

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE  
24 June 2014**

Agenda Item	6.1
Report No	PLS/047/14

**14/01763/FUL: Norbord Europe Ltd  
Dalcross OSB Mill, Dalcross, Inverness**

**Report by Head of Planning and Building Standards**

**SUMMARY**

**Description:** Preparation works for the development of a new manufacturing facility adjacent to the existing Oriented Strand Board (OSB) Mill at Dalcross, Inverness, relating to earthworks, retaining walls, elements of foundations, formation of and upgrading of internal roads, drainage works and landscaping.

**Recommendation: GRANT**

**Ward:** 18 – Culloden and Ardersier

**Development category:** Major

**Pre-determination hearing:** None

**Reason referred to Committee:** Manager's Discretion

**1.0 PROPOSAL**

- 1.1 This proposal forms the first phase of the development of a new manufacturing facility adjacent to the existing Oriented Strand Board (OSB) mill at Dalcross, Inverness. This application relates to preparation works that will effectively provide the platform for the development of a new OSB mill and biomass heat energy plant.
- 1.2 This substantial investment in this site will not only provide modern and efficient plant that will increase production, but ensure a long term commitment to the socio-economic well being of the area. The reason that this particular application has been submitted in advance of the main works is in order to ensure that investment timescales for the overall development/re-development of the site are met.
- 1.3 This application relates to the following works:
  - Earth works to create development platforms, access levels, screening bunds and areas for drainage management;
  - Construction of retaining walls as part of the creation of the development platforms and accesses;

- Formation of elements of foundations where they coincide with retaining walls and where they can be constructed to remain below development platform levels;
- Upgrading, re-surfacing and creation of access and internal roads;
- Drainage works, including establishment of drainage systems based on SuDs principles; and
- Landscaping, which will include planting of screening bunds, establishment of replacement habitat, and seeding of development platforms where they are not constructed to hard surfaced finished levels.

- 1.4 In essence what this means is that this phase of the development will involve a re-profiling of ground to make the area suitable for future works; a cut and fill exercise. The area on the north eastern corner will be filled while areas in the south and west will be reduced in level. Retaining walls will be established to maintain the required steps in level between the different components of the development. There are four key components; the building platform, a log yard, drainage treatment areas and landscape screening bunds.
- 1.5 The building platform for the new OSB mill will be located behind/to the north of the existing Scotbark facility. The surfaced log yard will be formed, in the general location of the existing log storage area, along with an improved access road. Screening bunds, to a maximum height of 4m above existing ground level, will be created to the south and southeast of the development. An infiltration/soakaway area will be constructed on the southeast side of the building platform.
- 1.6 The applicant has submitted a statement in support of the application, along with an environmental report and assessments including; drainage impact assessment, flood risk assessment, ecology survey, archaeological assessment and outline construction environmental management plan.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site covers an area of approximately 12.87ha. It comprises a wood processing facility, operated by Scotbark, and part of an existing sand quarry operated by Moray Estates, which together equate to some 4.9ha. The remaining 7.9ha is an area of rough grazing and wetland.
- 2.2 The wood processing facility is located directly adjacent to the current OSB mill site with associated bark mounds lying to the north of the processing facility. The Scotbark building will remain for the duration of the enabling works. The sand quarry is located to the east of the existing Scotbark building. The southern part of the quarry is currently used for log storage. An artificial pond for irrigation purposes is located in the north-eastern corner of the site. The site is immediately bounded to the north by the Inverness – Aberdeen railway line.
- 2.3 The main access to the site is from the south, where an access road approximately 150m long is taken from the A96(T) to the existing mill site entrance. The intention is that access to the expansion site would continue to be taken via this road albeit extended, realigned and re-surfaced as required. No alterations are expected to the existing access road or the junction with the A96(T) for the enabling works.

- 2.4 The surrounding area is in the main farmland, with dispersed buildings typically of one or two houses located together. The farmland is predominately flat and low lying with areas of improved and semi-improved grassland. Beyond the areas of farmland to the north, east and south of the application site there are areas of mixed woodland.
- 2.5 The nearest residential properties are located approximately 200m southwest of the existing site boundary, on the A96(T). The nearest larger settlement is the village of Tornagrain, located approximately 950m east of the application site boundary at its closest point.

### **3.0 PLANNING HISTORY**

- 3.1 14.06.2013 – Planning permission for the installation of additional chimney for gas burner granted (13/01288/FUL).
- 3.2 10.09.2013 – Planning permission for the formation of access tracks and storage of round wood granted (13/02803/FUL).
- 3.3 1990 - Planning permission for the erection of building to accommodate bark screening, separation and bagging operations by Scotbark granted (IN/1990/747).
- 3.4 1983 - Planning permission for the erection of buildings by Highland Forest Products Ltd granted (IN/1983/300).

### **4.0 PUBLIC PARTICIPATION**

- 4.1 Advertised: 23.05.2014

Representation deadline: 06.06.2014

Timeous representations: 2

Late representations: 0

- 4.2 Material considerations raised against the proposal can be summarised as:

- None

- 4.3 All letters of representation are available for inspection via the Council's e-planning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

### **5.0 CONSULTATIONS**

- 5.1 Ardersier and Petty Community Council: No response received.
- 5.2 Community Services – Environmental Health: No response received.

- 5.3 Development and Infrastructure – Flood Team: No response received.
- 5.4 Development and Infrastructure – Transport Planning: No comment to make at this stage.
- 5.5 Development and Infrastructure – Forestry Team has no objection to the proposal subject to conditions to secure the planting of trees within the first planting season following commencement of the development and that the landscaping scheme as a whole is completed to an acceptable standard.
- 5.6 Development and Infrastructure – Historic Environment Team: No objection subject to the standard ARC 1 condition.
- 5.7 Transport Scotland: No objection.
- 5.8 Scottish Natural Heritage identify that it has been involved in discussions at the pre-application stage, and in the application for a Badger Licence. SNH advise that the badger licence has been issued to the applicant, and that it is satisfied with the species protection plan contained in the Environmental Report.
- 5.9 SEPA has no objection subject to conditions requiring the finalisation of SUDS details, submission of an environmental management plan and production of, and adherence to a habitat management plan. SEPA accept the finding of the Flood Risk Assessment submitted.
- 5.10 Historic Scotland: No comment to make on the application.
- 5.11 Network Rail has no objections in principle but due to its close proximity to the operational railway it requests that the following matters are taken into account, and if necessary and appropriate included as conditions or advisory notes, if the application is granted:
1. The removal of an existing sand bank, which is partly located on Network Rail owned land, requires a proposed access track over this area of land, land that will need to be secured from Network Rail.
  2. Suitable barriers will need to be put in place by the applicant to prevent unauthorised and unsafe access to the railway.
  3. If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. A 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence is recommended. Network Rail's existing boundary measure must not be removed without prior permission.
  4. Construction works need to be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants will need to be aware of any embankments and supporting structures which are in close proximity to their development.

5. Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

5.12 Highlands and Islands Airports Ltd has no objection to the proposal provided that the landscaping is designed in such a way so as not to attract birds.

## **6.0 DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application:

### **Highland-wide Local Development Plan (April 2012)**

- |     |           |                                      |
|-----|-----------|--------------------------------------|
| 6.1 | Policy 28 | Sustainable Design                   |
|     | Policy 29 | Design Quality and Place-Making      |
|     | Policy 30 | Physical Constraints                 |
|     | Policy 41 | Business and Industrial Land         |
|     | Policy 42 | Previously Used Land                 |
|     | Policy 57 | Natural, Built and Cultural Heritage |
|     | Policy 58 | Protected Species                    |
|     | Policy 59 | Other Important Species              |
|     | Policy 61 | Landscape                            |
|     | Policy 63 | Water Environment                    |
|     | Policy 64 | Flood Risk                           |
|     | Policy 66 | Surface Water Drainage               |
|     | Policy 72 | Pollution                            |
|     | Policy 73 | Air Quality                          |

### **Inverness Local Plan (April 2006) (as continued in force)**

- |     |                       |   |
|-----|-----------------------|---|
| 6.2 | A96 Corridor Policy 7 | Morayhill – timber processing/renewables (12ha) |
|-----|-----------------------|---|

### **Supplementary Planning Policy Guidance**

- |     |       |
|-----|-------|
| 6.3 | None. |
|-----|-------|

## **7.0 OTHER MATERIAL POLICY CONSIDERATIONS**

### **Scottish Government Planning Policy and Guidance**

- |     |   |
|-----|---|
| 7.1 | Scottish Planning Policy<br>National Planning Framework 2 |
|-----|---|

## **Inner Moray Firth Proposed Local Development Plan (November 2013)**

7.2 MH1 Morayhill – industrial land allocation (10.6 ha)

### **8.0 PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

#### Determining Issues

8.2 The determining issues are:

- do the proposals accord with the development plan?
- if they do accord, are there any compelling reasons for not approving them?
- if they do not accord, are there any compelling reasons for approving them?

#### Planning Considerations

8.3 In order to address the determining issues, the Committee must consider: a) compliance with the development plan and other planning policy; b) construction impacts and pollution control, c) the effect on flooding and drainage; d) the effect on sensitive habitat and species; e) the impact on built and cultural heritage, f) landscape and visual impact, and g) any other material considerations.

#### Development Plan/Planning Policy

8.4 Highland wide Local Development Plan Policy 41 – Business and Industrial Land directs new business and industrial development to strategic and industrial sites/locations. Policy 42 – Previously Used Land supports development proposals that bring previously-used land back into beneficial use provided site investigations and risk assessments demonstrate the site condition as suitable for the proposed development. Policy 28 – Sustainable Design outlines the Council's support for developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland. Various considerations and safeguards are built into the policy wording. Policies 57 (Cultural and Built Heritage), 58 and 59 (Protected Species) amongst others highlighted in paragraph 6.1 above are all relevant to this application and require to be given due weight.

8.5 Turning to specific land allocations, The Inverness Local Plan (March 2006) identifies 12.0ha of land east of the timber processing plant at Morayhill for downstream or dependent activities and/or renewable energy production subject to adequate drainage.

8.6 The use of the site continues to be supported in the Inner Moray Firth Proposed Local Development Plan, albeit at a slightly reduced area of 10.6ha, subject to the use of the existing access to the A96(T) and provision of internal access, surface water drainage, appropriate SUDS drainage, assessment of noise, dust and fumes from any intensified industrial activity, and species survey including badgers.

- 8.7 In summary, the Development Plan allocates the land for development related to the existing timber board manufacturing/processing. The proposal involves the overall expansion and intensification of activities on the site, with this the first phase in a programme that will see the replacement of existing mill on allocated land and the reuse of the existing buildings for the extension of wider activities on the site. It is important to note that the existing sand reserves within the application site boundary have largely been exhausted.
- 8.8 Providing that the impacts of this phase of development are not considered to have a significantly detrimental impact on amenity, species and habitats, drainage and flooding, the historic environment and natural resources and thereby demonstrate sensitive siting, the proposals would comply with the Development Plan.

#### Construction Impacts and Control

- 8.9 The most sensitive receptors for this development will be nearby residents and the water environment within and directly adjacent to the site.
- 8.10 In recognition of this, the applicant has committed to a number of mitigation measures relating to pollution prevention and good construction practice. The expectation is that this will be developed further into a comprehensive Construction Environmental Management Plan (CEMP) that will be finalised prior to construction and will include topics such as a pollution management plan, soils management plan, drainage plan (to protect the water environment), dust management plan and traffic management plan as well as best practice guidance; for example on the storage of chemicals and fuel, wheel washing, workforce accommodation and drainage requirements etc.
- 8.11 SEPA has requested that the proposed mitigation is secured through condition. This can be achieved by requiring a Construction Environmental Management Document (CEMD) and individual Construction Environmental Management Plans (CEMPs) as a condition of permission.
- 8.12 With regard to residential amenity, the construction phase will introduce an element of additional noise and activity. This will however be short term and, given the location on the site, unlikely to lead to a significant increase over the existing activity on the site. It is no longer considered suitable to control construction hours through planning conditions. Bespoke powers for regulating construction noise exist within the Control of Pollution Act 1974; powers which enable Environmental Health to specify working hours where problems exist. The applicant has however outlined the intention to maintain community liaison throughout construction and will require the appointed contractor to sign up to the 'considerate contractor' scheme.
- 8.13 There will be no significant increase in traffic associated with the development proposed within this phase. The site will not be directly affected by the future dualling of the A96(T). Neither the Council's Transport Planning team nor have Transport Scotland raised issue with this application. The proposed traffic management plan should assist in regulating activity on the public road network in the interests of amenity.

### Flooding and Drainage

- 8.14 The closest watercourse is Rough Burn, located to the west of the main site access. This watercourse runs directly into the Moray Firth. A number of smaller watercourses, essentially field drainage features, that ultimately flow to the Moray Firth, exist within the vicinity of the development site.
- 8.15 According to SEPA's indicative Flood Map, the existing OSB mill is shown to be located within an area classified as being at little or no risk of flooding. However, there are areas within or immediately adjacent to the site towards the northeast, including the expansion area subject of this application, that are shown to be potentially at risk from fluvial flooding. SEPA's Flood Map predicts widespread flooding in the area to the north and northeast of the railway embankment. The SEPA map suggests that a flood event may in theory occur on the site when flows back up through an existing culvert under the railway embankment.
- 8.16 It is likely, according to the applicant, that discrete elements of the floodplain (including drainage ditches, underground culverts, bridges etc.) have not been taken into consideration when SEPA undertook the modelling that informed the flood mapping in this area. Accordingly the applicant has undertaken a more detailed study. This indicates that the SEPA Flood Map significantly over-estimates the extent of flooding associated with the 1 in 200 year flood event.
- 8.17 The applicant's detailed analysis predicts that flood flows in nearby watercourses would be very unlikely to encroach upon the site area and that therefore flood risk should not present a significant constraint on the development. SEPA accepts the findings of the applicant's flood risk assessment.
- 8.18 Site drainage from the log yard has been designed in accordance with CIRIA guidance and in particular with 'The SUDS manual C697'. Run-off will be channelled to a dry catch pit, a wet wedge pit, settlement ponds formed from concrete and a sand filter before a controlled discharge to the infiltration area. Flows from the enabling works area will be directed to the north east where water infiltrates into the ground via a large soakaway.
- 8.19 SEPA indicate that with the range of treatment levels suggested, the proposals would appear to generally meet best practice SUDS guidance. SEPA request that agreement on the finalised SUDS detail for the enabling works application should be sought through planning condition.

### Habitats and species

- 8.20 The site is not of significant value with regard to its ecology. Outwith the developed area, the habitat is mainly semi-improved neutral grassland and scrub vegetation with one area of marshy grassland wetland. The wetland is a groundwater dependent terrestrial ecosystem (GWDTE).



- 8.21 With regard to species, there is evidence that the wider site is used by otter (principally in the area of Rough Burn) and the ponds on the eastern boundary of the site by common amphibian species. The development proposed will not impact on the existing ponds and the development site itself provides limited opportunities for protected mammal species. There is one exception to this, which is badger.
- 8.22 The proposal is likely to affect in the region of 41 setts. However, of these only two are actively used albeit that these are small subsidiary setts entirely within the territory of one badger group that has its main sett outwith the development site.
- 8.23 Taking into account the mitigation discussed with paragraphs 8.10 and 8.18 above, the development will not impact upon the Moray Firth Special Area of Conservation (SAC) designated for its bottlenose dolphin interest.
- 8.24 While a variety of common bird species use the site, there is no evidence that the site is used by any notable or rare wintering or breeding bird species associated with the Moray Firth Special Protection Area (SPA). The site has been known to support sand martin, although sand burrows were removed over the recent winter in the course of quarry operations.
- 8.25 In order to mitigate the potential impacts of the proposed development on ecological receptors a number of mitigation measures are suggested. These include enhancement of the retained marsh, provision of nest boxes for scrub nesting bird species and creation of alternative nesting locations for sand martins where burrows used in previous years within the active sand quarry have been destroyed and opportunities for future nesting would be lost in the proposed development. These matters can be controlled through the imposition of a condition requiring a habitat management plan.
- 8.26 With regard to badger, a license has been granted by SNH for the applicant to erect fencing to exclude badgers from the development area. Once it is established that badger have left the area, the setts will be destroyed under supervision of an ecologist. On completion of the construction, the exclusion fencing will be removed and a wildlife corridor created on the north boundary of the site to allow badgers an opportunity to continue to access areas to the east and south of the development area.

#### Historic Environment

- 8.27 There are no Scheduled Monuments or Listed Buildings within the site boundary. No part of the application area lies within a Conservation Area, Historic Battlefield or Garden and Designed Landscape. There are also no records of any other archaeological historic environment sites within the site boundary.
- 8.28 While the applicant considers that the potential for previously unrecorded archaeological remains to survive within the proposed development area is low, it remains a possibility that archaeological features or deposits could survive within the site. Mitigation, through archaeological monitoring of the topsoil removal, has been identified to ensure that any sites, features, artefacts or deposits of archaeological interest that may be uncovered are recorded. The extent and scope

of this can be controlled by condition.

#### Landscape and Visual Impact

- 8.29 Given the location and nature of the development at this stage, the proposal will have no significant visual impact. The site, while visible from the railway, is currently well screened from the A96(T) by the natural topography and to the south of the Norbord site nearer the site entrance by a landscape bund. The bund proposed on the east and southeast edge of the proposed development will be of similar nature to the existing bund. This will be visible but will extend only 4m above existing ground levels at its highest point.
- 8.30 The proposal is to hydro-seed the bund and undeveloped area with a mix of grassland seeding and to plant the bund with shrubs and trees; including birch, rowan and scots pine amongst other native species. This is considered appropriate to the site. The remaining marshy grassland area within the site that will not be developed will be enhanced and incorporated into the habitat management of the site.

#### Any other material considerations

- 8.31 There are no other material considerations.

#### Any non-material considerations

- 8.32 Two representations received requests that Norbord consider transportation of goods via rail, asking that the applicant consider this within its plans; specifically the creation of a railway siding on this site. While this is a valid point to make, it is not relevant to this particular application which is considering the enabling works only. It is however, something that will be raised with the applicant in the hope that is addressed within the forthcoming application for the new mill itself.

#### Matters to be secured by Section 75 Agreement

- 8.33 None.

### **9.0 CONCLUSION**

- 9.1 It is unusual to submit an application for enabling works relating to a future development, particularly a development of such scale as the one proposed. However, the driver has been the need to provide confidence to the Norbord Board that the site is in a position to be re-developed to provide a new modern mill complex as and when investment decisions are being made. In other words, should this application be granted, Dalcross is likely to be in a stronger position to capitalise from investment. It is unlikely that these works will proceed if the investment in a new mill complex is not supported.
- 9.2 The Development Plan allocates the land for development related to the existing timber board manufacturing/processing. There is clear support for the principle of this development at this stage. There are no significant constraints to the

development proposed. Subject to appropriate mitigation, which can be controlled by condition, the development would accord with the development plan. There are no material considerations that indicate otherwise.

## 10.0 RECOMMENDATION

<b>Action required before decision issued</b>	N
<b>Notification to Scottish Ministers</b>	N
<b>Notification to Historic Scotland</b>	N
<b>Conclusion of Section 75 Agreement</b>	N
<b>Revocation of previous permission</b>	N

**Reason:** n/a

**Subject to the above,** it is recommended the application be **GRANTED** subject to the following conditions and reasons

1. No development shall start on site until a Construction Environmental Management Document is submitted to, and agreed in writing by, the Planning Authority in consultation with SNH and SEPA. The Document shall include:
  - An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) as may be set out in other relevant planning conditions.
  - Processes to control / action changes from the agreed Schedule of Mitigation.
  - Processes for informing neighbouring residents, potentially with involvement of the Community Council, of the work programme and likely significant events such as delivery and placing of concrete and working hours.
  - The following site specific Construction and Environmental Management Plans (CEMP);
    - i. pollution prevention plan
    - ii. drainage and surface water management plan
    - iii. chemical pollution plan
    - iv. waste management plan
    - v. soil management
    - vi. dust mitigation plan
    - vii. construction traffic management plan
    - viii. species protection plan
  - Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:

- i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
  - ii. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
  - iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
  - iv. Directing the placement of the development (including any micro-siting, if permitted by the terms of this consent) and the avoidance of sensitive features; and
  - v. The power to call a halt to development on site where environmental considerations warrant such action.
- Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
  - Statement of any additional persons responsible for 'stopping the job / activity' if in potential breach of a mitigation or legislation occurs.

Unless otherwise agreed in writing by the Planning Authority the development shall proceed in accordance with the agreed Document.

**Reason:** To protect the environment from the construction and operation of the development.

2. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

3. No development shall commence until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by, the Planning Authority, in consultation with SNH and SEPA, providing for measures to protect and manage habitat and species within and adjoining the application site. The approved HMP, which shall be implemented in full, unless otherwise agreed in writing, in accordance with the agreed timescales for doing so, shall include:

- i. the measures to be taken to protect the remaining wetland from negative effects from the development (for example how will it be ensured that the adjacent soakaway does not result in the wetland becoming drained) and the measure to be taken to improve the current ecological characteristics of this habitat.
- ii. the measures to be taken to provide suitable sand martin nesting habitat outwith the development envelope.

**Reason:** To protect and enhance the nature conservation interests of the area, including the management of wetland on the site and mitigate any effects on sand martin and their habitat.

4. No development shall commence until a programme for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and agreed in writing by, the Planning Authority. The agreed proposals shall be implemented in accordance with the agreed timetable for investigation.

**Reason:** In order to protect the archaeological and historic interest of the site.

5. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting and seeding as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure that the approved landscaping works are properly undertaken on site.

6. Prior to the commencement of work on site a suitably qualified Landscape Consultant shall be appointed by the developer, their appointment and remit having first be approved in writing by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the approved landscaping work and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- i. Ensuring that the approved Landscape Plan (UK12\_19702 Figure 12) is implemented to the agreed standard; and
- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to

be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

**Reason:** In order to ensure that the approved landscaping works are properly undertaken on site.

## **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

## **FOOTNOTE TO APPLICANT**

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

Copies of the notices referred to are attached to this consent for your convenience.

**Conditions:** Your attention is drawn to the conditions attached to this permission. Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to meet these conditions may invalidate your permission or result in formal enforcement action.

**Construction Hours and Noise-Generating Activities:** You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of

the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) or more information.

Signature:

Designation: Head of Planning and Building Standards

Case Officer: David Mudie 01463 702255

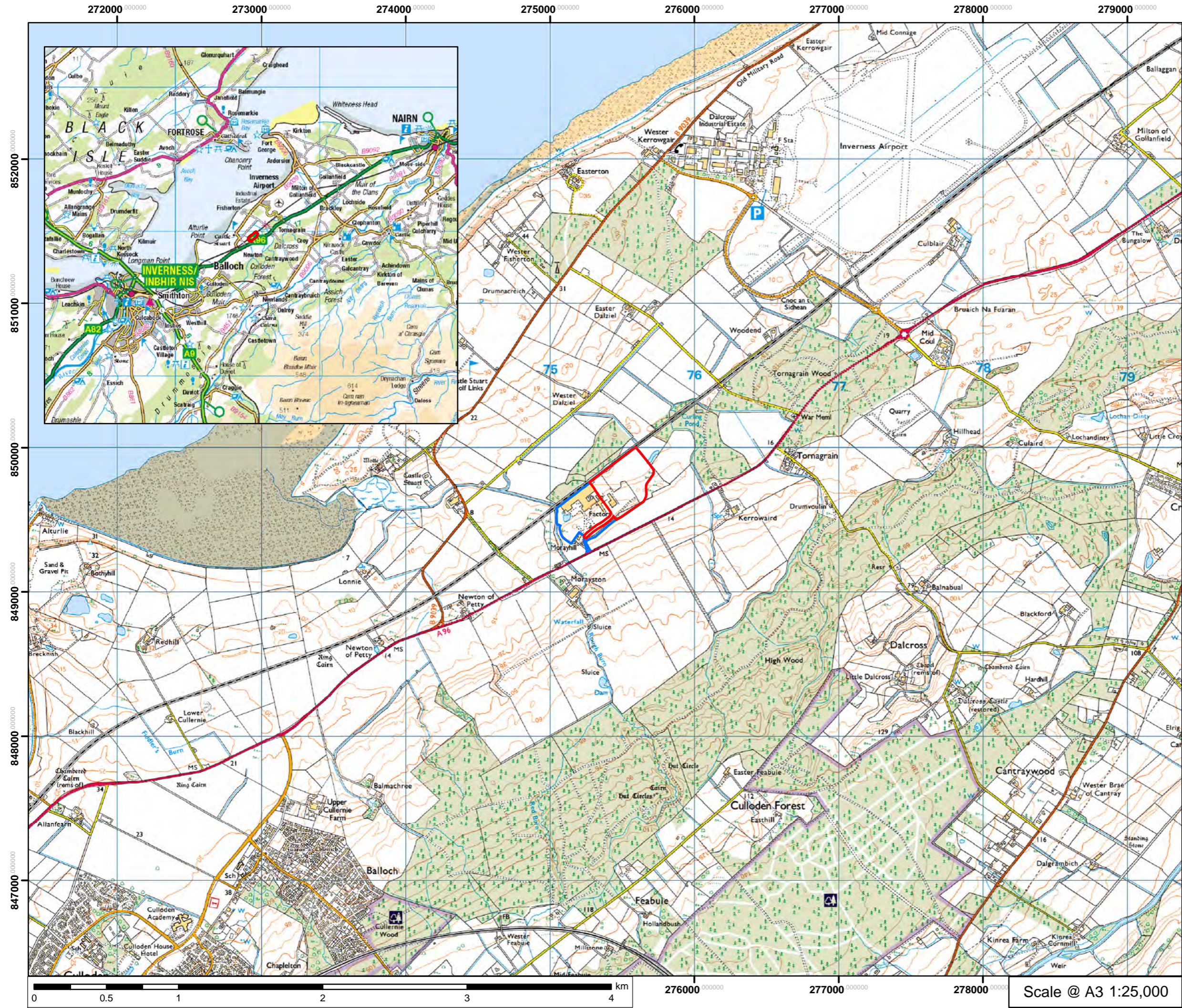
Background Papers: Highland wide Local Development Plan, Inverness Local Plan

Relevant Plans:

## **Appendix – Letters of Representation**

1. Mr Richard Ardern, 26A Southside Road, Inverness, IV2 3BG,
2. Mr David Spaven, Rail Freight Group, 4 Church Hill Drive, Edinburgh, EH10 4BT





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Ordnance Survey ES100012174

- Legend**
- Site Boundary - Main Application
  - Site Boundary - Enabling Works



Figure 1 - Site Location

OSB3 Inverness  
Environmental Report

Norbord Ltd	
Date April 2014	Drawn by DD
Project No. UK12_19702	Issue 1

Drawing ref.:



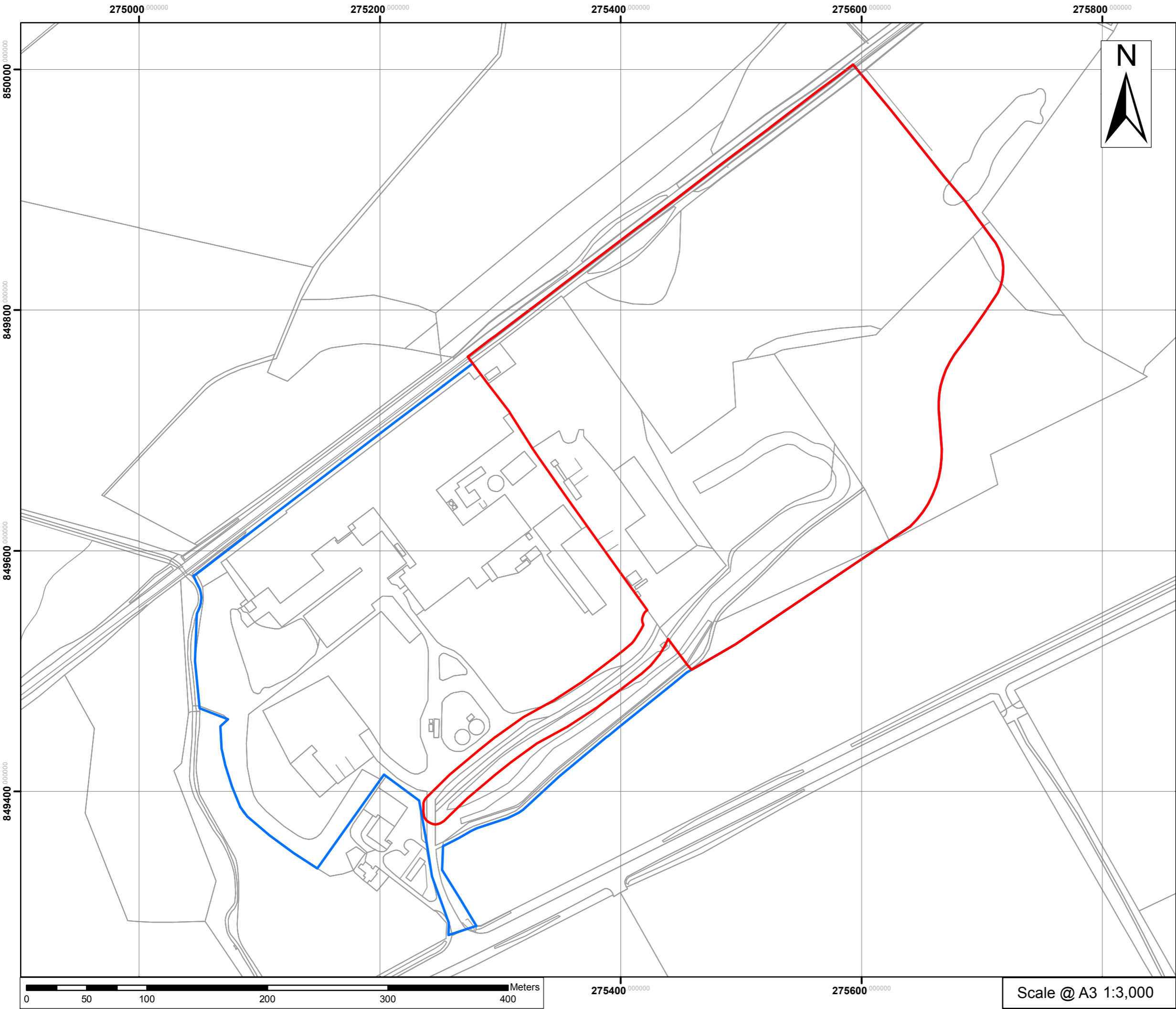
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 Ordnance Survey ES100012174

- Legend**
- Site Boundary - Enabling Works
  - Site Boundary - Main Application

Figure 2 - Site Boundary

OSB3 Inverness  
 Environmental Report

Norbord Ltd

Date April 2014	Drawn by CO
Project No. UK12_19702	Issue 1

Drawing ref.:



7 Walker Street, Edinburgh EH3 7JY

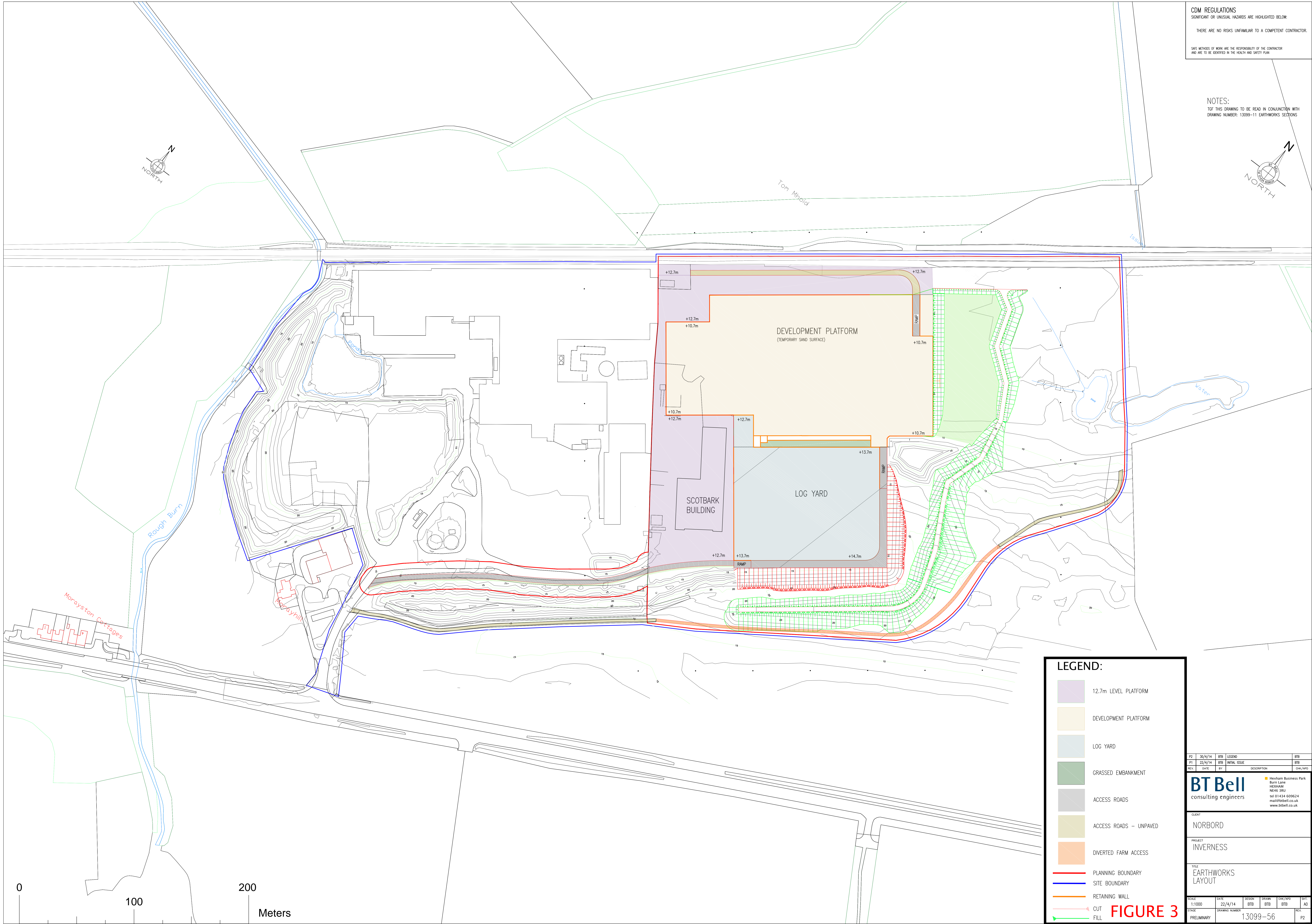
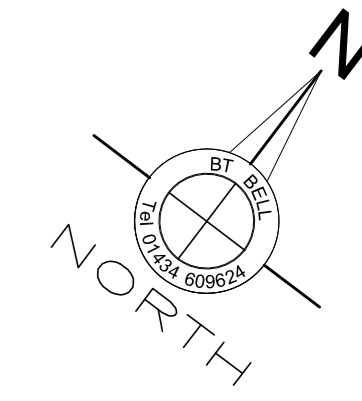
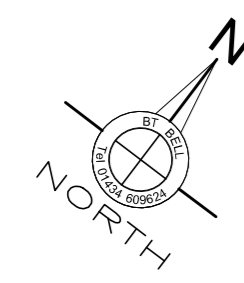
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**CDM REGULATIONS**  
 SIGNIFICANT OR UNUSUAL HAZARDS ARE HIGHLIGHTED BELOW:  
 THERE ARE NO RISKS UNFAMILIAR TO A COMPETENT CONTRACTOR.  
 SAFE METHODS OF WORK ARE THE RESPONSIBILITY OF THE CONTRACTOR  
 AND ARE TO BE IDENTIFIED IN THE HEALTH AND SAFETY PLAN.

**NOTES:**  
 TOGETHER WITH THIS DRAWING TO BE READ IN CONJUNCTION WITH  
 DRAWING NUMBER: 13099-11 EARTHWORKS SECTIONS



**LEGEND:**

- 12.7m LEVEL PLATFORM
- DEVELOPMENT PLATFORM
- LOG YARD
- GRASSED EMBANKMENT
- ACCESS ROADS
- ACCESS ROADS - UNPAVED
- DIVERTED FARM ACCESS
- PLANNING BOUNDARY
- SITE BOUNDARY
- RETAINING WALL
- CUT
- FILL

**FIGURE 3**

P2	20/4/14	BTB	LEGEND	BTB
P1	22/4/14	BTB	INITIAL ISSUE	BTB
REV.	DATE	BY	DESCRIPTION	CHK/APP

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CLIENT: NORBORD

PROJECT: INVERNESS

TITLE: EARTHWORKS LAYOUT

SCALE	DATE	DESIGN	DRAWN	CHK/APP	SPR
1:1000	22/4/14	BTB	BTB	BTB	AO
STAGE	DRAWING NUMBER	REV			
PRELIMINARY	13099-56	P2			

**SPECIFICATION**

**Ground Preparation and Cultivation**

Initially, all planting and seeding where gradients are shallower than 1:3 shall be deep cultivated by ripping, as necessary, to relieve compaction. The surface of the substrate would then receive final cultivation by harrowing to achieve a fine tilth. Where grass seeding is to take place a suitable pre-seeding fertilizer shall be incorporated at the manufacturers recommended rates during these final cultivations.

The proposed screen bund shall be formed from loose tipped overburden materials shaped with a back actor to avoid tracking and compaction of materials. Growing media, in the form of top soils shall be spread evenly across the surface of bund to a depth of no less than 200mm and then harrowed in readiness for seeding and/or planting. A suitable pre-seeding fertilizer shall be applied to provide for the rapid establishment of proposed grassland cover.

Cut slopes and embankments shall be covered by a nominal 250mm layer of topsoils which would be cultivated in the same manner as soils on the screen bund. If necessary erosion control measures would be incorporated to prevent soil wash off slopes of both the cut slope and screen bund.

**Seeding Operations**

Proposed grasslands shall be seeded with a suitable grass mix in September or October and will comprise species tolerant of a wide range of soils and periods of drought such as British Seed Houses/Geminal Seeds A16 mix, which comprises:

- Creeping Red Fescue (40% of mix)
- Chewings Fescue (20%);
- Sheeps Fescue (15%);
- Crested Dogtail (15%);
- Browntop Bent (7.5%); and
- Miniature White Clover (2.5%).

On embankments the grass mix would be augmented by the incorporation of *Prunus spinosa*, *Crataegus monogyna*, *Ulex europaeus* and *Cytisus scorpius* to provide greater structural variety and ecological interest as well as increasing the stability of the substrate and providing for nitrogen fixation.

Seed shall be drilled at a rate of 25 g/m<sup>2</sup> in locations where gradients are slacker than 1:3 and the surface of the seed bed lightly compressed by rolling before it is watered by either a tractor fitted with a bowser or by an agricultural pulse jet sprinkler.

In locations where slopes are at 1:3 or steeper seeding rates shall be increased to 30 g/m<sup>2</sup> and shall be applied by hydroseeding using a suitable gel suspension.

**Tree and Shrub Planting**

Tree and shrub planting on the proposed screen bund shall comprise native deciduous and evergreen species that are capable of withstanding the dry and exposed conditions at the site. These would include a mixture of birch (*Betula pendula*), rowan *Sorbus aucuparia*, scots pine *Pinus sylvestris* and beech *Fagus sylvatica* hawthorn *Crataegus monogyna*, blackthorn *Prunus spinosa*, wild privet *Ligustrum vulgare* (Species selected using information from Lemon & Hackett, 2002 and SHN online guidance on suitable native species).

Plants shall be bare rooted stock (40 - 60 cm transplants) notch planted into the substrate at irregular centers at intervals of between 1.5 and 2 m. Species shall be arranged in single species groups of between 5 and 7 plants with shrub species concentrated at interstices and around the edges of the planted areas

In order to ensure rapid establishment of trees and shrubs slow release fertilizer (e.g. Osmocote) would be incorporated to the soil at each planting location (application rate to be in accordance with manufacturers specification). All plants would be protected by suitable tree or shrub shelters secured by softwood tantalized stakes.

**Management of the existing wetland**

Management of the existing marshy grassland will be incorporated into the landscaping and aftercare proposals for the site. Details of the management of this habitat are set out in Ecological Surveys Report in Annex E of the Environmental Report (Ref. UK12\_19707 Environmental Report).

**Aftercare**

The newly established grasslands and planted areas would be subject to ongoing aftercare and management throughout the operational life of the development. During the initial five years following the landscaping works the priorities would be as follows:

- Inspection of the substrate for signs of erosion, depressions, gulying or ponding and remedial measures as necessary;
- Identification of any failed areas of germination in grasslands and remediation and re-seeding as necessary;
- In the absence of sufficient rabbits grazing to keep sward height to no higher than 100mm the establishment of a twice annual mowing regime;
- In the event of gorse becoming dominant it shall be controlled by cutting/topping and treatment of stems and regrowth with a suitable herbicide;
- treatment of any emergent weed growth within swards either by cutting, spot treatment with a suitable herbicide, or application of a tractor mounted weed wipe in the event of widespread weed problems;
- Maintenance of planted tree and shrub numbers to within 95% of original numbers, with any replacement of failed, lost or damaged plants occurring at the first opportunity;
- Checking, righting and replacement of tree/shrub shelters as required;
- Ring-weeding of trees and shrubs using a suitable herbicide and removal of any weeds or grasses within shelters; and
- Strimming of grasses and any emergent weed species within planted areas, arisings to be left as mulch to aid retention of moisture in the substrate.

After 5 years, the key management priorities for the landscaping shall consist of the following:

- Remediation of any substrate erosion or ponding as necessary;
- Reseeding of any worn out or failed areas of grassland;
- In the absence of sufficient rabbits grazing to keep sward height to no higher than 100mm the establishment of a twice annual mowing regime is proposed;
- The control of gorse and treatment of any emergent weed growth within swards either by cutting, spot treatment with a suitable herbicide;
- Selective thinning of planted areas to allow for stands to develop floristically and structurally;
- Gradual removal of shelters and stakes as plants reach a girth of over 80 mm;
- Rotational cutting of grassland and shrub species on the edge of plantings.



**LEGEND:**

- Application Site Boundary
- Proposed Planted Bund
- Proposed Grass/Shrub mix on embankment
- Proposed Shrub/Scrub Habitat
- Proposed Conservation Grassland
- Existing marshy grassland and pond to be retained and enhanced
- Proposed ground levels ( m AOD)

Figure 12 - Landscape Proposals

OSB3 Inverness Environmental Statement

Norbord Ltd	
Date	April 2014
Project No.	UK12_19702
Issue	1

Drawing ref. UK12\_19702 Landscape Proposals

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