

Beauly – Denny Transmission Line
Terms of Approval

Business, Enterprise and Energy Directorate
Energy Networks Division

T: 0300 244 1085 F: 0300 244 1060
E: colin.imrie@scotland.gsi.gov.uk



Mr Ian Marchant
Chief Executive
Scottish and Southern Energy plc.
Inveralmond House
200 Dunkeld Road
Perth
PH1 3AQ

Your ref: C33302

6 January 2010

Dear Mr Marchant,

**ELECTRICITY ACT 1989 AND TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
OVERHEAD TRANSMISSION LINE FROM BEAULY SUBSTATION TO WHARRY BURN,
DUNBLANE
SCOTTISH HYDRO-ELECTRIC TRANSMISSION LIMITED**

Application

I refer to the application, made on behalf of Scottish Hydro-Electric Transmission Ltd, dated and received on 28 September 2005 for –

(i) consent under section 37 of the Electricity Act 1989 ("the Electricity Act") to install and keep installed, above ground an overhead electricity transmission line over 200.1km from Beauly substation to Wharry Burn, near Dunblane, as described in that letter and accompanying documents, and

(ii) a direction under section 57(2) of the Town and Country Planning (Scotland) Act 1997 ("the Planning Act") that planning permission be deemed to be granted in respect of that overhead electricity transmission line and any ancillary developments



Beauly – Denny line

On the same day, the Scottish Ministers also received an application for consent under section 37 of the Electricity Act and a grant of deemed planning permission under section 57(2) of the Planning Act in respect of the related proposed overhead electricity transmission line extending 20.2km from Wharry Burn, near Dunblane, to the proposed substation north-east of Dunipace, Denny ("the southern section"). The Scottish Ministers note that these applications form two parts of a proposal to install a double circuit 400 kV overhead transmission line from Beauly to Denny. The new line would replace an existing 132 kV line: one circuit to operate at 400 kV to provide a high capacity circuit between Beauly and Denny and the other circuit to operate at 275 kV to provide a circuit into which much of the generation in the area between Beauly and Denny could be connected. Ministers note that the aim is to upgrade the capacity of the electricity transmission network between the Highlands and central Scotland, permitting the harvesting of energy generated by windfarms and other renewable technology, and in turn contributing to the target for renewable energy in Scotland.

Consultation

In accordance with Statutory Requirements, advertisements of the application had to be placed in the local press. Ministers note that these requirements have been met. Under Schedule 8 of the Electricity Act, the relevant planning authorities are required to be notified in respect of a section 37 consent application. Notifications were sent to Stirling Council, Perth and Kinross Council, the Highland Council and the Cairngorms National Park Authority as planning authorities, as well as to Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA). Objections were received by the Scottish Ministers from Stirling Council, Perth and Kinross Council, the Highland Council and the Cairngorms National Park Authority and 17250 others. For the most part, objections relate to landscape and visual amenity, tourism, health, alternative methods of transmission, cultural heritage, ecology and property values. Since the Inquiry closed, a further 2994 objections relevant to this application have been received. A summary of the objections received is at Annex 3 to this letter.



Stirling and Falkirk Councils objected to the application in respect of the southern section of the new line. As the objections by the planning authorities in respect of both applications were not withdrawn, the Scottish Ministers were required to cause a public inquiry to be held into each application, in accordance with paragraph 2(2) of Schedule 8 to the Electricity Act. As the applications relate to two parts of what is intended to be one line, the Scottish Ministers considered it necessary and appropriate to hold one public inquiry to consider both applications.

Inquiry

The public inquiry took place at various locations along the proposed route of the line on various dates between 6 February and 20 December 2007. The Report of the Inquiry was finalised and submitted to Scottish Ministers on 11 February 2009. It comprises 6 volumes – Volume 1 dealing with strategy, Volume 2 deals with the section of the line between Beaully and the boundary of Cairngorms National Park, Volume 3 with the line within Cairngorms National Park, Volume 4 the line within Perth and Kinross Council area and Volume 5 the section within Stirling and Falkirk Council areas. Volume 6 contains the summary of the Reporters' conclusions and recommendations.

Environmental matters

An Environmental Statement has been produced in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000. Scottish Ministers have considered the Environmental Statement that was provided with the application as well as the supplementary information provided to the Inquiry. Ministers note and adopt the Reporters' findings in fact, and agree and adopt their conclusions and recommendations on environmental matters. Further, Ministers agree with the Reporters' recommendation that an appropriate assessment be undertaken in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994. This assessment was carried out after having consulted SNH and SEPA. The assessment relevant to this application is at Annex 4. Ministers are satisfied that all environmental matters can be dealt with by way of mitigation.

Electromagnetic fields (EMFs)

Electric field levels (EFs) and magnetic field levels (MFs) - together known as electromagnetic field (EMF) levels - were considered by the Reporters in the context of Government policy and guidance. The Reporters state that, while the evidence indicates that magnetic field strengths would remain well below the International Commission on Non-ionizing Radiation Protection (ICNIRP) reference level, electric field levels in certain locations could exceed the ICNIRP reference level. However, the Technical Assessor also states that, in view of the nature of the terrain, the limited access and limited period of exposure, the line would comply with relevant Government guidelines.

The Reporters concluded that the proposal complies with current guidelines on EMF. The Scottish Ministers concur with that conclusion.

Consideration

The Scottish Ministers have considered fully and carefully the application and accompanying documents, the objections and representations received and the evidence produced to and submissions made at the Inquiry. The Scottish Ministers have also considered all relevant objections made since the Inquiry, and note that these have not introduced new evidence or any additional relevant considerations.

Ministers have in particular considered the letter from Sir Donald Miller dated 22 February 2009 objecting to the exclusion from the Inquiry of the submission he wished to make on alternative routes. That submission was excluded from the Inquiry on the basis that it had not been made within the agreed timescale. Sir Donald wished Ministers to consider his submission despite it having been excluded from the Inquiry. Ministers do not consider it appropriate to do so. They consider that the exclusion of the submission from the Inquiry was well founded and that to allow consideration of the submission at this stage would be unfair to other parties to the Inquiry. Ministers also noted that, in any event, the submission did not introduce new evidence; rather it used material already before the Inquiry to propose an alternative route. The question of alternative routes is fully and thoroughly considered in the Report.

In relation to this application, Ministers have considered in particular Volumes 1, 2, 3, 4 and 6 of the Report and the Report of the Technical Assessor. Ministers agree with and adopt the findings of the Reporters relevant to this application. They agree with and adopt the Reporters' consideration of the issues raised, their reasoning and the conclusions they reach in relation to this application, as summarised in Volume 6 of the Report. They accept most of the recommendations in that Report, so far as they relate to this application.

Ministers agree with the Reporters' assessment that the visual and landscape impact of the line between towers TD111 and TD115 (Auchilhanzie House) is major adverse. These Towers are described in Annex 17 of the Second Addendum to the Environmental Statement; Sheet 22 of 26 of Drawing No. 552/1109/0001/01. Ministers also agree with the Reporters' acceptance of the clearly demonstrated need case for whole line development and the Reporters' conclusions on the strong technical, economic justification for the overhead line (in Volumes 1 and 6 of the Report), and also their conclusion on the absence of viable, economic or strategic route options to the whole line route set out in the applications.

On balance, Ministers consider that demonstrated need for a whole line development and the strong technical and economic justification for the line outweigh the concerns in relation to the visual impact of the line at this section and have decided that consent should be granted notwithstanding the reporters' recommendations.

However, as with other sections of the line, Ministers consider that a condition should be imposed in relation to mitigation of the visual impact of the development at Auchilhanzie House. This is consistent with the approach taken elsewhere where there same finely balanced discussions on visual impact were evidenced in the Report.

Ministers note that section 37(3)(b) of the Electricity Act enables Ministers to vary or revoke a consent after a period specified in the condition has expired. In a development of this size and technical complexity it can be anticipated that, despite the very full consideration given to the application, issues may arise which were not anticipated, or which cannot be properly accommodated within the consent conditions. It may therefore be necessary to vary the terms of the consent to meet these unanticipated issues. It is considered in this case that the period after which the consent may be varied should be 6 months, as this will provide a

sufficient degree of certainty for all parties in the short term, but enable variation if required at a later time.

Ministers consider that the time period within which development should be commenced should be 4 years (beginning with the date of the consent) opposed to the Reporters' recommendation of 5 years to ensure the delivery of renewable policy objectives by 2020. The same period should apply in respect of both the section 37 consent and the grant of planning permission.

Determination

Subject to the conditions set out in Parts 1 and 2 of Annex 2, Scottish Ministers grant consent under section 37 of the Electricity Act 1989 to install, and keep installed, above ground an overhead electricity transmission line as described in Part 1 of Annex 1. The consent may, after the expiry of a period of 6 months from the date of consent, be varied or revoked by the Scottish Ministers under section 37(3)(b) of the Act at any time.

Subject to the conditions set out in Parts 2 and 3 of Annex 2, Scottish Ministers direct, under section 57(2) of the Town and Country Planning (Scotland) Act 1997 that planning permission be deemed to be granted in respect of the development described in Parts 1 and 2 of Annex 1.

Scottish Ministers direct that section 58(1) of the Town and Country Planning (Scotland) Act 1997 is not to apply as respects that planning permission but that the permission is to lapse on the expiration of a period of 4 years from the date of this direction.

In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2008, you must publicise this determination for two successive weeks in the Edinburgh Gazette and one or more newspapers circulating in the locality in which the land to which the application relates is situated.



COLIN IMRIE

**Head of Energy Markets
The Scottish Government**

ANNEX 1

Description of Development

Part 1

Overhead Transmission Line

- 1 The construction of a double circuit 400kV overhead transmission line on steel lattice towers over 200.1km from Beaully substation to Wharry Burn, near Dunblane, via substations at Fasnakyle, Fort Augustus, Tummel Bridge and Braeco all as specified in the Application for consent and planning permission made to Scottish Ministers by Scottish Hydro-Electric Transmission Ltd and dated 28 September 2005 and the Environmental Statement commissioned in connection with and accompanying that Application to assess the environmental impact of such development.

Part 2

- 2 All works to dismantle the existing 132kV overhead transmission line between Beaully and Denny including restoration and reinstatement;
- 3 The dismantling of the existing Braeco substation;
- 4 The formation of temporary access tracks to facilitate the construction and maintenance of the new line and substations and the dismantling of the existing 132 kV line;
- 5 All works required to form junctions where some of the access tracks form a connection with the public road network; and
- 6 Associated ancillary works including upgrading of public roads through the provision of passing places, improvements to visibility splays at junctions and the strengthening of roads and bridges to accommodate heavy goods vehicle (HGV) traffic,

all as specified in the Application for consent and planning permission made to Scottish Ministers by Scottish Hydro-Electric Transmission Ltd and dated 28 September 2005 and the Environmental Statement commissioned in connection with and accompanying that Application to assess the environmental impact of such development.



ANNEX 2

CONDITIONS

Part 1

Conditions applying only to section 37 consent

Commencement of installation

1.—Installation of the overhead transmission line shall be commenced within 4 years of the date of this consent.

Decommissioning where line not in use

2.—(1) If, following the commissioning of the overhead transmission line, no part of the line carries any electricity for a continuous period of one year, then the Scottish Ministers shall, having due regard to the circumstances surrounding the failure to transmit electricity and only following consultation with the applicant, Ofgem, the planning authorities, and such other parties as the Scottish Ministers consider appropriate, have the right to determine whether the Development shall be deemed to have permanently ceased to be required.

(2) Before determining whether the Development has permanently ceased to be required, the Scottish Ministers shall afford to the applicant and only those other bodies mentioned in paragraph (1) above, the opportunity of being heard by a person appointed by them. If the Scottish Ministers determine that the overhead transmission line has ceased to be required, the applicant shall, unless otherwise agreed in writing by the Scottish Ministers, cause the overhead transmission line to be decommissioned.

(3) In that event the applicant shall submit to the Scottish Ministers for approval a decommissioning scheme to include restoration of the site of the Development within 6 months of such determination by the Scottish Ministers.

(4) The decommissioning shall commence no later than 12 months after the approval of the decommissioning scheme and shall be completed in accordance with the approved decommissioning scheme.

Completion of works

3.—All works associated with installation of the overhead transmission line shall be completed no later than six years after the date of commencement of the Development, or such longer period as may be agreed in writing by the Scottish Ministers.

Assignment of consent

4. The applicant shall not be permitted to assign, alienate or transfer this consent without the prior written authorisation of the Scottish Ministers.



Part 2

Conditions applying to both section 37 consent and deemed planning permission

Construction

General

5.—(1) The Development shall be constructed, operated and decommissioned in accordance with the Application and Environmental Statement, and the mitigation measures E26, E27, E29, E35, E39, E40, E55 and E56 detailed in Appendix C of Volume 3 of the Environmental Statement, and E31, E32 and E59 detailed in the Second Addendum of the Environmental Statement shall be implemented and that in accordance with the terms of the conditions in this Annex and any approval required thereunder.

(2) The Development shall be undertaken in its entirety with no partial implementation.

Environmental liaison group

6.—(1) The applicant shall within one month of the date of the grant of Section 37 consent invite the bodies mentioned in paragraph (2) to participate with them in an environmental liaison group ("ELG") whose purpose is to provide advice on appropriate and necessary mitigation and construction procedures and any associated restoration and habitat management measures and to advise Scottish Ministers of any concerns relating to the construction of the Development.

(2) The bodies are-

- (a) the planning authorities for the areas in which the Development is situated;
- (b) Scottish Natural Heritage;
- (c) Scottish Environment Protection Agency;
- (d) Cairngorms National Park Authority;
- (e) Historic Scotland; and
- (f) the Forestry Commission.

Tourism, cultural heritage and community liaison group

7. (1) The applicant shall within one month of the date of the granting of Section 37 consent invite the bodies mentioned in paragraph (2) to participate with them in a tourism, historic sites and cultural heritage and community liaison group ("TCHCLG").

(2) The bodies are-

- (a) the local authorities for the areas in which the Development is situated;
- (b) Scottish Natural Heritage;
- (c) Historic Scotland;
- (d) the Forestry Commission;

- (e) Visit Scotland;
- (f) the National Trust for Scotland;
- (g) Scottish Enterprise;
- (h) Highlands and Islands Enterprise; and
- (i) Skills Development Scotland.

(3) The purpose of the Group is to:

- (a) provide advice on appropriate and necessary mitigation and construction procedures that impact on tourism, historic sites and cultural heritage;
- (b) advise Scottish Ministers of any concerns relating to the construction of the Development;
- (c) identify opportunities associated with the development and make recommendations to the applicant, and local and national enterprise and skills agencies how these can be delivered.

Construction Procedures Handbook

8.—(1) The applicant is to submit to the Scottish Ministers a document, the Construction Procedures Handbook (“CPH”), setting out how the Development is to be constructed and managed, the objective of which is to minimise disturbance to the environment and impacts on tourism, historic sites and cultural heritage caused by the Development and that agreed appropriate restoration and aftercare are achieved on completion of the Development.

(2) No part of the Development shall be commenced until the Scottish Ministers have, following consultation with the members of the ELG and the TCHCLG, approved the CPH in writing.

(3) All works forming part of the Development shall be carried out in strict compliance with the CPH to be prepared by the applicant in accordance with this condition and conditions 36 and 40.

(4) The CPH shall be based on and incorporate the scope and contents contained in Annex 2 of the Second Addendum to the Environmental Statement including:

- (a) the mitigation measures identified in Appendix C of Volume 3 of the Environmental Statement;
- (b) any other additional committed mitigation measures;
- (c) a peat slide risk assessment and mitigation strategy;
- (d) a waste management and minimisation strategy;
- (e) information regarding watercourse crossings and access track construction and drainage and removal/reinstatement contained in the Environmental Statement;
- (f) the Compendium of all Committed Mitigation Measures (Core Document A09); and
- (g) an assessment of the potential effect of a tower on a Historic Garden and Designed Landscape.

(5) The CPH shall include provision for the appointment by the applicant of appropriately experienced and qualified specialists in ecology, earth science, forestry, tourism, cultural heritage, landscape and archaeology, whose role is that of giving advice on the subsequent development and review of the CPH, monitoring compliance with the CPH and providing audits to the members of the ELG and the TCHCLG on a monthly basis or more frequently if requested by any one of the members of the ELG and the TCHCLG.



(6) The applicants shall prepare the CPH in consultation with affected landowners, local authorities, statutory consultees and those other parties who have provided comments to the applicant on the draft CPH.

(7) The applicant shall ensure compliance with the CPH through appropriate contractual provisions and supervision of contractors and sub-contractors.

(8) In that the Development is to be executed in sections, the CPH shall be subject to review from time to time and as required in order to take account of further elements of the Development and related mitigation plans and having regard to additional survey data and emerging environmental best practice. Any such reviews shall be submitted for the written approval of Scottish Ministers, following consultation with the members of the ELG and the TCHCLG prior to the commencement of the relevant part of the Development.

(9) A copy or copies of the CPH in force shall be provided to each member of the ELG and the TCHCLG for the purposes of public inspection, and to affected landowners.

Independent environmental contractor

9.—(1) Prior to the commencement of the Development, the applicant shall identify an independent environmental contractor whose appointment has been approved by the Scottish Ministers in consultation with Scottish Natural Heritage.

(2) The applicant shall engage this contractor whose responsibility shall be to scrutinise the process of construction and compliance with the CPH and to supervise and direct if necessary the work of the specialists appointed by the applicant in terms of condition 8(5) above, in order to secure compliance with the CPH. In particular such contractor shall have the power to halt works on the Development at anytime and at any location if the contractor considers that the applicant's environmental commitments are not being successfully delivered.

Environment

Otter and wild cat

10.—(1) Otter and wildcat surveys of route and access corridors shall be carried out in areas where otters and wildcats are likely to be found as part of the micro-siting process prior to construction of the overhead transmission line and prior to dismantling of the existing 132kV line between Beauty and Denny and any other transmission or distribution lines defined as part of the Development.

(2) Otter and wildcat management plans detailing all mitigation measures, including measures for dealing with situations of disturbance and/or actual damage to places of shelter, shall be produced and submitted to and approved in writing by Scottish Ministers in consultation with SNH, prior to the commencement of any construction and allied activities.

(3) The management plans as approved shall be implemented in their entirety unless otherwise agreed in writing with the Scottish Ministers.

(4) Mitigation measures E26, E27, E29, E35, E39 and E40 contained in Appendix C of Volume 3 of the Environmental Statement shall be implemented.

Bats

5 Atlantic Quay
150 Broomielaw
Glasgow G2 8LU
www.scotland.gov.uk



11.—(1) As part of the micro-siting process prior to construction of the transmission line and prior to dismantling of the existing 132kV line between Beauly and Denny and any other transmission or distribution lines defined as part of the Development a bat survey of route and access corridors shall be carried out in areas where bats are likely to be found.

(2) No works shall be commenced on the Development until a 'bat mitigation plan' has been submitted to and approved in writing by the Scottish Ministers in consultation with SNH.

(3) The bat mitigation plan is to

- (a) detail all mitigation measures, including measures for dealing with situations of disturbance and/or actual damage to places of shelter (i.e. roosts); and
- (b) include general route corridor management for specific bat sensitive areas to include:
 - (i) Balblair Wood;
 - (ii) Rattle Wood;
 - (iii) West of A86 and the River Pattack; and
 - (iv) Tummel substation area.

(4) The bat mitigation plan as approved shall be implemented in its entirety unless otherwise agreed in writing with the Scottish Ministers.

(5) Mitigation measures E31, E32 and E59 contained in the Second Addendum to the Environmental Statement shall be implemented.

Birds fitting of diverters

12.—(1) In order to mitigate collision of birds with the overhead transmission line, Swan Flight Diverters shall be fitted in accordance with paragraph (2) to the earth wire along the stretches of line identified in Annex 6 of the Second Addendum to the Environmental Statement, and elsewhere if required, to the satisfaction of the Scottish Ministers in consultation with SNH.

(2) The Swan Flight Diverters shall be spaced at either 5m or 10m as required by the Scottish Ministers in consultation with SNH.

(3) If further post construction monitoring work identifies further sensitive areas for bird collision risk, then these areas shall also be so marked.

Birds mitigation measures

13.—(1) No work shall commence on the Development until the Scottish Ministers in consultation with SNH have specified in writing the distances that works must remain from Black Grouse and breeding birds specified in Annex 1 of the Birds Directive (Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds as amended) and Schedule 1 of the Wildlife & Countryside Act 1981, and specified areas where such birds have been identified.

(2) These distances shall apply to the potential disturbance effects from line construction, maintenance and dismantling and shall include all works that might cause disturbance including the identification and construction of access tracks, borrow pits, set down areas and site compounds.



(3) All works in areas where such birds have been identified by SNH as being present shall be carried out outwith sensitive periods of the bird breeding season as identified by SNH except where otherwise agreed with SNH.

Post construction bird monitoring plan

14.—(1) Prior to the commissioning of the overhead transmission line, a post construction monitoring programme with methods and timings for bird monitoring in those sensitive areas outwith SPAs (“the Post Construction Monitoring Plan”) shall be submitted to the Scottish Ministers for approval.

(2) The overhead transmission line shall not be commissioned until the Post Construction Monitoring Plan as been approved in writing by the Scottish Ministers in consultation with SNH.

(3) The Post Construction Monitoring Plan as approved shall be implemented in its entirety unless otherwise agreed in writing by the Scottish Ministers.

Watercourses

15. In any areas where works in relation to the Development may impact upon appropriate watercourses and water bodies, namely those listed with confirmed freshwater pearl mussel populations in Table 1.27 of confidential appendix to the Addendum to the Environmental Statement the following shall apply:

- (a) no works shall be commenced until full method statements covering all relevant works have been produced to and approved in writing by the Scottish Ministers, in consultation with SNH and SEPA where Scottish Ministers consider appropriate;
- (b) the edge of the tower bases shall be at least 30m away from appropriate watercourses and water bodies and 50m wherever possible, unless otherwise agreed in writing by the Scottish Ministers in consultation with SNH and SEPA;
- (c) the edges of borrow pits, quarries, etc. shall be at least 50m away from appropriate watercourses and water bodies;
- (d) the outside edge of all permanent non-mobile storage facilities for oil, fuel, etc. shall be at least 100m away from appropriate watercourses and water bodies;
- (e) no refuelling shall take place within 30m of appropriate watercourses and water bodies;
- (f) no generators or similar plant and machinery shall be used within 30m from appropriate watercourses and water bodies unless otherwise agreed in writing by the Scottish Ministers in consultation with SNH and SEPA where Scottish Ministers consider appropriate;
- (g) all spoil heaps shall be at least 30m away from appropriate watercourses and water bodies and 50m wherever possible; and
- (h) no works or operations involving concrete transfer between vehicles or into vehicles shall take place within 30m of appropriate watercourses and water bodies unless otherwise agreed by the Scottish Ministers in consultation with SNH and SEPA where Scottish Ministers consider appropriate.

Pine marten, red squirrel etc survey and mitigation measures

16.—(1) A survey of route and access corridors for pine marten, red squirrel and water vole shall be carried out as part of the micro-siting process prior to construction of the overhead transmission line and prior to dismantling of the existing 132kV line between Beauly and Denny and any other transmission or distribution lines defined as part of the development. This survey shall form the basis for detailed mitigation measures to be included in the management plan prepared under condition 16 for each tower location.

(2) Mitigation measures E26, E27, E29, E35, E39, E40, E55 and E56 contained in Volume 3 of the Environmental Statement shall be implemented.

Pine marten, red squirrel etc management plan

17.—(1) With the exception of works on public roads, no works on the Development shall be commenced until a management plan for pine marten, red squirrel, water vole and reptiles detailing all mitigation measures, including measures for dealing with situations of disturbance and/or actual damage to places of shelter, has been submitted to and approved in writing by the Scottish Ministers, in consultation with SNH where Scottish Ministers consider appropriate.

(2) The approved management plan shall be implemented in its entirety unless otherwise agreed in writing by the Scottish Ministers.

Landscape and visual impact

Balblair Rationalisation Scheme

18. (1) Neither the overhead transmission line or the towers carrying that line shall be installed or constructed in the area of UHC until

- (a) the applicant has submitted to the Scottish Ministers for approval a scheme prepared in accordance with this condition setting out proposals to mitigate the impact of wirescape in the Balblair area ('the Balblair Rationalisation Scheme');
- (b) the Scottish Ministers have, in consultation with UHC, approved the Balblair Rationalisation Scheme; and
- (c) the applicant has obtained any consents and permissions necessary to enable the applicant to implement the approved Balblair rationalisation Scheme.

(4) The Balblair Rationalisation Scheme is to include proposals for:

- (a) the removal of those sections of the Beauly-Inverness, Beauly-Shin and Beauly-Grudie Bridge 132kV overhead transmission lines, and their replacement with underground cables as detailed in Chapter 11 of Volume 2 of the Inquiry Report and API INV22 (Plan showing wirescape mitigation measures at Beauly substation); and
- (b) the lowering or repositioning of-

- (i) the tower situated immediately to the west of Wester Balblair which presently supports the existing 275kV line: and
- (ii) all other towers which it would be technically possible to reduce in height as a result of the removal of the 132kV lines.

(5) The applicant shall implement the approved Balblair rationalisation scheme within one year of the commissioning of the overhead transmission line unless otherwise agreed in writing by the Scottish Ministers.

Cairngorms National Park Rationalisation Scheme

19.—(1) Neither the overhead transmission line or the towers carrying that line shall be installed or constructed in the area of THC until

- (a) the applicant has submitted to the Scottish Ministers for approval a scheme prepared in accordance with this condition setting out proposals to mitigate the impact of wirescape in the Cairngorms National Park ('the Cairngorms National Park Rationalisation Scheme');
- (b) the Scottish Ministers have, in consultation with THC, approved the Cairngorms National Park Rationalisation Scheme; and
- (c) the applicant has obtained any consents and permissions necessary to enable the applicant to implement the approved Cairngorms National Park Rationalisation Scheme.

(4) The Cairngorms National Park Rationalisation Scheme is to include proposals for:

- (a) the removal of the double circuit 132kV steel tower transmission line between Boat of Garten and Calmar; and
- (b) the removal of the steel towers supporting the double circuit 132kV route between Eiteridge and Boat of Garten and their replacement with wood poles or an underground cable.

(5) The applicant shall implement the approved Cairngorms National Park rationalisation scheme within one year of the commissioning of the overhead transmission line unless otherwise agreed in writing by the Scottish Ministers

Errochty Rationalisation Scheme

20.—(1) Neither the overhead transmission line or the towers carrying that line shall be installed or constructed in the area of PKC until—

- (a) the applicant has submitted to the Scottish Ministers for approval a scheme prepared in accordance with this condition setting out proposals to mitigate the impact of wirescape in the in the vicinity of the lines mentioned in paragraph (2) ('the Erochty Rationalisation Scheme');
- (b) the Scottish Ministers have, in consultation with PKC, approved the Erochty Rationalisation Scheme; and
- (c) the applicant has obtained any consents and permissions necessary to enable the applicant to implement the approved Erochty Rationalisation Scheme.

(4) The Erochty Rationalisation Scheme is to include proposals for the undergrounding of:

- (a) the existing 132kV Errochty–Burghmuir overhead line between White Bridge in the vicinity of tower TD17 and the vicinity of angle tower TD22 to the south east of Glengoulandie Deer Park;
- (b) the existing Errochty Aberfeldy–Killin pole mounted 33kV line between White Bridge and the angle tower TD22 to the south east of Glengoulandie Deer Park; and
- (c) the existing 132kV Errochty–Burghmuir overhead line between the existing angle tower north-east of Girron and the vicinity of angle tower TD98 at Dunie Den plantation.

(5) The applicant shall implement the approved Errochty Rationalisation Scheme within one year of the commissioning of the overhead transmission line unless otherwise agreed in writing by the Scottish Ministers.

Muthill Conservation Area Rationalisation Scheme

21.—(1) Neither the overhead transmission line or the towers carrying that line shall be installed or constructed in the area of PKC until-

- (a) the applicant has submitted to the Scottish Ministers for approval a scheme prepared in accordance with this condition setting out proposals to mitigate the impact of wirescape in the vicinity of Muthill ('the Muthill Conservation Area Rationalisation Scheme');
- (b) the Scottish Ministers have, in consultation with PKC, approved Muthill Conservation Area Rationalisation Scheme; and
- (c) the applicant has obtained any consents and permissions necessary to enable the applicant to implement the approved Muthill Conservation Area Rationalisation Scheme.

(4) The Muthill Conservation Area Rationalisation Scheme is to include proposals for the undergrounding of:

- (i) the low voltage overhead electricity lines within the village of Muthill shown as solid green lines on the inset map of APL PTH 42 (Alternative Additional Mitigation Measures); and
- (ii) the 33kV overhead electricity line to the west of Muthill shown as a dotted green line on the main map of APL PTH 42.

(5) The applicant shall implement the approved Muthill Conservation Area Rationalisation Scheme within one year of the commissioning of the overhead transmission line unless otherwise agreed in writing by the Scottish Ministers.

Auchilhanzie House Mitigation Scheme

22.—(1) Neither the overhead transmission line or the towers carrying that line shall be installed or constructed between the proposed length of transmission line between towers TD111 and TD115 at Auchilhanzie House until-



(a) the applicant has submitted to the Scottish Ministers for approval a scheme prepared in accordance with this condition setting out proposals to mitigate the visual impact of the 400kV line in the Auchilhanzie House area ("the Auchilhanzie House Mitigation Scheme"); and

(b) the Scottish Ministers have, after consultation with the owners and occupier of Auchilhanzie Houses, approved the Auchilhanzie House Mitigation Scheme.

(3) The Auchilhanzie House Mitigation Scheme is to include proposals for the mitigation of the visual and landscape impact of the line between towers TD111 and TD115 at Auchilhanzie House.

(3) (3) The Development shall be carried out in accordance with the approved Auchilhanzie House Mitigation Scheme unless otherwise agreed in writing by the Scottish Ministers.

Access tracks to tower BF59C

23. Without prejudice to the provisions of conditions 5 to 9 above, the applicant shall ensure that new and upgraded access tracks to tower BF59C shall be generally as shown in AP1, ENV3 (drawing 3 of 23, A3/PTD/6054/0324 in Access Track Maps BF1-FT72) and that the micro-siting of tower BF59C and the creation of access tracks to the tower are supervised by a chartered landscape architect.

Landscape of the Corrieyairack

24.—(1) No works associated with the construction of the overhead transmission line between towers FT4A and FT54B or the dismantling of the existing 132kV line between these points shall be commenced until a method statement for these works has been produced by the applicant and has been submitted to and approved by the Scottish Ministers in consultation with the particular planning authority.

(2) The works shall be carried out in accordance with the approved method statement.

Environment

Limits of deviation of access tracks to towers BF111 – BF113

25.—The limit of deviation for the access track to towers BF111 – BF113 shown in red on sheet number 6 of 26 (Drawing No. 522/1109/0002/01) as contained within the Second Addendum to the Environmental Statement, shall be no further east than the broken black line to the east of the existing 132kV overhead line as shown on the aforementioned sheet unless otherwise expressly agreed through the provisions of the CPH.

River Moriston Special Area of Conservation

26.— (1) In respect of the River Moriston Special Area of Conservation and the River Moriston Catchment Area—

- (a) the outside edge of each tower base shall be a minimum of 50m from all water courses and water bodies within the River Moriston Special Area of Conservation and a minimum of 50m therefrom within the River Moriston Catchment Area unless the mitigation measures proposed in Appendix 2 of Chapter 11 of Volume 2 of the Inquiry Report are implemented to permit reductions in the distance specified or unless otherwise agreed by Scottish Ministers in consultation with SNH;

- (b) the outside edge of all borrow pits, quarries, etc. shall be a minimum of 50m from all water courses and water bodies within the River Moriston Special Area of Conservation;
- (c) the outside edge of all permanent non mobile storage facilities for oil, fuel etc. shall be a minimum of 100m from all water courses and water bodies within the River Moriston Catchment Area;
- (d) no re-fuelling shall take place within 30m of watercourses and water bodies within the River Moriston Catchment Area;
- (e) no generators or similar plant and machinery shall be used within 30m of watercourses and water bodies within the River Moriston Special Area of Conservation nor within 10m from watercourses and 30m of water bodies within the River Moriston Catchment Area;
- (f) no spoil heaps shall be constructed within 30m of watercourses and water bodies within the River Moriston Catchment Area unless the mitigation measures proposed herein are implemented to permit reductions in this distance specified; and
- (g) no operations involving concrete transfer between vehicles or into vehicles shall take place within 30m of watercourses and water bodies within the River Moriston Catchment Area.

(4) The transmission line shall not be commissioned, until a plan for emergency repair/maintenance works within the River Moriston Special Area of Conservation has been submitted to and approved in writing by Scottish Ministers in consultation with SNH, SEPA, and the planning authority for the area in question.

(5) Any emergency repair/maintenance works shall be carried out in accordance with the approved plan.

(6) In this condition the River Moriston Catchment Area means the area lying between towers BF98A and BF123 under exception of any area which is situated within the River Moriston Special Area of Conservation.

Ness Woods Special Area of Conservation

27.- (1) In respect of the Ness Woods Special Area of Conservation and the Ness Woods Catchment Area:

- (a) the outside edge of each tower base shall be a minimum of 50m from all watercourses and water bodies within the Ness Woods Special Area of Conservation and a minimum of 50m therefrom within the Ness Woods Catchment Area unless the mitigation measures proposed in Appendix 2 of Chapter 11 of Volume 2 of the Inquiry Report are implemented to permit reductions in the specified distance or unless otherwise agreed by Scottish Ministers in consultation with SNH;
- (b) the outside edge of all borrow pits, quarries, etc. shall be a minimum of 50m from all watercourses and water bodies within the Ness Woods Special Area of Conservation;

- (c) the outside edge of all permanent non mobile storage facilities for oil, fuel etc. shall be a minimum of 100m from all watercourses and water bodies within the Ness Woods Catchment Area;
- (d) no re-fuelling shall take place within 30m of watercourses and water bodies within the Ness Woods Catchment Area;
- (e) no generators or similar plant and machinery shall be used within 30m of watercourses and water bodies within the Ness Woods Special Area of Conservation nor within 10m of watercourses and 30m from water bodies within the Ness Woods Catchment Area;
- (f) no spoil heaps shall be constructed within 30m of watercourses and water bodies within the Ness Woods Catchment Area unless the mitigation measures proposed in Appendix 2 of Chapter 11 of Volume 2 of the Inquiry Report are implemented to permit reductions in the specified distance; and
- (g) no operations involving concrete transfer between vehicles or into vehicles shall take place within 30m of watercourses and water bodies within the Ness Woods Catchment Area.

(4) In this condition the Ness Woods Catchment Area means the area lying between towers F15 and FT36B under exception of any area which is situated within the Ness Woods Special Area of Conservation.

(5) The transmission line shall not be commissioned until a plan for emergency repair/maintenance works within the Ness Woods Special Area of Conservation has been submitted to and approved in writing by the Scottish Ministers in consultation with SNII and the relevant planning authority. Any emergency repair/maintenance works shall be carried out in accordance with the approved plan.

(6) As a result of the time period between the original survey and potential construction of the overhead transmission line and the dismantling of the 132kV line, a resurvey for otter holts and resting sites in suitable habitats along the route and access corridors within the Ness Woods Special Area of Conservation in those areas where otters are likely to be found, shall be carried out as part of the micro-siting process, both prior to construction of the overhead transmission line and prior to dismantling of the existing 132kV transmission line. These surveys shall form the basis for detailed mitigation plans for each tower location.

(7) No works on the Development shall be commenced until an otter management plan detailing all mitigation measures, including measures for dealing with situations of disturbance and/or actual damage to places of shelter, has been submitted to and approved in writing by the Scottish Ministers.

(8) The management plan as approved shall be implemented in its entirety unless otherwise agreed in writing by the Scottish Ministers in consultation with SNII.

Inner Moray Firth Special Protection Area

28.—In respect of the Inner Moray Firth Special Protection Area study area, as described at paragraph 1.1.2 of Annex 9 of the Second Addendum to the ES:

- (a) no works in connection with the Development shall be carried out until methodologies for pre-construction and pre-dismantling surveys for osprey have been submitted to and approved by

the Scottish Ministers in consultation with SNH. Thereafter the surveys shall be carried out in accordance with the approved methodologies unless otherwise agreed in writing by the Scottish Ministers;

- (b) the use of helicopters for dismantling of the existing 132kV power line and construction of the overhead transmission line shall not take place during the osprey breeding season (April to August inclusive) where it would result in disturbance to nest sites in the study area;
- (c) appropriate exclusion zones (including exclusion zones for particular types of activity) for any active nest sites and for any lochs that are known foraging sites for ospreys that are also likely to forage within the Inner Moray Firth SPA (i.e. those identified foraging lochs within 15km of known osprey breeding sites that are within 15km of the Inner Moray Firth SPA boundary) shall be determined by the independent environmental contractor and submitted to and approved by the Scottish Ministers in consultation with SNH prior to the commencement of Development within the SPA study area. Thereafter the exclusion zones as approved shall be observed and maintained by the applicant and their contractors/agents during the period that the nest is active and dependent young are present. Active nests within the study area shall be monitored by the independent environmental contractor. As a guide figure, exclusion zones from nest sites should be 1km but the independent environmental contractor may increase/extend such exclusion zones from time to time to take account of any disturbance to nest sites and breeding birds;
- (d) Conductors and earth wires for the existing 132kV power line and new overhead transmission line in the Rittle Wood area (i.e. from the Beauly substation to tower BF13) shall not be in place simultaneously during the osprey breeding season (April to August inclusive). For the remainder of the study area conductors and earth wires for both the 132kV power line and new overhead transmission line shall be in place simultaneously for no longer than one breeding season;
- (e) To mitigate collision of birds with the line, deflectors shall, at the time of stringing, be fitted to the earth wire along the proposed 400kV line as shown in Figure 9.4 of Annex 9 of the Second Addendum and also between Eskdale Moor and Rittle Wood at the two locations shown coloured orange and red in Figure 9.4 where high osprey transit levels have been identified (between towers BF15 to BF42). The Swan Flight Diverter shall be used and spaced at 5m intervals between towers BF2 to BF5 and towers BF10 to BF15 and at 10m intervals elsewhere within the proposed sections of earth wire marking. If further post construction monitoring work identifies, in the opinion of the Scottish Ministers in consultation with SNH, or the independent environmental contractor, further osprey sensitive areas, then the line in those areas shall also be marked as aforesaid;
- (f) The transmission line shall not be commissioned until a plan for emergency repair/maintenance works within the study area has been submitted to and approved in writing by the Scottish Ministers in consultation with SNH and the particular planning authority. This plan shall provide that:
 - (i) no significant maintenance works which have the potential to cause disturbance to breeding osprey shall be undertaken during the osprey breeding season;
 - (ii) emergency repair works (i.e. works to prevent loss of security of supply or for reasons of human safety) shall be carried out with due regard to the protection of the qualifying

species of the Inner Moray Firth SPA. Any emergency repair/maintenance works shall be carried out in accordance with the approved plan; and

- (g) without prejudice to the foregoing conditions and to the provisions of Appendix 2 of Chapter 21 of Volume 1 of the Inquiry Report, the applicant shall ensure that the mitigation measures set out in paragraphs 1.1.12.2 to 1.1.12.16 and 1.1.12.19 to 1.1.12.28 of Annex 9 of the Second Addendum are implemented.

River Spey Special Area of Conservation

29. (1) In respect of the River Spey Special Area of Conservation and the River Spey Catchment Area:

- (a) the outside edge of each tower base shall be a minimum of 50m from all watercourses and water bodies within the River Spey Special Area of Conservation and a minimum of 50m within the River Spey Catchment Area unless the mitigation measures proposed at Appendix 2 of Chapter 11 of Volume 2 of the Inquiry Report are implemented to permit reductions in the distance specified or unless otherwise agreed by Scottish Ministers in consultation with SNH;
- (b) the outside edge of all borrow pits, quarries, etc. shall be a minimum of 50m from all watercourses and water bodies within the River Spey Special Area of Conservation;
- (c) the outside edge of all permanent non mobile storage facilities for oil, fuel etc. shall be a minimum of 100m from all watercourses and water bodies within the River Spey Catchment Area;
- (d) no re-fuelling shall take place within 30m of watercourses and water bodies within the River Spey Catchment Area;
- (e) no generators and similar plant and machinery shall be used within 30m from watercourses and water bodies within the River Spey Special Area of Conservation and within 10m from watercourses and 30m of water bodies within the River Spey Catchment Area;
- (f) no spoil heaps shall be constructed within 30m from watercourses and water bodies within the River Spey Catchment Area unless the mitigation measures proposed in Appendix 2 of Chapter 12 of Volume 2 of the Inquiry Report are implemented to permit reductions in this distance specified: and
- (g) no operations involving concrete transfer between vehicles or into vehicles shall take place within 30m of watercourses and water bodies within the River Spey Catchment Area.

(4) The conditions in paragraph (1) shall apply to all operations in respect of both the construction of the overhead transmission line and the dismantling of the existing Beauly to Denny overhead transmission line.

(5) The overhead transmission line shall not be commissioned until a plan for emergency repair/maintenance works within the River Spey Special Area of Conservation has been submitted to and approved in writing by the Scottish Ministers in consultation with SNH, SRPA and the particular planning authority.



(6) Any emergency repair/maintenance works shall be carried out in accordance with the approved plan unless otherwise agreed by the Scottish Ministers.

(7) In this condition "the River Spey Catchment Area" means the area lying between towers F137C and F180B under exception of any area which is situated within the River Spey Special Area of Conservation.

Drumochter Hills Special Protection Area

30.— In respect of the Drumochter Hills Special Protection Area:

- (a) the mitigation measures outlined in paragraphs 1.1.13.2-1.1.13.9, 1.1.13.12-1.1.13.15, 1.1.13.19-1.13.21 and 1.1.13.23-1.1.13.24 of Annex 10 of the Second Addendum shall be implemented;
- (b) the mitigation measures in paragraphs 1.1.13.11 and 1.1.13.16 of Annex 10 of the Second Addendum shall be implemented subject to the qualification that the breeding season shall be considered to cover the period from the first of April to 16 August;
- (c) the mitigation measures in paragraphs 1.1.13.10 and 1.1.13.22 of Annex 10 of the Second Addendum shall be implemented subject to the qualification that the breeding season shall be considered to cover the period from 1st April to 16th August and the guide figure for exclusion zones shall be 300m to 500m from the nest site;
- (d) no construction or dismantling activities shall be commenced until methodologies for pre-construction and pre-dismantling surveys for merlin have been submitted to and approved by the Scottish Ministers in consultation with SNH. These approved methodologies shall be implemented in their entirety unless otherwise agreed in writing by the Scottish Ministers;
- (e) the use of helicopters for dismantling of the existing 132kV power line and construction of the overhead transmission line is not permitted during the breeding season (1 April to 16 August) where it would result in disturbance to active nest sites in the Drumochter Hills SPA. Appropriate exclusion zones for helicopters in relation to any nest sites confirmed during pre-construction surveys shall be determined by ecological advisors and approved in writing by the Scottish Ministers prior to commencement of works. Thereafter the exclusion zones as approved shall be observed until all the dependent young have left the nest site;
- (f) conductors and earth wires for the existing 132kV OHL and new overhead transmission line shall not be in place simultaneously during the merlin breeding season (1 April to 16 August).
- (g) the transmission line shall not be commissioned until a plan for maintenance and emergency repair works within the study area has been submitted to and approved in writing by the Scottish Ministers in consultation with SNH and the particular planning authority. This plan shall provide that:
 - (i) no significant maintenance works which have the potential to cause disturbance to breeding merlin shall be undertaken during the merlin breeding season; and
 - (ii) emergency repair works (i.e. works to prevent loss of security of supply or for reasons of human safety) shall be carried out with due regard to the protection of the qualifying



species of the Drumochter Hills SPA. Any emergency repair/maintenance works shall be carried out in accordance with the approved plan.

Drumochter Hills Special Area of Conservation

31.—In respect of the Drumochter Hills Special Area of Conservation and the surrounding area of land shown in Figures 1a to 1d of the Drumochter Hills Special Area of Conservation Habitat Restoration Final Report and dated 26 June 2007 (APL CNP19)

- (a) the applicant shall, in carrying out any activities associated with the construction of the overhead transmission line and the dismantling of the existing 132kV OHL, implement all construction methods, mitigation proposals and restoration measures detailed in that Final Report;
- (b) all work on blanket bog shall be undertaken by vehicles of equal to or less than 0.15kg/sq cm ground pressure. If any vehicle to be used for dismantling the 132kV towers has a ground pressure of greater than 0.15kg/sq cm, the impacts of the use of such a vehicle shall be tested outwith the Drumochter Hills Special Area of Conservation with the use of temporary matting. Only if the independent environmental contractor determines that no adverse impacts would occur would any such vehicles be permitted to be used on blanket bog in the Drumochter Hills Special Area of Conservation but then only if suitable temporary matting is used in all cases to the satisfaction of the independent environmental contractor. In all situations the dismantling access protocol in Appendix IV of APL CNP 19 shall be strictly adhered to; and
- (c) the transmission line shall not be commissioned until a plan for emergency repair/maintenance works within the Drumochter Hills Special Area of Conservation has been submitted to and approved by the Scottish Ministers in consultation with SNH and the particular planning authority. Any emergency repair/maintenance works shall be carried out in accordance with the approved plan.

Kinlochlaggan Boulder Beds SSSI

32. (1) No works or associated activity in connection with the Development shall take place within the Kinlochlaggan Boulder Beds SSSI and an area extending to 20m outwith the boundary thereof (the "Protection Zone).

(2) Prior to any works or associated activity taking place within 50m of the SSSI, the applicant shall provide a fence to delineate the Protection Zone. The fence shall remain in place until all construction or related activity within 50m of the SSSI has ceased.

River Tay Special Area of Conservation

33. (1) In respect of the River Tay Special Area of Conservation and the River Tay Catchment Area:

- (a) the outside edge of each tower base shall be a minimum of 50m from all watercourses and water bodies within the River Tay Special Area of Conservation and a minimum of 50m from all watercourses and water bodies within the River Tay Catchment Area unless the mitigation measures proposed in Appendix 2 of Chapter 11 of Volume 2 of the Inquiry Report are

implemented to permit reductions in the distance specified or unless otherwise agreed by Scottish Ministers in consultation with SNH;

- (b) the outside edge of all borrow pits, quarries, etc. shall be a minimum of 50m from all watercourses and water bodies within the River Tay Special Area of Conservation;
- (c) the outside edge of all permanent non mobile storage facilities for oil, fuel etc. shall be a minimum of 100m from all watercourses and water bodies within the River Tay Catchment Area;
- (d) no re-fuelling shall take place within 30m of watercourses and water bodies within the River Tay Catchment Area;
- (e) no generators and similar plant and machinery shall be used within 30m of watercourses and water bodies within the River Tay Special Area of Conservation and within 10m of watercourses and 30m of water bodies within the River Tay Catchment Area;
- (f) no spoil heaps shall be constructed within 30m of watercourses and water bodies within the River Tay Catchment Area unless mitigation measures similar to those proposed in Appendix 2 of Chapter 11 of Volume 2 of the Inquiry Report are implemented to permit reductions in this distance specified; and
- (g) no operations involving concrete transfer between vehicles or into vehicles shall take place within 30m of watercourses and water bodies within the River Tay Catchment Area.

(4) The conditions in paragraph (1) apply to all works associated with the Development.

(5) Resurveys for otter holts and resting sites in suitable habitats along the route and access corridors within the River Tay Special Area of Conservation shall be carried out as part of the micro-siting process both prior to the construction of the overhead transmission line and the dismantling of the existing 132kV Beauly to Denny overhead transmission line. These surveys are required because of the time periods between the original survey and potential construction of the overhead transmission line and the dismantling of the 132kV line.

(6) No works in connection with the Development in the area of PKC shall be commenced in relation to the River Tay Special Area of Conservation and the River Tay Catchment Area until an otter management plan detailing all mitigation measures, including for situations of disturbance and/or actual damage to places of shelter, has been submitted to and approved in writing by the Scottish Ministers. The management plan as approved shall be implemented in its entirety unless otherwise agreed in writing with the Scottish Ministers in consultation with SNH.

(7) The transmission line shall not be commissioned until a plan for emergency repair/maintenance works within the River Tay Special Area of Conservation has been submitted to and approved by the Scottish Ministers. Any emergency repair/maintenance works shall be carried out in accordance with the approved plan.

(8) In this condition 'the River Tay Catchment Area' means, the area lying between towers FT198A and TD104 under exception of any area which is situated within the River Moriston Special Area of Conservation.



South Tayside Goose Roosts Special Protection Area

34.—In respect of the South Tayside Goose Roosts Special Protection Area:

- (a) the mitigation measures contained in paragraphs 1.1.11.2-1.1.11.11, 1.1.11.14, 1.1.11.17, 1.1.11.19-1.1.11.22 and 1.1.11.24 of Annex 11 to the Second Addendum to the Environmental Statement shall be implemented;
- (b) no work shall be commenced on the construction of towers TD115 to TD147B, until a mitigation plan has been submitted to and approved by the Scottish Ministers in consultation with SNH, which plan shall consider important feeding and roosting sites within this and the wider area during the affected year, including, wherever possible, agreement with landowners to promote, through crop management, increased feeding opportunities for geese more than 1km from the route of the line and reduced feeding opportunities within 1km of the line. Thereafter the works shall be carried out in accordance with the mitigation plan as approved;
- (c) if works on the overhead transmission line between towers TD172-TD189 (i.e. the Muckle Burn to Sheriff Muir) are necessary during the period when wild geese are present in the area (i.e. September to April inclusive), no work shall be commenced until a mitigation plan has been submitted to and approved by the Scottish Ministers in consultation with SNH, which plan shall consider important feeding and roosting sites within this and the wider area during the affected year, including, wherever possible, agreement with landowners to promote, through crop management, increased feeding opportunities for geese more than 1km from the route of the line and reduced feeding opportunities within 1km of the line. Thereafter the works shall be carried out in accordance with the mitigation plan as approved;
- (d) a programme/scheme for the limited use of helicopters to assist in stringing the line, which shall take into account, *inter alia*, the potential presence of geese and the need to minimise the risk of disturbance, shall be submitted to SNH for approval in advance of the start of works. Any increase in frequency beyond that agreed in the approved programme/scheme shall only be permitted with the prior agreement of the independent environmental contractor, in consultation with SNH;
- (e) conductors and earth wiring for the new overhead transmission line and 132kV power line in the South Tayside Goose Roosts study area shall not be in position simultaneously during the goose season (September to April inclusive) except during the potential overlap periods in March and April and late September to early October of year 4 of the construction programme; and
- (f) the transmission line shall not be commissioned until a plan for emergency repair/maintenance works within the River Tay Special Area of Conservation has been submitted to and approved by the Scottish Ministers in consultation with SNH and the particular planning authority. Any emergency repair/maintenance works shall be carried out in accordance with the approved plan.

Glen Garry SSSI

35. (1) No construction or related activity shall take place either within the Glen Garry SSSI or within 20m of its boundary, other than upgrading work on the existing access track in the SSSI, the details of the proposed upgrading works (which shall include the provision and maintenance by the



applicant of a fence along the edges of the access track during the upgrading work) which have been submitted to and approved by the Scottish Ministers in consultation with SNH and the particular planning authority in advance of the upgrading works being carried out.

(2) Such upgrading work shall be carried out in accordance with the detailed proposals approved by the Scottish Ministers.

(3) No works in connection with the Development in the area of PKC shall be commenced until a mitigation plan for the dismantling of the 132kV line adjacent to the Glen Garry SSSI has been submitted to and approved in writing by the Scottish Ministers in consultation with SNH and the particular planning authority.

(4) The mitigation plan as approved shall be implemented in its entirety unless otherwise agreed in writing with the Scottish Ministers.

Firth of Forth SPA and Ramsar Site

36.—In relation to the Firth of Forth SPA and Ramsar Site (the site):

- (a) the framework outlined in the access strategy set out in Appendix D to the Environmental Statement shall be used to define the access protocol for constructing the overhead transmission line. No access tracks, site compounds or borrow pits shall be constructed within the site;
- (b) the applicant shall ensure that appropriately experienced and qualified staff who are specialists in ecology shall be in attendance throughout any period that construction takes place within 1km of the site to ensure that all environmental mitigation measures set out in the Firth of Forth Special Study, as detailed at Annex 12 of the Second Addendum to the ES, the Environmental Statement and any Addendum thereto and the CPH and any mitigation measure required by virtue of any condition are delivered;
- (c) the working corridor, site compounds and storage areas shall be kept to the minimum necessary for safe implementation of the works. The site boundary shall be clearly marked, in all areas identified in the CPH as necessary, to protect ecological or other interests and to prevent incursion outwith the corridor. All such areas shall be fully restored at the end of construction;
- (d) exclusion zones within the work corridor shall be clearly delineated on the ground to avoid construction staff straying into sensitive areas, and restoration plans for all sites of ecological value shall be included within the CPH;
- (e) during the winter period (September to April inclusive) the use of helicopters to assist in stringing the line shall be limited to a maximum of one day in one local area as defined by the independent environmental contractor. The potential disturbance, although temporary, on geese and cormorants shall be considered on an area by area basis, by the independent environmental contractor in liaison with the applicant's ecology specialist, taking account the birds' potential presence and minimising the risk of disturbance;
- (f) the overhead transmission line shall not transmit electricity in the Firth of Forth SPA study area (as that area is described in paragraph 1.1.1.20 of Annex 12 of the Second Addendum to



the Environmental Statement) until a plan for maintenance and emergency repair works within the SPA study area has been submitted to and approved by the Scottish Ministers in consultation with SNH and the particular planning authority. Thereafter any such works shall be carried out in accordance with the approved plan. The plan to be approved shall specify *inter alia* that:

- (i) maintenance works which have the potential to cause disturbance to the qualifying species of the Firth of Forth SPA shall not be undertaken during the winter period (September-April inclusive).
- (ii) emergency repair works (i.e. works to prevent loss of security of supply or for reasons of human safety) shall be carried out with due regard to the protection of the qualifying species of the Firth of Forth SPA; and
- (g) Without prejudice to the foregoing conditions and to the provisions of Appendix 2 of Chapter 21 of Volume 1 of the Inquiry Report, the mitigation measures outlined in paragraphs 1.1.1.81-1.1.1.87 and 1.1.1.100-1.1.1.107 of Annex 12 to the Second Addendum to the Environmental Statement shall be carried out as stated.

Forestry

37.—(1) Before any trees are cut down, topped, lopped or uprooted at the locations specified in paragraph (3) below and for the side of the line in these locations, the applicant shall submit to the Scottish Ministers in consultation with the particular planning authority for approval a Forest Design Concept Plan for that location which shall restrict tree felling to create the necessary wayleave for the overhead transmission line on one side to a width of 40 metres or such greater width as is required to incorporate sound forestry landscape and silvicultural principles and taking account of issues of safety and landowner agreement.

(2) The wayleave width shall not exceed 40 metres without the written approval of THC and the tree felling to create the wayleave shall be carried out in accordance with such approval.

(3) The tower locations are-

- (a) towers BF9 – BF10 (south-east side)
- (b) towers BF13 – BF15 (north-west side)
- (c) tower BF49 (south side)

(4) No trees are to be cut down, topped, lopped or uprooted at those locations prior to the approval of the Forest Design Concept Plan for that area and then only in accordance with the approved Plan.

Woodland mitigation

38.—The applicant shall ensure that all works in the undernoted woodland areas are supervised by a chartered landscape architect

- (a) Site No 002 Fig 1 shown in Figure 18.1 of Volume 2 of the Environmental Statement
Site Name: Rattle Wood Kiltarlity Cottage
Location: wood adjacent to Kiltarlity Cottages;



- (b) **Site No 005 Fig 1 shown in Figure 18.1 of Volume 2 of the Environmental Statement**
Site Name: Eskdale Woods
Location: Strathglass; and
- (c) **Site No 006 Fig 1 shown in Figure 18.1 of Volume 2 of the Environmental Statement**
Site Name: Eskdale IV
Location: south west Eskdale.

Woodland to west of Trinafour

39.—The route of the proposed line through the woodland to the west of Trinafour shall be designed by a forestry landscape architect and a chartered landscape architect shall be present during woodland clearance to ensure that satisfactory mitigation is achieved.

Geology

40.—(1) No works comprised in the Development shall be commenced until a detailed appraisal for all Geological Conservation Review (GCR) sites along the route has been carried out by the applicant and submitted to and approved by the Scottish Ministers.

(2) The CPI shall incorporate suitable mitigation plans as a result of the impact appraisal on GCR sites along the route.



Part 3

Conditions applying only to the deemed planning permission

Pollution

41.—(1) Any works comprised in the Development shall be carried out in accordance with the terms of "Guidelines for Preventing Pollution from Civil Engineering Contracts" published by SEPA.

(2) The applicant shall ensure that best practice is employed to safeguard against the pollution of groundwater, reservoirs, lochs or any watercourse from all construction activities.

(3) No work in the area of a particular planning authority shall be commenced until the applicant has submitted to that planning authority a plan for all containment and contingency measures in relation to disposal of any foul drainage, oil storage and management, gearbox oil change arrangements and any other necessary pollution avoidance arrangements has been submitted by the applicant in writing for approval by the planning authority after consultation with SEPA and SNH. The plan should include mitigation measures to be implemented should substantial rainfall occurs during works.

(4) The containment and contingency measures shall be carried out in accordance with the plan as approved by the planning authority.

Proximity of towers to properties

42.— (1) No towers within the PKC area shown as being in excess of 100m from a dwelling house in document "Proximity to Properties Schedule and Maps" (APL 5/17) shall be moved within 100m of any dwelling house without the written approval of PKC.

(2) Where approval of PKC is required, the applicant shall submit with its application a wireframe diagram illustrating the visual impact of the revised proposal from the nearest property to the amended tower position together with any other information that the applicant considers relevant to the tower move.

(3) If PKC has not confirmed to the applicant in writing within 28 days of initial receipt of the application, whether any further information is reasonably required and if so, the nature of that information, the applicant shall be entitled to assume that the tower(s) may be erected in the position(s) applied for.

(4) The towers shall thereafter be erected in the position approved unless otherwise agreed in writing with PKC.

Landscape Master Plan

43.— No works in connection with the Development in the area of PKC shall be commenced until a Landscape Master Plan has been submitted to and approved by PKC.

(3) The Landscape Master Plan is to comprise detailed landscape plans and include a programme for implementation for the screening of affected residential properties listed in Table 2 in paragraph (7) below and of significant public viewpoints listed in Table 1 in paragraph (6) below.

(4) If PKC has not confirmed to the applicant in writing within 28 days of the initial receipt of the Landscape Master Plan, whether any further information is reasonably required and if so, the nature of that information the applicant shall be entitled to assume that the plans are acceptable.

(5) Insofar as the permission of third parties can reasonably be obtained, the approved landscape plans shall be implemented in terms of the programme unless otherwise agreed in writing with PKC.

(6) Table 1

Location	Tower references
Car park at Tomphuil Lime Kilo	TD 14-16
North side of B846 to either side of adjacent tower	TD 33
South of Amulree village hall to either side of General Wade's Road	TD 81-83
Muthill Cemetery	TD 115

(7) Table 2

Location	Tower references
Turrerich, Glen Quaich	TD 68-69
Greenhead, east of Crieff	TD 121B
Glen Roy, east of Crieff	TD 120A
Lurg, south west of Muthill	TD 141B

Old Mill at Turrerich

44.—(1) Where the proposed line passes the site of the Old Mill at Turrerich, Glen Quaich between towers TD68 and TD69 the applicant shall ensure that the precise route of the line between the existing house and the proposed new house minimises, so far as is reasonably possible, the impact on the principal outlook of the existing property and the proposed house, whilst ensuring there would be no significant interference with the intervening trees, all to the satisfaction of the planning authority.

(2) The applicant shall re-examine the detailed siting of the line towers between TD66 and TD73 inclusive in order to make a longitudinal adjustment of such towers, which shall include the siting of tower TD69 as far as possible to the southeast, to the satisfaction of the planning authority.

Noise Sensitive Properties

45.—(1) With the exception of those areas covered by a Noise Management Plan as required under condition 46 below, no works associated with the Development that are audible from the boundary of any Noise Sensitive Property shall take place except between the undemoted working hours:

- (a) during October to March, between 0730 and 1700; and

(h) during April to September, weekdays between 0700 and 1900 and weekends between 0700 and 1700,

unless otherwise agreed in writing in advance with the planning authority or it is necessary to carry out such works in the interests of public safety.

(4) Any works required to be carried out in the interests of public safety shall be notified and explained to the planning authority within 48 hours of the commencement of such works.

Noise impact

46. (1) No works comprised in the Development in the area of a particular planning authority shall be commenced at locations where a significant noise impact has been identified as specified in Table 29.13 of the Environmental Statement, until a Noise Management Plan in relation to such locations, prepared by the applicant, has been submitted to and approved by that planning authority.

(2) If the planning authority has not confirmed to the applicant in writing within 28 days of the initial receipt of the Noise Management Plan, whether any further information is reasonably required and if so, the nature of that information, the applicant shall be entitled to assume that the Noise Management Plan is acceptable.

(3) The applicant shall implement the approved Noise Management Scheme unless otherwise agreed in writing with the planning authority.

(4) For the purposes of this condition a 'Noise Management Plan' is a plan setting out the applicant's proposed scheme for the management of noise, including confirmation of the proposed hours of operation, details of any specific noise mitigation measures to be employed, the arrangements for keeping neighbouring residents informed of the works, and a complaints procedure.

Blasting Scheme

47.—(1) No blasting shall take place in the area of a particular planning authority without the prior written approval of that planning authority to a blasting scheme.

(2) If the planning authority has not confirmed to the applicant in writing within 28 days of the initial receipt of the blasting scheme whether any further information is reasonably required and if so, the nature of that information, the applicant shall be entitled to assume that the Blasting Scheme is acceptable and they shall implement it in its entirety.

(3) The applicant shall carry out any blasting in accordance with the approved blasting scheme unless otherwise agreed in writing with the planning authority.

Access

48.—(1) Where the route of the new overhead transmission line and existing 152kV overhead transmission lines cross or run alongside recorded public rights of way, Core Paths, other well established footpaths or other well established access routes the applicant shall ensure that persons

exercising their rights of access in respect of the above routes shall continue to be able to do so in safety during the carrying out of any works associated with the Development.

(2) Where it is not possible for the same public rights of way, Core Paths, footpaths or routes to be used safely, the applicant shall, unless the planning authority agrees otherwise, establish alternative temporary access arrangements.

(3) Details of the arrangements for managing access along the routes above shall be included within an Access Management Plan, which shall be submitted for the written approval of the planning authority prior to the commencement of works within the area of that planning authority.

Carparking

49. Vehicles and equipment used for the Development shall not impede public car parks and lay-bys unless alternative parking provision has been provided to the reasonable satisfaction of the planning authority or approval for such use has been obtained from the planning authority.

Tracks below Meal Dubh

50.—The tracks below Meal Dubh between towers TD59A and TD61 shall be fully restored on completion of construction to the satisfaction of the planning authority in consultation with SNH.

Upgrading of existing access track between tower TD98 and tower TD100

51.— (1) Works to any upgrade the existing access track between tower TD98 and tower TD100 shall be undertaken in a manner which ensures that impacts upon landscape features such as mature trees and drystone walls are minimised by careful micro-siting and use of appropriate construction methods.

(2) A landscape architect shall be present during the upgrading of the existing track to oversee the works.

(3) The track shall be restored to its original width and any features such as drystone walls that have been removed or damaged in order to gain access shall be reinstated to the satisfaction of the planning authority in consultation with SNH.

Roads Perth and Kinross

52.— No works in connection with the Development in the area of PKC shall be commenced until either –

- (a) the applicant and PKC have agreed the payment under section 96(4) of the Roads (Scotland) Act of a sum by way of a composition for any liability the applicant may have for any extraordinary expense which may be incurred by PKC in maintaining any public road by reason of damage caused to the road by excessively heavy, or other extraordinary, vehicles or traffic using the road in connection with the construction of the Development; or



(b) such sum has been determined by arbitration in accordance with section 96(4)

Roads - Stirling

53.—No works in connection with the Development in the area of SC shall be commenced until either –

(a) the applicant and SC have agreed the payment under section 96(4) of the Roads (Scotland) Act of a sum by way of a composition for any liability the applicant may have for any extraordinary expense which may be incurred by SC in maintaining any public road by reason of damage caused to the road by excessively heavy, or other extraordinary, vehicles or traffic using the road in connection with the construction of the Development; or

(b) such sum has been determined by arbitration in accordance with section 96(4)

Roads - other areas

54.—(1) Prior to the commencement of works on the Development within the area of THC, the applicant shall submit a Traffic Flow Report to THC for their written approval.

(2) The Traffic Flow Report is an assessment of the anticipated traffic flows on each of the public roads to be used in connection with the works and shall include details of the specific types and numbers of vehicles to be used.

(3) The applicant shall ensure that the traffic flows set out in the approved Traffic Flow Report are not exceeded without the prior written consent of THC.

(4) If THC has not confirmed to the applicant in writing within 28 days of the initial receipt of the Traffic Flow Report, whether any further information is reasonably required and if so, the nature of that information, the applicant shall be entitled to assume that the Traffic Flow Report is acceptable.

Roads - Baseline Engineering Survey

55.—(1) Prior to the commencement of works on the Development in the area of THC, the applicant shall carry out an engineering appraisal of the condition of each of the public roads agreed by THC to be used in connection with the works (the Baseline Engineering Survey) and submit it to THC for written approval.

(2) The Baseline Engineering Survey shall comprise a consideration of any relevant existing road condition information carried out by or on behalf of THC, a video survey, detailed visual surveys of areas of concern and detailed engineering investigations. The scope of engineering investigations shall be agreed in advance with THC and the results of all inspections, surveys and assessments comprising the Baseline Engineering Survey shall be fully documented. Highway structures including bridges, culverts and retaining walls shall be inspected and load assessment undertaken where THC thinks fit. All sections of carriageway which THC considers may be problematic in respect of the traffic loading proposed shall be investigated using non-destructive testing techniques, coring or other means agreed



with THC. Inspections, surveys and assessments shall be carried out at the applicant's expense by a consulting engineer approved in advance by THC.

(3) If THC has not confirmed to the applicant in writing within 28 days of the initial receipt of the Baseline Engineering Survey whether any further information is reasonably required and if so, the nature of that information, the applicant shall be entitled to assume that the Baseline Engineering Survey is acceptable.

(4) On completion of all works associated with the Development the applicant shall, if required by THC, provide for the undertaking of works to return the roads used for vehicles carrying out of the works on the Development to a standard no worse than that identified in the Baseline Engineering Survey.

Traffic Management Scheme

56.—(1) Prior to the commencement of works on the Development in the area of a particular roads authority, the applicant shall submit for the written approval of that roads authority a Traffic Management Scheme which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the roads authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown, particularly on single track roads;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the Development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the Development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) coordination with other major commercial users known to use minor roads affected by construction traffic;

- (l) traffic arrangements in the immediate vicinity of temporary construction compounds and helicopter landing areas;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements; and
- (o) arrangements for dealing with non-compliance.

(4) If the roads authority has not confirmed to the applicant in writing within 28 days of the initial receipt of the Traffic Management Scheme, whether any further information is reasonably required and if so, the nature of that information, the applicant shall be entitled to assume that the Traffic Management Scheme is acceptable and they shall implement it in its entirety unless otherwise agreed in writing with the authority.

Travel Plan

57.—Prior to the commencement of works on the Development in the area of any particular roads authority, the applicant shall submit to that roads authority for their written approval a Travel Plan describing measures to minimise the traffic generated by the transport of personnel and in particular by the use of private cars for example, by the provision of buses and mini-buses.

Access Strategy – Perth and Kinross

58.—(1) No works in connection with the Development in the area of PKC shall be commenced until an Access Strategy has been submitted to and approved by PKC.

(2) The Access Strategy shall detail the roads and accesses ("routes") to be used by construction traffic. Construction traffic will be restricted to the routes agreed.

(3) If PKC has not confirmed to the applicant in writing within 28 days of the initial receipt of the Access Strategy whether any further information is reasonably required and if so, the nature of that information the applicant shall be entitled to assume that the Access Strategy is acceptable and shall implement it accordingly.

(4) The Access Strategy as approved shall be implemented in its entirety unless otherwise agreed with the council.

Scheme of Works

59. (1) No works in connection with the Development in the area of PKC shall be commenced until a scheme (a "Scheme of Works") identifying the necessary improvements to enable the safe use of the roads and accesses ("routes") to be used by construction traffic has been submitted to and approved by PKC.

(2) The Scheme of Works shall include, but not be limited to, the provision of new bellmouths, junction improvements and passing places.

(3) If PKC has not confirmed to the applicant in writing within 28 days of the initial receipt of the Scheme of Works whether any further information is reasonably required and if so, the nature of that information, the applicant shall be entitled to assume that the Scheme of Works is acceptable and shall implement it accordingly.

(4) The Scheme of Works as approved shall be implemented in its entirety unless otherwise agreed in writing with the council.

Access Strategy Stirling

60.—(1) No works in connection with the Development in the area of SC shall be commenced until an Access Strategy has been submitted to and approved by SC.

(2) The Access Strategy shall detail the roads and accesses ("routes") to be used by construction traffic, and generally reflect the terms of Section 2 of the SC document "Roads and Transport Statement" dated 13 December 2007.

(3) If SC has not confirmed to the applicant in writing within 28 days of the initial receipt of the Access Strategy, whether any further information is reasonably required and if so, the nature of that information, the applicant shall be entitled to assume that the Access Strategy is acceptable.

(4) The Access Strategy as approved shall be implemented in its entirety unless otherwise agreed with SC.

Private Water Supplies

61. (1) Prior to the commencement of any works associated with the Development within the area of any planning authority, the applicant shall submit to that planning authority for their written approval, an assessment of the effects of the Development on the quantity and quality of water supplied to all properties reliant on private water supplies within 1km of the overhead transmission line (an 'Environmental Risk Assessment').

(2) The Environmental Risk Assessment shall include mitigation measures for the protection of private water supplies where a risk is identified. Without prejudice to the foregoing generality, the mitigation measures shall include a contingency plan to deliver an alternative supply of potable drinking water within a maximum period of 24 hours from the occurrence of any problem with existing drinking water supply arising from the said works. Where a risk is identified and no existing data on tap water quality is available, the applicant shall, at their expense, undertake tap water testing to benchmark current conditions of water quality and quantity (baseline analyses). In those circumstances, the applicant shall also undertake at their expense, an assessment of the quantity of water supplied, and tap water sampling and analysis.

(3) If the Authority has not confirmed to the applicant in writing within 28 days of the initial receipt of the Environmental Risk Assessment, whether any further information is reasonably required and if so, the nature of that information, the applicant shall be entitled to assume that the Environmental Risk Assessment is acceptable.



(4) The measures specified in the approved Environmental Risk Assessment shall be implemented in its entirety unless otherwise agreed in writing with the Authority.

Watercourses

62.—(1) Prior to the commencement of any works associated with the Development in the areas of a particular planning authority, method statements shall be submitted and the written approval obtained of that planning authority in consultation with SJP/A, demonstrating that no cables or conductors will be pulled through watercourses.

(2) If the planning authority has not confirmed to the applicant in writing within 28 days of the initial receipt of the method statements whether any further information is reasonably required and if so, the nature of that information, the applicant shall be entitled to assume that the method statements are acceptable.

(3) The approved method statements shall be implemented in their entirety unless otherwise agreed in writing with the planning authority.

Bridges or culverts

63.—Prior to the commencement of any works associated with the crossing of a watercourse by a bridge or a culvert, the applicant shall erect stockproof fencing sufficient to prevent livestock gaining access to the works.

Cultural Heritage - Croftmoraig Stone Circle

64.—No mature trees shall be felled adjoining the access track that runs past Croftmoraig Stone Circle to Tulliehuil unless the particular planning authority have confirmed that they are satisfied that there is no alternative to gain access for construction. Lopping branches shall be considered as a first option. Any drystone walls that are removed to permit access shall be reinstated to the satisfaction of the planning authority in consultation with SNH.

Cultural Heritage - Rob Roy Way

65. Where any access routes cross or join the Rob Roy Way the applicant shall reinstate the Way to its previous width and character and/or make good any damage that results from crossing the Way by construction access to the satisfaction of the planning authority.

Community Liaison Scheme

66. (1) Prior to the commencement of works on the Development in the area of a particular planning authority, the applicant shall submit a Community Liaison Scheme to that planning authority and written approval obtained.

(2) The Community Liaison Scheme shall

- (a) contain measures requiring the applicant and/or contractor to maintain close liaison with local community representatives, landowners and statutory consultees throughout the construction period in the area covered by the Scheme, including a requirement regarding the circulation of information about ongoing activities and in particular those activities which could have potential to cause disturbance;
- (b) require the provision of a telephone number during operational hours and provide that persons with appropriate authority acting on behalf of the applicant/contractor shall respond to telephone calls made to that number and take appropriate action to resolve any problems that occur.

(3) If the planning authority has not confirmed to the applicant in writing within 28 days of the initial receipt of the Community Liaison Scheme, whether any further information is reasonably required and if so, the nature of that information, the applicant shall be entitled to assume that the Community Liaison Scheme is acceptable.

(4) The applicant shall implement the approved Scheme in its entirety unless otherwise agreed in writing with the planning authority.

Re-location of towers

67.—(1) Towers BF1 to BF21 shall not be moved in a longitudinal direction from the locations indicated in the Second Addendum to the Environmental Statement sheet number 1 of 26 (Drawing No: 552/1109/0001/01) by more than 25 metres without the prior written approval of THC.

(2) Tower BF12 shall not be moved south of the access road to Lilean Aigas.

(3) Where the written approval of THC is required, the applicant shall submit with their request a wireframe diagram illustrating the visual impact of the revised proposal from the nearest property to the amended tower position, together with any other information that the applicant considers relevant.

(4) The towers shall be erected in the position approved.

Path improvements

68.—(1) No works in connection with the Development in the area of PKC shall be commenced until a programme of works for improvements to the promoted footpaths identified in APL PTH 14 (Analysis of the Rights of Way, draft Core Paths and Promoted Paths in Perthshire, Roger Tym & Partners – September 2007) as being directly affected by the development has been submitted to PKC for approval in consultation with the Perth and Kinross Countryside Trust.

(2) The programme of works shall be designed to strengthen the character of local landscape in the vicinity of the overhead transmission line and shall include a programme for implementation.

(3) The approved programme of works shall be implemented by the applicant, to the reasonable satisfaction of PKC, and insofar as the permission of third parties can be reasonably obtained, within 3 years of the commencement of development.



Organic use of agricultural land

69.—In any area where the overhead transmission line or the existing 132kV line which is to be dismantled crosses land in agricultural use which has organic status or is farmed to organic standards, all works of construction and dismantling (including any temporary diversion or undergrounding) shall be carried out in liaison with the appropriate organic control body and in accordance with advice from that body.

Knoxfauld farm

70.—In respect of Knoxfauld farm, Dunblane, in the area of PKC:

- (a) there shall be prepared, in consultation with the landowner of Knoxfauld farm, a traffic management plan for Knoxfauld farm detailing expected agricultural and construction traffic movements, including guidance and protocols to ensure that disruption to agricultural operations is minimised. In particular, the traffic management plan shall provide that all construction vehicle drivers are instructed that:
 - (i) priority must be given to agricultural operations, for example the movement of livestock or agricultural vehicle movements;
 - (ii) all security measures must be adhered to;
 - (iii) appropriate biosecurity measures must be adhered to;
 - (iv) any speed restrictions agreed with the landowner in proximity to handling pens must be adhered to;
 - (v) wherever possible traffic will egress Knoxfauld farm by way of the substation access; and
 - (vi) in the event of a potential conflict between construction vehicles and particularly sensitive agricultural operations, the right of access from the north via the substation access shall be used instead of the access through Knoxfauld farm to facilitate the construction of the three towers on Knoxfauld farm;
- (b) the traffic management plan will form part of the PKC Traffic Management Scheme prepared for the Perth & Kinross area in accordance with condition 56.
- (c) if required by the landowner of Knoxfauld farm, the existing calf pen north-east of Cambushinnie and shown on Plan 1 of SH3 (Plans 1 & 2 of Knoxfauld Farm and relevant access tracks) shall be replaced by a new cattle handling pen to the south and west of the existing structure and adjacent to the upgraded access track;
- (d) if required by the landowner of Knoxfauld farm, a replacement watering point shall be provided by means of an extension to the existing mains piped water on the farm in the vicinity of the replacement cattle handling pen to facilitate the watering of livestock at the pen and in the adjacent field;
- (e) if required by the landowner of Knoxfauld farm, there shall be no fencing of the access track between the existing calf pen and the northernmost extent of the proposed access track at the limit of the farm boundary;

- (f) if required by the landowner of Knoxfauld farm, there shall be fencing of the access track on one side only between a point to the north of Cambushinnie wood and a point to the west of the sheep handling pens at Altersie;
- (g) if required by the landowner of Knoxfauld farm, there shall be retention/replacement of gates on the access track at the following locations:
 - (i) a point to the north of Cambushinnie Wood;
 - (ii) a point on the rise of the field at the existing field boundary to the south of the Muckle Burn;
 - (iii) a point immediately to the north of, and integral to, the Muckle Burn bridge crossing;
 - (iv) at the point of the existing calf pen; and
 - (v) at the northernmost point of the access track at the boundary between Knoxfauld farm and the adjoining landownership, all gates, with the exception of the gate at the point of the existing calf pen, shall be standard agricultural gates. The gate at the calf pen shall be a minimum of 2 metres in height to ensure the separation of cows and calves at weaning; and
- (h) if required by the landowner of Knoxfauld farm, cattle grids shall be installed on the access track at the locations specified in paragraph (g) above, including a gated arrangement across the access track and to the side of the access track to facilitate stock movements.

Access tracks

71.—The limit of deviation for the access track to towers BF111 - BF113 shown in red on sheet number 6 of 26 (Drawing No. 522/1109/0002/01) as contained within the Second Addendum to the Environmental Statement, shall be no further east than the broken black line to the east of the existing 132kV overhead line as shown on the aforementioned sheet unless otherwise expressly agreed through the provisions of the CPIL.

Support re impact on local business

72. No works in connection with the Development in the area of CNP shall be commenced until the applicant has made a payment of £50,000 to Cairngorms National Park Authority to enable Cairngorms National Park Authority to support marketing initiatives over a 5 year period with a view to ameliorating the loss of trade to local businesses, primarily within the Laggan and Dalwhinnie areas, as a consequence of the proposed development.

Mitigation of impact on promoted paths etc

73. —(1) No works in connection with the Development in the area of PKC shall be commenced until the applicant has concluded an agreement with PKC for the payment by the applicant of £75,000 to a fund for the carrying out of mitigation works in respect of the River Earn Walk (Promoted Path PP1) Rob Roy Way: Loch Freuchie Section (Promoted Path PP16) and General Wade's Military Road Crieff to Aberfeldy (Promoted Path 15) as described in paragraphs 11.15.2 and 11.15.3 of Volume 4, Chapter 11 of the Inquiry Report.

(2) The agreement shall provide (a) that the applicant's obligations shall cease on the payment of the £75,000 and (b) for the repayment to the applicant of any unexpended portion of the sum paid by the applicant at the end of 6 years from the date of payment.



Part 4

Interpretation

74.—(1) In this Annex:-

'applicant' means Scottish Hydro Electric Transmission Ltd and their successors in right of the consent under section 37 of the Electricity Act 1989 by virtue of an assignation of the consent permitted under condition 4 or otherwise;

'Application' means the Application for consent and planning permission in respect of the Development made to Scottish Ministers by Scottish Hydro-Electric Transmission Ltd and dated 28 September 2005;

'commissioning' means the transmission of electricity through the overhead line and 'commissioned' shall be interpreted accordingly;

'construction period' means the period from the commencement of the development until the site compounds have been reinstated in accordance with the conditions of this consent';

'CPH' means the Construction Procedures Handbook;

'decommissioning' means the final termination of transmission of electricity through the overhead line and 'decommissioned' shall be interpreted accordingly;

'Development' means

- (a) with reference to conditions imposed in relation to the consent granted under section 37 of the Electricity Act 1989, all works to construct and install, and keep installed the overhead electricity transmission line described in Part 1 of Annex 1; and
- (b) with reference to the conditions imposed in relation to the deemed planning permission granted by virtue of a direction under section 57(2) of the Town and Country Planning (Scotland) Act 1997 all works described in Parts 1 and 2 of Annex 1;

'Environmental Statement' means the Environmental Statement commissioned in connection with the Application to assess the environmental impact of the Development, which accompanied the Application ;

'Historic Gardens and Designed Landscapes' means a garden or landscape identified in the 'Inventory of Gardens and Designed Landscapes in Scotland - List of Sites 2007' published by the Scottish Ministers in 2007 (ISBN 978 1 904966 449);

'independent environmental contractor' means the person appointed under condition 8;

'Inquiry Report' means the reporters' report on the Public Inquiry into the Beauly – Denny 400kV overhead line application;

'kV' means kilovolt;



'Ofgem' means Office of the Gas and Electricity Markets;

'organic control body' means any body approved by the Advisory Committee on Organic Standards;

'organic standards' means those standards implemented under Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products;

'organic status' means the status conferred by any approved organic control body;

'overhead transmission line' means the double circuit 400kV overhead transmission line on steel lattice towers from Beauly Substation to a new substation near Denny, via substations at Fasnakyle, Fort Augustus, Tummel Bridge and Braco to be constructed and installed under this consent and deemed planning permission;

'PKC' means Perth and Kinross Council;

'SC' means Stirling Council;

'SEPA' means the Scottish Environment Protection Agency;

'SNH' means Scottish Natural Heritage;

'SPA' means Special Protection Area;

'SSSI' means Site of Special Scientific Interest;

'TA' means Technical Assessor; and

'THC' means The Highland Council.

(2) References to the FLG are references to the following bodies and an obligation to consult with or obtain approval of the FLG is an obligation to consult with or obtain approval of each of those bodies-

- (a) the Planning Authorities for the areas in which the Development is situated;
- (b) Scottish Natural Heritage;
- (c) Scottish Environment Protection Agency;
- (d) Cairngorms National Park Authority;
- (e) Historic Scotland; and
- (f) the Forestry Commission.

(3) References to the TCHCLG are references to the following bodies and an obligation to consult with or obtain approval of the TCHCLG is an obligation to consult with or obtain approval of each of those bodies-

- (a) the local authorities for the areas in which the Development is situated;
- (b) Scottish Natural Heritage;
- (c) Historic Scotland;
- (d) the Forestry Commission;
- (e) Visit Scotland;
- (f) the National Trust for Scotland;

- (g) Scottish Enterprise;
- (h) Highlands and Islands Enterprise; and
- (i) Skills Development Scotland.

(4) The Development (or, as the case may be, the installation of the overhead transmission line or other part of the works comprising the Development) shall be taken to commence at the earliest date on which any material operation comprised in the Development (or such part of the Development) begins to be carried out.

(5) Reference in a condition to a planning authority is a reference to the planning authority for the area to which the application of the condition relates.

(6) Reference in a condition to a roads authority is a reference to the local authority which is roads authority for the area to which the application of the condition relates.

(7) references to towers (eg BF111) are references to towers as identified in Annex 17 of the Second Addendum, and contained therein on the following Sheets of Drawing No. 552/1109/0001/01:

- (a) BF1 – BF24: Sheet 1 of 26
- (b) BF25 – BF47: Sheet 2 of 26
- (c) BF48 – BF72: Sheet 3 of 26
- (d) BF73 – BF90: Sheet 4 of 26
- (e) BF91 – BF112: Sheet 5 of 26
- (f) BF113 – BF132, FT1 – FT4: Sheet 6 of 26
- (g) FT5 – FT20: Sheet 7 of 26
- (h) FT21 – FT51: Sheet 8 of 26
- (i) FT52 – FT72: Sheet 9 of 26
- (j) FT73 – FT101: Sheet 10 of 26
- (k) FT102 – FT123: Sheet 11 of 26
- (l) FT124 – FT140: Sheet 12 of 26
- (m) FT141 – FT165: Sheet 13 of 26
- (n) FT166 – FT190: Sheet 14 of 26
- (o) FT191 – FT208: Sheet 15 of 26
- (p) FT209 – FT223, TD1 – TD9: Sheet 16 of 26
- (q) TD10 – TD25: Sheet 17 of 26
- (r) TD26 – TD51: Sheet 18 of 26
- (s) TD52 – TD70: Sheet 19 of 26
- (t) TD71 – TD90: Sheet 20 of 26
- (u) TD91 – TD107: Sheet 21 of 26
- (v) TD108 – TD125: Sheet 22 of 26
- (w) TD126 – TD149: Sheet 23 of 26
- (x) TD150 – TD172/1: Sheet 24 of 26
- (y) TD173 – TD191: Sheet 25 of 26
- (z) TD192: Sheet 26 of 26





COLIN IMRIE

Head of Energy Markets

A member of the staff of the Scottish Ministers

6 January 2010



ANNEX 3

Summary of Objections

1. In line with Statutory Requirements, the project was advertised in the following newspapers: The Herald, The Scotsman, Press & Journal, Dundee Courier, Perthshire Advertiser, Inverness Courier, Strathspey & Badenoch Herald, Strathearn Herald and Stirling Observer. Copies of the Environmental Statement were made available for public inspection in 42 different locations along the length of the proposed line.

2. Prior to PLI, a total of 17,295 representations were received from members of the public regarding the Section 37 Application. 17,250 of these representations were from persons opposed to the development. The remaining 45 representations were from persons expressing support for the proposal. The various grounds for objection and postal districts of origin are summarised at Tables 1 and 2 below

3. As of 27th November 2009, since the conclusion of the PLI, a further 3619 representations have been received from members of the public. 3613 of these were from persons opposed to the development, the remaining 3 were from persons expressing support. The various grounds for these objections and postal districts of origin are summarised at Tables 3 and 4 below



Table 1: Objections by topic

Nature of Objection	Number of Objectors	% of Total Objectors (17250)
Landscape and visual amenity	17124	99.32
Effect on tourism	16799	97.43
Proposed under grounding as an option	16556	96.02
Recreation area	16219	94.07
Need for PLI	16126	93.53
Effects on health	13941	80.85
Archaeology & cultural heritage	13617	78.98
Ecology	8691	50.41
Wildlife	8852	51.34
Local employment/business impact	8575	49.73
Cumulative effect	7863	45.60
Proposed undersea as an option	5093	29.54
Devalue property	3759	21.80
Other suitable sites	3314	19.22
Conflict with Cairngorms National Park Status	2312	13.41
Other	4784	27.73
Total Representation	17295	% of Representation (17295)
Total Objectors	17250	99.74
Total in Favour	45	0.26

Table 2: Objections by postal district

Postcode	Postal District	Number of Objectors	% of Total Objectors (17250)
No Postcode		4798	27.81
IV	Inverness	4228	24.51
FK	Falkirk	2972	17.23
Postcodes outwith Scotland		2085	12.09
PH	Perth	1119	6.49
EH	Edinburgh	522	3.03
G	Glasgow	423	2.45
AB	Aberdeen	389	2.25
KY	Kirkcaldy	200	1.16
PA	Paisley	130	0.75
DD	Dundee	119	0.69
ML	Motherwell	83	0.48
KW	Kirkwall	58	0.34
KA	Kilmarnock	49	0.28
DG	Dumfries	44	0.26
TD	Berwick upon Tweed	31	0.18
Total	n/a	17250	100

Table 3: Post-PLI objections by topic, correct as of 27/11/09

Nature of Objection	Number of Objectors	% of Total Objectors
Landscape and visual amenity	3577	99.00
Effect on tourism	1925	53.28
Proposed under grounding as an option	3523	97.51
Recreation area	48	1.33
Effects on health	3472	96.10
Archaeology & cultural heritage	2460	68.09
Ecology	6	0.17
Wildlife	53	1.47
Local employment/business impact	18	0.50
Cumulative effect	2	0.06
Proposed undersea as an option	3515	97.29
Devalue property	47	1.30
Other suitable sites	70	1.94
Conflict with Cairngorms National Park Status	1068	29.56
Other	1447	40.05
Total Representation	3616	Percentage of Representation
Total Objectors	3613	99.92
Total in Favour	3	0.08

Table 4: Post-PLI objections by postal district, correct as of 27/11/09

Postcode	Postal District	Number Of Objectors	% of Total Objectors
No Postcode		922	25.52
IV	Inverness	94	2.60
FK	Falkirk	1808	50.04
Postcodes out-with Scotland		227	6.28
PH	Perth	135	3.74
EH	Edinburgh	83	2.30
G	Glasgow	163	4.51
AB	Aberdeen	28	0.77
KY	Kirkcaldy	64	1.77
PA	Paisley	17	0.47
DD	Dundee	12	0.33
ML	Motherwell	25	0.69
KW	Kirkwall	0	0
KA	Kilmarnock	27	0.75
DG	Dumfries	2	0.06
TD	Berwick upon Tweed	6	0.17
Total	n/a	3613	



ANNEX 4

Appropriate Assessments

1. The appropriate assessments of the potential impacts of the proposal on eight Natura sites which are relevant to this application are attached separately. These sites are Drumochter Hills SAC, Drumochter Hills SPA, Inner Moray Firth SPA, Ness Woods SAC, River Moriston SAC, River Spey SAC, River Tay SAC and South Tayside Goose Roosts SPA.