradients and a programme for carrying out the Restoration Works.

Thereafter, the decommissioning of R000A - R29 and N230 - N240 shall be carried out in accordance with the approved DEMP unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the decommissioning of R000A - R29 and N230 - N240 is undertaken in compliance with nature conservation legislation and policy.

34. Removal of R Route (North) and N Route - Bird Protection Plan

(1) No development which is required for the decommissioning of R000A - R29 and N230 - N240 shall commence any area where breeding birds may be present unless and until a pre-decommissioning ornithological survey is completed, a report of that survey and a Bird Protection Plan (BPP) has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot).

(2) The pre decommissioning ornithological survey shall cover R route (south) the area of the existing infrastructure and areas of suitable habitat up to 500 metres in all directions from it and the report of survey shall include mitigation measures where any impact, or potential impact, on protected birds or their habitat has been identified.

(3) Decommissioning of R000A - R29 and N230 - N240 shall progress in accordance with any mitigation measures contained within the approved BPP and the timescales contained therein.

Reason: To ensure that all breeding birds are protected from damage or disturbance.

35. Removal of R Route (North) and N Route - Pre- Decommissioning Species Survey Work

No development which is required for the decommissioning of R000A - R29 and N230 - N240 shall commence unless and until a Species Mitigation and Management Plan (SMMP) has been submitted to and approved in writing by the Planning Authority (in consultation with NatureScot).

The preparation of the SMMP shall be informed by the results of surveys for protected species carried out by a suitably qualified person or persons in a manner appropriate to the phasing of the Development. The decommissioning of R000A - R29 and N230 - N240 shall thereafter be carried out in complete accordance with the SMMP as approved unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To minimise disruption to protected species and their habitats.

36. Removal of R Route (North) and N Route - Private Water Supplies

No development which is required for the decommissioning of R000A - R29 and N230 - N240 shall commence unless and until a method statement has been submitted to and approved in writing by the Planning Authority (in consultation with SEPA), detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to those properties served by and which rely on private water supplies (PWS) at the date of this consent (including those identified in Appendix 5.2: Embedded and Additional Mitigation and Monitoring Measures of the EIAR), and which may be affected by Appendix 5.2 to the EIAR), and which may be affected by the decommissioning.

The method statement shall include proposals for the monitoring of water quality to be undertaken before, during and after decommissioning of R30 – R153 to ensure

no contamination of the supply. The method statement shall include details of the water quality sampling methods, the monitoring locations/abstraction points to be used. The quality of water within the PWS shall be benchmarked prior to any decommissioning works commencing.

If the water quality within the PWS deteriorates during the decommissioning of R30 – R153 for example it becomes discoloured or contains high sediment content or hydrocarbons as a result of the decommissioning works, the Company shall deliver an alternative supply of potable drinking water within a maximum period of 24 hours from the occurrence of the deterioration in water quality becoming known. The alternative supply shall continue to be provided until the water quality within the PWS is no worse than the benchmark quality.

The approved method statement shall thereafter be implemented in full unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies which may be affected by the decommissioning of R000A - R29 and N230 - N240.

37. Removal of R Route (North) and N Route - Reinstatement of Temporary Works

That the removal of any temporary works identified in the DEMP required under condition 33 shall be undertaken as soon as possible after decommissioning of R000A - R29 and N230 - N240 is completed. For the avoidance of doubt, this shall include temporary roadways, tracks/ accesses and removal of all surfacing material and geotextile materials unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety.

38. Removal of R Route (North) and N Route - Roads – Post Decommissioning Restoration

No development which is required for the decommissioning of R000A - R29 and N230 - N240 shall commence unless and until details of the extent and details of 'post decommissioning' carriageway, verge and public road boundary restoration works (including a programme for implementation) have been submitted to and approved in writing by the Planning Authority.

The restoration works shall be implemented in full accordance with the detailed proposals and programme as approved to the satisfaction of the Planning Authority unless otherwise agreed in writing.

Reason: In the interests of road safety.

39. Removal of R Route (North) and N Route - Roads – Temporary and Altered Points of Access

No development which is required for which is required for the decommissioning of R000A - R29 and N230 - N240 shall commence unless and until detailed proposals for temporary and altered points of access for decommissioning traffic (including timescales) have been submitted to and approved in writing by the Planning Authority.

Thereafter, the works to form the temporary and altered points of access shall be fully implemented in accordance with the approved proposals prior to any other decommissioning operations commencing unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

40. Removal of R Route (North) and N Route - Roads – Off-Site Accommodation Works

No development which is required for the decommissioning of R000A - R29 and N230 - N240 shall commence unless and until detailed plans identifying off-site accommodation works (to include passing places, verge strengthening / carriageway widening and associated works, all supported by swept path analysis) have been submitted to and approved in writing by the Planning Authority.

Thereafter, all required off-site accommodation works shall be implemented in full accordance with the detailed plans as approved, all at the Company's expense, to the specification and satisfaction of the Planning Authority prior to the commencement of any haulage operations.

Reason: In the interests of road safety.

41. Removal of R Route (North) and N Route - Traffic Management Plan

No development which is required for the decommissioning of R000A - R29 and N230 - N240 shall commence unless and until a comprehensive Decommissioning Traffic Management Plan (DTMP) in respect of the decommissioning has been submitted to and approved in writing by the Planning Authority, Transport Scotland and Police Scotland). The DTMP shall address the period of decommissioning, and include a detailed programme, breakdown of deliveries by type and month, agreed access and excluded routes, mitigation measures, vehicle tagging system details and contact lists.

Thereafter, the decommissioning of R000A - R29 and N230 - N240 shall be carried out in complete accordance with the measures as approved in the DTMP unless otherwise agreed in advance in writing with the Planning Authority.

Reason: In the interests of road safety.

ECU00002125 - Carsfad to Kendoon

Part 1

Conditions attached to Section 37 Consent

1. Commencement of Development and Transmission

- (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. Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month before that date.
- (2) The Company shall notify the Scottish Ministers within 1 month of the date on which all electric lines having been installed and which form part of the Development, first transmit electricity, for reasons other than testing.

Reason: To avoid ensure that the consent is implemented within a reasonable period and to ensure Scottish Ministers are aware of the date of Final Energisation.

2. Non-assignment

This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may assign the consent (with or without conditions) or refuse assignment as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignment having been granted.

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

3. Serious Incident Reporting

In the event of any serious breach of health and safety or environmental obligations relating to the Development during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the Scottish Ministers, including confirmation of remedial measures taken and/ or to be taken to rectify the breach, within 24 hours of the breach first becoming known to the Company.

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

4. Woodland Planting Strategy

- (1) 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 Scottish Forestry.

(2) The Woodland Planting Strategy shall set out an approach for the replanting of any trees felled by the Company as a result of the construction of the Carsfad to Kendoon Connection forming part of the Development. The Woodland Planting Strategy shall cover an area of no less than 0.98 hectares, of which not less than 0.98 hectares shall be of native woodland tree species.

(3) The Woodland Planting Strategy must comply with the requirements set out in the UK Forestry Standard (Forestry Commission, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, or such replacement standard as may be in place at the time of submission of the Woodland Planting Strategy for approval.

(4) The Woodland Planting Strategy shall include details of the location of the area(s) to be planted, the nature, design and specification of the proposed woodland to be planted as well as the phasing and timescales for its implementation (which must be within 5 years of the date of this consent).

(5) The approved Woodland Planting Strategy shall then be implemented in full, unless otherwise agreed in writing by the Scottish Ministers (in consultation with Scottish Forestry).

Reason: To secure compensatory planting in line with the Control of Woodland Removal Policy and mitigation of biodiversity impacts.

5. Green Networks Scheme

No development shall commence unless and until proposals for the establishment of a Green Networks Scheme have been submitted to and approved in writing by the Scottish Ministers (in consultation with the Planning Authority). The Green Networks Scheme shall be based upon the outline approach for its delivery as set out in paragraphs 1.64 -1.70 of Appendix 5.1: Forest Design Concept – Approach to Mitigation and Enhancement of the EIAR. The Green Networks Scheme shall include:

i) Proposals for the formation and operation of a Green Networks Partnership Group which shall be responsible for the governance of the Green Networks Scheme, as described in (A) below; and

ii) Proposals for the community led identification of candidate schemes (“GNS Schemes”) to be agreed by the Green Networks Partnership Group and implemented by the Company. The final criteria for GNS Schemes will be set by the Partnership Group but will be limited to areas within 2km of the overhead lines forming part of the Development and affected by those overhead lines in reliance on the Green Networks Partnership Group, as described in (B) below.

The Green Networks Scheme as approved shall thereafter be implemented in full, unless otherwise agreed in writing by the Scottish Ministers in consultation with the Planning Authority.

A. Green Networks Partnership Group

Those entitled to participate in the Green Networks Partnership Group shall include:

- A member of the Scottish Government Energy Consents Unit or a representative appointed by it, who shall act as the Chairperson;
- Councillors within whose ward the Development site falls;
- Representatives of the Company;
- Any professional advisors of the Company;
- The Community Liaison Officer; and
- A representative(s) of the Dumfries and Galloway Council.

The Company shall determine when to hold the Green Networks Partnership Group meetings, having regard to the particular stage of the Green Networks Scheme and taking account of the views of those entitled to attend. Nevertheless, the Company shall ensure that the Green Networks Partnership Group meets on a regular basis (and not less than two times per year) until the Green Networks Scheme is implemented in full.

The Company shall issue an agenda in advance of each Green Networks Partnership Group meeting, take minutes of each meeting and issue those minutes to the Green Networks Partnership Group. The agenda and minutes shall be made available online and in hard copy at an accessible location within the community.

B. GNS Schemes

Once established and with a view to implementation of the GNS Schemes, the Green Networks Partnership Group shall:

- (1) Set out and agree a clear strategy for implementation of the GNS Schemes;
- (2) Agree a project funding structure for implementation of the GNS Schemes;
- (3) Agree on a suitable management structure and mechanism to implement the GNS Schemes;
- (4) Agree on an appropriate scoring rationale for candidate GNS Schemes based on the potential mitigation benefits, deliverability (through control over land) and location of the scheme relevant to the overhead lines forming part of the Development;
- (5) Invite the local communities, local groups and individuals to submit ideas for candidate GNS schemes to the Green Networks Partnership Group; and publish a guide for those invited to submit ideas for GNS schemes to the Green Networks Partnership Group detailing the application process (including mechanism such as community drop-ins and structured 'workshop' style events), a timescale for applications to be submitted, and the intended focus of the GNS Schemes, namely maximising environmental benefits for communities affected by the Development through landscape and visual enhancement and local access improvements including:
 - i) Additional forestry and woodland planting (including hedgerows / shelterbelts) providing screening of the overhead lines forming part of the Development,

- ii) Planting around and within settlements;
- iii) Integrated habitat networks;
- iv) Greenspace improvements;
- v) Local access improvements (such as linking existing core paths) and signage of paths;
- vi) Nature trails; and
- vii) Cycleways and other routes.

(6) Select GNS Schemes and oversee their implementation in line with terms set out at (1) – (5) above, subject to the Company securing the necessary land rights through voluntary agreements with the relevant landowners.

Reason: To promote and secure additional schemes of environmental mitigation within the areas and communities affected by the overhead lines forming part of the Development.

ECU00002125 - Carsfad to Kendoon

Part 2

Conditions Attached to Deemed Planning Permission

6. Implementation in accordance with approved plans and requirements of this consent

Except as otherwise required by the terms of this consent and deemed planning permission, the Development shall be undertaken in accordance with the application and the accompanying Environmental Impact Assessment (EIA) Report dated 20th August 2020, (as supplemented or amended by any further or additional environmental information) and other documentation lodged in support of the application.

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

7. Commencement of Development

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. Design of Ancillary Development

No development shall commence unless and until final details of the modifications to existing substations, construction compounds, welfare facilities, areas of hardstanding and turning areas, internal access tracks, any construction compound boundary fencing, external lighting and parking areas ("ancillary development") have been submitted to and approved in writing by the Planning Authority.

The ancillary development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the environmental impacts of the ancillary development forming part of the Development conform to the impacts assessed in the EIAR and in the interests of visual amenity.

9. Micro-siting and Infrastructure Location Allowance

All wood poles, areas of hardstanding and tracks shall be constructed in the locations shown on the approved plans. Wood poles, areas of hardstanding and tracks may be adjusted by micro-siting within the Infrastructure Location Allowance (ILA) specified in this condition. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and NatureScot), the micro-siting and ILA are subject to the following requirements and restrictions:

- (a) No wood pole shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on the approved plans, within EIAR Figures 4.7.2 to 4.7.3;
- (b) No wood pole or area of hardstanding shall be moved more than 50m from the position shown on the original approved plans;
- (c) No wood pole, electric lines or other apparatus will be moved more than 50m from the centre line shown on the approved plans, within EIAR Figures 4.7.2 to 4.7.3;
- (d) No access track shall be moved more than 50m from the position shown on the original approved plans;
- (e) All micro-siting permissible under this condition shall be implemented and controlled through the proposed detailed Construction Environmental Management Plan (CEMP). All micro-siting will be subject to the written approval of the Ecological Clerk of Works (ECoW) in consultation with the Planning Monitoring Officer (PMO) and records of all approvals shall be retained until the date of Final Energisation. The ECoW shall also undertake monitoring of all micro-siting carried out;

(f) Any wood poles located in relative proximity (within 200m) to Residential Properties will not be micro-sited any closer to the relevant receptors unless approved in writing by Planning Authority with input from the ECoW. Before micro-siting a wood pole already within 200m of a Residential Property closer to that property, the Company shall instruct an independent landscape architect who is a Chartered Member of the Landscape Institute to provide the Planning Authority with a report taking account of Chapter 3 and Table 4.1 of the Residential Visual Amenity Assessment Report ("RVAA Report") and advising whether the proposed micro-siting would result in the Residential Visual Amenity Threshold being reached. If the Planning Authority has not confirmed to the Company within 7 days of the receipt of the RVAA Report whether any further information is reasonably required and if so, the nature of that information, the Company shall be entitled to assume that the RVAA Report and the micro-siting are acceptable;

(g) Where possible, effects on forestry will be avoided or reduced through the refining of wood pole and related infrastructure locations utilising the 50m infrastructure location allowance;

(h) Micro-siting of infrastructure within the 50m ILA closer to or within the watercourse buffers will not be undertaken. Micro-siting will be undertaken to move infrastructure further away from sensitive water features, PWS and deeper peat, where possible having regard to other considerations.

No later than one month after the date of Final Energisation, an updated site plan must be submitted to the Planning Authority showing the final position of all wood poles, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW's approval, as applicable.

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

10. Planning Monitoring Officer (PMO)

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

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

(b) Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site;

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

(d) Require the PMO to provide input responding to a consultation request by the ECoW in relation to a proposal for counter-signing the written approval of micro-siting of wood poles in line with condition 9 (other than in terms of condition 9 (f) where approval by the Planning Authority is required).

The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works unless otherwise agreed in writing by the Planning Authority.

Reason: To enable the Development to be suitably monitored to ensure compliance with the consent issued.

11. Ecological 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 Ecological Clerk of Works (ECoW) in consultation with NatureScot and SEPA. The terms of appointment shall:

(a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the EIA Report and other information lodged in support of the application, the Construction Environmental Management Plan, and other plans approved in terms of condition 12 ("the ECoW works");

(b) Require the ECoW to report to the PMO and to the Company's nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;

(c) Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and

(d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works unless otherwise agreed in writing by the Planning Authority.

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

12. Construction Environmental Management Plan

No development shall commence unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by Planning Authority (in consultation with NatureScot, and SEPA). The Plans and any other Details specified below in relation to particular activities, shall integrate current best practice methods and shall outline any mitigation required in accordance

with the EIAR methodology and Appendix 5.2 of Volume 3 of the EIAR on embedded and additional mitigation. The CEMP shall include but not be limited to the following matters:

- (a) A Site Waste Management Plan;
- (b) A Sustainable Drainage System (SUDS) design concept, including run-off and sediment control measures; and flood risk management;
- (c) Details of any foul drainage arrangements;
- (d) Details of the formation of ancillary development referred to in condition 8 above;
- (e) A Pollution Prevention Plan (PPP);
- (f) An Environmental Management Plan (EMP). The EMP shall include details of the procedure for evaluating requests for micro-siting as referred to within condition 9 which shall include consideration of baseline environmental information, seeking and considering environmental advice from retained specialists and the notification of relevant statutory consultees including the Planning Authority;
- (g) A finalised Peat Management Plan;
- (h) Details of any tree crown reduction and tree felling, felling, waste mulching and replacement planting;
- (i) Details of on-site storage of materials, including fuel and other chemicals;
- (j) Details of on-site storage and off-site disposal of excavated material;
- (k) Details and timetable for phasing of construction works;
- (l) Details of turning arrangements for vehicles on site;
- (m) Cleaning of site entrances, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to /from the site to prevent spillage or deposit of any materials on the public road;
- (n) Details and timetable for post-construction restoration and / or reinstatement of the working areas and any other temporary works (including those carried out within the public road boundary);
- (o) Details of the management of noise and vibration during construction;
- (p) The height and location of all stockpiles of aggregate;
- (q) Details of the reinstatement, restoration and aftercare ("Restoration Works") of the areas at the bases of the OHL wood poles following the construction period to include: proposed landscaping including details of all trees and shrubs to be planted,

existing and proposed site levels accompanied by cross sections including details of slope gradients and a programme for carrying out the Restoration Works.

Thereafter, the construction of the Development shall be carried out in complete accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority in consultation with NatureScot and SEPA.

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

13. Reinstatement of Temporary Works

No development shall commence unless and until a scheme setting out details of reinstatement works, in respect of all temporary and ancillary development as identified in either Chapter 5 of Volume 1 of the EIAR or the CEMP required under condition 12 carried out as part of the construction phase, has been submitted to and approved in writing by the Planning Authority.

The scheme shall include, inter alia, location and site plans drawn to a recognised metric scale showing site levels and any details of proposed landscaping together with a programme for implementation. The reinstatement works shall thereafter be undertaken in full accordance with the scheme as approved.

Reason: In the interests of amenity and to secure early reinstatement.

14. Precise Locations and Details of Structures

The Company shall notify the UK Digital Vertical Obstruction File (DVOF) & Powerlines at the Defence Geographic Centre of the following information prior to the Commencement of Development:

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

Reason: In the interest of aviation safety.

15. Pre-Construction Species Survey Work

No development shall commence unless and until a Species Mitigation and Management Plan (SMMP) has been submitted to and approved in writing by the Planning Authority (in consultation with NatureScot).

The preparation of the SMMP shall be informed by the results of surveys for protected species carried out by a suitably qualified person or persons in a manner appropriate to the phasing of the Development. The Development shall thereafter be carried out in complete accordance with the SMMP as approved unless otherwise agreed in writing in advance by the Planning Authority.

Reason: To minimise disruption to protected species and their habitats.

16. Fish Monitoring Plan

No development shall commence unless and until a Fish Monitoring Plan (FMP) has been submitted to and approved in writing by the Planning Authority (in consultation with the Galloway Fisheries Trust).

The FMP shall ensure that sensitive fish populations are identified, monitored and, if required, mitigation works are put into place to address any negative impacts identified by the FMP as having taken place due to the Development. The FMP shall address the preconstruction, during construction and postconstruction phases and include all watercourses impacting fish.

The FMP shall include the following details:

- (a) Proposals for the monitoring of sensitive fish populations which may be adversely impacted by the Development including mitigation measures;
- (b) Proposals for fish rescues by electrofishing where fish populations are present in water courses potentially impacted as a result of the Development; and
- (c) Silt control measures and a water quality monitoring plan.

The development shall thereafter be carried out in accordance with the measures contained in the FMP as approved unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To protect sensitive fish populations.

17. Bird Protection Plan

(1) No development shall commence in any area where breeding birds may be present unless and until a preconstruction ornithological survey is completed, a report of that survey and a Bird Protection Plan (BPP) have been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot.

(2) The preconstruction ornithological survey shall cover the area of both the consented infrastructure and areas of suitable habitat up to 500 metres in all directions from it and the report of survey shall include mitigation measures where

any impact, or potential impact, on protected birds or their habitat has been identified.

(3) Construction and any other operational works shall progress in accordance with any mitigation measures contained within the approved BPP and the timescales contained therein.

(4) The Bird Protection Plan shall include, but not be limited to details of the following:

(a) The design and distribution of line marking to reduce collision risk for raptors and wildfowl and details of an inspection and maintenance schedule.

The approved Bird Protection Plan shall thereafter be implemented in full, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise disruption to protected birds and their habitats.

18. Construction Hours

Construction work which is audible from any noise-sensitive receptor shall only take place between the hours of:

- 07.00 to 19.00 for felling and access installation purposes in both winter and in summer (October to March and April to September, respectively);
- 08.00 to 17.00 (or as daylight allows) for all other activities in winter (October to March);
- 07:00 to 19:00 for all other activities in summer (April to September).

There shall be no construction work on a Sunday or national public holidays.

Outwith the specified hours, Development on the site shall be limited to maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority.

HGV movements to and from the site shall be limited to the days and hours listed above unless otherwise approved in advance in writing by the Planning Authority.

Reason: In the interests of local amenity.

19. Construction Traffic Management Plan

No development shall commence unless and until a comprehensive Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority (in consultation with Dumfries and Galloway Council's Roads Department and Police Scotland). The CTMP shall reflect the terms of the Framework CTMP included within Appendix 13.1 to the EAIR and insofar as not

already included it shall address the entire construction period, and include a detailed programme, breakdown of deliveries by type and month, agreed access and excluded routes, mitigation measures, vehicle tagging system details and contact list and a driver code of conduct.

The approved CTMP shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority.

Reason: To minimise interference and maintain the safety and free flow of traffic on local roads.

20. Roads – Temporary and Altered Points of Access

No development shall commence unless and until detailed proposals for temporary and altered points of access for construction traffic (including timescales) have been submitted to and approved in writing by the Planning Authority in consultation with Dumfries and Galloway Council's Roads Department.

Thereafter, the works to form the temporary and altered points of access shall be fully implemented in accordance with the approved proposals prior to any other construction operations commencing unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

21. Roads – Off-Site Accommodation Works

No development shall commence unless and until detailed plans identifying off-site accommodation works (to include passing places, verge strengthening / carriageway widening and associated works, all supported by swept path analysis) have been submitted to and approved in writing by the Planning Authority.

Thereafter, all required off-site accommodation works shall be implemented in full accordance with the detailed plans as approved, all at the Company's expense, to the specification and satisfaction of the Planning Authority prior to the commencement of any haulage operations.

Reason: In the interests of road safety.

22. Roads – Post Construction Restoration

No development shall commence unless and until details of the extent and details of 'post construction' carriageway, verge and public road boundary restoration works within the public road boundary (including a programme for implementation) has been submitted to and approved in writing by the Planning Authority.

The restoration works shall be implemented in full accordance with the detailed proposals and programme as approved to the satisfaction of the Planning Authority unless otherwise agreed in writing.

Reason: In the interests of road safety.

23. Roads - Detailed Proposals for Access Routes

Notwithstanding the supplied information regarding preferred access routes outlined in Appendix 13.2 (Volume 3 of the submitted EIAR), prior to the commencement of any work on site, detailed proposals for access routes must be submitted to and approved in writing by the Planning Authority. Only the access routes as approved shall thereafter be used for the Development unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

24. Community Liaison Officer

No development shall commence until the Company has appointed a Community Liaison Officer (CLO) and the appointment shall endure for the period from Commencement of Development until all restoration and reinstatement works are completed on site. The terms of appointment shall impose duties on the CLO to:

(a) Provide community and third-party stakeholder feedback on matters such as local road issues to the Company, and

(b) Impose a duty on the CLO to keep local communities informed of progress on site and warning them of upcoming activities which may give rise to increased construction vehicle movements.

The Company shall ensure its existing dedicated website for the Development is updated with information on the expected construction programme and contact telephone numbers for relevant staff at the Company, such as the CLO, to ensure that any issues can be reported and resolved. The dedicated website shall be maintained for the duration of the period from the Commencement of Development until all restoration and reinstatement works are completed on site.

Reason: To ensure the Company receives stakeholder feedback from residents on matters such as local road issues and that the community is informed of progress of the Development, particularly activities which may give rise to increased construction traffic.

25. Programme of Archaeological Works

No development shall commence unless and until the Company has secured a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority. Thereafter, the Company shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the Development site is undertaken to the satisfaction of the Planning Authority.

In addition, the Company shall, afford access at all reasonable times to the Planning Authority Archaeologist or a nominated representative and shall allow them to observe archaeological work in progress.

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

26. Archaeological Mitigation

The embedded archaeological mitigation measures which apply to the Development as detailed in Appendix 5.2: Embedded and Additional Mitigation and Monitoring Measures of the EIAR, shall be fully implemented to the satisfaction of the Planning Authority during the construction period.

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

27. Private Water Supplies

No development shall commence unless and until a method statement has been submitted to and approved in writing by the Planning Authority (in consultation with SEPA).

The method statement shall detail all mitigation measures to be delivered to secure the quality, quantity, and continuity of water supplies to those properties served by and which rely on private water supplies (PWS) at the date of this consent (including those identified in Appendix 5.2: Embedded and Additional Mitigation and Monitoring Measures of the EIAR), and which may be affected by the Development.

The method statement shall include proposals for the monitoring of water quality to be undertaken before, during and after construction to ensure no contamination of the supply. The method statement shall include details of the water quality sampling methods, the monitoring locations/abstraction points to be used. The quality of water within the PWS shall be benchmarked prior to any construction works commencing.

If the water quality within the PWS deteriorates during construction for example it becomes discoloured or contains high sediment content or hydrocarbons as a result of the construction works, the Company shall deliver an alternative supply of potable drinking water within a maximum period of 24 hours from the occurrence of the deterioration in water quality becoming known. The alternative supply shall continue to be provided until the water quality within the PWS is no worse than the benchmark quality.

The approved method statement shall thereafter be implemented in full unless otherwise agreed in writing by the Planning Authority.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies which may be affected by the Development.

ECU00002126 - Earlstoun to Glenlee

Part 1

Conditions attached to Section 37 Consent

1. Commencement of Development and Transmission

- (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. Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month before that date.
- (2) The Company shall notify the Scottish Ministers within 1 month of the date on which all electric lines having been installed and which form part of the Development, first transmit electricity, for reasons other than testing.

Reason: To avoid ensure that the consent is implemented within a reasonable period and to ensure Scottish Ministers are aware of the date of Final Energisation.

2. Non-assignation

This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may assign the consent (with or without conditions) or refuse assignation as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignation having been granted.

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

3. Serious Incident Reporting

In the event of any serious breach of health and safety or environmental obligations relating to the Development during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the Scottish Ministers, including confirmation of remedial measures taken and/ or to be taken to rectify the breach, within 24 hours of the breach first becoming known to the Company.

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

4. Woodland Planting Strategy

(1) 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 Scottish Forestry.

(2) The Woodland Planting Strategy shall set out an approach for the replanting of any trees felled by the Company as a result of the construction of the Earlstoun to Glenlee Connection forming part of the Development. The Woodland Planting Strategy shall cover an area of no less than 2.27 hectares, of which not less than 2.27 hectares shall be of native woodland tree species.

(3) The Woodland Planting Strategy must comply with the requirements set out in the UK Forestry Standard (Forestry Commission, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, or such replacement standard as may be in place at the time of submission of the Woodland Planting Strategy for approval.

(4) The Woodland Planting Strategy shall include details of the location of the area(s) to be planted, the nature, design and specification of the proposed woodland to be planted as well as the phasing and timescales for its implementation (which must be within 5 years of the date of this consent).

(5) The approved Woodland Planting Strategy shall then be implemented in full, unless otherwise agreed in writing by the Scottish Ministers (in consultation with Scottish Forestry).

Reason: To secure compensatory planting in line with the Control of Woodland Removal Policy and mitigation of biodiversity impacts.

5. Green Networks Scheme

No development shall commence unless and until proposals for the establishment of a Green Networks Scheme have been submitted to and approved in writing by the Scottish Ministers (in consultation with the Planning Authority). The Green Networks Scheme shall be based upon the outline approach for its delivery as set out in paragraphs 1.64 -1.70 of Appendix 5.1: Forest Design Concept – Approach to Mitigation and Enhancement of the EIAR. The Green Networks Scheme shall include:

i) Proposals for the formation and operation of a Green Networks Partnership Group which shall be responsible for the governance of the Green Networks Scheme, as described in (A) below; and

ii) Proposals for the community led identification of candidate schemes (“GNS Schemes”) to be agreed by the Green Networks Partnership Group and implemented by the Company. The final criteria for GNS Schemes will be set by the Partnership Group but will be limited to areas within 2km of the overhead lines forming part of the Development and affected by those overhead lines in reliance on the Green Networks Partnership Group, as described in (B) below.

The Green Networks Scheme as approved shall thereafter be implemented in full, unless otherwise agreed in writing by the Scottish Ministers in consultation with the Planning Authority.

A. Green Networks Partnership Group

Those entitled to participate in the Green Networks Partnership Group shall include:

- A member of the Scottish Government Energy Consents Unit or a representative appointed by it, who shall act as the Chairperson;
- Councillors within whose ward the Development site falls;
- Representatives of the Company;
- Any professional advisors of the Company;
- The Community Liaison Officer; and
- A representative(s) of the Dumfries and Galloway Council;

The Company shall determine when to hold the Green Networks Partnership Group meetings, having regard to the particular stage of the Green Networks Scheme and taking account of the views of those entitled to attend. Nevertheless, the Company shall ensure that the Green Networks Partnership Group meets on a regular basis (and not less than two times per year) until the Green Networks Scheme is implemented in full.

The Company shall issue an agenda in advance of each Green Networks Partnership Group meeting, take minutes of each meeting and issue those minutes to the Green Networks Partnership Group. The agenda and minutes shall be made available online and in hard copy at an accessible location within the community.

B. GNS Schemes

Once established and with a view to implementation of the GNS Schemes, the Green Networks Partnership Group shall:

- (1) Set out and agree a clear strategy for implementation of the GNS Schemes;
- (2) Agree a project funding structure for implementation of the GNS Schemes;
- (3) Agree on a suitable management structure and mechanism to implement the GNS Schemes;
- (4) Agree on an appropriate scoring rationale for candidate GNS Schemes based on the potential mitigation benefits, deliverability (through control over land) and location of the scheme relevant to the overhead lines forming part of the Development;
- (5) Invite the local communities, local groups and individuals to submit ideas for candidate GNS schemes to the Green Networks Partnership Group; and publish a guide for those invited to submit ideas for GNS schemes to the Green Networks Partnership Group detailing the application process (including mechanism such as community drop-ins and structured 'workshop' style events), a timescale for applications to be submitted, and the intended focus of the GNS Schemes, namely maximising environmental benefits for communities affected by the Development through landscape and visual enhancement and local access improvements including:

- i) Additional forestry and woodland planting (including hedgerows / shelterbelts) providing screening of the overhead lines forming part of the Development;
 - ii) Planting around and within settlements;
 - iii) Integrated habitat networks;
 - iv) Greenspace improvements;
 - v) Local access improvements (such as linking existing core paths) and signage of paths;
 - vi) Nature trails; and
 - vii) Cycleways and other routes.
- (6) Select GNS Schemes and oversee their implementation in line with terms set out at (1) – (5) above, subject to the Company securing the necessary land rights through voluntary agreements with the relevant landowners.

Reason: To promote and secure additional schemes of environmental mitigation within the areas and communities affected by the overhead lines forming part of the Development.

ECU00002126 - Earlstoun to Glenlee

Part 2

Conditions Attached to Deemed Planning Permission

6. Implementation in Accordance with Approved plans and Requirements of this Consent

Except as otherwise required by the terms of this consent and deemed planning permission, the Development shall be undertaken in accordance with the application and the accompanying Environmental Impact Assessment (EIA) Report dated 20th August 2020, (as supplemented or amended by any further or additional environmental information) and other documentation lodged in support of the application.

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

7. Commencement of Development

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. Design of Ancillary Development

No development shall commence unless and until final details of the modifications to existing substations, construction compounds, welfare facilities, areas of hardstanding and turning areas, internal access tracks, any construction compound boundary fencing, external lighting and parking areas ("ancillary development") have been submitted to and approved in writing by the Planning Authority.

The ancillary development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the environmental impacts of the ancillary development forming part of the Development conform to the impacts assessed in the EIAR and in the interests of visual amenity.

9. Micro-siting and Infrastructure Location Allowance

All wood poles, areas of hardstanding and tracks shall be constructed in the locations shown on the approved plans. Wood poles, areas of hardstanding and tracks may be adjusted by micro-siting within the Infrastructure Location Allowance (ILA) specified in this condition. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and NatureScot), the micro-siting and ILA are subject to the following requirements and restrictions:

(a) No wood pole shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on the approved plans within EIAR Figure 4.7.4;

(b) No wood pole or area of hardstanding shall be moved more than 50m from the position shown on the original approved plans;

(c) No wood pole, electric lines or other apparatus will be moved more than 50m from the centre line shown on the approved plans, within EIAR Figures 4.7.4;

(d) No access track shall be moved more than 50m from the position shown on the original approved plans;

(e) All micro-siting permissible under this condition shall be implemented and controlled through the proposed detailed Construction Environmental Management Plan (CEMP). All micro-siting will be subject to the written approval of the Ecological Clerk of Works (ECoW) in consultation with the Planning Monitoring Officer (PMO) and records of all approvals shall be retained until the date of Final Energisation. The ECoW shall also undertake monitoring of all micro-siting carried out;

(f) Any wood poles located in relative proximity (within 200m) to Residential Properties will not be micro-sited any closer to the relevant receptors unless approved in writing by Planning Authority with input from the ECoW. Before micro-siting a wood pole already within 200m of a Residential Property closer to that property, the Company shall instruct an independent landscape architect who is a Chartered Member of the Landscape Institute to provide the Planning Authority with a report taking account of Chapter 3 and Table 4.1 of the Residential Visual Amenity Assessment Report ("RVAA Report") and advising whether the proposed micro-siting would result in the Residential Visual Amenity Threshold being reached. If the Planning Authority has not confirmed to the Company within 7 days of the receipt of the RVAA Report whether any further information is reasonably required and if so, the nature of that information, the Company shall be entitled to assume that the RVAA Report and the micro-siting are acceptable;

(g) Where possible, effects on forestry will be avoided or reduced through the refining of wood pole and related infrastructure locations utilising the 50m infrastructure location allowance;

(h) Micro-siting of infrastructure within the 50m ILA closer to or within the watercourse buffers will not be undertaken. Micro-siting will be undertaken to move infrastructure further away from sensitive water features, PWS and deeper peat, where possible having regard to other considerations.

No later than one month after the date of Final Energisation, an updated site plan must be submitted to the Planning Authority showing the final position of all wood poles, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW's approval, as applicable.

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

10. Planning Monitoring Officer (PMO)

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

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

(b) Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site;

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

(d) Require the PMO to provide input responding to a consultation request by the ECoW in relation to a proposal for counter-signing the written approval of micro-siting of wood poles in line with condition 9 (other than in terms of condition 9 (f) where approval by the Planning Authority is required).

The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works unless otherwise agreed in writing by the Planning Authority.

Reason: To enable the Development to be suitably monitored to ensure compliance with the consent issued.

11. Ecological 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 Ecological Clerk of Works (ECoW) in consultation with NatureScot and SEPA. The terms of appointment shall:

(a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the EIA Report and other information lodged in support of the application, the Construction Environmental Management Plan, and other plans approved in terms of condition 12 ("the ECoW works");

(b) Require the ECoW to report to the PMO and to the Company's nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;

(c) Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and

(d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works unless otherwise agreed in writing by the Planning Authority.

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

12. Construction Environmental Management Plan

No development shall commence unless and until a Construction

Environmental Management Plan (CEMP) has been submitted to and approved in writing by Planning Authority (in consultation with NatureScot, and SEPA). The Plans and any other Details specified below in relation to particular activities, shall outline any mitigation required in accordance with the EIAR methodology and Appendix 5.2 of Volume 3 of the EIAR on embedded and additional mitigation. The CEMP shall include but not be limited to the following matters:

- (a) A Site Waste Management Plan;
- (b) A Sustainable Drainage System (SUDS) design concept, including run-off and sediment control measures; and flood risk management;
- (c) Details of any foul drainage arrangements;
- (d) Details of the formation of ancillary development referred to in condition 8 above;
- (e) A Pollution Prevention Plan (PPP);
- (f) An Environmental Management Plan (EMP). The EMP shall include details of the procedure for evaluating requests for micro-siting as referred to within condition 9 which shall include consideration of baseline environmental information, seeking and considering environmental advice from retained specialists and the notification of relevant statutory consultees including the Planning Authority;
- (g) A finalised Peat Management Plan;
- (h) Details of any tree crown reduction and tree felling, felling, waste mulching and replacement planting;
- (i) Details of on-site storage of materials, including fuel and other chemicals;
- (j) Details of on-site storage and off-site disposal of excavated material;
- (k) Details and timetable for phasing of construction works;
- (l) Details of turning arrangements for vehicles on site;
- (m) Cleaning of site entrances, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to /from the site to prevent spillage or deposit of any materials on the public road;
- (n) Details and timetable for post-construction restoration and / or reinstatement of the working areas and any other temporary works (including those carried out within the public road boundary);
- (o) Details of the management of noise and vibration during construction;
- (p) The height and location of all stockpiles of aggregate;

(q) Details of the reinstatement, restoration and aftercare (“Restoration Works”) of the areas at the bases of the OHL wood poles following the construction period to include: proposed landscaping including details of all trees and shrubs to be planted, existing and proposed site levels accompanied by cross sections including details of slope gradients and a programme for carrying out the Restoration Works.

Thereafter, the construction of the Development shall be carried out in complete accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority in consultation with NatureScot and SEPA.

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

13. Reinstatement of Temporary Works

No development shall commence unless and until a scheme setting out details of reinstatement works, in respect of all temporary and ancillary development as identified in either Chapter 5 of Volume 1 of the EIAR or the CEMP required under condition 12 carried out as part of the construction phase, has been submitted to and approved in writing by the Planning Authority.

The scheme shall include, inter alia, location and site plans drawn to a recognised metric scale showing site levels and any details of proposed landscaping together with a programme for implementation. The reinstatement works shall thereafter be undertaken in full accordance with the scheme as approved.

Reason: In the interests of amenity and to secure early reinstatement.

14. Precise Locations and Details of Structures

The Company shall notify the UK Digital Vertical Obstruction File (DVOF) & Powerlines at the Defence Geographic Centre of the following information prior to the Commencement of Development:

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

Reason: In the interest of aviation safety.

15. Pre-Construction Species Survey Work

No development shall commence unless and until a Species Mitigation and Management Plan (SMMP) has been submitted to and approved in writing by the Planning Authority (in consultation with NatureScot).

The preparation of the SMMP shall be informed by the results of surveys for protected species carried out by a suitably qualified person or persons in a manner appropriate to the phasing of the Development. The Development shall thereafter be carried out in complete accordance with the SMMP as approved unless otherwise agreed in writing in advance by the Planning Authority.

Reason: To minimise disruption to protected species and their habitats.

16. Fish Monitoring Plan

No development shall commence unless and until a Fish Monitoring Plan (FMP) has been submitted to and approved in writing by the Planning Authority (in consultation with the Galloway Fisheries Trust).

The FMP shall ensure that sensitive fish populations are identified, monitored and, if required, mitigation works are put into place to address any negative impacts identified by the FMP as having taken place due to the Development. The FMP shall address the preconstruction, during construction and postconstruction phases and include all watercourses impacting fish.

The FMP shall include the following details:

- (a) Proposals for the monitoring of sensitive fish populations which may be adversely impacted by the Development including mitigation measures;
- (b) Proposals for fish rescues by electrofishing where fish populations are present in water courses potentially impacted as a result of the Development; and
- (c) Silt control measures and a water quality monitoring plan.

The development shall thereafter be carried out in accordance with the measures contained in the FMP as approved unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To protect sensitive fish populations.

17. Bird Protection Plan

(1) No development shall commence in any area where breeding birds may be present unless and until a preconstruction ornithological survey is completed, a report of that survey and a Bird Protection Plan (BPP) have been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot.

(2) The preconstruction ornithological survey shall cover the area of both the consented infrastructure and areas of suitable habitat up to 500 metres in all directions from it and the report of survey shall include mitigation measures where any impact, or potential impact, on protected birds or their habitat has been identified.

(3) Construction and any other operational works shall progress in accordance with any mitigation measures contained within the approved BPP and the timescales contained therein.

Reason: To ensure that all breeding birds are protected from damage or disturbance.

18. Construction Hours

Construction work which is audible from any noise-sensitive receptor shall only take place between the hours of:

- 07.00 to 19.00 for felling and access installation purposes in both winter and in summer (October to March and April to September, respectively);
- 08.00 to 17.00 (or as daylight allows) for all other activities in winter (October to March);
- 07:00 to 19:00 for all other activities in summer (April to September).

There shall be no construction work on a Sunday or national public holidays.

Outwith the specified hours, Development on the site shall be limited to maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority.

HGV movements to and from the site shall be limited to the days and hours listed above unless otherwise approved in advance in writing by the Planning Authority.

Reason: In the interests of local amenity.

19. Construction Traffic Management Plan

No development shall commence unless and until a comprehensive Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority (in consultation with Dumfries and Galloway Council's Roads Department and Police Scotland).

The CTMP shall reflect the terms of the Framework CTMP included within Appendix 13.1 to the EIAR and insofar as not already included it shall address the entire construction period, and include a detailed programme, breakdown of deliveries by type and month, agreed access and excluded routes, mitigation measures, vehicle tagging system details and contact list and a driver code of conduct.

The approved CTMP shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority.

Reason: To minimise interference and maintain the safety and free flow of traffic on local roads.

20. Roads – Temporary and Altered Points of Access

No development shall commence unless and until detailed proposals for temporary and altered points of access for construction traffic (including timescales) have been submitted to and approved in writing by the Planning Authority in consultation with Dumfries and Galloway Council's Roads Department.

Thereafter, the works to form the temporary and altered points of access shall be fully implemented in accordance with the approved proposals prior to any other construction operations commencing unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

21. Roads – Off-Site Accommodation Works

No development shall commence unless and until detailed plans identifying off-site accommodation works (to include passing places, verge strengthening / carriageway widening and associated works, all supported by swept path analysis) have been submitted to and approved in writing by the Planning Authority.

Thereafter, all required off-site accommodation works shall be implemented in full accordance with the detailed plans as approved, all at the Company's expense, to the specification and satisfaction of the Planning Authority prior to the commencement of any haulage operations.

Reason: In the interests of road safety.

22. Roads – Post Construction Restoration

No development shall commence unless and until details of the extent and details of 'post construction' carriageway, verge and public road boundary restoration works within the public road boundary (including a programme for implementation) has been submitted to and approved in writing by the Planning Authority.

The restoration works shall be implemented in full accordance with the detailed proposals and programme as approved to the satisfaction of the Planning Authority unless otherwise agreed in writing.

Reason: In the interests of road safety.

23. Roads - Detailed Proposals for Access Routes

Notwithstanding the supplied information regarding preferred access routes outlined in Appendix 13.2 (Volume 3 of the submitted EIAR), prior to the commencement of any work on site, detailed proposals for access routes must be submitted to and approved in writing by the Planning Authority. Only the access routes as approved shall thereafter be used for the Development unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

24. Community Liaison Officer

There shall be no Commencement of Development until the Company has appointed a Community Liaison Officer (CLO) and the appointment shall endure for the period from Commencement of Development until all restoration and reinstatement works are completed on site. The terms of appointment shall impose duties on the CLO to:

- (a) Provide community and third-party stakeholder feedback on matters such as local road issues to the Company, and;
- (b) Impose a duty on the CLO to keep local communities informed of progress on site and warning them of upcoming activities which may give rise to increased construction vehicle movements.

The Company shall ensure its existing dedicated website for the Development is updated with information on the expected construction programme and contact telephone numbers for relevant staff at the Company, such as the CLO, to ensure that any issues can be reported and resolved. The dedicated website shall be maintained for the duration of the period from the Commencement of Development until all restoration and reinstatement works are completed on site.

Reason: To ensure the Company receives stakeholder feedback from residents on matters such as local road issues and that the community is informed of progress of the Development, particularly activities which may give rise to increased construction traffic.

25. Programme of Archaeological Works

No development shall commence unless and until the Company has secured a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority. Thereafter, the Company shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the Development site is undertaken to the satisfaction of the Planning Authority.

In addition, the Company shall afford access at all reasonable times to the Planning Authority Archaeologist or a nominated representative and shall allow them to observe archaeological work in progress.

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

26. Archaeological Mitigation

The embedded archaeological mitigation measures which apply to the Development as detailed in Appendix 5.2: Embedded and Additional Mitigation and Monitoring Measures of the EIAR, shall be fully implemented to the satisfaction of the Planning Authority during the construction period.

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

27. Private Water Supplies

No development shall commence unless and until a method statement has been submitted to and approved in writing by the Planning Authority (in consultation with SEPA).

The method statement shall detail all mitigation measures to be delivered to secure the quality, quantity, and continuity of water supplies to those properties served by and which rely on private water supplies (PWS) at the date of this consent (including those identified in Appendix 5.2: Embedded and Additional Mitigation and Monitoring Measures of the EIAR), and which may be affected by the Development.

The method statement shall include proposals for the monitoring of water quality to be undertaken before, during and after construction to ensure no contamination of the supply. The method statement shall include details of the water quality sampling methods, the monitoring locations/abstraction points to be used. The quality of water within the PWS shall be benchmarked prior to any construction works commencing.

If the water quality within the PWS deteriorates during construction for example it becomes discoloured or contains high sediment content or hydrocarbons as a result of the construction works, the Company shall deliver an alternative supply of potable drinking water within a maximum period of 24 hours from the occurrence of the deterioration in water quality becoming known. The alternative supply shall continue to be provided until the water quality within the PWS is no worse than the benchmark quality.

The approved method statement shall thereafter be implemented in full unless otherwise agreed in writing by the Planning Authority.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies which may be affected by the Development.

ECU00002127 - BG Route Deviation

Part 1

Conditions attached to Section 37 Consent

1. Commencement of Development and Transmission

- (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. Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month before that date.
- (2) The Company shall notify the Scottish Ministers within 1 month of the date on which all electric lines having been installed and which form part of the Development, first transmit electricity, for reasons other than testing.

Reason: To avoid ensure that the consent is implemented within a reasonable period and to ensure Scottish Ministers are aware of the date of Final Energisation.

2. Non-assignment

This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may assign the consent (with or without conditions) or refuse assignment as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignment having been granted.

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

3. Serious Incident Reporting

In the event of any serious breach of health and safety or environmental obligations relating to the Development during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the Scottish Ministers, including confirmation of remedial measures taken and/ or to be taken to rectify the breach, within 24 hours of the breach first becoming known to the Company.

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

4. Woodland Planting Strategy

(1) 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 Scottish Forestry.

(2) The Woodland Planting Strategy shall set out an approach for the replanting of any trees felled by the Company as a result of the construction of the BG Deviation forming part of the Development. The Woodland Planting Strategy shall cover an area of no less than 2.26 hectares, of which not less than 2.26 hectares shall be of native woodland tree species.

(3) The Woodland Planting Strategy must comply with the requirements set out in the UK Forestry Standard (Forestry Commission, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, or such replacement standard as may be in place at the time of submission of the Woodland Planting Strategy for approval.

(4) The Woodland Planting Strategy shall include details of the location of the area(s) to be planted, the nature, design and specification of the proposed woodland to be planted as well as the phasing and timescales for its implementation (which must be within 5 years of the date of this consent).

(5) The approved Woodland Planting Strategy shall then be implemented in full, unless otherwise agreed in writing by the Scottish Ministers (in consultation with Scottish Forestry).

Reason: To secure compensatory planting in line with the Control of Woodland Removal Policy and mitigation of biodiversity impacts.

5. Green Networks Scheme

No development shall commence unless and until proposals for the establishment of a Green Networks Scheme have been submitted to and approved in writing by the Scottish Ministers (in consultation with the Planning Authority). The Green Networks Scheme shall be based upon the outline approach for its delivery as set out in paragraphs 1.64 -1.70 of Appendix 5.1: Forest Design Concept – Approach to Mitigation and Enhancement of the EIAR. The Green Networks Scheme shall include:

i) Proposals for the formation and operation of a Green Networks Partnership Group which shall be responsible for the governance of the Green Networks Scheme, as described in (A) below; and

ii) Proposals for the community led identification of candidate schemes (“GNS Schemes”) to be agreed by the Green Networks Partnership Group and implemented by the Company. The final criteria for GNS Schemes will be set by the Partnership Group but will be limited to areas within 2km of the overhead lines forming part of the Development and affected by those overhead lines in reliance on the Green Networks Partnership Group, as described in (B) below.

The Green Networks Scheme as approved shall thereafter be implemented in full, unless otherwise agreed in writing by the Scottish Ministers in consultation with the Planning Authority.

A. Green Networks Partnership Group

Those entitled to participate in the Green Networks Partnership Group shall include:

- A member of the Scottish Government Energy Consents Unit or a representative appointed by it, who shall act as the Chairperson;
- Councillors within whose ward the Development site falls;
- Representatives of the Company;
- Any professional advisors of the Company;
- The Community Liaison Officer; and
- A representative(s) of the Dumfries and Galloway Council.

The Company shall determine when to hold the Green Networks Partnership Group meetings, having regard to the particular stage of the Green Networks Scheme and taking account of the views of those entitled to attend. Nevertheless, the Company shall ensure that the Green Networks Partnership Group meets on a regular basis (and not less than two times per year) until the Green Networks Scheme is implemented in full.

The Company shall issue an agenda in advance of each Green Networks Partnership Group meeting, take minutes of each meeting and issue those minutes to the Green Networks Partnership Group. The agenda and minutes shall be made available online and in hard copy at an accessible location within the community.

B. GNS Schemes

Once established and with a view to implementation of the GNS Schemes, the Green Networks Partnership Group shall:

- (1) Set out and agree a clear strategy for implementation of the GNS Schemes;
- (2) Agree a project funding structure for implementation of the GNS Schemes;
- (3) Agree on a suitable management structure and mechanism to implement the GNS Schemes;
- (4) Agree on an appropriate scoring rationale for candidate GNS Schemes based on the potential mitigation benefits, deliverability (through control over land) and location of the scheme relevant to the overhead lines forming part of the Development;
- (5) Invite the local communities, local groups and individuals to submit ideas for candidate GNS schemes to the Green Networks Partnership Group; and publish a guide for those invited to submit ideas for GNS schemes to the Green Networks Partnership Group detailing the application process (including mechanism such as community drop-ins and structured 'workshop' style events), a timescale for applications to be submitted, and the intended focus of the GNS Schemes, namely

maximising environmental benefits for communities affected by the Development through landscape and visual enhancement and local access improvements including:

- i) Additional forestry and woodland planting (including hedgerows / shelterbelts) providing screening of the overhead lines forming part of the Development,
- ii) Planting around and within settlements;
- iii) Integrated habitat networks
- iv) Greenspace improvements;
- v) Local access improvements (such as linking existing core paths) and signage of paths;
- vi) Nature trails; and
- vii) Cycleways and other routes.

(6) Select GNS Schemes and oversee their implementation in line with terms set out at (1) – (5) above, subject to the Company securing the necessary land rights through voluntary agreements with the relevant landowners.

Reason: To promote and secure additional schemes of environmental mitigation within the areas and communities affected by the overhead lines forming part of the Development.

ECU00002127 - BG Route Deviation

Part 2

Conditions Attached to Deemed Planning Permission

6. Implementation in accordance with approved plans and requirements of this consent

Except as otherwise required by the terms of this consent and deemed planning permission, the Development shall be undertaken in accordance with the Application and the accompanying Environmental Impact Assessment (EIA) Report dated 20th August 2020, (as supplemented or amended by any further or additional environmental information) and other documentation lodged in support of the application.

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

7. Commencement of Development

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. Design of Ancillary Development

No development shall commence unless and until final details of the modifications to existing substations, construction compounds, welfare facilities, areas of hardstanding and turning areas, internal access tracks, any construction compound boundary fencing, external lighting and parking areas ("ancillary development") have been submitted to and approved in writing by the Planning Authority.

The ancillary development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the environmental impacts of the ancillary development forming part of the Development conform to the impacts assessed in the EIAR and in the interests of visual amenity.

9. Micro-siting and Infrastructure Location Allowance

All steel lattice towers, areas of hardstanding and tracks shall be constructed in the locations shown on the approved plans. Steel lattice towers, areas of hardstanding and tracks may be adjusted by micro-siting within the Infrastructure Location Allowance (ILA) specified in this condition. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and NatureScot), the micro-siting and ILA are subject to the following requirements and restrictions:

(a) No steel lattice towers shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on the approved plans, within EIAR Figures 4.7.4 -4.7.6;

(b) No steel lattice towers or area of hardstanding shall be moved more than 50m from the position shown on the original approved plans;

(c) No steel lattice towers, electric lines or other apparatus will be moved more than 50 m from the centre line shown on the approved plans, within EIAR Figures 4.7.4 to 4.7.6;

(d) No access track shall be moved more than 50m from the position shown on the original approved plans;

(e) All micro-siting permissible under this condition shall be implemented and controlled through the proposed detailed Construction Environmental Management Plan (CEMP). All micro-siting will be subject to the written approval of the Ecological Clerk of Works (ECoW) in consultation with the Planning Monitoring Officer (PMO) and records of all approvals shall be retained until the date of Final Energisation. The ECoW shall also undertake monitoring of all micro-siting carried out;

(f) Any steel lattice towers located in relative proximity (within 200m) to Residential Properties will not be micro-sited any closer to the relevant receptors unless approved in writing by Planning Authority with input from the ECoW. Before micro-siting a steel lattice tower already within 200 m of a Residential Property closer to that property, the Company shall instruct an independent landscape architect who is a Chartered Member of the Landscape Institute to provide the Planning Authority with a report taking account of Chapter 3 and Table 4.1 of the Residential Visual Amenity Assessment Report ("RVAA Report") and advising whether the proposed micro-siting would result in the Residential Visual Amenity Threshold being reached. If the Planning Authority has not confirmed to the Company within 7 days of the receipt of the RVAA Report whether any further information is reasonably required and if so, the nature of that information, the Company shall be entitled to assume that the RVAA Report and the micro-siting are acceptable;

(g) Where possible, effects on forestry will be avoided or reduced through the refining of steel lattice tower and related infrastructure locations utilising the 50m infrastructure location allowance;

(h) Micro-siting of infrastructure within the 50m ILA closer to or within the watercourse buffers will not be undertaken. Micro-siting will be undertaken to move infrastructure further away from sensitive water features, PWS and deeper peat, where possible having regard to other considerations.

No later than one month after the date of Final Energisation, an updated site plan must be submitted to the Planning Authority showing the final position of all steel lattice towers, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW's approval, as applicable.

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

10. Borrow Pits – Scheme of Works

No development shall commence unless and until a site-specific scheme for the working of each borrow pit forming part of the Development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include:

(a) Scaled drawings showing the precise location, dimensions (including area and depth) and proposed volumes of stone which it is proposed to extract;

- (b) A detailed working method statement based on site survey information and ground investigations;
- (c) Details of the handling of any overburden (including peat, soil and rock);
- (d) Drainage, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Groundwater Dependent Terrestrial Ecosystems from drying out;
- (e) A programme of implementation of the works described in the scheme; and
- (f) Details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall thereafter be implemented in full unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and that the mitigation measures contained in the EIAR accompanying the application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pit(s) at the end of the construction period.

11. Borrow Pits – Blasting

Blasting shall only take place between the hours of 10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on national public holidays, unless otherwise approved in advance in writing by the Planning Authority.

Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at agreed blasting monitoring locations. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface.

Reason: To ensure that blasting activity is carried out within defined timescales, to control vibration and impact on amenity.

12. Planning Monitoring Officer (PMO)

No development shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent (“PMO”). The terms of appointment shall:

- (a) Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent;

- (b) Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site;
- (c) Require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity;
- (d) Require the PMO to provide input responding to a consultation request by the ECoW in relation to a proposal for counter-signing the written approval of micro-siting of steel lattice towers in line with condition 9 (other than in terms of condition 9 (f) where approval by the Planning Authority is required).

The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works unless otherwise agreed in writing by the Planning Authority.

Reason: To enable the Development to be suitably monitored to ensure compliance with the consent issued.

13. Ecological 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 Ecological Clerk of Works (ECoW) in consultation with NatureScot and SEPA. The terms of appointment shall:

- (a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the EIA Report and other information lodged in support of the application, the Construction Environmental Management Plan, and other plans approved in terms of condition 12 ("the ECoW works");
- (b) Require the ECoW to report to the PMO and to the Company's nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (c) Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and
- (d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works unless otherwise agreed in writing by the Planning Authority.

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

14. Construction Environmental Management Plan

No development shall commence unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by Planning Authority (in consultation with NatureScot, and SEPA). The Plans and any other Details specified below in relation to particular activities, shall integrate current best practice methods and shall outline any mitigation required in accordance with the EIAR methodology and Appendix 5.2 of Volume 3 of the EIAR on embedded and additional mitigation. The CEMP shall include but not be limited to the following matters:

- (a) A Site Waste Management Plan;
- (b) A Sustainable Drainage System (SUDS) design concept, including run-off and sediment control measures; and flood risk management;
- (c) Details of any foul drainage arrangements;
- (d) Details of the formation of ancillary development referred to in condition 8 above;
- (e) A Pollution Prevention Plan (PPP);
- (f) An Environmental Management Plan (EMP). The EMP shall include details of the procedure for evaluating requests for micro-siting as referred to within condition 9 which shall include consideration of baseline environmental information, seeking and considering environmental advice from retained specialists and the notification of relevant statutory consultees including the Planning Authority;
- (g) A finalised Peat Management Plan;
- (h) Details of any tree crown reduction and tree felling, felling, waste mulching and replacement planting;
- (i) Details of on-site storage of materials, including fuel and other chemicals;
- (j) Details of on-site storage and off-site disposal of excavated material;
- (k) Details and timetable for phasing of construction works;
- (l) Details of turning arrangements for vehicles on site;
- (m) Cleaning of site entrances, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to /from the site to prevent spillage or deposit of any materials on the public road;
- (n) Details and timetable for post-construction restoration and / or reinstatement of the working areas and any other temporary works (including those carried out within the public road boundary);
- (o) Details of the management of noise and vibration during construction;

(p) The height and location of all stockpiles of aggregate;

(q) Details of the reinstatement, restoration and aftercare (“Restoration Works”) of the areas at the bases of the steel lattice towers following the construction period to include: proposed landscaping including details of all trees and shrubs to be planted, existing and proposed site levels accompanied by cross sections including details of slope gradients and a programme for carrying out the Restoration Works.

Thereafter, the construction of the Development shall be carried out in complete accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority in consultation with NatureScot and SEPA.

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

15. Reinstatement of Temporary Works

No development shall commence unless and a scheme setting out details of reinstatement works, in respect of all temporary and ancillary development as identified in either Chapter 5 of Volume 1 of the EIAR or the CEMP required under condition 12 carried out as part of the construction phase, has been submitted to and approved in writing by the Planning Authority.

The scheme shall include, inter alia, location and site plans drawn to a recognised metric scale showing site levels and any details of proposed landscaping together with a programme for implementation. The reinstatement works shall thereafter be undertaken in full accordance with the scheme as approved.

Reason: In the interests of amenity and to secure early reinstatement.

16. Precise Locations and Details of Structures

The Company shall notify the UK Digital Vertical Obstruction File (DVOF) & Powerlines at the Defence Geographic Centre of the following information prior to the Commencement of Development:

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

Reason: In the interest of aviation safety.

17. Aviation Warning Lighting

The steel lattice towers forming part of the Development shall be fitted with MOD accredited aviation safety lighting. Prior to the date of Final Energisation, the steel lattice towers should be fitted with infrared lighting (IR) with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point and at a distance no greater than every 500m (or such distance as otherwise agreed in writing with the Planning Authority in consultation with the Defence Infrastructure Organisation) between each light. The lighting shall be retained in an effective operational condition for as long as the steel lattice towers remain in place.

Reason: In the interest of aviation safety.

18. Pre-Construction Species Survey Work

No development shall commence unless and until a Species Mitigation and Management Plan (SMMP) has been submitted to and approved in writing by the Planning Authority (in consultation with NatureScot).

The preparation of the SMMP shall be informed by the results of surveys for protected species carried out by a suitably qualified person or persons in a manner appropriate to the phasing of the Development. The Development shall thereafter be carried out in complete accordance with the SMMP as approved unless otherwise agreed in writing in advance by the Planning Authority.

Reason: To minimise disruption to protected species and their habitats.

19. Fish Monitoring Plan

No development shall commence unless and until a Fish Monitoring Plan (FMP) has been submitted to and approved in writing by the Planning Authority (in consultation with the Galloway Fisheries Trust).

The FMP shall ensure that sensitive fish populations are identified, monitored and, if required, mitigation works are put into place to address any negative impacts identified by the FMP as having taken place due to the Development. The FMP shall address the preconstruction, during construction and postconstruction phases and include all watercourses impacting fish.

The FMP shall include the following details:

- (a) Proposals for the monitoring of sensitive fish populations which may be adversely impacted by the Development including mitigation measures;
- (b) Proposals for fish rescues by electrofishing where fish populations are present in water courses potentially impacted as a result of the Development; and

(c) Silt control measures and a water quality monitoring plan.

The development shall thereafter be carried out in accordance with the measures contained in the FMP as approved unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To protect sensitive fish populations.

20. Bird Protection Plan

(1) No development shall commence in any area where breeding birds may be present unless and until a preconstruction ornithological survey is completed, a report of that survey and a Bird Protection Plan (BPP) have been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot.

(2) The preconstruction ornithological survey shall cover the area of both the consented infrastructure and areas of suitable habitat up to 500 metres in all directions from it and the report of survey shall include mitigation measures where any impact, or potential impact, on protected birds or their habitat has been identified.

(3) Construction and any other operational works shall progress in accordance with any mitigation measures contained within the approved BPP and the timescales contained therein.

Reason: To ensure that all breeding birds are protected from damage or disturbance.

21. Construction Hours

Construction work which is audible from any noise-sensitive receptor shall only take place between the hours of:

- 07.00 to 19.00 for felling and access installation purposes in both winter and in summer (October to March and April to September, respectively);
- 08.00 to 17.00 (or as daylight allows) for all other activities in winter (October to March);
- 07:00 to 19:00 for all other activities in summer (April to September).

There shall be no construction work on a Sunday or national public holidays.

Outwith the specified hours, Development on the site shall be limited to maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority.

HGV movements to and from the site shall be limited to the days and hours listed above unless otherwise approved in advance in writing by the Planning Authority.

Reason: In the interests of local amenity.

22. Construction Traffic Management Plan

No development shall commence unless and until a comprehensive Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority (in consultation with Dumfries and Galloway Council's Roads Department, and Police Scotland).

The CTMP shall reflect the terms of the Framework CTMP included within Appendix 13.1 to the EIAR and insofar as not already included it shall address the entire construction period, and include a detailed programme, breakdown of deliveries by type and month, agreed access and excluded routes, mitigation measures, vehicle tagging system details and contact list and a driver code of conduct.

The approved CTMP shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority.

Reason: To minimise interference and maintain the safety and free flow of traffic on local roads.

23. Roads – Temporary and Altered Points of Access

No development shall commence unless and until detailed proposals for temporary and altered points of access for construction traffic (including timescales) have been submitted to and approved in writing by the Planning Authority in consultation with Dumfries and Galloway Council's Roads Department.

Thereafter, the works to form the temporary and altered points of access shall be fully implemented in accordance with the approved proposals prior to any other construction operations commencing unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

24. Roads – Off-Site Accommodation Works

No development shall commence unless and until detailed plans identifying off-site accommodation works (to include passing places, verge strengthening / carriageway widening and associated works, all supported by swept path analysis) have been submitted to and approved in writing by the Planning Authority.

Thereafter, all required off-site accommodation works shall be implemented in full accordance with the detailed plans as approved, all at the Company's expense, to the specification and satisfaction of the Planning Authority prior to the commencement of any haulage operations.

Reason: In the interests of road safety.

25. Roads – Post Construction Restoration

No development shall commence unless and until details of the extent and details of 'post construction' carriageway, verge and public road boundary restoration works within the public road boundary (including a programme for implementation) has been submitted to and approved in writing by the Planning Authority.

The restoration works shall be implemented in full accordance with the detailed proposals and programme as approved to the satisfaction of the Planning Authority unless otherwise agreed in writing.

Reason: In the interests of road safety.

26. Roads - Detailed Proposals for Access Routes

Notwithstanding the supplied information regarding preferred access routes outlined in Appendix 13.2 (Volume 3 of the submitted EIAR), prior to the commencement of any work on site, detailed proposals for access routes must be submitted to and approved in writing by the Planning Authority. Only the access routes as approved shall thereafter be used for the Development unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

27. Community Liaison Officer

No development shall commence unless and until the Company has appointed a Community Liaison Officer (CLO) and the appointment shall endure for the period from Commencement of Development until all restoration and reinstatement works are completed on site. The terms of appointment shall impose duties on the CLO to:

(a) Provide community and third-party stakeholder feedback on matters such as local road issues to the Company, and:

(b) Impose a duty on the CLO to keep local communities informed of progress on site and warning them of upcoming activities which may give rise to increased construction vehicle movements.

The Company shall ensure its existing dedicated website for the Development is updated with information on the expected construction programme and contact telephone numbers for relevant staff at the Company, such as the CLO, to ensure that any issues can be reported and resolved. The dedicated website shall be maintained for the duration of the period from the Commencement of Development until all restoration and reinstatement works are completed on site.

Reason: To ensure the Company receives stakeholder feedback from residents on matters such as local road issues and that the community is informed of progress of

the Development, particularly activities which may give rise to increased construction traffic.

28. Programme of Archaeological Works

No development shall commence unless and until the Company has secured a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority.

Thereafter, the Company shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the Development site is undertaken to the satisfaction of the Planning Authority.

In addition, the Company shall, afford access at all reasonable times to the Planning Authority Archaeologist or a nominated representative and shall allow them to observe archaeological work in progress.

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

29. Archaeological Mitigation

The embedded archaeological mitigation measures which apply to the Development as detailed in Appendix 5.2: Embedded and Additional Mitigation and Monitoring Measures of the EIAR, shall be fully implemented to the satisfaction of the Planning Authority during the construction period.

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

30. Private Water Supplies

No development shall commence unless and until a method statement has been submitted to and approved in writing by the Planning Authority (in consultation with SEPA).

The method statement shall detail all mitigation measures to be delivered to secure the quality, quantity, and continuity of water supplies to those properties served by and which rely on private water supplies (PWS) at the date of this consent (including those identified in Appendix 5.2: Embedded and Additional Mitigation and Monitoring Measures of the EIAR), and which may be affected by the Development.

The method statement shall include proposals for the monitoring of water quality to be undertaken before, during and after construction to ensure no contamination of the supply. The method statement shall include details of the water quality sampling methods, the monitoring locations/abstraction points to be used. The quality of water within the PWS shall be benchmarked prior to any construction works commencing.

If the water quality within the PWS deteriorates during construction for example it becomes discoloured or contains high sediment content or hydrocarbons as a result

of the construction works, the Company shall deliver an alternative supply of potable drinking water within a maximum period of 24 hours from the occurrence of the deterioration in water quality becoming known. The alternative supply shall continue to be provided until the water quality within the PWS is no worse than the benchmark quality.

The approved method statement shall thereafter be implemented in full unless otherwise agreed in writing by the Planning Authority.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies which may be affected by the Development.

31. Decommissioning Scheme

In the event that the overhead line to be installed under this permission fails, following the Date of Final Energisation, to transmit electricity for a continuous period of 1 year, a Decommissioning Scheme shall be submitted to and for the further approval in writing by the relevant Planning Authority. The scheme shall include details about the removal of all elements of the Development, relevant access tracks and all cabling, including where necessary details of:

- (h) justification for retention of any relevant elements of the Development;
- (i) the treatment of disturbed ground surfaces;
- (j) management and timing of the works;
- (k) environmental management provisions, including species protection plans;
- (l) the removal of all components of the line from the site for recycling or disposal;
- (m) a traffic management plan to address any traffic impact issues during the decommissioning period; and
- (n) all in accordance with the relevant legislative requirements and published best practice at time of decommissioning, unless a subsequently amended scheme is submitted to and agreed in writing by the relevant Planning Authority.

Thereafter the scheme shall be implemented in accordance with the approved details and timetable.

***Reason:** To ensure that should the overhead line to be installed under this permission no longer be required, that an appropriate mechanism is in place for decommissioning of the Development.*

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Part 1

Conditions attached to Section 37 Consent

1. Commencement of Development and Transmission

- (3) 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. Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month before that date.
- (4) The Company shall notify the Scottish Ministers within 1 month of the date on which all electric lines having been installed and which form part of the Development, first transmit electricity, for reasons other than testing.

Reason: To avoid ensure that the consent is implemented within a reasonable period and to ensure Scottish Ministers are aware of the date of Final Energisation.

2. Non-assignation

This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may assign the consent (with or without conditions) or refuse assignation as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignation having been granted.

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

3. Serious Incident Reporting

In the event of any serious breach of health and safety or environmental obligations relating to the Development during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the Scottish Ministers, including confirmation of remedial measures taken and/ or to be taken to rectify the breach, within 24 hours of the breach first becoming known to the Company.

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

4. Woodland Planting Strategy

(1) 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 Scottish Forestry.

(2) The Woodland Planting Strategy shall set out an approach for the replanting of any trees felled by the Company as a result of the construction of the Glenlee to Tongland Connection forming part of the Development. The Woodland Planting Strategy shall cover an area of no less than 207.97 hectares, of which not less than 31.63 hectares shall be of native woodland tree species.

(3) The Woodland Planting Strategy must comply with the requirements set out in the UK Forestry Standard (Forestry Commission, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, or such replacement standard as may be in place at the time of submission of the Woodland Planting Strategy for approval.

(4) The Woodland Planting Strategy shall include details of the location of the area(s) to be planted, the nature, design and specification of the proposed woodland to be planted as well as the phasing and timescales for its implementation (which must be within 5 years of the date of this consent).

(5) The approved Woodland Planting Strategy shall then be implemented in full, unless otherwise agreed in writing by the Scottish Ministers (in consultation with Scottish Forestry).

Reason: To secure compensatory planting in line with the Control of Woodland Removal Policy, and mitigation of biodiversity impacts.

5 Forest Design Concept

No development shall commence unless and until a Forest Design Concept (FDC) has been submitted to and approved in writing by the Scottish Ministers (in consultation with Scottish Forestry). The FDC shall:

(1) Be based on the concept and apply to the land owned by Forestry and Land Scotland illustrated on the Map entitled Forest Design Concept forming Appendix 1 to the Applicant's Written Submissions on Further Policy Considerations (February 2023);

(2) Reflect the terms of Appendix 5.1: Forest Design Concept – Approach to Mitigation and Enhancement of the EIAR; and

(3) Include details of phasing, associated timescales for its implementation and long term management.

The approved FDC shall thereafter be implemented in full, unless otherwise agreed in advance in writing by the Scottish Ministers.

Reason: To secure mitigation of biodiversity impacts.

6 Green Networks Scheme

No development shall commence unless and until proposals for the establishment of a Green Networks Scheme have been submitted to and approved in writing by the Scottish Ministers (in consultation with the Planning Authority). The Green Networks Scheme shall be based upon the outline approach for its delivery as set out in paragraphs 1.64 -1.70 of Appendix 5.1: Forest Design Concept – Approach to Mitigation and Enhancement of the EIAR. The Green Networks Scheme shall include:

i) Proposals for the formation and operation of a Green Networks Partnership Group which shall be responsible for the governance of the Green Networks Scheme, as described in (A) below; and

ii) Proposals for the community led identification of candidate schemes (“GNS Schemes”) to be agreed by the Green Networks Partnership Group and implemented by the Company. The final criteria for GNS Schemes will be set by the Partnership Group but will be limited to areas within 2 km of the overhead lines forming part of the Development and affected by those overhead lines in reliance on the Green Networks Partnership Group, as described in (B) below.

The Green Networks Scheme as approved shall thereafter be implemented in full, unless otherwise agreed in writing by the Scottish Ministers in consultation with the Planning Authority.

A. Green Networks Partnership Group

Those entitled to participate in the Green Networks Partnership Group shall include:

- A member of the Scottish Government Energy Consents Unit or a representative appointed by it, who shall act as the Chairperson;
- Councillors within whose ward the Development site falls;
- Representatives of the Company;
- Any professional advisors of the Company;
- The Community Liaison Officer; and
- A representative(s) of the Dumfries and Galloway Council;

The Company shall determine when to hold the Green Networks Partnership Group meetings, having regard to the particular stage of the Green Networks Scheme and taking account of the views of those entitled to attend. Nevertheless, the Company shall ensure that the Green Networks Partnership Group meets on a regular basis (and not less than two times per year) until the Green Networks Scheme is implemented in full.

The Company shall issue an agenda in advance of each Green Networks Partnership Group meeting, take minutes of each meeting and issue those minutes to the Green Networks Partnership Group. The agenda and minutes shall be made available online and in hard copy at an accessible location within the community.

B. GNS Schemes

Once established and with a view to implementation of the GNS Schemes, the Green Networks Partnership Group shall:

- (1) Set out and agree a clear strategy for implementation of the GNS Schemes;
- (2) Agree a project funding structure for implementation of the GNS Schemes;
- (3) Agree on a suitable management structure and mechanism to implement the GNS Schemes;
- (4) Agree on an appropriate scoring rationale for candidate GNS Schemes based on the potential mitigation benefits, deliverability (through control over land) and location of the scheme relevant to the overhead lines forming part of the Development;
- (5) Invite the local communities, local groups and individuals to submit ideas for candidate GNS schemes to the Green Networks Partnership Group; and publish a guide for those invited to submit ideas for GNS schemes to the Green Networks Partnership Group detailing the application process (including mechanism such as community drop-ins and structured 'workshop' style events), a timescale for applications to be submitted, and the intended focus of the GNS Schemes, namely maximising environmental benefits for communities affected by the Development through landscape and visual enhancement and local access improvements including:
 - i) Additional forestry and woodland planting (including hedgerows / shelterbelts) providing screening of the overhead lines forming part of the Development, noting that any such planting shall be separate to the compensatory planting to be delivered through condition 4 and any planting to be delivered via the Forest Design Concept set out in condition 5;
 - ii) Planting around and within settlements;
 - iii) Integrated habitat networks (separate to the Forest Design Concept areas to be delivered through condition 5);
 - iv) Greenspace improvements;
 - v) Local access improvements (such as linking existing core paths) and signage of paths;
 - vi) Nature trails; and
 - vii) Cycleways and other routes.
- (6) Select GNS Schemes and oversee their implementation in line with terms set out at (1) – (5) above, subject to the Company securing the necessary land rights through voluntary agreements with the relevant landowners.

Reason: To promote and secure additional schemes of environmental mitigation within the areas and communities affected by the overhead lines forming part of the Development.

ECU00002128 - Glenlee to Tongland

Part 2

Conditions Attached to Deemed Planning Permission

7. Implementation in accordance with approved plans and requirements of this consent

Except as otherwise required by the terms of this consent and deemed planning permission, the Development, including the decommissioning and removal of R route towers R30 to R153, shall be undertaken in accordance with the Application and the accompanying Environmental Impact Assessment (EIA) Report dated 20th August 2020, (as supplemented or amended by any further or additional environmental information) and other documentation lodged in support of the application.

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

8. Commencement of Development

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.

9. Design of Ancillary Development

No development shall commence unless and until final details of the modifications to existing substations, construction compounds, welfare facilities, areas of hardstanding and turning areas, internal access tracks, any construction compound boundary fencing, external lighting and parking areas ("ancillary development") have been submitted to and approved in writing by the Planning Authority.

The ancillary development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the environmental impacts of the ancillary development forming part of the Development conform to the impacts assessed in the EIAR and in the interests of visual amenity.

10. Micro-siting and Infrastructure Location Allowance

All steel lattice towers, areas of hardstanding and tracks shall be constructed in the locations shown on the approved plans. Steel lattice towers, areas of hardstanding and tracks may be adjusted by micro-siting within the Infrastructure Location Allowance (ILA) specified in this condition. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and NatureScot), the micro-siting and ILA are subject to the following requirements and restrictions:

(a) No steel lattice towers shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on the approved plans, within EIAR Figures 4.7.4 to 4.7.18;

(b) No steel lattice towers or area of hardstanding shall be moved more than 50m from the position shown on the original approved plans;

(c) No steel lattice towers, electric lines, or other apparatus will be moved more than 50m from the centre line shown on the approved plans, within EIAR Figures 4.7.4 to 4.7.18;

(d) No access track shall be moved more than 50m from the position shown on the original approved plans;

(e) All micro-siting permissible under this condition shall be implemented and controlled through the proposed detailed Construction Environmental Management Plan (CEMP). All micro-siting will be subject to the written approval of the Ecological Clerk of Works (ECoW) in consultation with the Planning Monitoring Officer (PMO) and records of all approvals shall be retained until the date of Final Energisation. The ECoW shall also undertake monitoring of all micro-siting carried out.

(f) Any steel lattice towers located in relative proximity (within 200m) to Residential Properties will not be micro-sited any closer to the relevant receptors unless approved in writing by Planning Authority with input from the ECoW. Before micro-siting a steel lattice tower already within 200m of a Residential Property closer to that property, the Company shall instruct an independent landscape architect who is a Chartered Member of the Landscape Institute to provide the Planning Authority with a report taking account of Chapter 3 and Table 4.1 of the Residential Visual Amenity Assessment Report ("RVAA Report") and advising whether the proposed micro-siting would result in the Residential Visual Amenity Threshold being reached. If the Planning Authority has not confirmed to the Company within 7 days of the receipt of the RVAA Report whether any further information is reasonably required and if so, the nature of that information, the Company shall be entitled to assume that the RVAA Report and the micro-siting are acceptable.

(g) Where possible, effects on forestry will be avoided or reduced through the refining of steel lattice tower and related infrastructure locations utilising the 50m infrastructure location allowance.

(h) Micro-siting of infrastructure within the 50m ILA closer to or within the watercourse buffers will not be undertaken. Micro-siting will be undertaken to move

infrastructure further away from sensitive water features, PWS and deeper peat, where possible having regard to other considerations.

(i) Steel lattice towers 8 and 10 coincide with areas of M23 Ground Water Dependant Terrestrial Ecosystems (GWDTE). Subject to the process as identified above, the Company shall micro-site steel lattice towers 8 and 10 out of the GWDTE due to the high risk of pollution to ground and surface water resulting from the marshy conditions and presence of small drains/tributaries. Prior to any work commencing on the construction of towers 8 and 10, plans which show watercourse buffers and the areas required for mitigation and detailing mitigation measures to be undertaken shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The construction of towers 8 and 10 will thereafter be undertaken in accordance with the details as approved unless otherwise agreed in advance in writing by the Planning Authority.

No later than one month after the date of Final Energisation, an updated site plan must be submitted to the Planning Authority showing the final position of all steel lattice towers, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW's approval, as applicable.

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

11. Borrow Pits – Scheme of Works

No development shall commence unless and until a site-specific scheme for the working of each borrow pit forming part of the Development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include:

- (a) Scaled drawings showing the precise location, dimensions (including area and depth) and proposed volumes of stone which it is proposed to extract;
- (b) A detailed working method statement based on site survey information and ground investigations;
- (c) Details of the handling of any overburden (including peat, soil and rock);
- (d) Drainage, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Groundwater Dependent Terrestrial Ecosystems from drying out;
- (e) A programme of implementation of the works described in the scheme; and
- (f) Details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored borrow

pit profiles. The approved scheme shall thereafter be implemented in full unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and that the mitigation measures contained in the EIAR accompanying the application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pit(s) at the end of the construction period.

12. Borrow Pits – Blasting

Blasting shall only take place between the hours of 10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on national public holidays, unless otherwise approved in advance in writing by the Planning Authority. Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at agreed blasting monitoring locations. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface.

Reason: To ensure that blasting activity is carried out within defined timescales, to control vibration and impact on amenity.

13. Planning Monitoring Officer (PMO)

No development shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent (“PMO”). The terms of appointment shall:

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

(b) Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site;

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

(d) Require the PMO to provide input responding to a consultation request by the ECoW in relation to a proposal for counter-signing the written approval of micro-siting of steel lattice towers in line with condition 10 (other than in terms of condition 10(f) where approval by the Planning Authority is required).

The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works unless otherwise agreed in writing by the Planning Authority.

Reason: To enable the Development to be suitably monitored to ensure compliance with the consent issued.

14. Ecological 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 Ecological Clerk of Works (ECoW) in consultation with NatureScot and SEPA. The terms of appointment shall:

- (a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the EIA Report and other information lodged in support of the application, the Construction Environmental Management Plan, and other plans approved in terms of condition 15 (“the ECoW works”);
- (b) Require the ECoW to report to the PMO and to the Company’s nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (c) Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and
- (d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works unless otherwise agreed in writing by the Planning Authority.

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

15. Construction Environmental Management Plan

No development shall commence unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot, and SEPA. The Plans and any other Details specified below in relation to particular activities, shall integrate current best practice methods and outline any mitigation required in accordance with the EIAR methodology and Appendix 5.2 of Volume 3 of the EIAR on embedded and additional mitigation. The CEMP shall include but not be limited to the following matters:

- (a) A Site Waste Management Plan;
- (b) A Sustainable Drainage System (SUDS) design concept, including run-off and sediment control measures; and flood risk management;
- (c) Details of any foul drainage arrangements;

- (d) Details of the formation of ancillary development referred to in condition 9 above;
- (e) A Pollution Prevention Plan (PPP);
- (f) An Environmental Management Plan (EMP). The EMP shall include details of the procedure for evaluating requests for micro-siting as referred to within condition 10 which shall include consideration of baseline environmental information, seeking and considering environmental advice from retained specialists and the notification of relevant statutory consultees including the Planning Authority;
- (g) A finalised Peat Management Plan;
- (h) Details of any tree crown reduction and tree felling, felling, waste mulching and replacement planting;
- (i) Details of on-site storage of materials, including fuel and other chemicals;
- (j) Details of on-site storage and off-site disposal of excavated material;
- (k) Details and timetable for phasing of construction works;
- (l) Details of turning arrangements for vehicles on site;
- (m) Cleaning of site entrances, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to /from the site to prevent spillage or deposit of any materials on the public road;
- (n) Details and timetable for post-construction restoration and / or reinstatement of the working areas and any other temporary works (including those carried out within the public road boundary);
- (o) Details of the management of noise and vibration during construction;
- (p) The height and location of all stockpiles of aggregate;
- (q) Details of the reinstatement, restoration and aftercare ("Restoration Works") of the areas at the bases of the steel lattice towers following the construction period to include: proposed landscaping including details of all trees and shrubs to be planted, existing and proposed site levels accompanied by cross sections including details of slope gradients and a programme for carrying out the Restoration Works.

Thereafter, the construction of the Development shall be carried out in complete accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority in consultation with NatureScot and SEPA.

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

16. Reinstatement of Temporary Works

No development shall commence unless and until a scheme setting out details of reinstatement works, in respect of all temporary and ancillary development as identified in either Chapter 5 of Volume 1 of the EIAR or the CEMP required under Condition 15 carried out as part of the construction phase, has been submitted to and approved in writing by the Planning Authority.

The scheme shall include, inter alia, location and site plans drawn to a recognised metric scale showing site levels and any details of proposed landscaping together with a programme for implementation. The reinstatement works shall thereafter be undertaken in full accordance with the scheme as approved.

Reason: In the interests of amenity and to secure early reinstatement.

17. Precise Locations and Details of Structures

The Company shall notify the UK Digital Vertical Obstruction File (DVOF) & Powerlines at the Defence Geographic Centre of the following information prior to the Commencement of Development:

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

Reason: In the interest of aviation safety.

18. Aviation Warning Lighting

The steel lattice towers forming part of the Development shall be fitted with MOD accredited aviation safety lighting. Prior to the date of Final Energisation, the steel lattice towers should be fitted with infrared lighting (IR) with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point and at a distance no greater than every 500m (or such distance as otherwise agreed in writing with the Planning Authority in consultation with the Defence Infrastructure Organisation) between each light. The lighting shall be retained in an effective operational condition for as long as the steel lattice towers remain in place.

Reason: In the interest of aviation safety.

19. Pre-Construction Species Survey Work

No development shall commence unless and until a Species Mitigation and Management Plan (SMMP) has been submitted to and approved in writing by the Planning Authority (in consultation with NatureScot).

The preparation of the SMMP shall be informed by the results of surveys for protected species carried out by a suitably qualified person or persons in a manner appropriate to the phasing of the Development. The Development shall thereafter be carried out in complete accordance with the SMMP as approved unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To minimise disruption to protected species and their habitats.

20. Nightjar Monitoring

No development shall commence unless until a scheme for monitoring, reporting and mitigation measures for nightjar has been submitted to and approved in writing by the Planning Authority in consultation with Royal Society for the Protection of Birds.

The scheme shall make provision for delivery and funding of nightjar monitoring work of the Dumfries and Galloway Nightjar Study Group in coordinating, undertaking, evaluating and reporting the results of surveys of the nightjar population both within the core nightjar management area (and following habitat enhancement measures in the foraging area beyond) from the Commencement of Development until 5 years from date of Final Energisation. The scheme shall detail the methods of monitoring and how they will be delivered.

Thereafter the approved scheme shall be implemented following Commencement of Development.

Reason: To support a programme of monitoring within the core nightjar management area during and after construction and to monitor the effectiveness of the habitat enhancement measures .

21. Fish Monitoring Plan

No development shall commence unless and until a Fish Monitoring Plan (FMP) has been submitted to and approved in writing by the Planning Authority (in consultation with the Galloway Fisheries Trust).

The FMP shall ensure that sensitive fish populations are identified, monitored and, if required, mitigation works are put into place to address any negative impacts identified by the FMP as having taken place due to the Development. The FMP shall address the preconstruction, during construction and postconstruction phases and include all watercourses impacting fish.

The FMP shall include the following details:

- (a) Proposals for the monitoring of sensitive fish populations which may be adversely impacted by the Development including mitigation measures;
- (b) Proposals for fish rescues by electrofishing where fish populations are present in water courses potentially impacted as a result of the Development; and
- (c) Silt control measures and a water quality monitoring plan.

The development shall thereafter be carried out in accordance with the measures contained in the FMP as approved unless otherwise agreed in writing by the Planning Authority.

Reason: To protect sensitive fish populations.

22. Bird Protection Plan

(1) No development shall commence in any area where breeding birds may be present unless and until a preconstruction ornithological survey is completed, a report of that survey and a Bird Protection Plan (BPP) have been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot).

(2) The preconstruction ornithological survey shall cover the area of both the consented infrastructure and areas of suitable habitat up to 500 metres in all directions from it and the report of survey shall include mitigation measures where any impact, or potential impact, on protected birds or their habitat has been identified.

(3) Construction and any other operational works shall progress in accordance with any mitigation measures contained within the approved BPP and the timescales contained therein.

(4) The Bird Protection Plan shall include, but not be limited to details of the following:

- (a) The design and distribution of line marking to reduce collision risk for raptors and wildfowl and details of an inspection and maintenance schedule.
- (b) A work restriction zone beyond the Forestry and Land Scotland core nightjar management area to include an extension to cover the known nightjar population at Bennan and Laurieston.
- (c) The timings of works in the work restriction zone. Within the extension, any works within the May to September period must first be agreed by the Planning Authority.

The approved Bird Protection Plan shall thereafter be implemented in full, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise disruption to protected birds and their habitats.

23. Construction Hours

Construction work which is audible from any noise-sensitive receptor shall only take place between the hours of:

- 07.00 to 19.00 for felling and access installation purposes in both winter and in summer (October to March and April to September, respectively);
- 08.00 to 17.00 (or as daylight allows) for all other activities in winter (October to March);
- 07:00 to 19:00 for all other activities in summer (April to September).

There shall be no construction work on a Sunday or national public holidays.

Outwith the specified hours, Development on the site shall be limited to maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority.

HGV movements to and from the site shall be limited to the days and hours listed above unless otherwise approved in advance in writing by the Planning Authority.

Reason: In the interests of local amenity.

24. Construction Traffic Management Plan

No development shall commence unless and until a comprehensive Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority (in consultation with Dumfries and Galloway Council's Roads Department, Transport Scotland, and Police Scotland).

The CTMP shall reflect the terms of the Framework CTMP included within Appendix 13.1 to the EIAR and insofar as not already included it shall:

(a) Address the entire construction period, and include a detailed programme, breakdown of deliveries by type and month, agreed access and excluded routes, mitigation measures, vehicle tagging system details and contact list and a driver code of conduct;

(b) Include details of the methodology to be adopted in relation to the crossing of the A75 trunk road east of Ringford, as generally indicated on EIAR Figure 13.1.2: Proposed Construction Access Routes as prepared by LUC;

(c) Include details for the installation and maintenance of physical measures to segregate the running surface of that section of Beech Tree Avenue shaded green on Drawing 001 from the road verges to discourage HGVs from running onto the verges. The physical measures shall remain in place for all periods when Beech Tree Avenue is being used by HGVs involved in the Development; and

(d) Include a written commitment not to create any passing places on Beech Tree Avenue.

The approved CTMP shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority.

Reason: To minimise interference and maintain the safety and free flow of traffic on local roads and the A75 Trunk Road.

25. Roads – Temporary and Altered Points of Access

No development shall commence unless and until detailed proposals for temporary and altered points of access for construction traffic (including timescales) have been submitted to and approved in writing by the Planning Authority in consultation with Dumfries and Galloway Council's Roads Department.

Thereafter, the works to form the temporary and altered points of access shall be fully implemented in accordance with the approved proposals prior to any other construction operations commencing unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

26. Roads – Off-Site Accommodation Works

No development shall commence unless and until detailed plans identifying off-site accommodation works (to include passing places, verge strengthening / carriageway widening and associated works, all supported by swept path analysis) have been submitted to and approved in writing by the Planning Authority.

Thereafter, all required off-site accommodation works shall be implemented in full accordance with the detailed plans as approved, all at the Company's expense, to the specification and satisfaction of the Planning Authority prior to the commencement of any haulage operations.

Reason: In the interests of road safety.

27. Roads – Post Construction Restoration

No development shall commence unless and until details of the extent and details of 'post construction' carriageway, verge and public road boundary restoration works (including a programme for implementation) have been submitted to and approved in writing by the Planning Authority.

The restoration works shall be implemented in full accordance with the detailed proposals and programme as approved to the satisfaction of the Planning Authority unless otherwise agreed in writing.

Reason: In the interests of road safety.

28. Roads - Detailed Proposals for Access Routes

Notwithstanding the supplied information regarding preferred access routes outlined in Appendix 13.2 (Volume 3 of the submitted EIAR), prior to the commencement of any work on site, detailed proposals for access routes must be submitted to and approved in writing by the Planning Authority. Only the access routes as approved shall thereafter be used for the Development unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

29. Community Liaison Officer

No development shall commence unless and until the Company has appointed a Community Liaison Officer (CLO) and the appointment shall endure for the period from Commencement of Development until all restoration and reinstatement works are completed on site. The terms of appointment shall impose duties on the CLO to:

(a) Provide community and third-party stakeholder feedback on matters such as local road issues to the Company. In particular, provide feedback from members of the public representing the residents of Laurieston on matters such as the development of the Construction Traffic Management Plan and the Construction Environmental Management Plan, including any necessary mitigation;

(b) Impose a duty on the CLO to keep local communities informed of progress on site and warning them of upcoming activities which may give rise to increased construction vehicle movements; and

(c) Provide feedback from the Gatehouse and Kirkcudbright Angling Association on matters such as access issues, construction/traffic noise and blasting/vibrations, including any necessary mitigation, to the Company. In addition, keep the Association informed of progress on site, warning them of upcoming activities which may give rise to increased construction vehicle movements or noise/vibration.

The Company shall ensure its existing dedicated website for the Development is updated with information on the expected construction programme and contact telephone numbers for relevant staff at the Company, such as the CLO, to ensure that any issues can be reported and resolved. The dedicated website shall be maintained for the duration of the period from the Commencement of Development until all restoration and reinstatement works are completed on site.

Reason: To ensure the Company receives stakeholder/community feedback on matters such as local road issues and that the community is informed of progress of the Development, particularly activities which may give rise to increased construction traffic.

30. Programme of Archaeological Works

No development shall commence unless and until the Company has secured a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority. Thereafter, the Company shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the Development site is undertaken to the satisfaction of the Planning Authority.

In addition, the Company shall, afford access at all reasonable times to the Planning Authority Archaeologist or a nominated representative and shall allow them to observe archaeological work in progress.

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

31. Archaeological Mitigation

The embedded archaeological mitigation measures which apply to the Development as detailed in Appendix 5.2: Embedded and Additional Mitigation and Monitoring Measures of the EIAR, shall be fully implemented to the satisfaction of the Planning Authority during the construction period.

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

32. Private Water Supplies

No development shall commence unless and until a method statement has been submitted to and approved in writing by the Planning Authority (in consultation with SEPA).

The method statement shall detail all mitigation measures to be delivered to secure the quality, quantity, and continuity of water supplies to those properties served by and which rely on private water supplies (PWS) at the date of this consent (including those identified in Appendix 5.2: Embedded and Additional Mitigation and Monitoring Measures of the EIAR), and which may be affected by the Development.

The method statement shall include proposals for the monitoring of water quality to be undertaken before, during and after construction to ensure no contamination of the supply. The method statement shall include details of the water quality sampling methods, the monitoring locations/abstraction points to be used. The quality of water within the PWS shall be benchmarked prior to any construction works commencing.

If the water quality within the PWS deteriorates during construction for example it becomes discoloured or contains high sediment content or hydrocarbons as a result of the construction works, the Company shall deliver an alternative supply of potable drinking water within a maximum period of 24 hours from the occurrence of the deterioration in water quality becoming known. The alternative supply shall continue to be provided until the water quality within the PWS is no worse than the benchmark quality.

The approved method statement shall thereafter be implemented in full unless otherwise agreed in writing by the Planning Authority.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies which may be affected by the Development.

33. Decommissioning Scheme

In the event that the overhead line to be installed under this permission fails, following the Date of Final Energisation, to transmit electricity for a continuous period of 1 year, a Decommissioning Scheme shall be submitted to and for the further approval in writing by the relevant Planning Authority. The scheme shall include details about the removal of all elements of the Development, relevant access tracks and all cabling, including where necessary details of:

- (o) justification for retention of any relevant elements of the Development;
- (p) the treatment of disturbed ground surfaces;
- (q) management and timing of the works;
- (r) environmental management provisions, including species protection plans;
- (s) the removal of all components of the line from the site for recycling or disposal;
- (t) a traffic management plan to address any traffic impact issues during the decommissioning period; and
- (u) all in accordance with the relevant legislative requirements and published best practice at time of decommissioning, unless a subsequently amended scheme is submitted to and agreed in writing by the relevant Planning Authority.

Thereafter the scheme shall be implemented in accordance with the approved details and timetable.

***Reason:** To ensure that should the overhead line to be installed under this permission no longer be required, that an appropriate mechanism is in place for decommissioning of the Development.*

34. Removal of R Route (South) - Planning Monitoring Officer (PMO)

No development which is required for the decommissioning of R30 - R153 shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent ("PMO"). The terms of appointment shall:

- (a) Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent;
- (b) Require the PMO to submit a monthly report to 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 terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity.

The PMO shall be appointed on the approved terms throughout the period from commencement of decommissioning of R30 – R153 to its completion unless otherwise agreed in writing by the Planning Authority.

Reason: To enable the Development relating to the decommissioning of towers R30 – R153 to be suitably monitored to ensure compliance with the consent issued.

35. Removal of R Route (South) - Ecological Clerk of Works

No development which is required for the decommissioning of R30 - R153 shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with NatureScot and SEPA. The terms of appointment shall:

(a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the EIA Report and other information lodged in support of the application, the Decommissioning Environmental Management Plan, and other plans approved in terms of condition 36 (“the ECoW works”);

(b) Require the ECoW to report to the Company’s nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;

(c) Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and

(d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the decommissioning of R30 - R153 unless otherwise agreed in writing by the Planning Authority.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the removal of R route.

36. Removal of R Route (South) - Environmental Management Plan

No development which is required for the decommissioning of R30 - R153 shall commence unless and until Decommissioning Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Planning Authority (in consultation with NatureScot and SEPA). The DEMP shall include the following matters:

(a) A Site Waste Management Plan;

- (b) A Sustainable Drainage System (SUDS) design concept, including run-off and sediment control measures; and flood risk management;
- (c) Details of any foul drainage arrangements;
- (d) Details of the formation of ancillary development including but not limited to any proposed temporary site compound for storage of materials, machinery, designated car parking areas, and access tracks;
- (e) A Pollution Prevention Plan (PPP);
- (f) An Environmental Management Plan (EMP);
- (g) A finalised Peat Management Plan;
- (h) Details of ecological monitoring over the decommissioning period including all necessary pre-decommissioning surveys as required;
- (i) Details of any tree crown reduction, tree felling, felling, waste mulching and replacement planting;
- (j) Details of on-site storage of materials, including fuel and other chemicals;
- (k) Details of on-site storage and off-site disposal of excavated material;
- (l) Details and timetable for phasing of the decommissioning of R30 - R153, which shall be submitted within one month of the date of Final Energisation. The decommissioning of R30 - R153 shall be completed within 18 months of the date of Final Energisation unless otherwise agreed in writing with the Planning Authority;
- (m) Details of turning arrangements for vehicles on site;
- (n) Cleaning of site entrances, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or materials to / from the site to prevent spillage or deposit of any materials on the public road;
- (o) Details and timetable for restoration and /or reinstatement of the working areas and any other temporary works (including those carried out within the public road boundary);
- (p) Details of the management of noise and vibration during decommissioning of R30 - R153;
- (q) The height and location of all stockpiles of aggregate; and
- (r) Details of the reinstatement, restoration, and aftercare ("Restoration Works") of the areas at the bases of the steel lattice towers following their permanent removal to include: proposed landscaping including details of all trees and shrubs to be planted,

existing and proposed site levels accompanied by cross sections including details of slope gradients and a programme for carrying out the Restoration Works.

Thereafter, the decommissioning of R30 - R153 shall be carried out in accordance with the approved DEMP unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the decommissioning of R30 - R153 is undertaken in compliance with nature conservation legislation and policy.

37. Removal of R Route (South) - Bird Protection Plan

(1) No development which is required for the decommissioning of R30 - R153 shall commence any area where breeding birds may be present unless and until a pre-decommissioning ornithological survey is completed, a report of that survey and a Bird Protection Plan (BPP) has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot).

(2) The pre decommissioning ornithological survey shall cover R route (south) the area of the existing infrastructure and areas of suitable habitat up to 500 metres in all directions from it and the report of survey shall include mitigation measures where any impact, or potential impact, on protected birds or their habitat has been identified.

(3) Decommissioning of R30 - R153 shall progress in accordance with any mitigation measures contained within the approved BPP and the timescales contained therein.

Reason: To ensure that all breeding birds are protected from damage or disturbance.

38. Removal of R route (South) - Pre- Decommissioning Species Survey Work

No development which is required for the decommissioning of R30 - R153 shall commence unless and until a Species Mitigation and Management Plan (SMMP) has been submitted to and approved in writing by the Planning Authority (in consultation with NatureScot).

The preparation of the SMMP shall be informed by the results of surveys for protected species carried out by a suitably qualified person or persons in a manner appropriate to the phasing of the Development. The decommissioning of R30 - R153 shall thereafter be carried out in complete accordance with the SMMP as approved unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To minimise disruption to protected species and their habitats.

39. Removal of R route (South) - Private Water Supplies

No development which is required for the decommissioning of R30 - R153 shall commence unless and until a method statement has been submitted to and approved in writing by the Planning Authority (in consultation with SEPA), detailing

all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to those properties served by and which rely on private water supplies (PWS) at the date of this consent (including those identified in Appendix 5.2: Embedded and Additional Mitigation and Monitoring Measures of the EIAR), and which may be affected by Appendix 5.2 to the EIAR), and which may be affected by the decommissioning.

The method statement shall include proposals for the monitoring of water quality to be undertaken before, during and after decommissioning of R30 – R153 to ensure no contamination of the supply. The method statement shall include details of the water quality sampling methods, the monitoring locations/abstraction points to be used. The quality of water within the PWS shall be benchmarked prior to any decommissioning works commencing.

If the water quality within the PWS deteriorates during the decommissioning of R30 – R153 for example it becomes discoloured or contains high sediment content or hydrocarbons as a result of the decommissioning works, the Company shall deliver an alternative supply of potable drinking water within a maximum period of 24 hours from the occurrence of the deterioration in water quality becoming known. The alternative supply shall continue to be provided until the water quality within the PWS is no worse than the benchmark quality.

The approved method statement shall thereafter be implemented in full unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies which may be affected by the decommissioning of R30 – R153.

40. Removal of R route (South) - Reinstatement of Temporary Works

That the removal of any temporary works identified in the DEMP required under condition 36 shall be undertaken as soon as possible after decommissioning of R30 – R153 is completed. For the avoidance of doubt, this shall include temporary roadways, tracks/ accesses and removal of all surfacing material and geotextile materials unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety.

41. Removal of R route (South) - Roads – Post Decommissioning Restoration

No development which is required for the decommissioning of R30 - R153 shall commence unless and until details of the extent and details of 'post decommissioning' carriageway, verge and public road boundary restoration works (including a programme for implementation) have been submitted to and approved in writing by the Planning Authority.

The restoration works shall be implemented in full accordance with the detailed proposals and programme as approved to the satisfaction of the Planning Authority unless otherwise agreed in writing.

Reason: In the interests of road safety.

42. Removal of R route (South) - Roads – Temporary and Altered Points of Access

No development which is required for which is required for the decommissioning of R30 - R153 shall commence unless and until detailed proposals for temporary and altered points of access for decommissioning traffic (including timescales) have been submitted to and approved in writing by the Planning Authority.

Thereafter, the works to form the temporary and altered points of access shall be fully implemented in accordance with the approved proposals prior to any other decommissioning operations commencing unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

43. Removal of R route (South) - Roads – Off-Site Accommodation Works

No development which is required for the decommissioning of R30 - R153 shall commence unless and until detailed plans identifying off-site accommodation works (to include passing places, verge strengthening / carriageway widening and associated works, all supported by swept path analysis) have been submitted to and approved in writing by the Planning Authority.

Thereafter, all required off-site accommodation works shall be implemented in full accordance with the detailed plans as approved, all at the Company's expense, to the specification and satisfaction of the Planning Authority prior to the commencement of any haulage operations.

Reason: In the interests of road safety.

44. Removal of R route (South) - Traffic Management Plan

No development which is required for the decommissioning of R30 - R153 shall commence unless and until a comprehensive Decommissioning Traffic Management Plan (DTMP) in respect of the decommissioning has been submitted to and approved in writing by the Planning Authority, Transport Scotland and Police Scotland. The DTMP shall address the period of Decommissioning, and include a detailed programme, breakdown of deliveries by type and month, agreed access and excluded routes, mitigation measures, vehicle tagging system details and contact lists.

Thereafter, the decommissioning of R30 - R153 shall be carried out in complete accordance with the measures as approved in the DTMP unless otherwise agreed in advance in writing with the Planning Authority.

Reason: In the interests of road safety.

Definitions

“the Application” means the application submitted by the Company on 28 August 2020, the EIA report, and any other information submitted by the Company in support of the Application.

“approved plans” means the plans submitted within figures 4.1 – 4.12 and 5.1 – 5.6 of the EIA report.

“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

“the Company” means SP Transmission Plc, a company incorporated under the Companies Acts with company Number by SC189126, and having its registered office at 320 St. Vincent Street, Glasgow, Scotland, G2 5AD.

“date of Final Energisation” means the earlier of (i) the date on which all electric lines having been installed and which form part of the Development transmit electricity, for reasons other than testing; or (ii) the date falling four years from the date of Commencement of Development.

“the decommissioning of R30 - R153” means the development described in paragraph 4.88 of the EIAR.

“decommissioning of R000A - R29 and N230 - N240” means the development described in paragraph 4.87 of the EIAR;

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

“the EIAR” means the EIA Report.

“the Planning Authority” means Dumfries and Galloway Council.

“the roads authority” means Dumfries and Galloway Council.

“RVAA” means the Kendoon to Tongland Reinforcement Project Residential Visual Amenity Assessment prepared by LUC and dated August 2022.

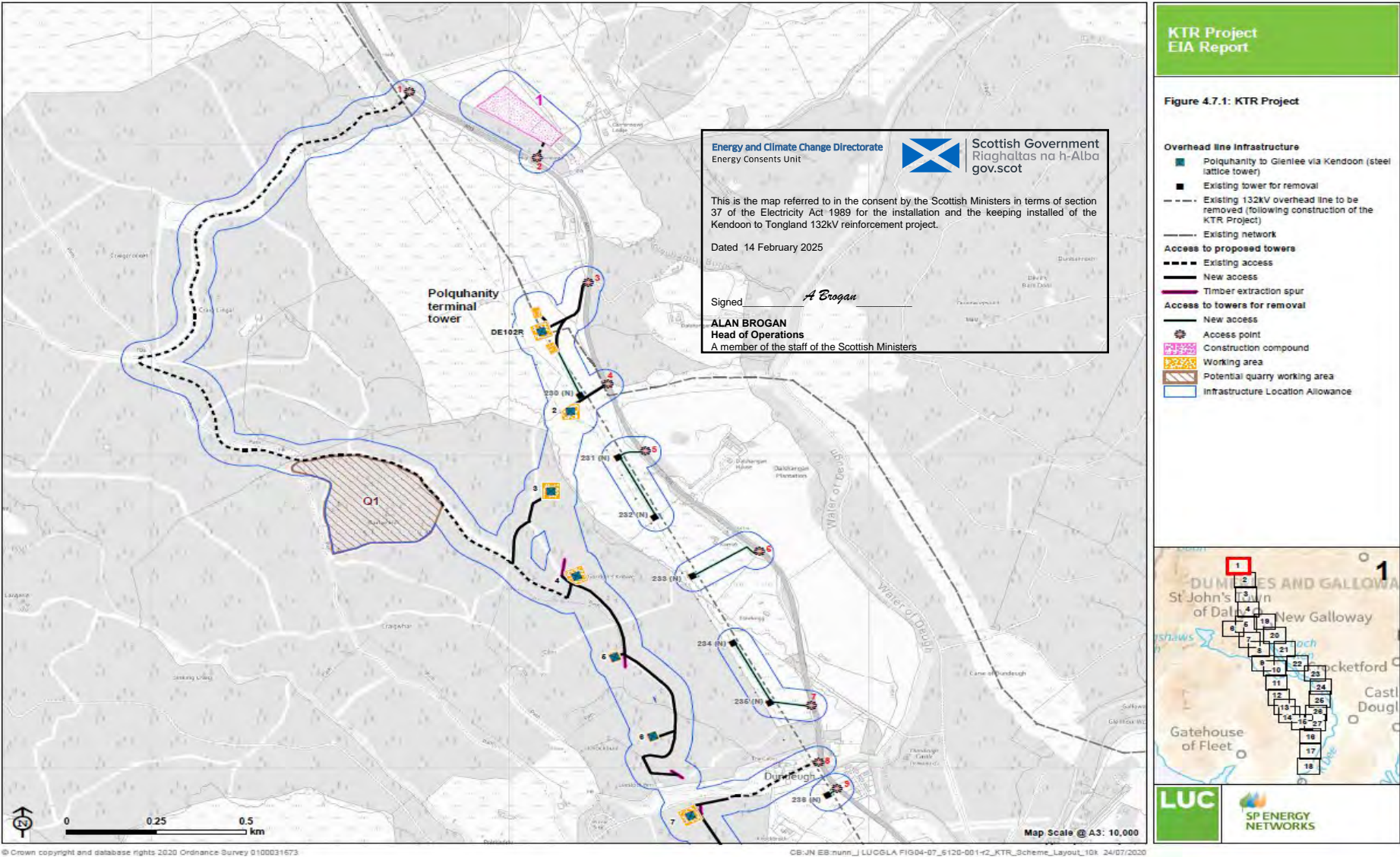
“Residential Property” means any dwellinghouse or flatted property in residential use as at the date of the RVAA.

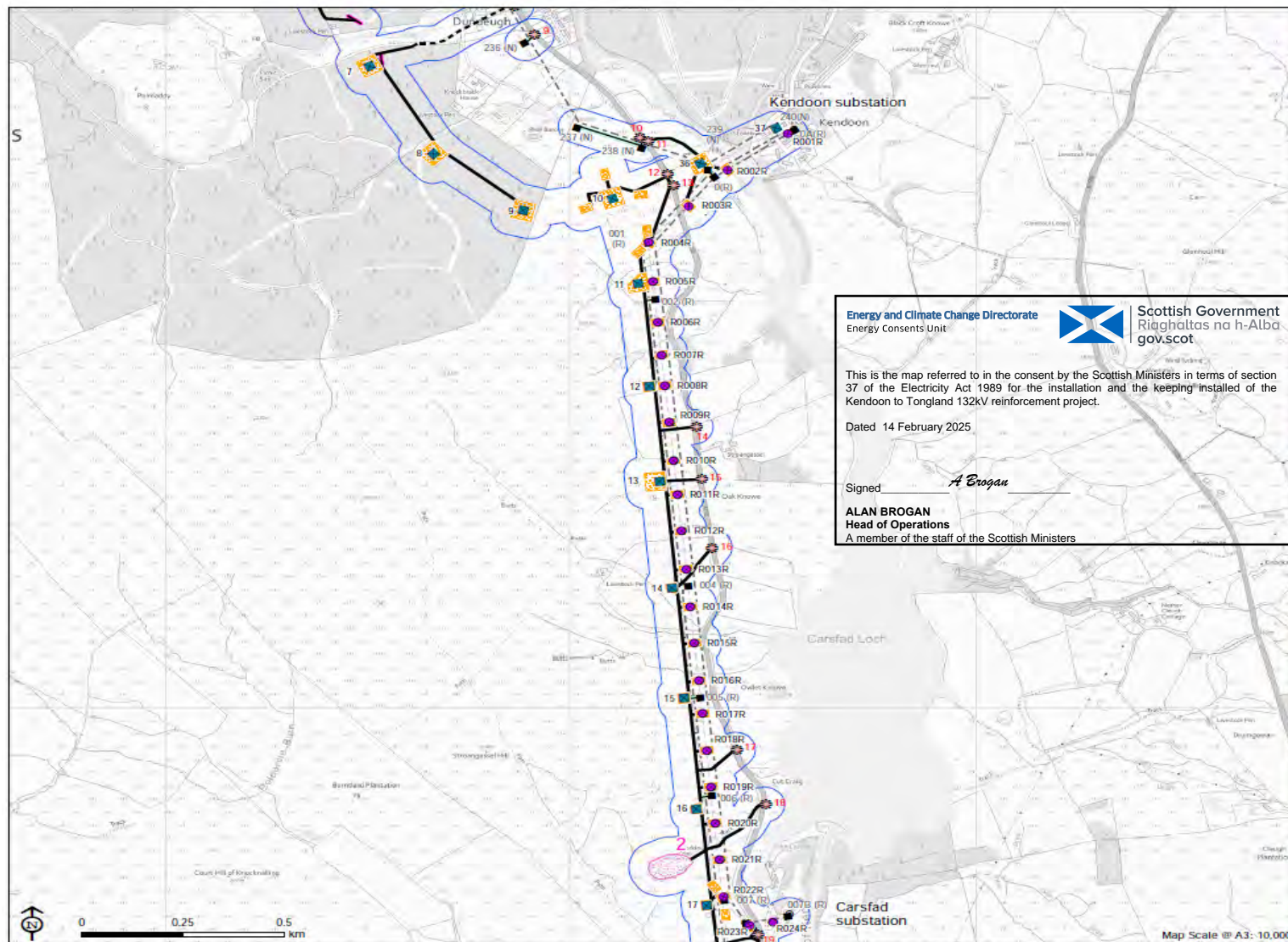
“Residential Visual Amenity Threshold” means where the effect on development is of such nature and/or magnitude that it potentially affects “living conditions” or “Residential Amenity as described in the Landscape Institute Technical Guidance Note 2/19 - Residential Visual Amenity Assessment (RVAA).

“SEPA” means Scottish Environmental Protection Agency.

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

Annex 3 – Site Layout Plans

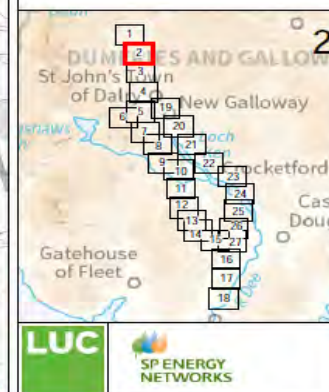


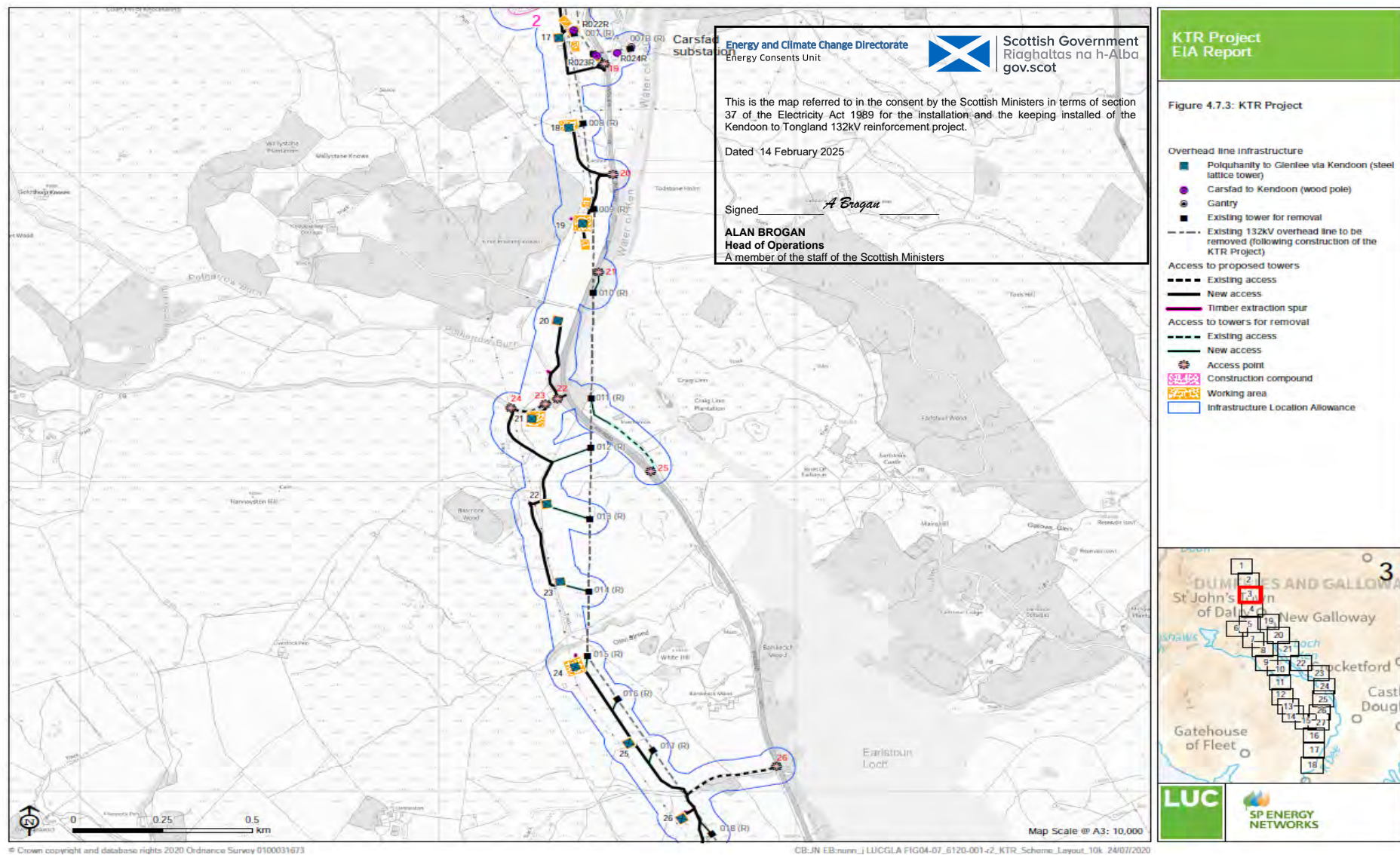


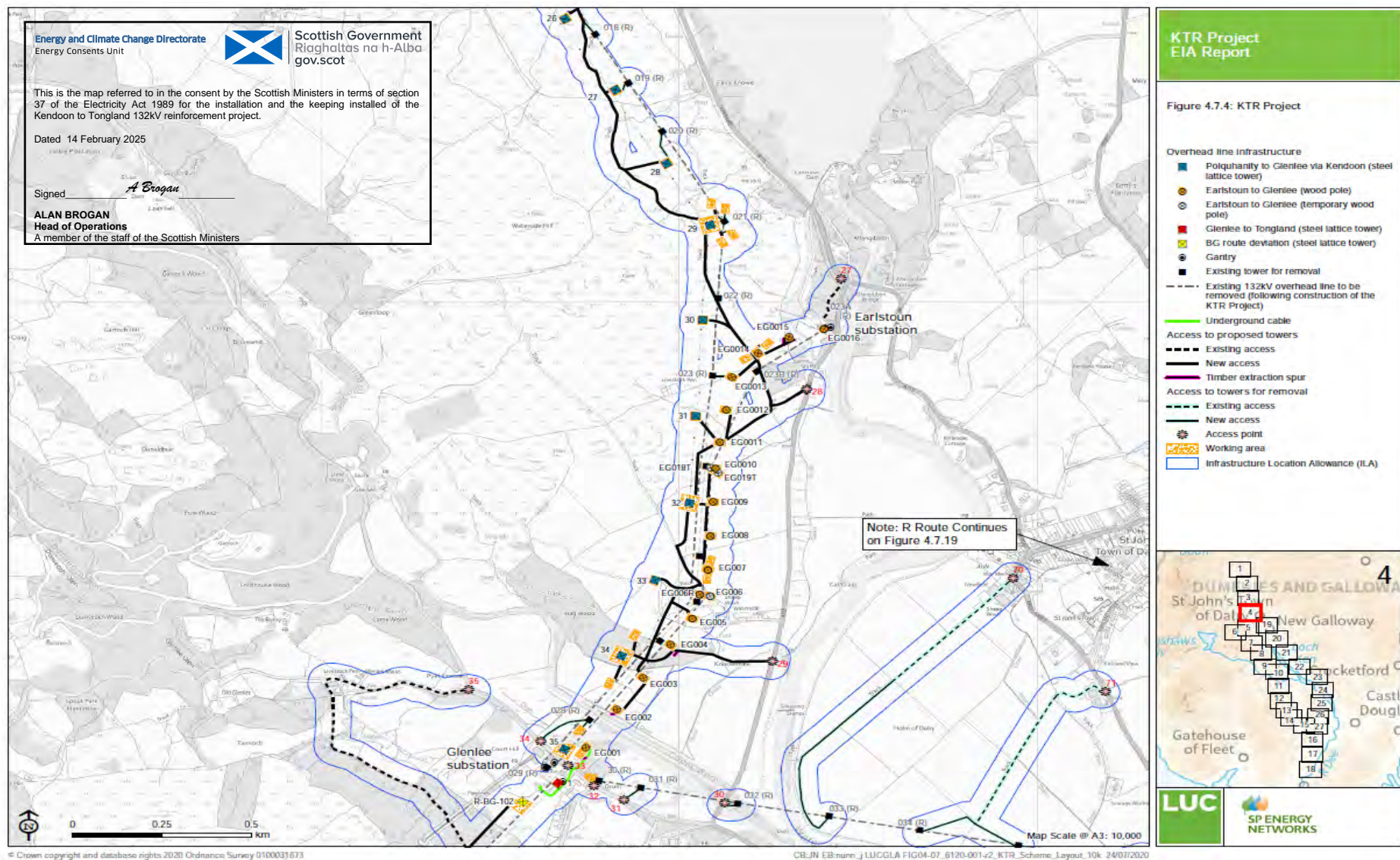
KTR Project EIA Report

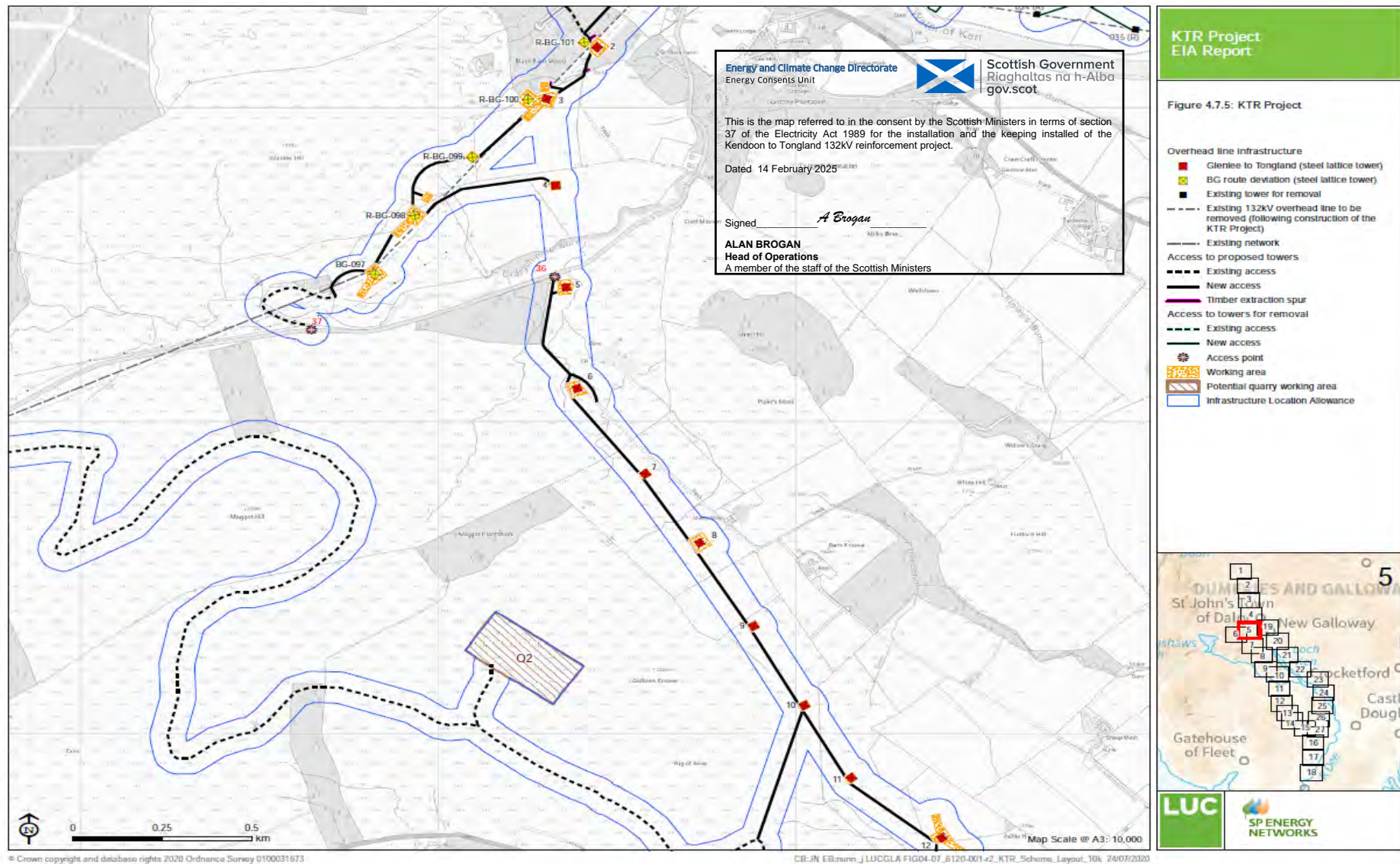
Figure 4.7.2: KTR Project

- Overhead line Infrastructure**
- Polquharity to Glenlee via Kendoon (steel lattice tower)
 - Carsfad to Kendoon (wood pole)
 - Gantry
 - Existing tower for removal
 - Existing 132kV overhead line to be removed (following construction of the KTR Project)
- Access to proposed towers**
- Existing access
 - New access
 - Timber extraction spur
- Access to towers for removal**
- New access
 - Access point
 - Construction compound
 - Working area
 - Infrastructure Location Allowance










Energy and Climate Change Directorate
Energy Consents Unit



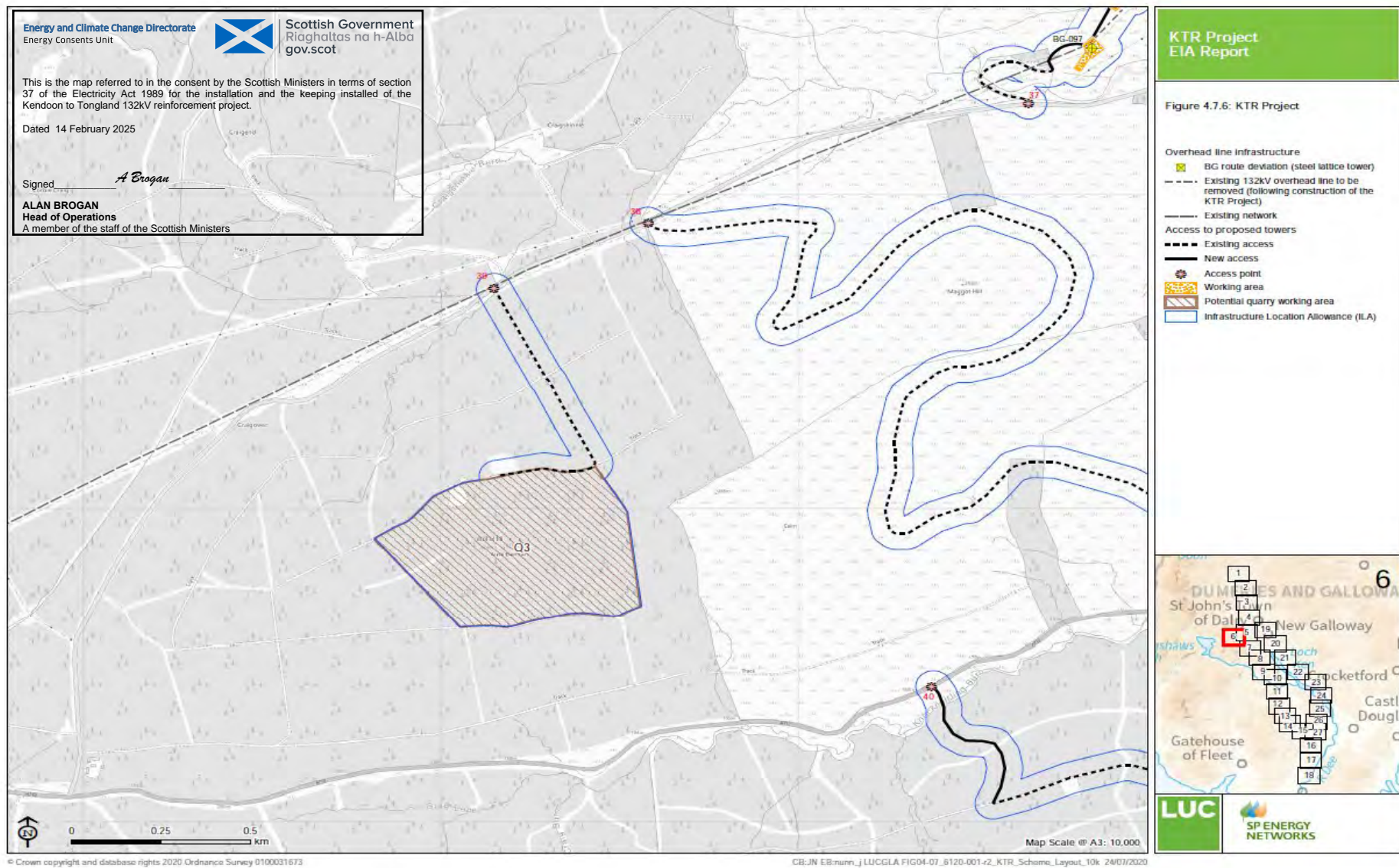
Scottish Government
Riaghaltas na h-Alba
gov.scot

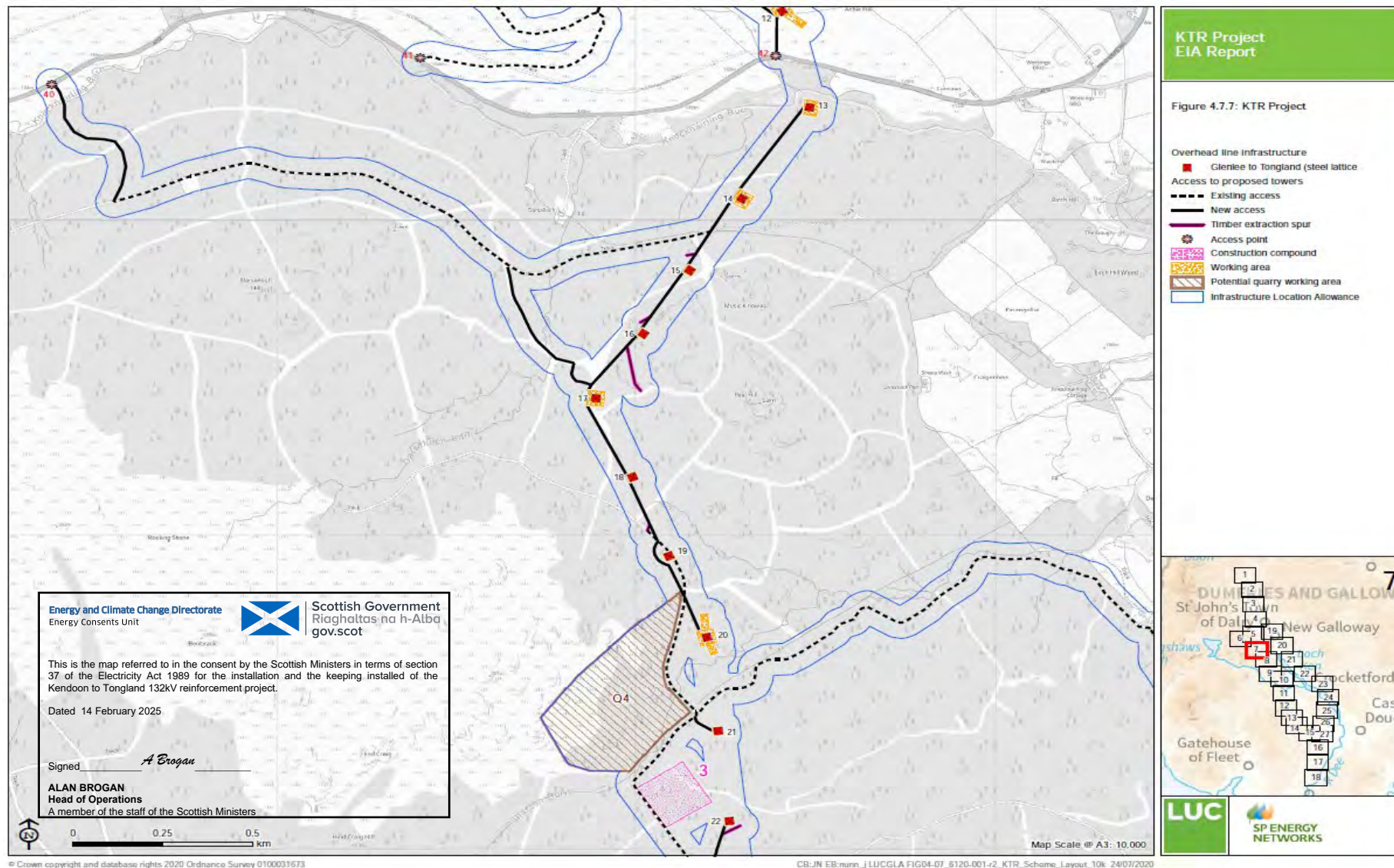
This is the map referred to in the consent by the Scottish Ministers in terms of section 37 of the Electricity Act 1989 for the installation and the keeping installed of the Kendon to Tongland 132kV reinforcement project.

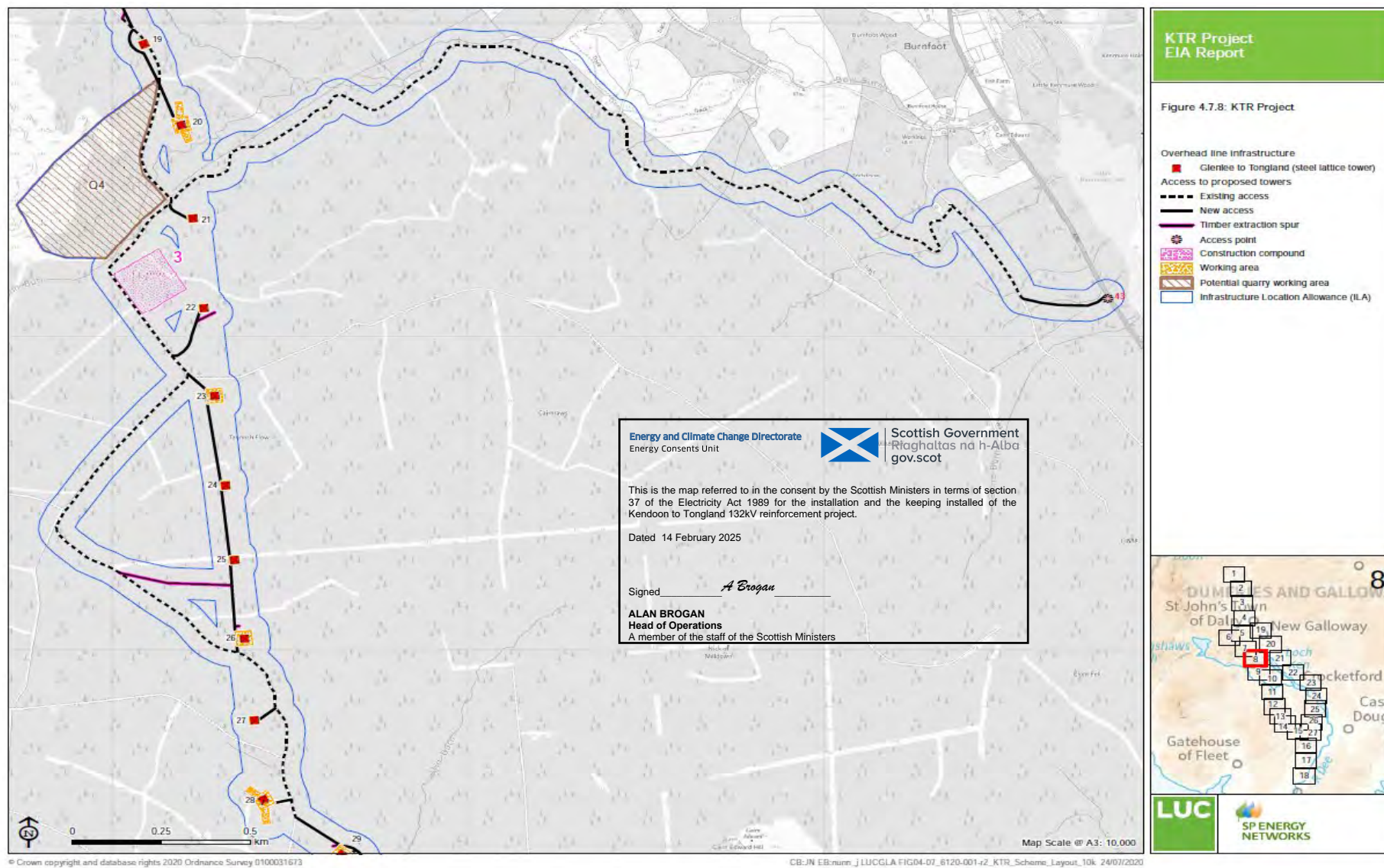
Dated 14 February 2025

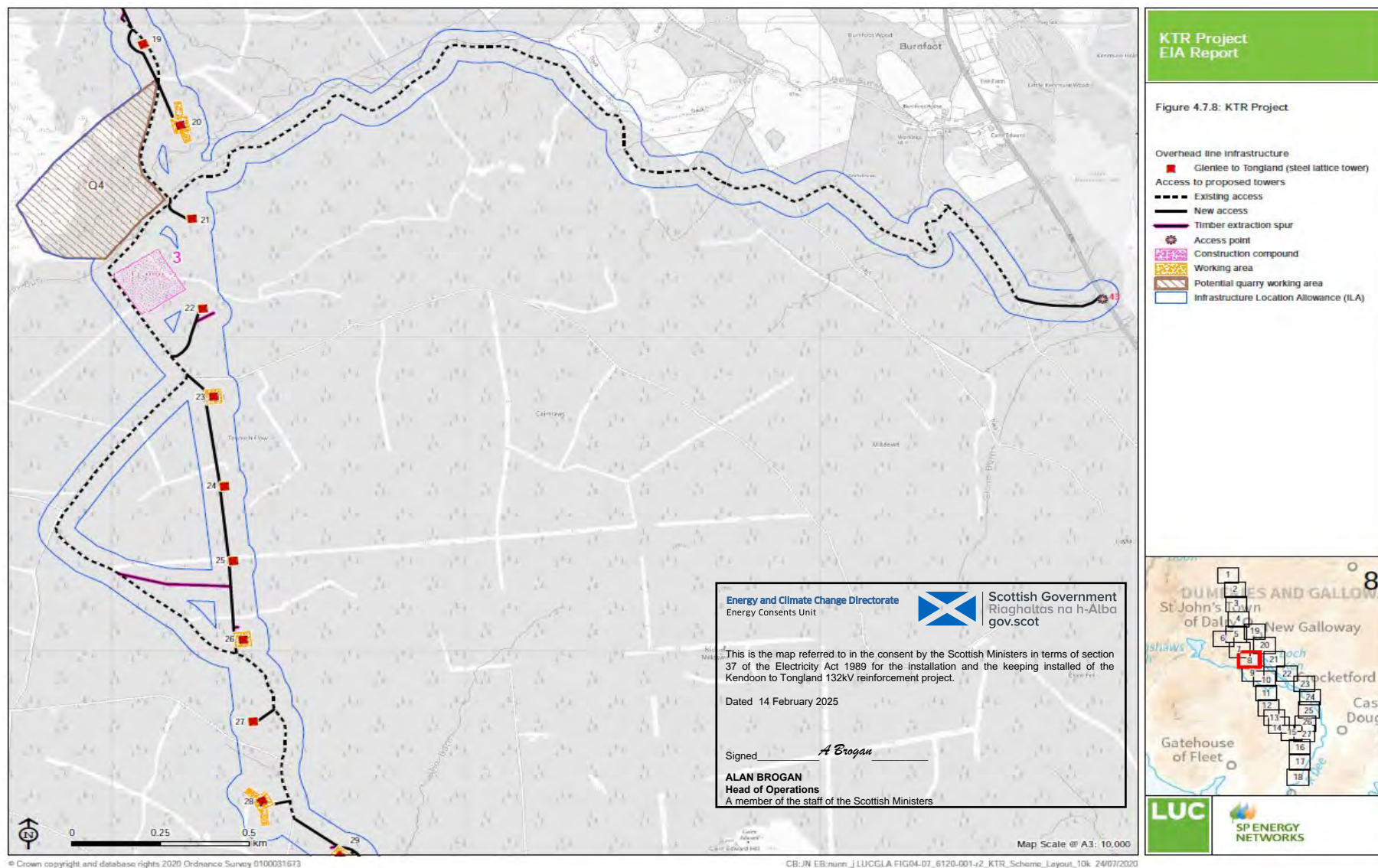
Signed Alan Brogan

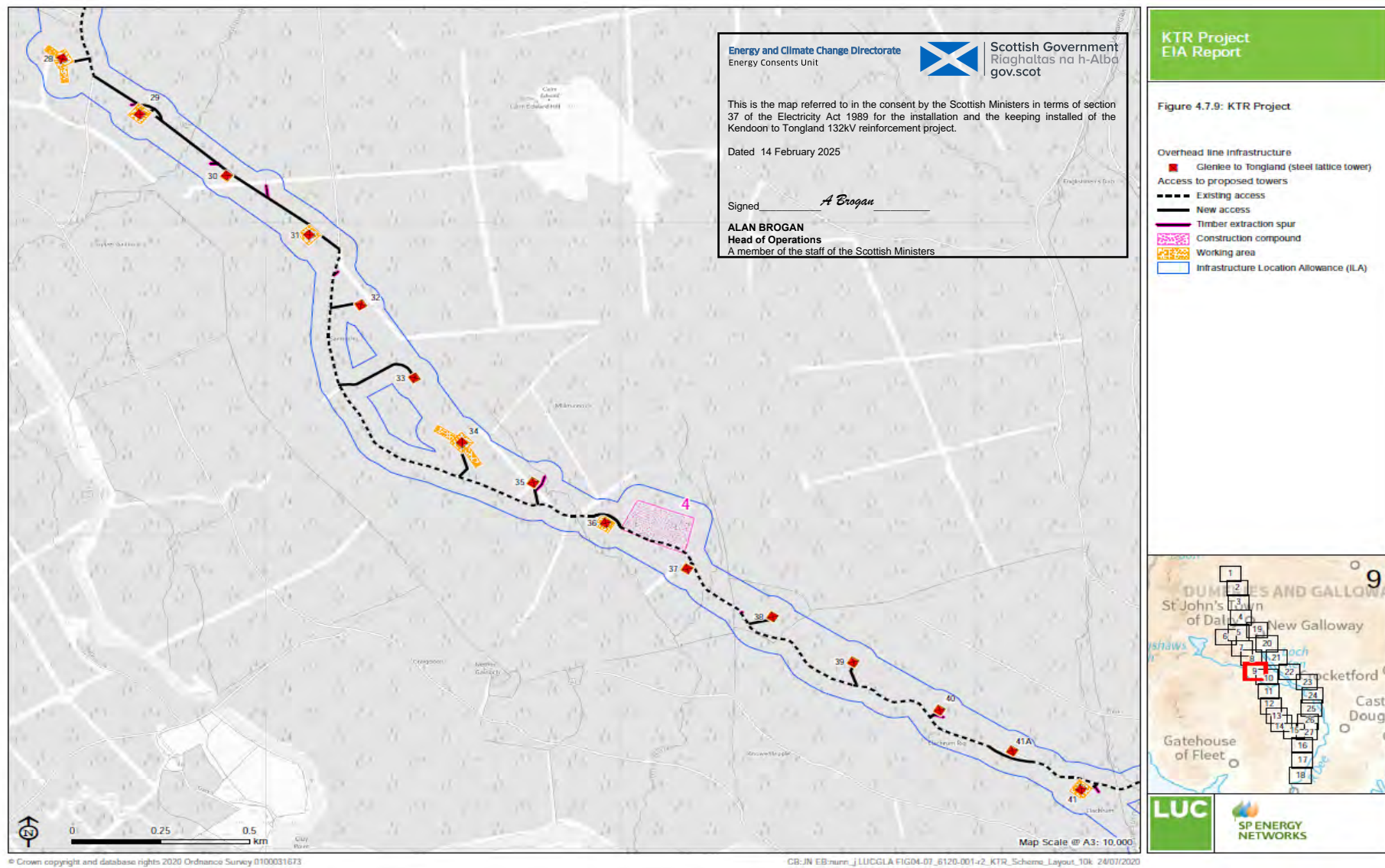
ALAN BROGAN
Head of Operations
A member of the staff of the Scottish Ministers

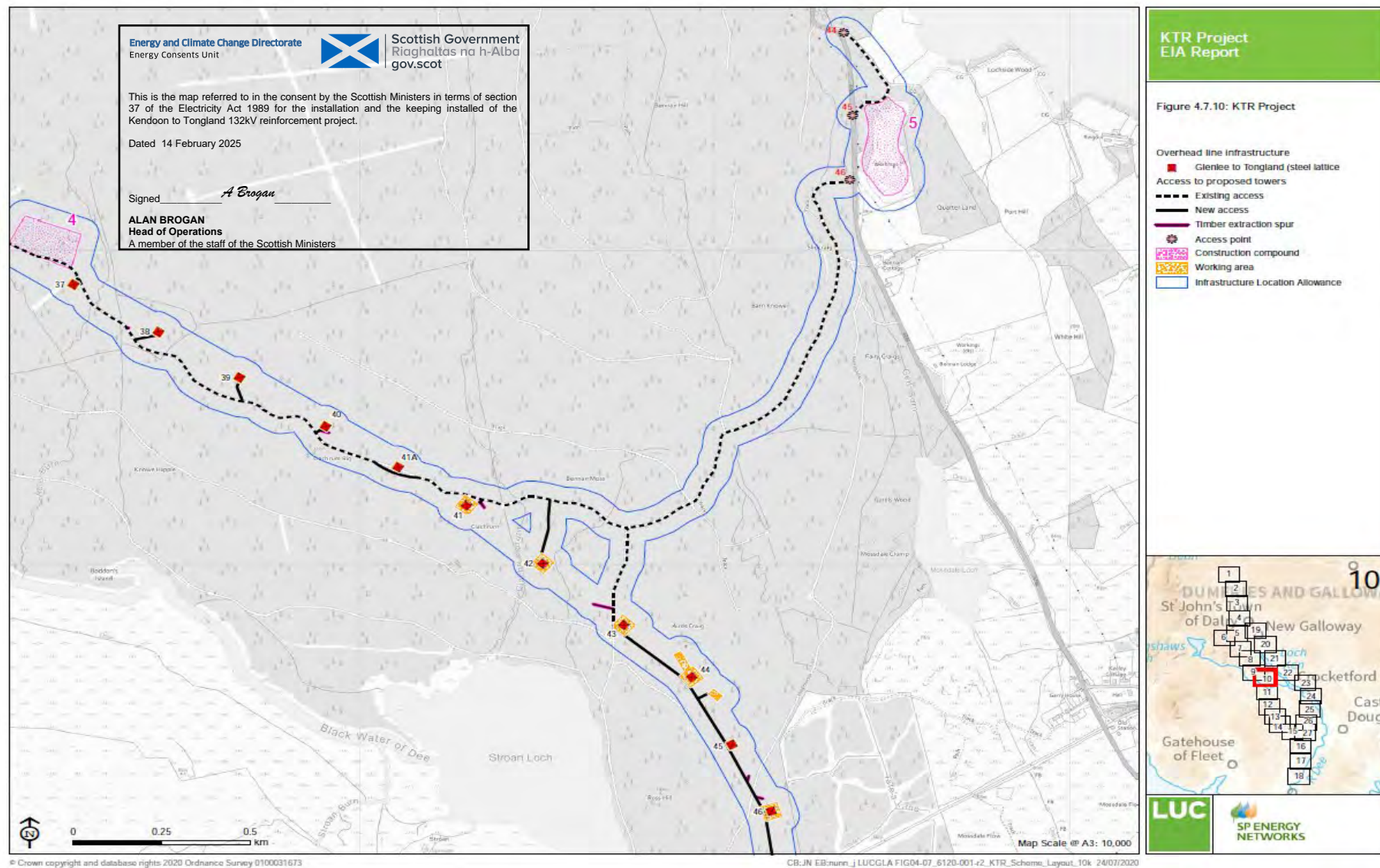


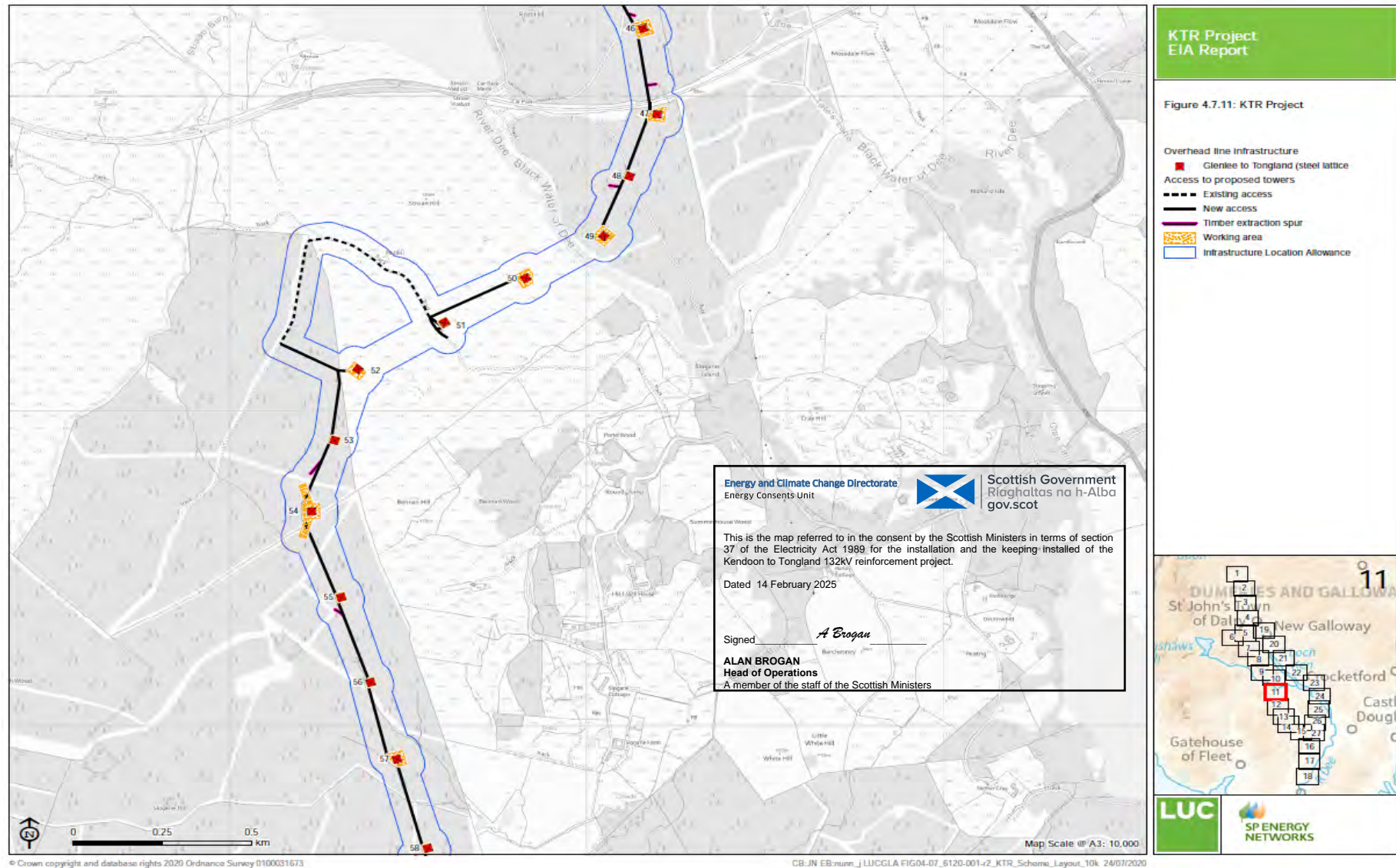


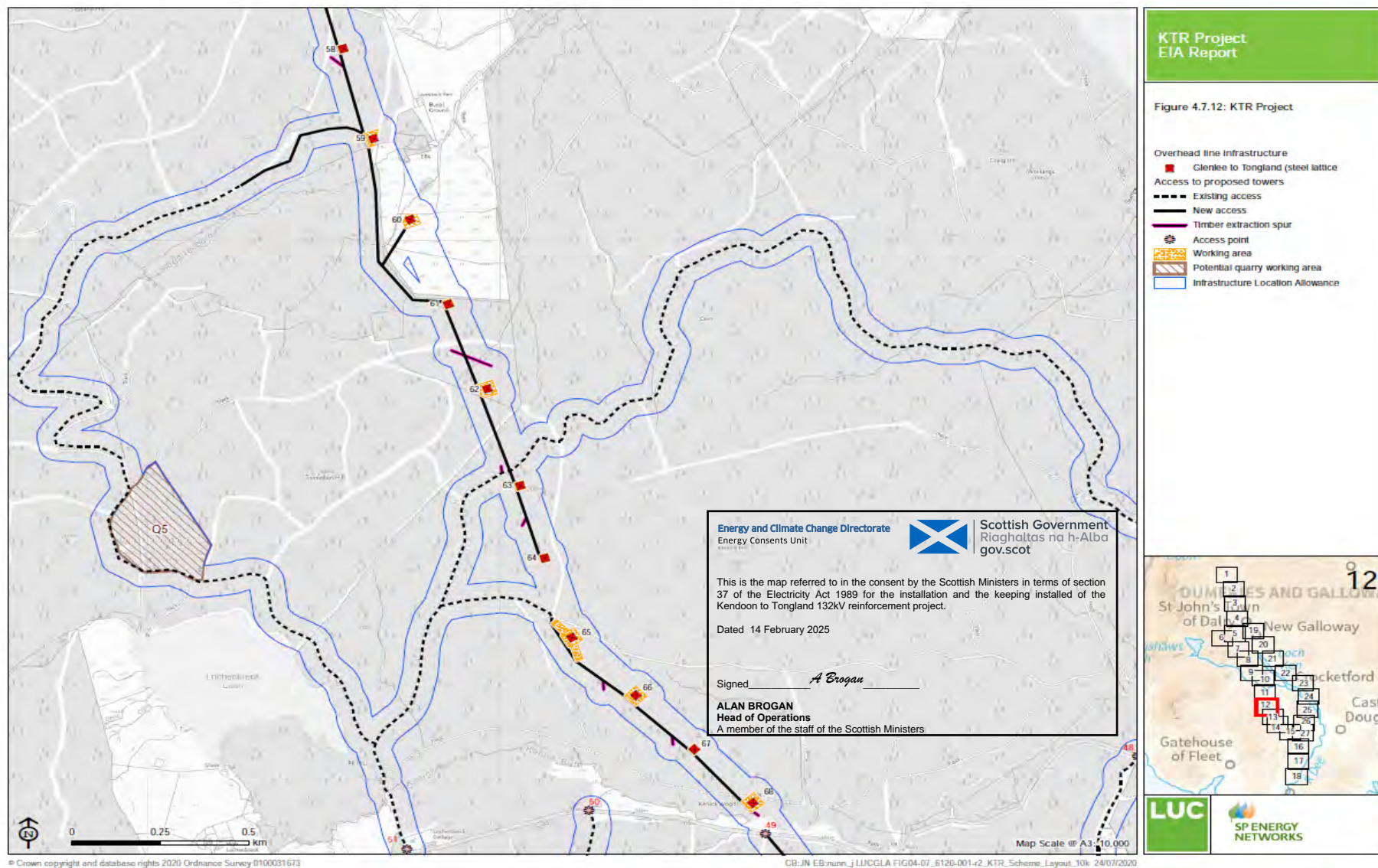


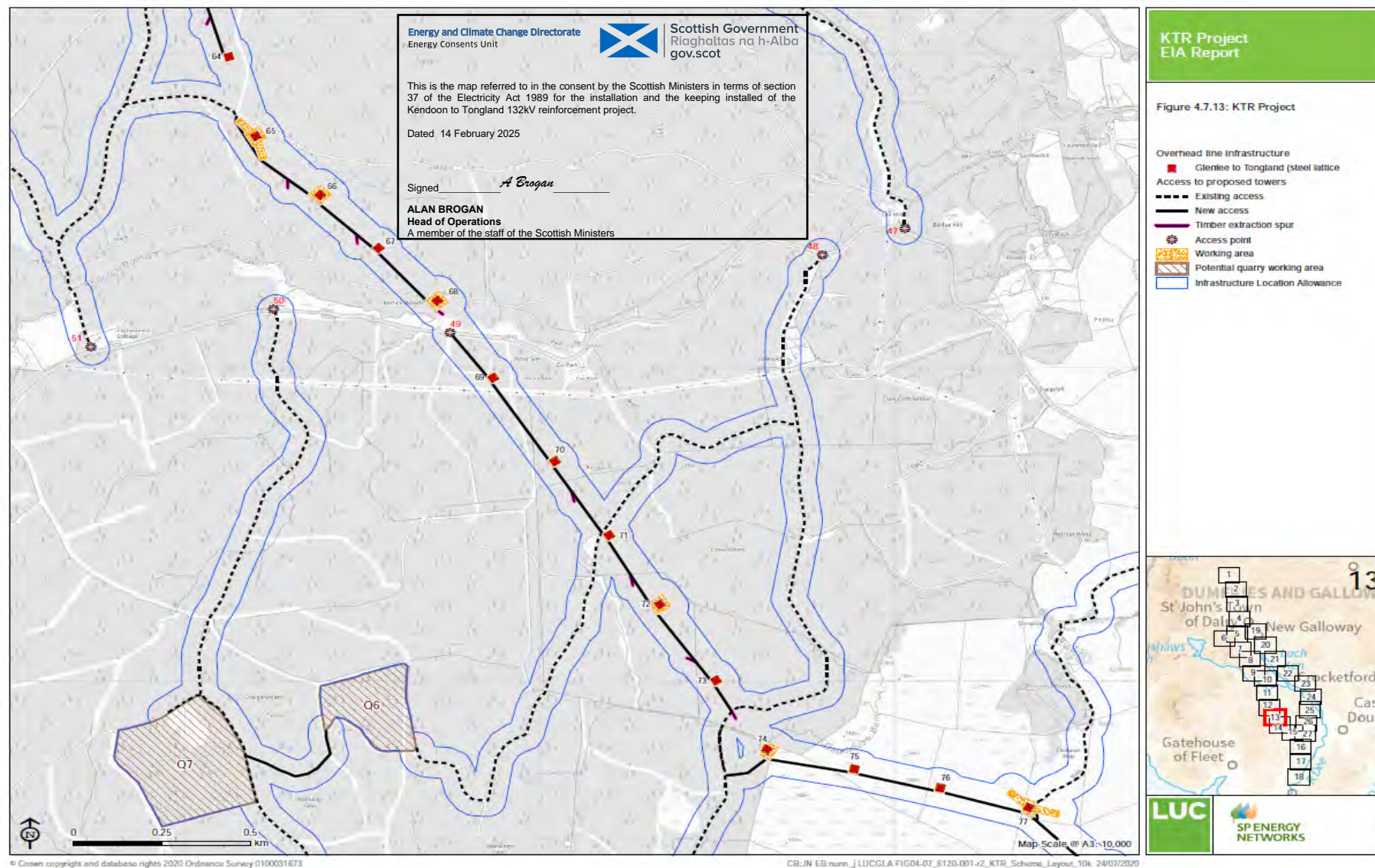


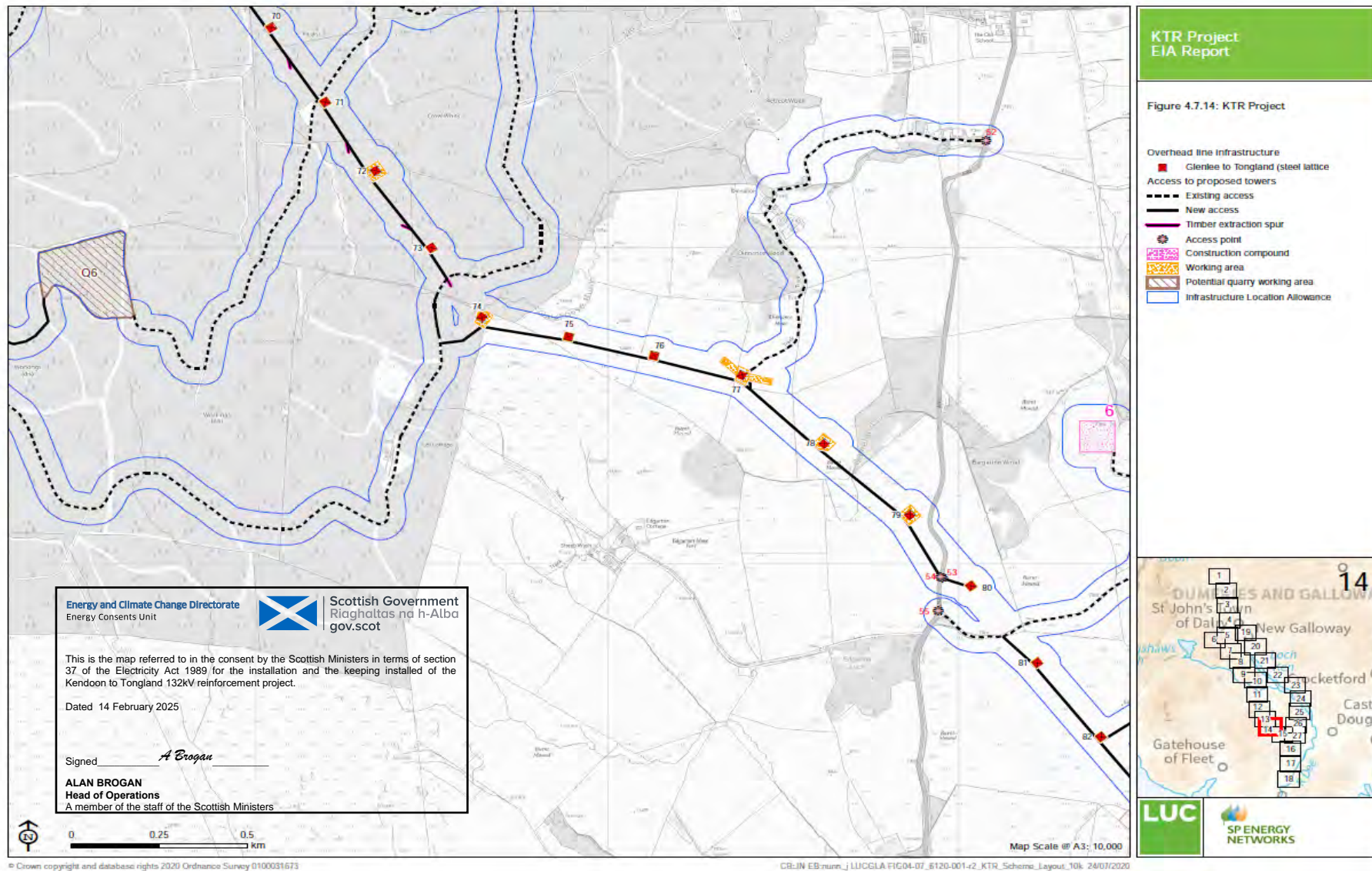


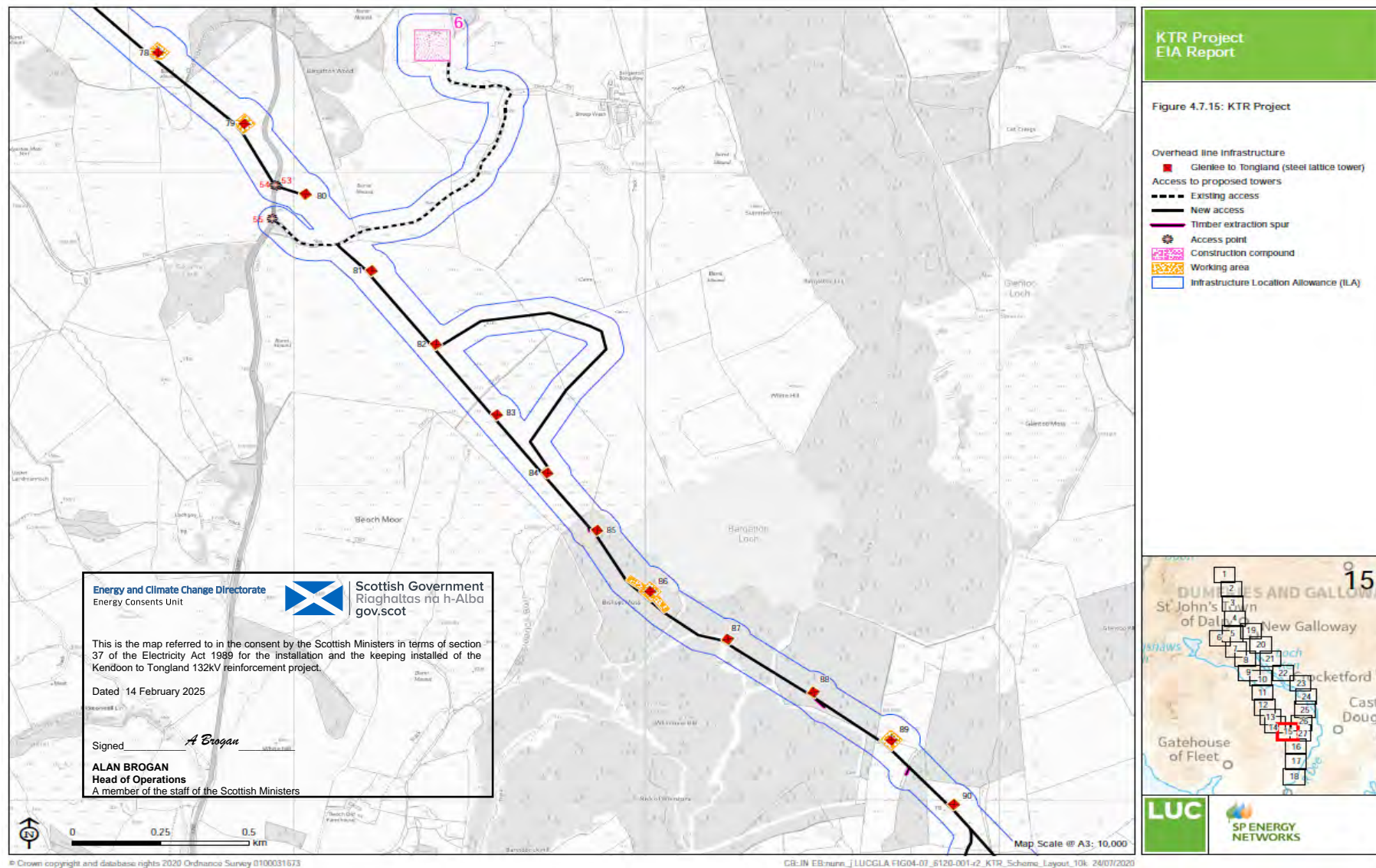


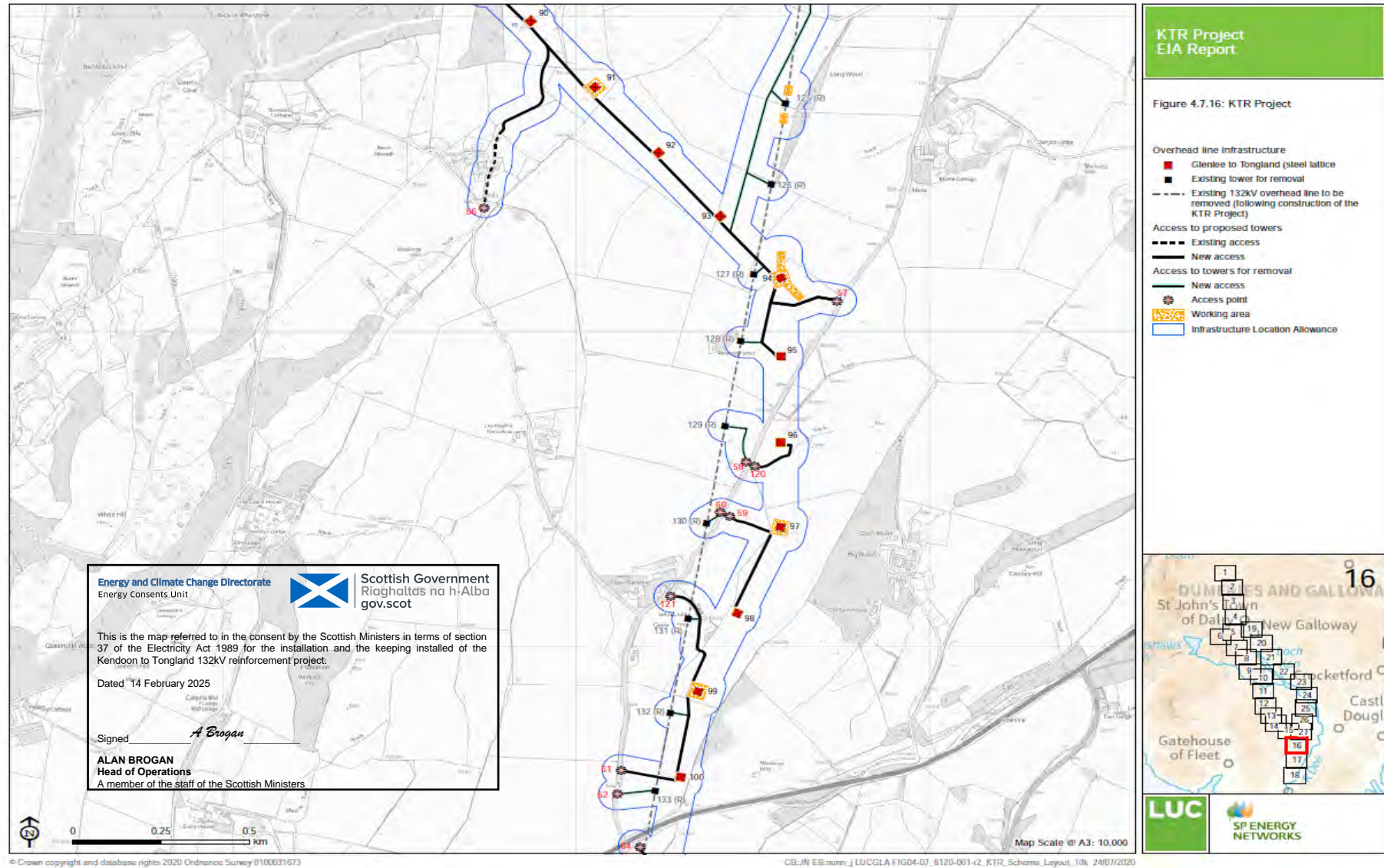


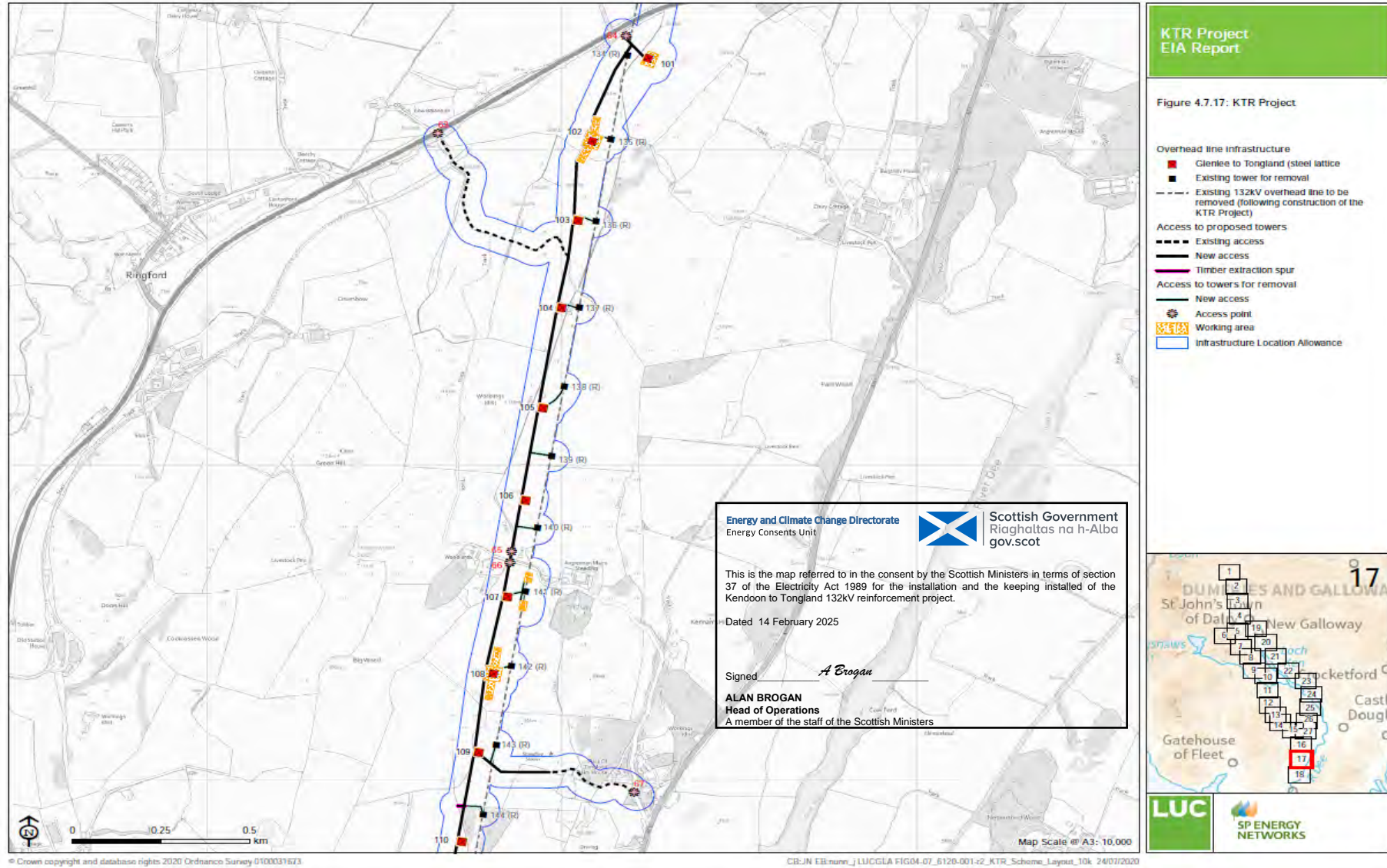


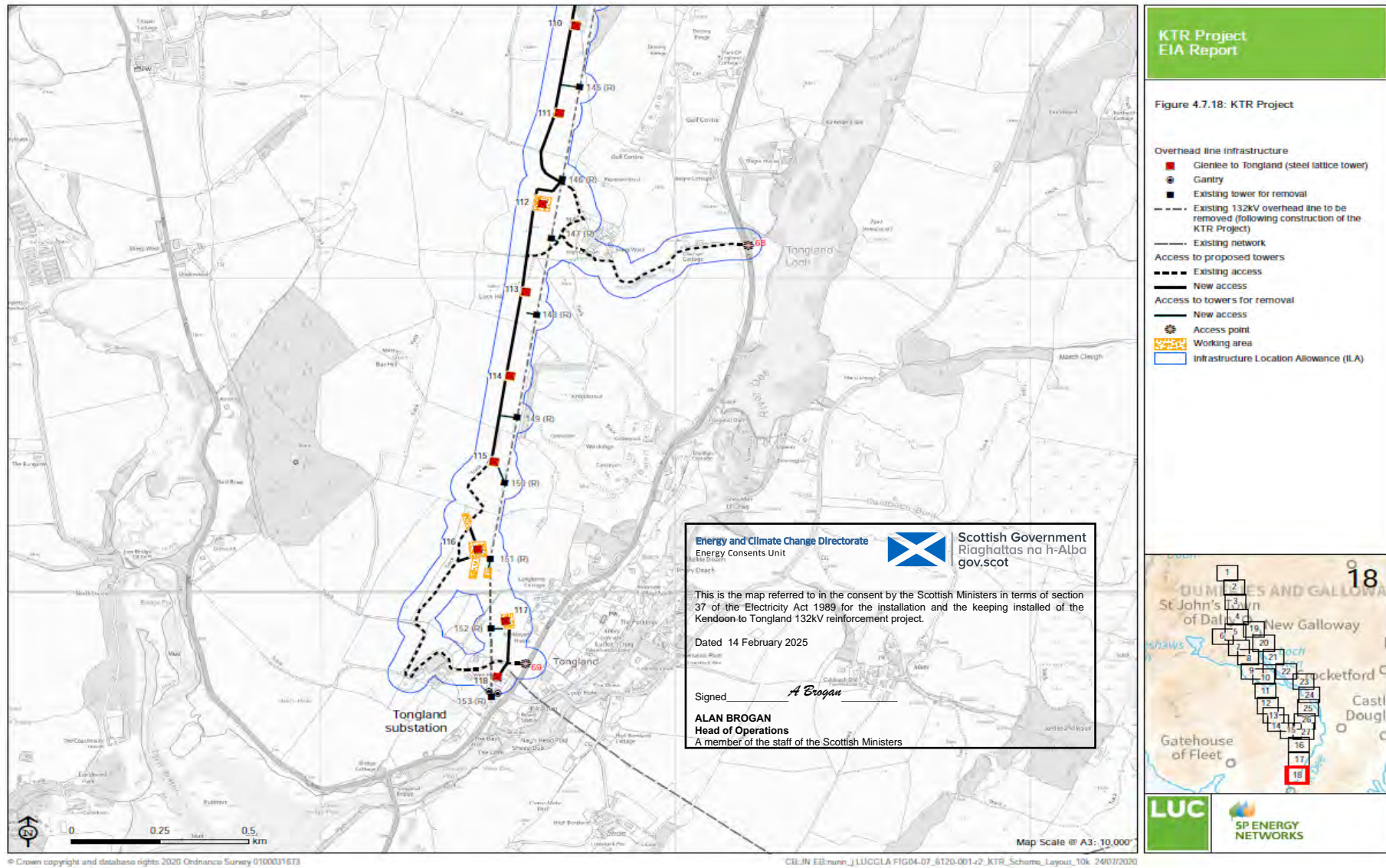


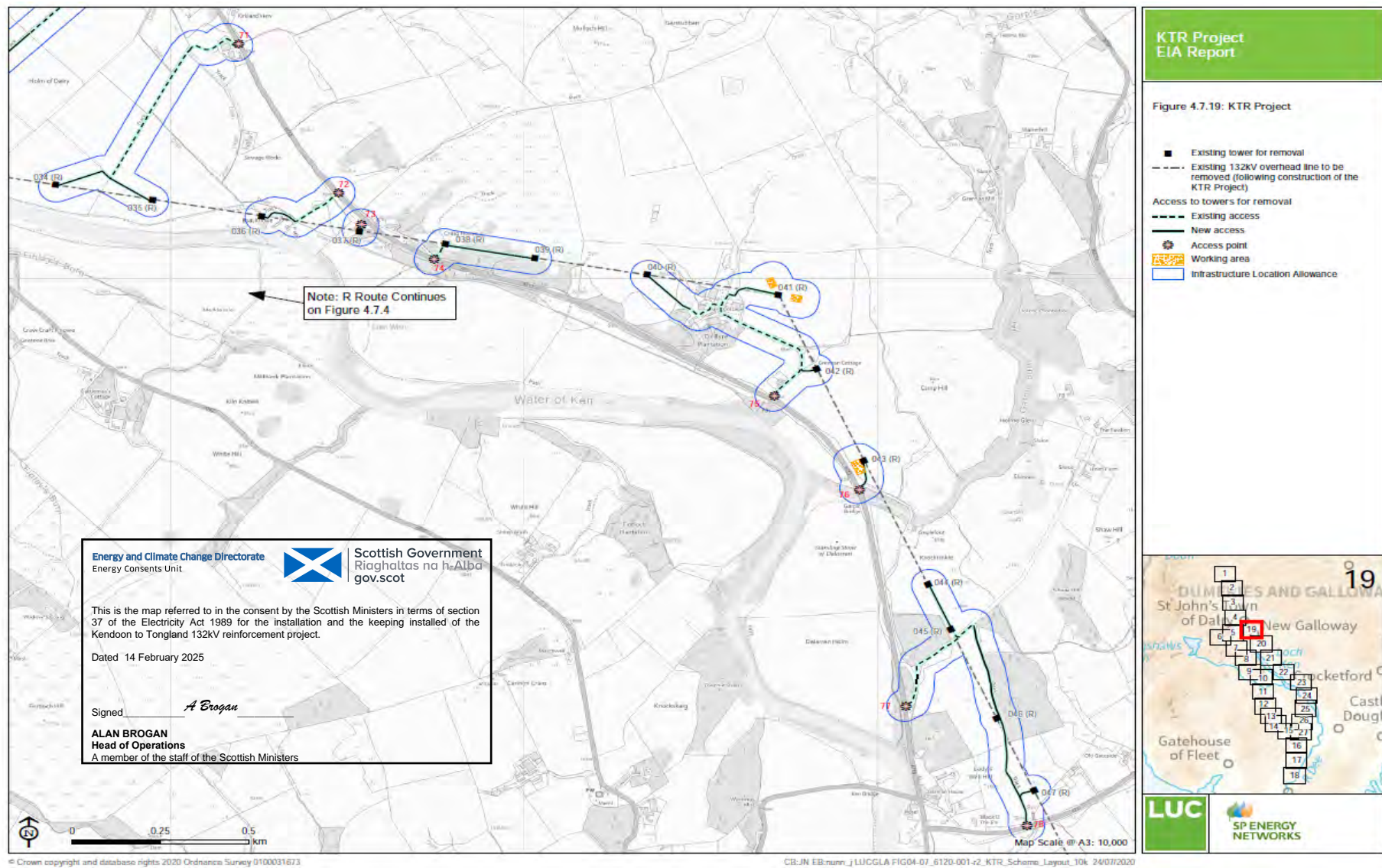


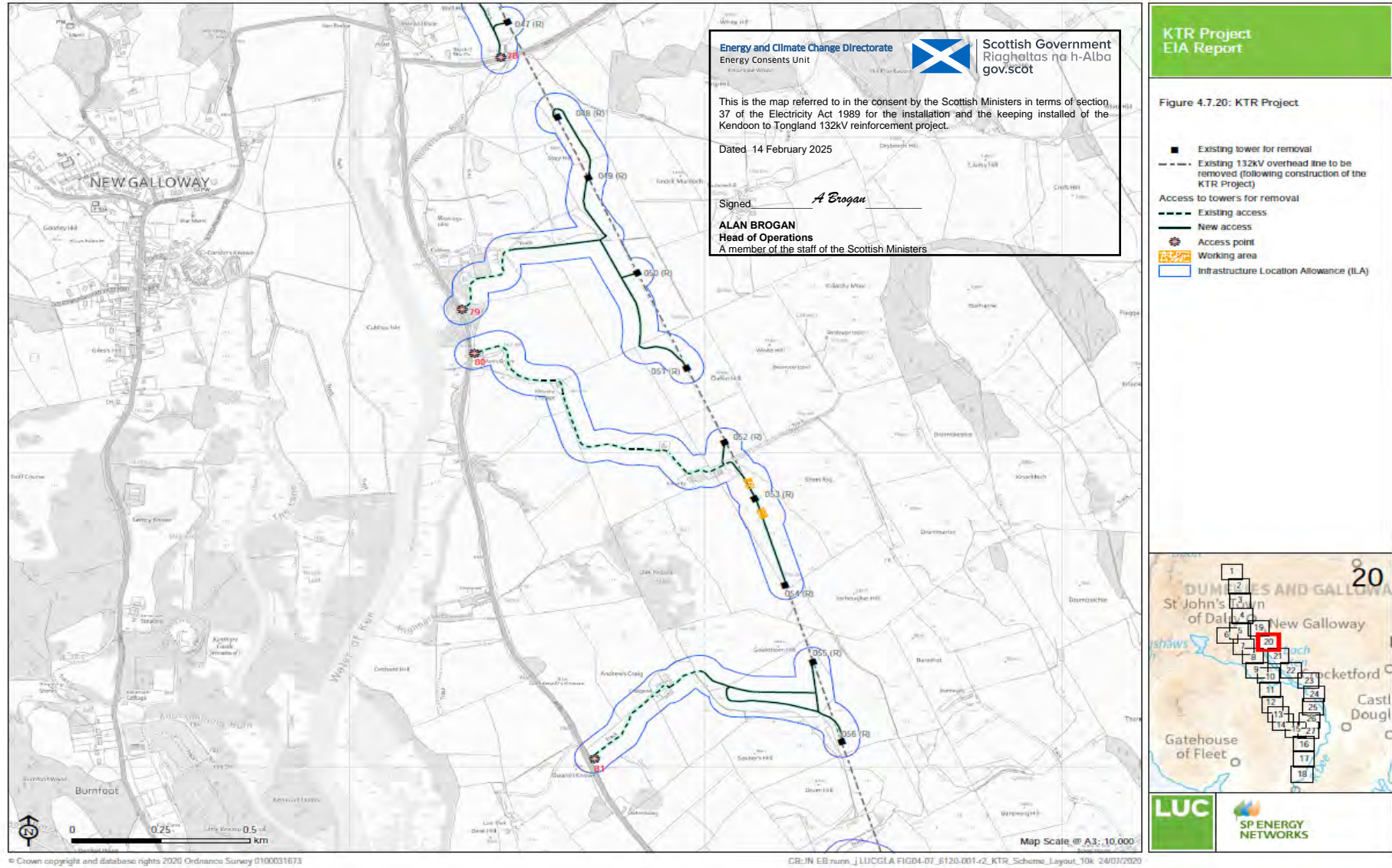


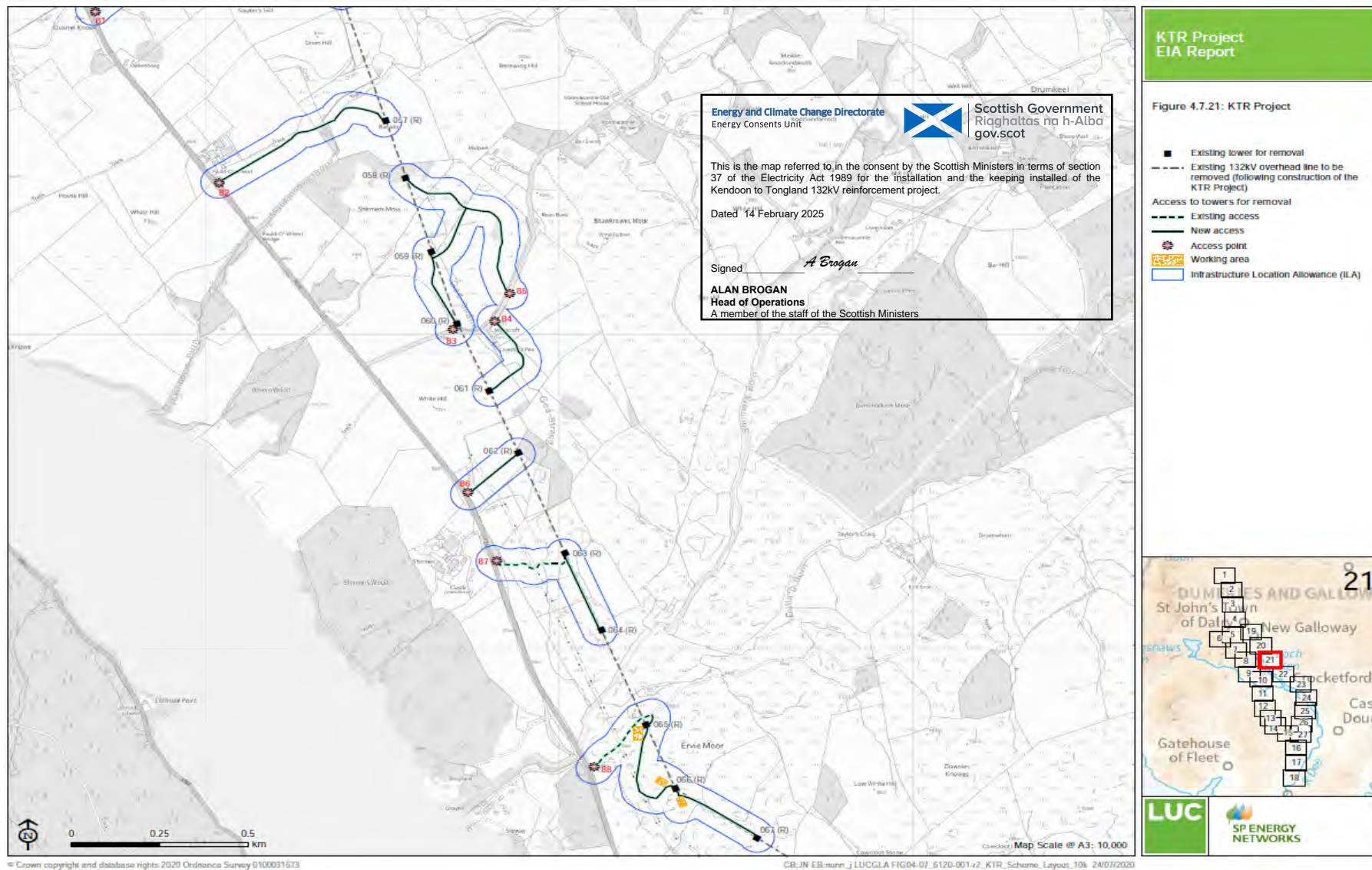


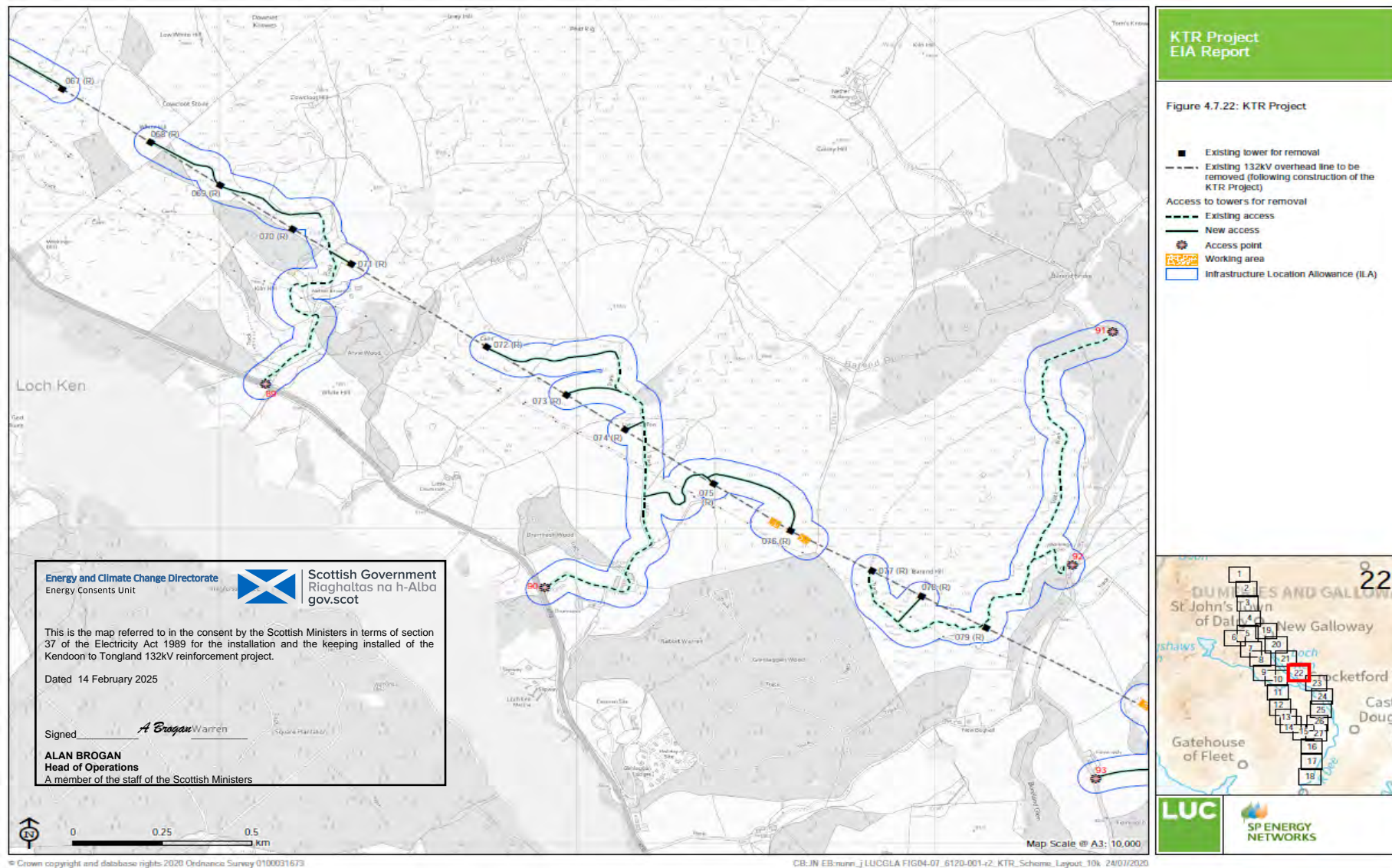


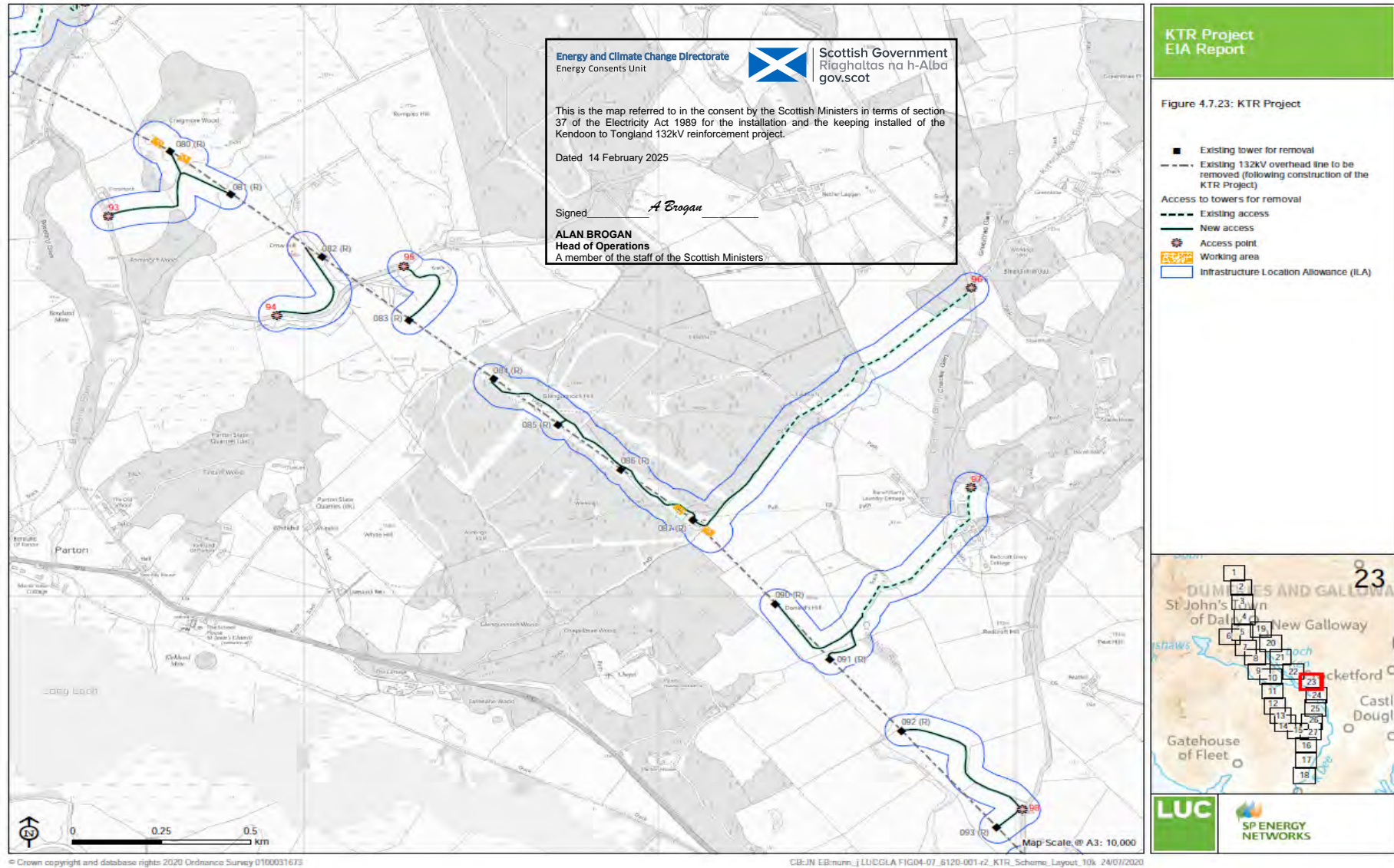


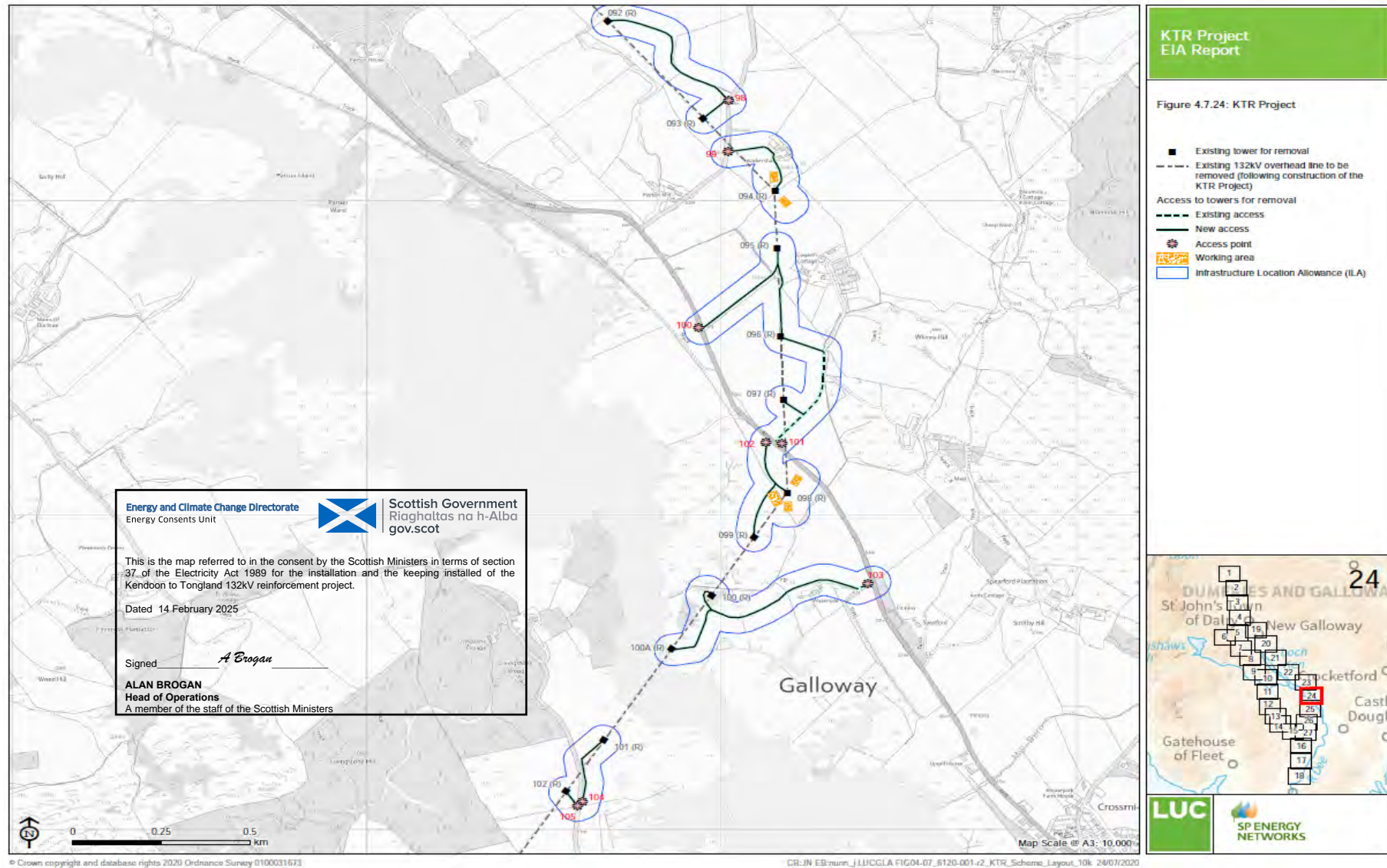


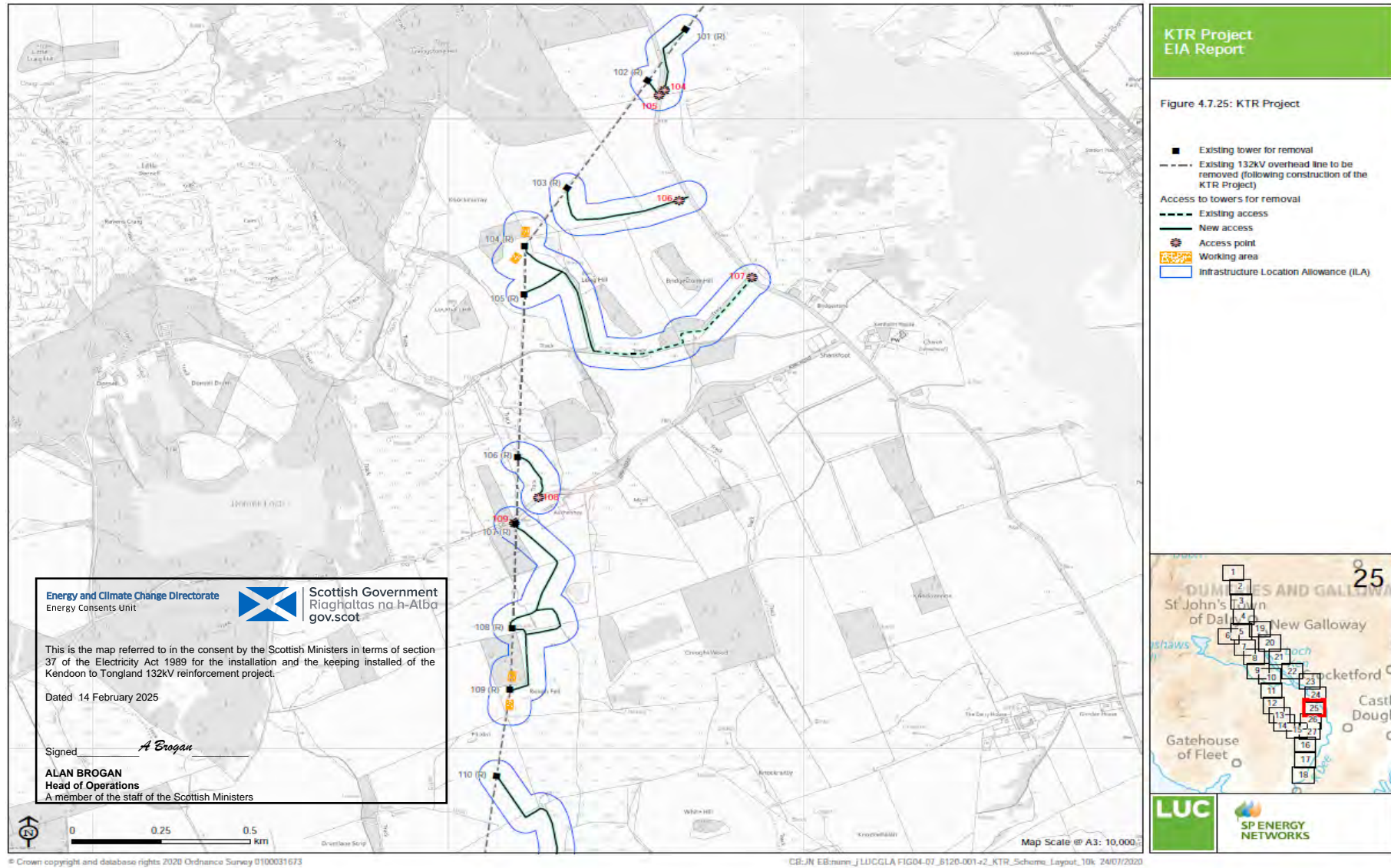


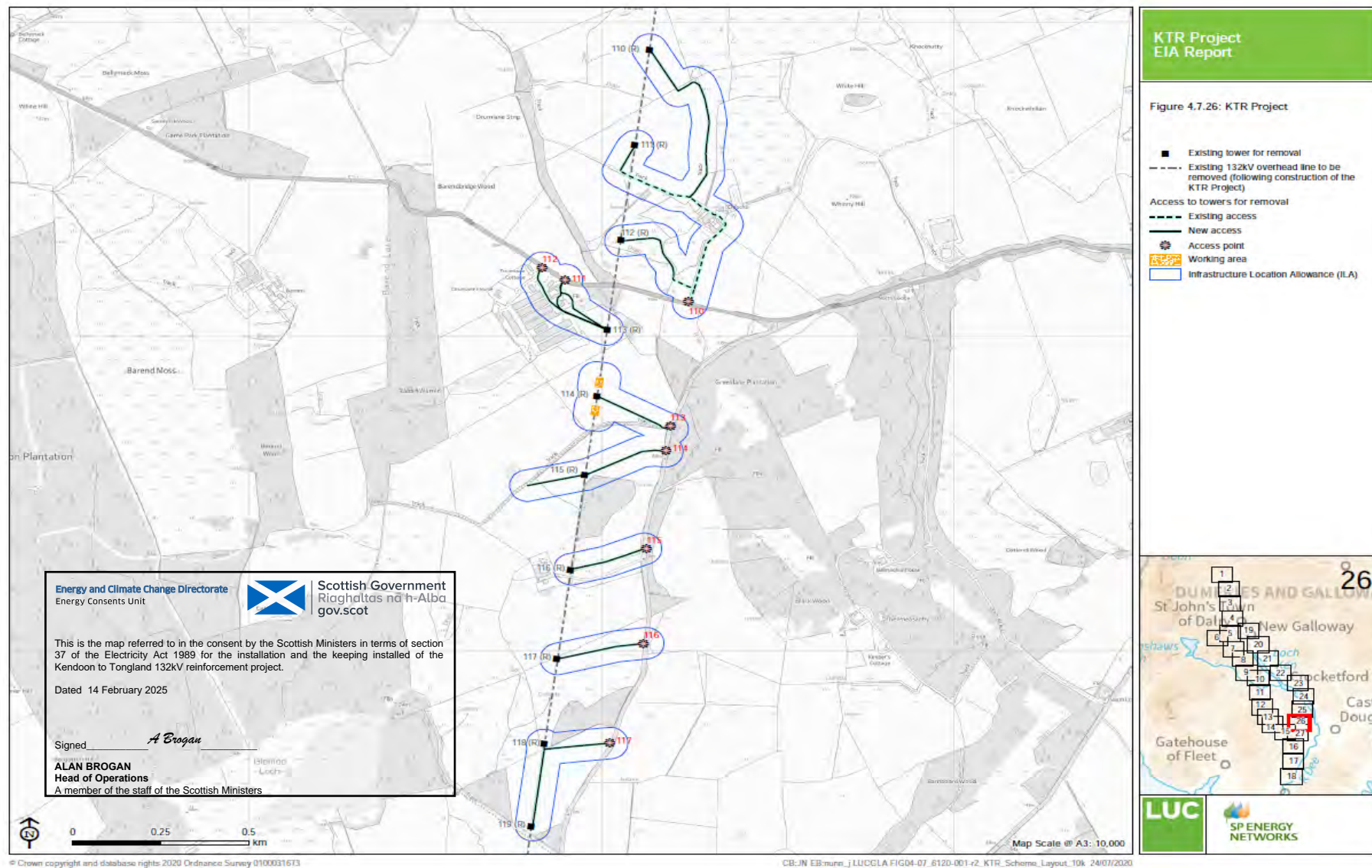


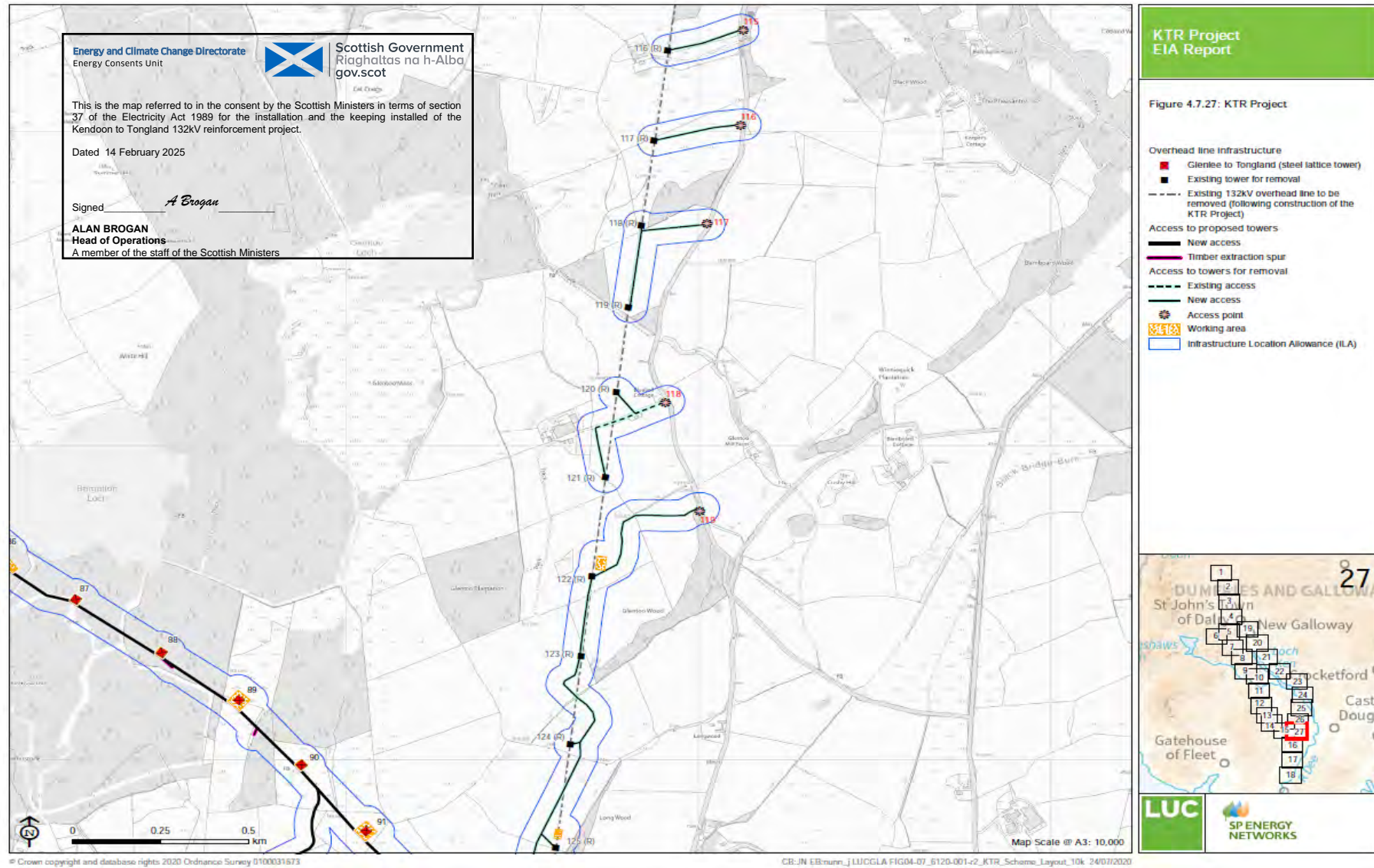












Annex 4 – Appropriate Assessment

Conservation of Habitats and Species Regulations 2017

Assessment of the implications of the proposed Glenlee to Tongland development including decommissioning of R route for the Loch Ken and River Dee Marshes Special Protection Area in view of the conservation objectives of the SPA

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 28 August 2020, SP Transmission PLC made an application under section 37 of the Electricity Act 1989 for consent to install and keep installed an overhead line between Glenlee to Tongland, with ancillary development to include removal of an existing overhead line known as R route, within the planning authority area of Dumfries and Galloway. The proposal comprises the installation of approximately 32.3 km of overhead line supported on steel towers, and ancillary development including removal of aforesaid line.
2	Name of European site potentially affected	Loch Ken and River Dee Marshes Special Protection Area
3	European site qualifying interest(s)	Wintering populations of Greenland white-fronted goose and greylag goose
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; and to ensure for the qualifying species that the following are maintained in the long term: <ul style="list-style-type: none"> • 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, the conservation management of Loch Ken and River Dee Marshes SPA.
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?	Work on the removal of the existing overhead line 'R (South)' could potentially disturb geese roosting within the SPA, and construction work on the new line could disturb feeding geese. The new overhead line could also result in the risk of collisions killing or injuring geese flying between the SPA and feeding areas.

		The proposal is likely to have a significant effect on the qualifying interest the Loch Ken and River Dee Marshes SPA.
7	Undertake an appropriate assessment of the implications for the site in view of its conservation objectives.	<p>The only work to be carried out within or in close proximity to the SPA, and with potential to disturb roosting geese within SPA, is the removal of part of the R route (south) OHL where it crosses the SPA. Any of this work within 500m of the site boundary will be undertaken outside the winter period when the geese are not present on the site.</p> <p>Any disturbance of geese feeding outside the SPA will be temporary and the geese use a variety of foraging areas over a wide area, providing alternative areas to feed if disturbed.</p> <p>The risk of collisions with the new OHL while geese are moving between the SPA and surrounding foraging areas has been shown to be very low.</p>
8	Modifications required to ensure adverse effects are avoided and reasons for these	Any work on removal of R route (south) OHL within 500m of the SPA boundary should be undertaken outside the winter period when geese are using the site.
	Conclusion	
9	Can it be ascertained that the proposal will not adversely affect the integrity of the site?	It has been ascertained that the proposal will not adversely affect the integrity of the site, either alone or in combination with other projects or proposals.