

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE –
16 September 2014**

Agenda Item	5.8
Report No	PLN/068/14

**14/02735/FUL : MeyGen Ltd
Ness Of Huna And Ness Of Quoys
Huna**

Report by Area Planning Manager

SUMMARY

Description : Amended design and finish for 3 Power Conversion Unit Buildings (PCUBs) previously approved (ref 12/02874/FUL)

Recommendation - GRANT

Ward : 04 - Landward Caithness

Development category : Local development

Pre-determination hearing : Not required

Reason referred to Committee :Area Manager's Discretion

1. PROPOSED DEVELOPMENT

1.1 This application seeks approval for amended design of Power Conversion Unit buildings PCUBs, previously approved under planning permission 12/02874/FUL. Planning permission 12/02874/FUL covers the overall onshore development to serve the MeyGen tidal turbines energy project and covers the construction of the Power Conversion Centre (PCC) including 3 Power Conversion Unit Buildings (PCUB) and 1 control building, the installation of temporary horizontal directional drilling (HDD), formation of a new access from the public road and drainage provision.

The principle of development is established on this site. It is not proposed to amend any other details of permission 12/02874/FUL and this consent will remain live. Site development and phasing is unaltered from the original consent.

The PCUBs are required to house the power conversion equipment, transformers and switchgear for connection to the grid.

The amended design includes a reduction in height and width of the PCUBs previously approved, change to a simple rectangular with form pitched roofs, akin

to agricultural sheds and changes to external finishes. The amended PCUBs as currently proposed are 31m x 18m (x 6m in height to ridge). Potential future expansion is shown indicatively. Each has a floor area of 558 square metres. Details of the design are outlined in section 8 of this report.

- 1.2 The original application 12/02874/FUL was processed as a major application. The current application is being processed as a local application because it is only for the amended design of the previously approved PCUBs.
- 1.3 An Environmental Impact Assessment was conducted in 2012 to support the previous planning application. The Environmental Statement has been updated as appropriate to reflect this application for amended design of the PCUBs.
- 1.4 Information has been submitted with this application which sets out the rationale for the amended design proposal. This states that the initial design was based on the buildings being the focus of a new emerging industry, and rather than try and incorporate them into the landscape it was felt that they could be used as the expression of the new industry. With the technical advances that the project has made, the height and volume of the PCUBs has been significantly reduced. It is felt that the PCUBs are better incorporated into the landscape with a more subtle design rather than drawing attention to them. A low, pitched roof form with sensitive colours can be sensitively incorporated into the landscape with the correct detailing.
- 1.5 The supporting statement considers that the overall reductions in height, width and volume are environmentally beneficial, enabling a more economic and low impact building form to be adopted which reflect the actual requirements of plant and equipment. The overall scale of the revised PCUBs are more comparable to the prevailing built forms and scale of existing development in the area. The space between the PCUBs has been reduced in light of the reduced width of the buildings. This allows the overall site footprint to be reduced whilst ensuring that the PCUBs remain a distinct cluster which tie with each other.
- 1.6 MeyGen seeks to provide visitor information on the project at the John O' Groats tourist centre.
- 1.7 The supporting information also highlights the issue of cost. The emerging tidal energy industry is under considerable pressure to be commercially competitive with other form as of energy generation. MeyGen have sought to significantly reduce costs in all areas of the project. At this site it has meant looking for alternative solutions that do not have a detrimental impact on the local landscape. MeyGen have stated that they wish the project to have a sustainable positive impact on the local community which they feel will be achieved with the successful roll-out of this initial phase of the project.

1.8 **Variations:** None

2. SITE DESCRIPTION

- 2.1 The site is open and largely flat agricultural land at Ness of Quoys. It will be accessed from the A836 which is the main north coast road. The access to the site is immediately to the east of Canisbay Church and Burial Ground which are A

listed. Quoys Farm is to the east of the site access.

3. PLANNING HISTORY

- 3.1 12/02874/FUL - Construction of Power Conversion Centre (PCC) including 3 Power Conversion Unit Buildings (PCUB) and 1 Control Building. Installation of temporary Horizontal Directional Drilling (HDD) at PCC site., This was considered by the North Planning Committee in March 2013 and granted 4 February 2014. The 3 PCUBs approved are 27m x 43m (x 27m in height at the highest point).

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown neighbour

Representation deadline : 8 August 2014

Timeous representations : 1 objection, 2 in support

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Support reduction in height of building but may be possible to further reduce height above ground by partial excavation, to reduce visual impact of the cluster of buildings
- Change from architect design to agricultural type shed is a retrograde step. More consideration must be given to the design of the buildings to minimise visual impact on the surroundings and landscape. A first class design is required to minimise noise, visual and landscape impact in this scenic/tourist area of Caithness. Proliferation of anonymous agricultural sheds along the seaward side of the tourist route from John O Groats to Castle of Mey is not in the local interest.
- Agricultural sheds are not best placed to minimise light and noise pollution.
- Proposal is detrimental to wide open landscape scenery
- Use of mounds and landscaping to obscure visual impact and deaden sound should be maintained
- Welcome reduction in size of the PCUBs and the simpler less demonstrative form of the buildings. The current proposal reflects buildings of traditional industries and agriculture rather than the constructional language of the industrial estate or office park. The smaller, simpler sheds proposed are much more in keeping with the surroundings, landscape and setting of the church than the previously approved structures.
- The PCUBs are not considered to be a justifiable focus of public interest, rather the interest is in the turbines which will sit on the sea bed. The invisibility of the marine infrastructure is one of the key selling points which sets it apart from other forms of renewable energy.
- There is scope to revisit the external materials, details and landscaping to ensure that the buildings are not akin to those of an industrial park, but rather provide a suitable model for the harmonious expansion of the marine energy industry in Caithness and beyond.

- No need for two entrance signs

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 All consultation bodies consulted for the previous application were consulted. Comments were received from the following:

5.2 **SEPA** : No objections but request that a condition be attached requiring the submission of a site specific environmental management plan.

5.3 **Environmental Health** : No observations subject to previous noise condition being applied.

5.4 **Access Officer** : No comments specific to this application. The proposal is limited to the footprint of the buildings and conditions attached to the issued permission 12/02874/FUL will apply to the remainder of the wider site associated with the development.

5.5 **Landscape Officer : Objection.** The reduction in height and footprint of the buildings is welcomed. However the design proposed adds to the concentration of anonymous, profile sheeting sided sheds in the area. The views from the A836 and adjacent areas already contain many agricultural and industrial sheds. These generally occur singly or in association with farmstead buildings. A collection of three such buildings, identical and in the array proposed does not relate particularly strongly to the existing local pattern. The addition of these buildings would change the balance of the local area such that buildings of this broad style begin to dominate, to the detriment of the wider landscape. Although the buildings are smaller than originally proposed, it will still be appropriate for the design to be individual and site specific, relating visually to the function, as was previously agreed. The applicant should explore more appropriate building forms.

5.6 **Historic Environment Team** : No objection. Disappointed that the applicant is proposing to move away from the previous innovative design of the PCUBs. However, the reduction in the scale of the revised buildings will have an overall reduction on the level of visual impact on the historic environment.

5.7 **Historic Scotland** : Disappointed that the proposed PCUBs do not appear to respond as appropriately to the existing landform compared with the previous consented scheme and do not reflect the previous distinctive contemporary design which sought to use high quality traditional and modern materials. Do not object as the impact of the proposals on the historic environment would be limited, it is for The Highland Council to be satisfied that the design and siting for the 3 'industrial shed-like' buildings is appropriate in this location.

5.8 **SNH** : The applicant will require to obtain licence for otters (European Protected Species) from SNH before they can proceed with the development. Additional mitigation should also be included within any approval including an updated species protection plan for otters and a requirement for pre-construction checks for

water voles.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place-Making
36	Development in the Wider Countryside
41	Business and Industrial Land
57	Natural, Built and Cultural Heritage
58	Protected Species
66	Surface Water Drainage
67	Renewable Energy Developments
69	Electricity Transmission Infrastructure

6.2 Caithness Local Plan (as continued in force)

7. OTHER MATERIAL CONSIDERATIONS

7.2 Highland Council Supplementary Planning Policy Guidance

Highland Renewable Energy Strategy

Sustainable Design Guide – Interim Supplementary Guidance

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

National Planning Framework

Pentland Firth and Orkney Waters Marine Spatial Plan Framework and Regional Locational Guidance for Marine Energy

Historic Scotland Managing Change in the Historic Environment – Setting

8. 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.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

The principle of development is established through the existing planning permission 12/02874/FUL. This application is only for amended design of the PCUBs and the application site boundary only includes the area of the buildings and their immediate surroundings. The proposed buildings are within the area identified for PCUBs in the existing consent.

8.4 **Material Considerations**

8.5 **Design and External Appearance**

The design and external appearance of the PCUBs previously approved was subject to extensive discussions with the Council and consultation bodies. The Planning Service, and consultation bodies, have expressed disappointment to the applicant with regard to the change in design of the PCUBs that has led to the submission of this application.

8.6 The design previously approved was considered to make a positive contribution to the architectural and visual quality of the place in which it is located. The scale, and massing of the buildings were considered to be reflective of their functional role, and the contemporary design reflected the innovative nature of this renewable energy project. The curved roofs were considered to reflect the undulation of the surrounding landscape and added a level of interest to the buildings. The use of a combination of metal and timber cladding with aluminium curved roofs for the external finish was welcomed. It was considered that there is little precedent for onshore development of this nature and that there is a need to provide a development that meets the needs of the developer while maintaining strong design values. The design, form and function of the proposed buildings were considered to reflect well the innovative nature of this new renewable energy source.

8.7 It is acknowledged that the amended proposal comprising 3 large sheds with rectangular form and dual pitched roofs seeks to replicate the simple form of agricultural sheds which are commonly found across the Caithness area. Indeed the views from the A836 and adjacent areas already contain many agricultural and industrial sheds. These generally occur singly or in association with farmstead buildings as opposed to the staggered layout proposed in an open landscape. In this case the location of the site, topography, and separation distance from other development means that the layout is not out of keeping with the character of the area. External finishing materials proposed are cladding systems finished in light grey/green with slightly contrasting flashings, fascias and ventilation louvers from a more saturated mid grey/green colour spectrum. The colours have been selected on the basis that these are aligned to the natural colours of the local coastal/marine environment.

8.8 Overall, the design, scale and massing are not out of keeping with the character of the immediate or wider area. The details of external finishes and colours proposed are considered appropriate in principle. A condition should be attached requiring the submission of samples of materials and colours to be submitted to allow a more detailed assessment. The proposal is considered to accord with relevant

provisions of the Development Plan, particularly policies 28 and 29 of the adopted Highland wide Local Development Plan.

8.9 Third party representations received all make reference to the design of the buildings as summarised in section 4. One expresses disappointment at the change in design whilst the others support the reduction in size of the PCUBs and the simpler less demonstrative form of the buildings and consider that the current proposal reflects buildings of traditional industries and agriculture rather than the constructional language of an industrial estate or office park.

8.10 The issue of signage at the entrance to the site was raised by a third party, but this is out with the remit assessment of this application.

8.11 **Landscape, Seascape and Visual Impacts**

It was recognised in the ES prepared for the existing consent that the proposal represents a large scale and fundamental change to the physical characteristics of the Ness of Quoys site and surrounding area. Photomontages were produced and points for visualisations were discussed and agreed at pre-application stage. The ES concluded that there is a significant change to the physical landscape.

8.12 The updated ES concludes that the landscape and seascape impact is reduced by the proposal, as the buildings are of a reduced scale, but is still significant given the scale of the overall proposal. The consented PCUBs have a height of 12.21m, the revised buildings have a height of 5.68m, a reduction in height of 6.53m. The consented PCUBs have a volume of 12,500m³, the revised 3,659m³, resulting in 8,841m³ reduction in volume. The amended PCUBs are within the footprint identified within the existing consent. The 3 buildings are staggered and step down with the gradual slope of the site.

8.13 Revised photomontages have been submitted. The 3 main points where impacts are significant are Canisbay Kirk, Canisbay Village and from the ferry route/Stroma.

8.14 From Canisbay Kirk, the proposal is a relatively close and prominent feature. The updated ES considers that the consented design breaks the open sea view and landscape horizon whereas the amended design is significantly smaller and lower so no longer breaks the horizon and the proposed change in form and colour means that the PCUBs will be more consistent with the prevailing landscape.

8.15 The updated ES also considers that the amended design will significantly reduce the impact from Canisbay village. The landform slopes away from the village down towards the Inner Sound, this opens the view north to Stroma and beyond. The amended design still breaks the sea/land horizon but it is considered that the amended height, form and colour significantly reduce the impact. The updated ES notes that although the impact is reduced, it is still significant.

8.16 The updated ES considers that the amended design significantly reduces the impact from Stroma and transiting vessels in the Inner Sound. The previously consented design was contained within the land horizon, but its form and finish made it a prominent feature. The ES notes that the amended design significantly reduces the impact from this view. Again, the ES concludes that the impact is still significant.

8.17 The principle of landscape and visual impacts of the proposal has been accepted in terms of the current consent. The findings of the updated ES are noted and the Planning Service agrees that the impact of the overall development is significant in this setting, but the amended proposal by virtue of reduction in scale and massing has a lesser impact than the existing consent.

8.18 Site levels and use of mounds and landscaping to lessen visual impacts has been raised by a third party representation. Submission of detailed site levels can be conditioned. Site landscaping is covered by the existing consent.

8.19 The proposal is considered acceptable in terms of the relevant provisions of the Development Plan.

8.20 **Impact on Listed Building**

The updated ES considers that the impact on Canisbay Kirk will be reduced by the amendment but will remain significant overall.

As noted above, Historic Scotland and the Council's Historic Environment Team do not object to the proposal, although concerns have been raised about the move away from a contemporary design to sheds. There is no conflict with Policy 57 of the adopted Highland wide Local Development Plan.

8.21 **Amenity, Noise, Lighting, Archaeology, Tourism and Public Access**

The current proposal does not raise any issues over and above those considered during processing of the application for the existing consent.

8.22 **Protected Species and Licensing**

Survey work carried out prior to determination of the existing consent established the presence of otters (European Protected Species) and water voles (protected under the Wildlife and Countryside Act 1981 (as amended)). The need for a licence from SNH was also identified. SNH provided a detailed consultation response in relation to the existing consent and have provided updated comments in relation to this current application.

8.23 SNH have reiterated that a licence will be required by the application before they proceed with development. The Planning Authority is required to be satisfied, in line with statutory duties under the Habitats Regulations 1994 (as amended), that the licensing tests set out in those regulations are likely to be met before approving the application.

8.24 SNH have advised that based on information currently available, it is likely that the tests would be met and that a licence would be granted (without prejudice to consideration of the actual licence application). The Planning Authority concurs with SNH's opinion on the basis that: the proposal has a licensable purpose; the wider proposal will have beneficial consequences of primary importance to the environment given that it is a large scale renewable energy project; there is no satisfactory alternative to the proposal; and survey work has identified appropriate mitigation, ensuring the proposal will not be detrimental to the favourable

conservation status of the species.

8.25 In their consultation response SNH have requested that conditions be attached to this consent requiring submission of an updated species protection plan, and further monitoring of the site before and during the construction period.

8.26 SNH also requested a condition requiring that pre construction checks be carried out for water voles since more than 8 months has passed since the previous survey.

8.27 SNH have advised that The Scottish Parliament has recently introduced legislation to designate seal haul-out sites around Scotland. The coast at the Ness of Quoy is included as the Gills Bay designated sealhaul out site. After 30 September 2014 it will be an offence to intentionally or recklessly harass seals within the designated areas. SNH recommend that disturbance to seals is fully considered in respect of this new nationally important haul-out area. General disturbance to seals will depend on the nature of the activity and the proximity of the seals to the work.

8.28 The area which this current application covers is only the footprint of the PCUBs and associated hardstanding, currently agricultural fields. It is considered unlikely that this area will comprise a haul out area. SNH's advice in relation to seals will be attached as an informative.

8.29 There is no conflict with Policy 57 of the adopted Highland wide Local Development Plan.

8.30 **Environmental Protection**

SEPA previously provided consultation comments in relation to the existing consent and have provided updated comments for the current application reiterating the requirement for the submission of a site specific environmental management plan. This will be conditioned.

8.31 **Other Considerations – not material**

None

8.32 **Matters to be secured by Section 75 Agreement**

None

9. **CONCLUSION**

9.1 The principle of development is established through the existing consent which will remain live. The Council is fully supportive of the principle of the overall development and recognises the significant financial investment and environmental contribution that this makes to the delivery of renewable energy developments in this area.

This application is only for amended design and external appearance of the PCUBs and as such the focus of this assessment is only on that basis. It is regrettable that there has been a change in design from an innovative design solution, unique to the site and the purpose of the development, to this amended proposal. It is

acknowledged that the scale and massing of the development has been significantly reduced, however it is disappointing that the design and form of the original buildings were not scaled down in a similar manner rather than the adoption of this amended approach. The suggested agrarian farmstead approach has merit in principle but is weakened in the absence of such functionally related buildings. The rationale presented behind the design change is noted. It is acknowledged that the amended design is aimed at allowing it to be absorbed within its landscape setting, given its resemblance to agricultural sheds, found in the local area. It is accepted that although the overall proposal will have landscape and visual impacts, the significant reductions in scale and massing of the PCUBs in this instance will lessen impacts to a degree which allows the amended design to be accepted.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **granted** subject to the following conditions and reasons and notes to applicant:

1. No development or works (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

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

2. No development or works shall commence until a 3 month pre-commencement otter survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH. The survey shall cover both the application site and an area of 200m in all directions from the boundary of application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. This shall also include provision for future monitoring of the site leading up to and during the construction period, focussing on determining the breeding status of the holts and the identification of an new resting sites/holts, and measures to be implemented if additional resting sites/holts are found. Development and work shall progress in accordance with any mitigation

measures contained within the approved report of survey and the timescales contained therein.

Reason: To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat. Identification of any new holts/resting sites may have licencing implications.

3. No development or works shall commence until an in-season water vole survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH. The survey shall cover include all areas of suitable habitat within the development site and an appropriate buffer around it. Where any impact, or potential impact, on water voles or their habitat are identified the report of survey shall include a species protection plan which clearly set out any mitigation measures shall be submitted to and approved in writing by the Planning Authority in consultation with SNH. The survey shall also include measures for pre-construction checks, no more than 8 months before construction works commence. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contained therein.

Reason: To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

4. No development shall commence until a schedule of external finishing materials (including samples) has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity.

5. At least two months prior to the commencement of any works, a site specific environmental management plan (EMP) must be submitted for the written approval of the planning authority [in consultation with SEPA] [and other agencies such as SNH as appropriate] and all work shall be carried out in accordance with the approved plan.

Reason : To control pollution of air, land and water

6. No development shall commence on site until the site access has been formed to basecourse level in accordance with the details approved under consent 12/02874/FUL and to the satisfaction of the Planning and Roads Authorities.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

7. No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan) has been submitted to and approved

in writing by the Planning Authority. The approved Traffic Management Plan shall specify measures to address all traffic associated with the development during construction including signage, traffic control measures and timescales for their implementation. The traffic management plan as may be agreed shall be implemented in accordance with the details as may be approved and the measures shall remain in place until the development is complete.

Reason: In the interests of road safety.

8. No development shall commence until full details of existing and proposed ground levels and finished floor levels have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity.

9. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'. And, in order to safeguard the amenity of neighbouring properties and occupants.

10. Noise arising from the operation phase of this development shall not exceed 32dB(A) as measured as a 5 minute free field LAeq at any noise sensitive property

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

11. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), and unless there is a demonstrable health and safety reason no signs, notices, flags, banners or other means of announcement or advertisement shall be displayed on any part of the site without the prior approval in writing of the Planning Authority.

Reason: In order to safeguard the established amenity of the area and to allow the Planning Authority to retain effective control over the development.

12.

Notwithstanding the provisions of Article 3 and Class 14 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall commence until full details of any temporary site compounds and storage areas (including their location, scale and means of enclosure) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the site compounds and storage areas shall be formed in accordance with these approved details. Furthermore, all site compounds shall be maintained in a tidy, safe and secure fashion and be removed from the application site within one month of the development being completed.

Reason: To allow the Planning Authority to retain effective control over the development

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.

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

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). 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 adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

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 for more information.

Public Access

In order to safeguard public access both during and after the construction phase of the development the 5m coastal access corridor identified on the plans shall remain accessible and free from obstruction in perpetuity. The stock proof post and wire fence on the southern boundary of this corridor shall not be barbed wire topped on the seaward side.

During the operation of the proposal, access from the A836 should be open for non-motorised access by the general public. Access infrastructure such as gates should be left unlocked or with side pedestrian gates installed, including for the cattle grid. For the avoidance of doubt the access to the PCUB site at 334,567 973,066 can be secure and locked as required to restrict access to the "inner" field

of the site boundary during both construction and operation of the development as this area falls under the Land Reform (Scotland) Act 2003 Section 6 (1) (a) (i) and Section (g) (i), land over which access rights are not exercisable.

Seals

The Scottish Parliament has recently introduced legislation to designate seal haul-out sites around Scotland. The coast at the Ness of Quoy is included as the Gills Bay designated sealhaul out site. After 30 September 2014 it will be an offence to intentionally or recklessly harass seals within the designated areas. We recommend that disturbance to seals is fully considered in respect of this new nationally important haul-out area. General disturbance to seals will depend on the nature of the activity and the proximity of the seals to the work. More information can be found at the following page, www.scotland.gov.uk/Topics/marine/marineenvironment/species/19887/20814/haulouts

Signature: Dafydd Jones
Designation: Area Planning Manager (North)
Author: Emma Forbes
Background Papers: Documents referred to in report and in case file.
Relevant Plans:

Plan 1 – 100 rev 5 Location Plan
Plan 2 – 105 rev 8 Block Plan
Plan 3 – 106 rev 8 Block Plan
Plan 4 – 107 rev 8 Block Plan
Plan 5 – 108 rev 6 Floor Plan
Plan 6 – 109 rev 7 Section Plan
Plan 7 – 110 rev 7 Elevations

Existing consent (12/02874/FUL) drawings for information
Plan 8 – 000001 Location Plan
Plan 9 – 107 rev 5 Block Plan completion
Plan 10 – 108 rev 3 Floor Plan
Plan 11 – 110 rev 2 Elevation
Plan 10 - 109 rev 2 section

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Edward Taylor	The Prince's Foundation for Building Community C/o Dumfries House Cumnock KA18 2NJ	31 July 2014	For
Mr Clifford Shepherd	Quoys Canisbay KW1 4YH	31 July 2014	For
Miss Joyce Wilson	21 Castlehill Road Stewarton Kilmarnock KA3 5ER	30 July 2014	Against



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Ordnance Survey 0100031673



PLANNING

Revision	Description	Date
Rev. 5	Amended redline area.	10.07.14
Rev. 4	Amended redline area.	26.06.14
Rev. 3	Amended site boundary.	03.06.14
Rev. 2	Amended to suit client comments	06.07.12
Rev. 1	Issued to client.	21.12.11

**PENTLAND FIRTH INNER SOUND TIDAL STREAM
NESS OF QUOYS**

MEYGEN LIMITED

Location Plan

Scale: 1:10,000@A3
Project Partner: AB
Drawn: VH

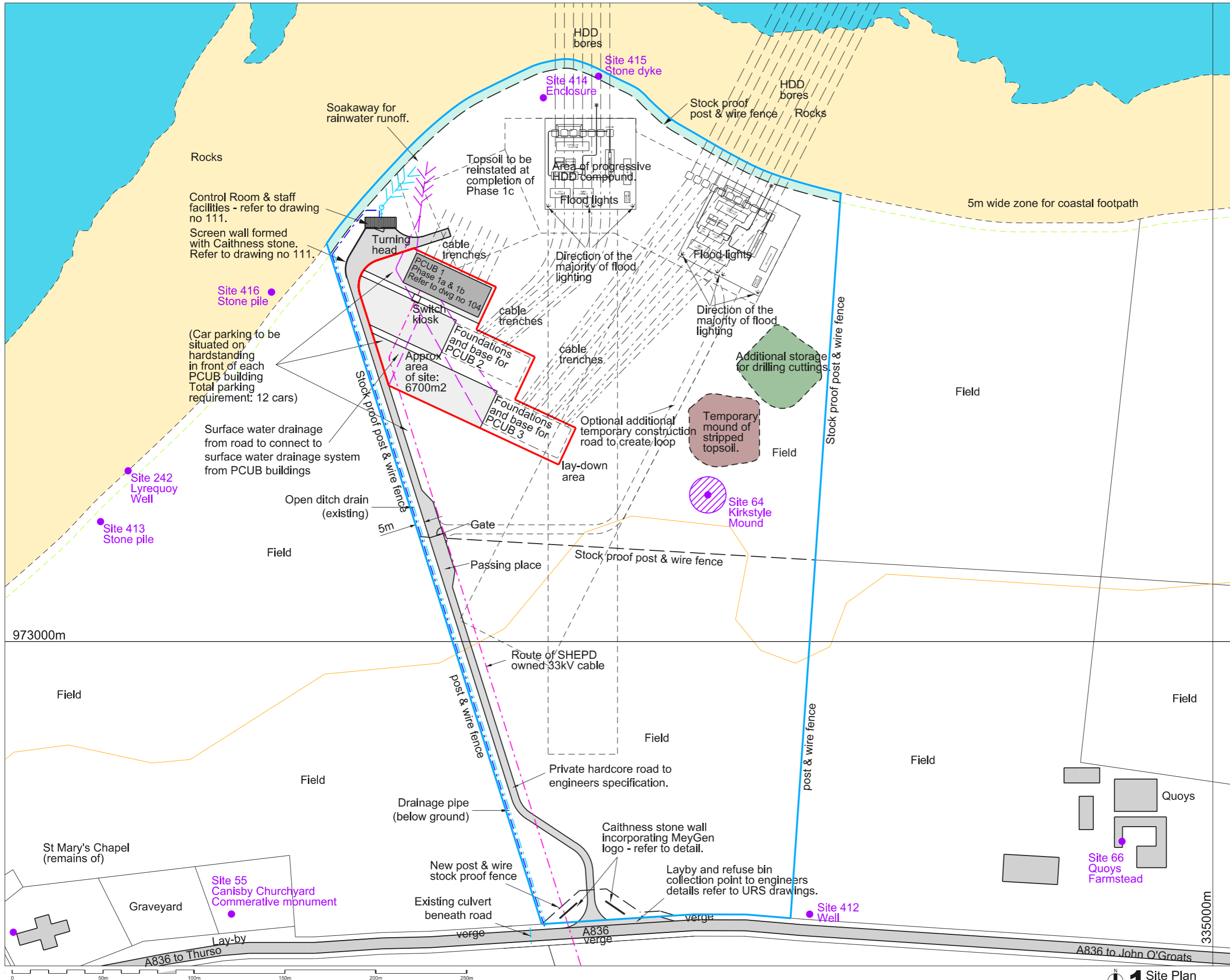
Date: 12.12.11
Project Leader: AB
Checked:

Project Number: I/6775
Drawing: 100
Revision: 5



Legend:

- Application site boundary
- Below ground cable feeds to PCUBs - locations TBC
- Route of below ground cables to SHEPD sub-station
- Permanent main water supply to Control Building & temporary supply to HDD compound
- Permanent septic tank & drainage to Control Building & temporary supply to HDD compound
- Soakaway for roof drainage
- 5m wide coastal footpath along MHWL
- 4m wide tarmac access road to engineers specification
- Service/turning area
- Archaeological site identified by ORCA



PLANNING

Revision	Description	Date
Rev. 8	PCUBs 2 & 3 re-located.	08.07.14
Rev. 7	PCUB plan revised.	26.06.14
Rev. 6	Revised layout for Planning.	10.02.14
Rev. 5	Amendments to suit Client comments.	05.07.12
Rev. 4	Amendments to suit Client comments.	12.04.12
Rev. 3	Font size increased.	03.04.12
Rev. 2	Notes altered, boundary line altered, Re-Issued to Client.	18.01.12
Rev. 1	Issued to client.	21.12.11

PENTLAND FIRTH INNER SOUND TIDAL STREAM
NESS OF QUOYS

MEYGEN LIMITED

Block Plan; Phase 1c HDD bores & PCUB bases

Scale: 1:1000 @ A1 1:2000 @ A3	Project Partner: AB	Drawn: MAW
Date: 12.12.11	Project Leader: AB	Checked:
Project Number: I/6775	Drawing: 105	Revision: 8



Legend:

- Application site boundary
- Below ground cable feeds to PCUBs - locations TBC
- Route of below ground cables to SHEPD sub-station
- Route of below ground cables to SHETL sub-station
- Permanent main water supply to Control Building
- Permanent septic tank & drainage to Control Building
- Soakaway for roof drainage
- 5m wide coastal footpath along MHWL
- 4m wide tarmac access road to engineers specification
- Service/turning area
- Archaeological site identified by ORCA

PLANNING

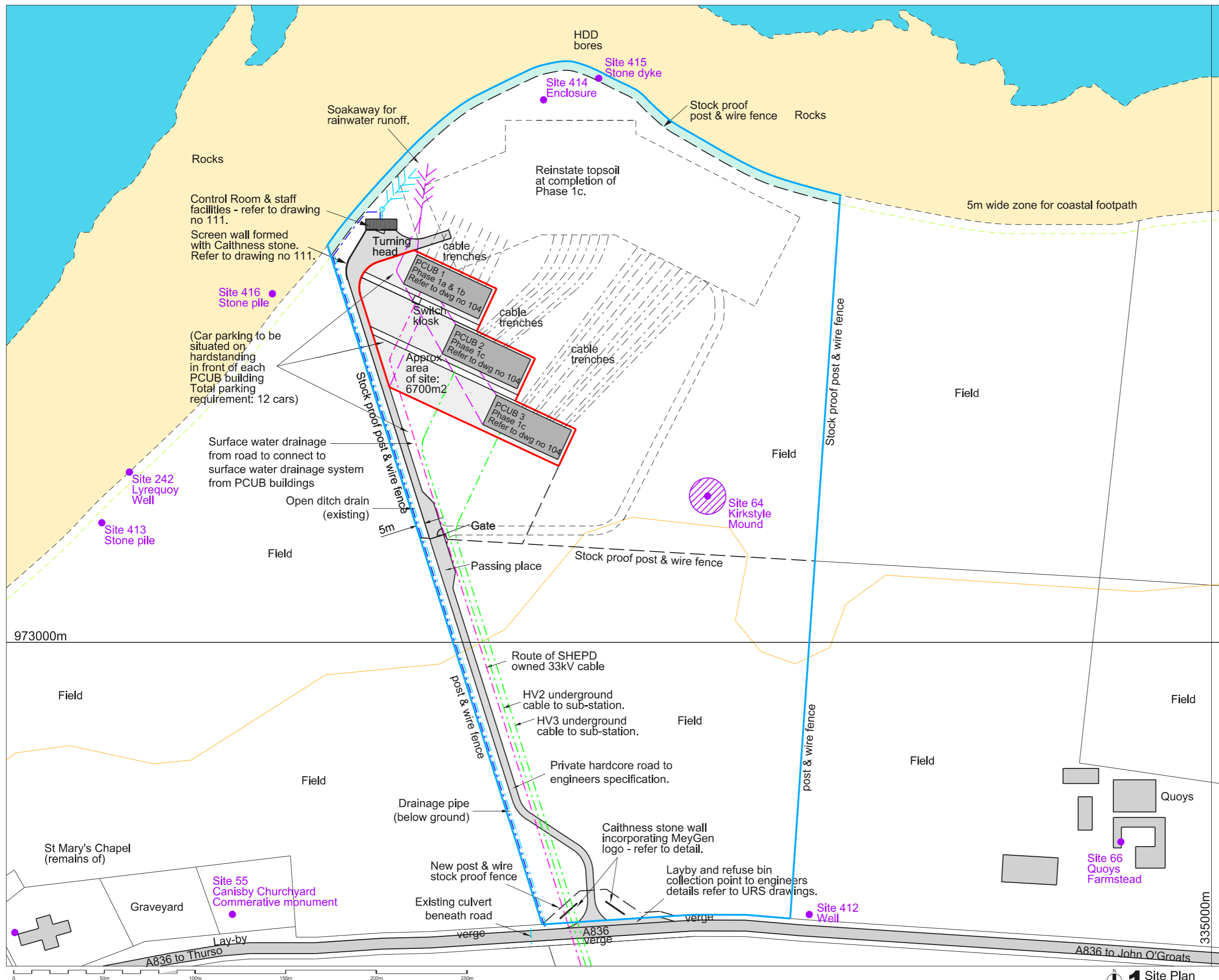
Revision	Description	Date
Rev. 8	PCUBs 2 & 3 re-located.	08.07.14
Rev. 7	PCUB plan revised.	26.06.14
Rev. 6	Revised layout for Planning.	10.02.14
Rev. 5	Amendments to suit Client comments.	05.07.12
Rev. 4	Amendments to suit Client comments.	12.04.12
Rev. 3	Font size Increased.	03.04.12
Rev. 2	Notes altered, boundary line altered. Re-issued to Client.	18.01.12
Rev. 1	Issued to client.	21.12.11

**PENTLAND FIRTH INNER SOUND TIDAL STREAM
NESS OF QUOYS**

MEYGEN LIMITED

**Block Plan;
Phase 1c PCUBs**

Scale: 1:1000 @ A1 1:2000 @ A3	Project Partner: AB	Drawn: MAW
Date: 12.12.11	Project Leader: AB	Checked:
Project Number: I/6775	Drawing: 106	Revision: 8

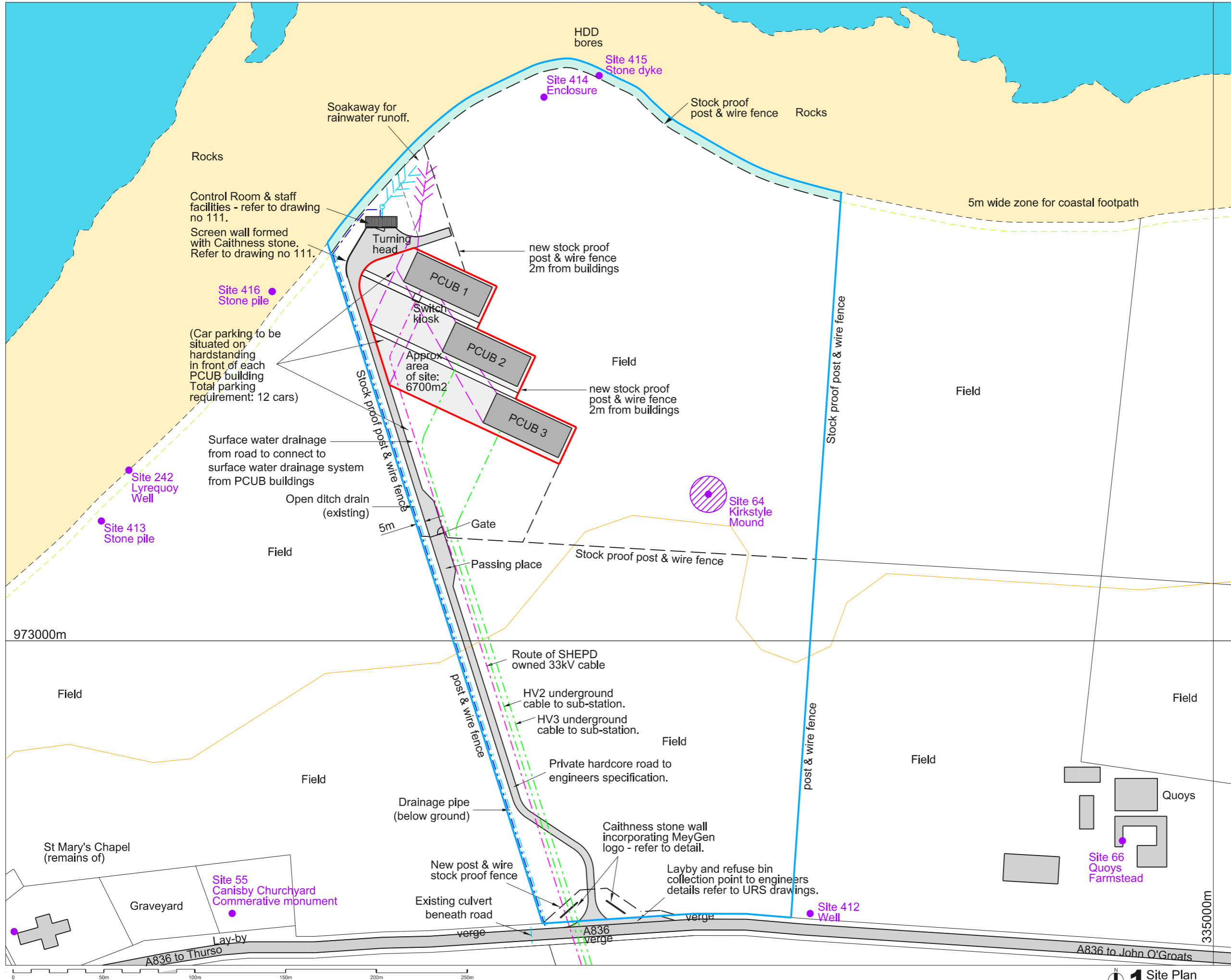


1 Site Plan
1:1000



Legend:

- Application site boundary
- - - - - Route of below ground cables to SHEPD sub-station
- - - - - Route of below ground cables to SHETL sub-station
- Permanent main water supply to Control Building
- Permanent septic tank & drainage to Control Building
- Soakaway for roof drainage
- 5m wide coastal footpath along MHWL
- 4m wide tarmac access road to engineers specification
- Service/turning area
- Site 258 Enclosure Archaeological site identified by ORCA



PLANNING

Revision	Description	Date
Rev. 8	PCUBs 2 & 3 re-located.	08.07.14
Rev. 7	PCUB plan revised.	26.06.14
Rev. 6	Revised layout for Planning.	10.02.14
Rev. 5	Amendments to suit Client comments.	05.07.12
Rev. 4	Amendments to suit Client comments.	12.04.12
Rev. 3	Font size increased.	03.04.12
Rev. 2	Notes altered, boundary line altered. Re-issued to Client.	18.01.12
Rev. 1	Issued to client.	21.12.11

**PENTLAND FIRTH INNER SOUND TIDAL STREAM
NESS OF QUOYS**

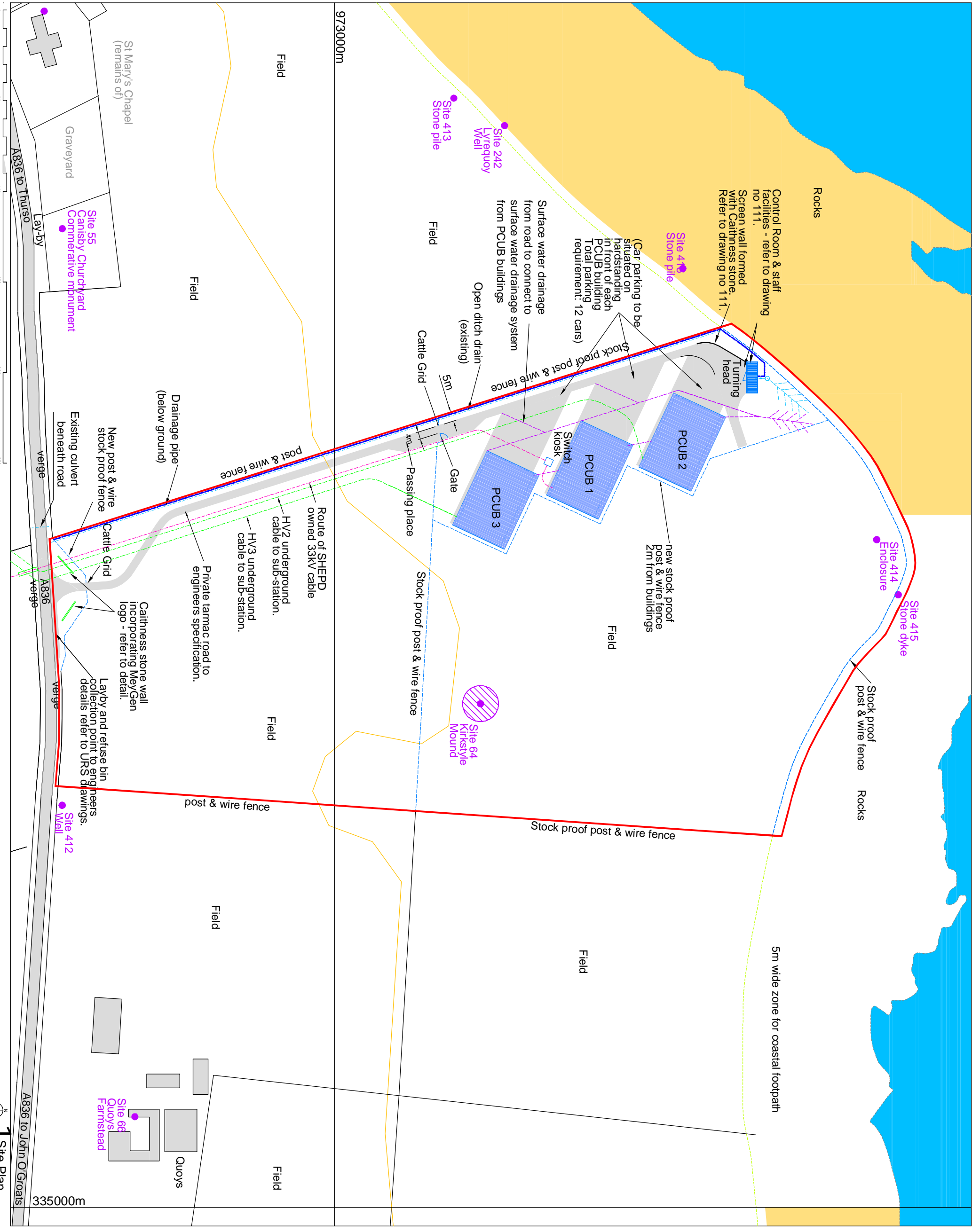
MEYGEN LIMITED

**Block Plan;
Phase 1 completion &
reinstatement.**

Scale: 1:1000 @ A1 1:2000 @ A3	Project Partner: AB	Drawn: MAW
Date: 12.12.11	Project Leader: AB	Checked:
Project Number: I/6775	Drawing: 107	Revision: 8

Legend:

- Application site boundary
- Route of below ground cables to SHEPD sub-station
- Route of below ground cables to SHELTL sub-station
- Permanent main water supply to Control Building
- Permanent septic tank & drainage to Control Building
- Soakaway for roof drainage
- 5m wide coastal footpath along MHWL
- 4m wide tarmac access road to engineers specification
- Service/turning area
- Archaeological site identified by ORCA

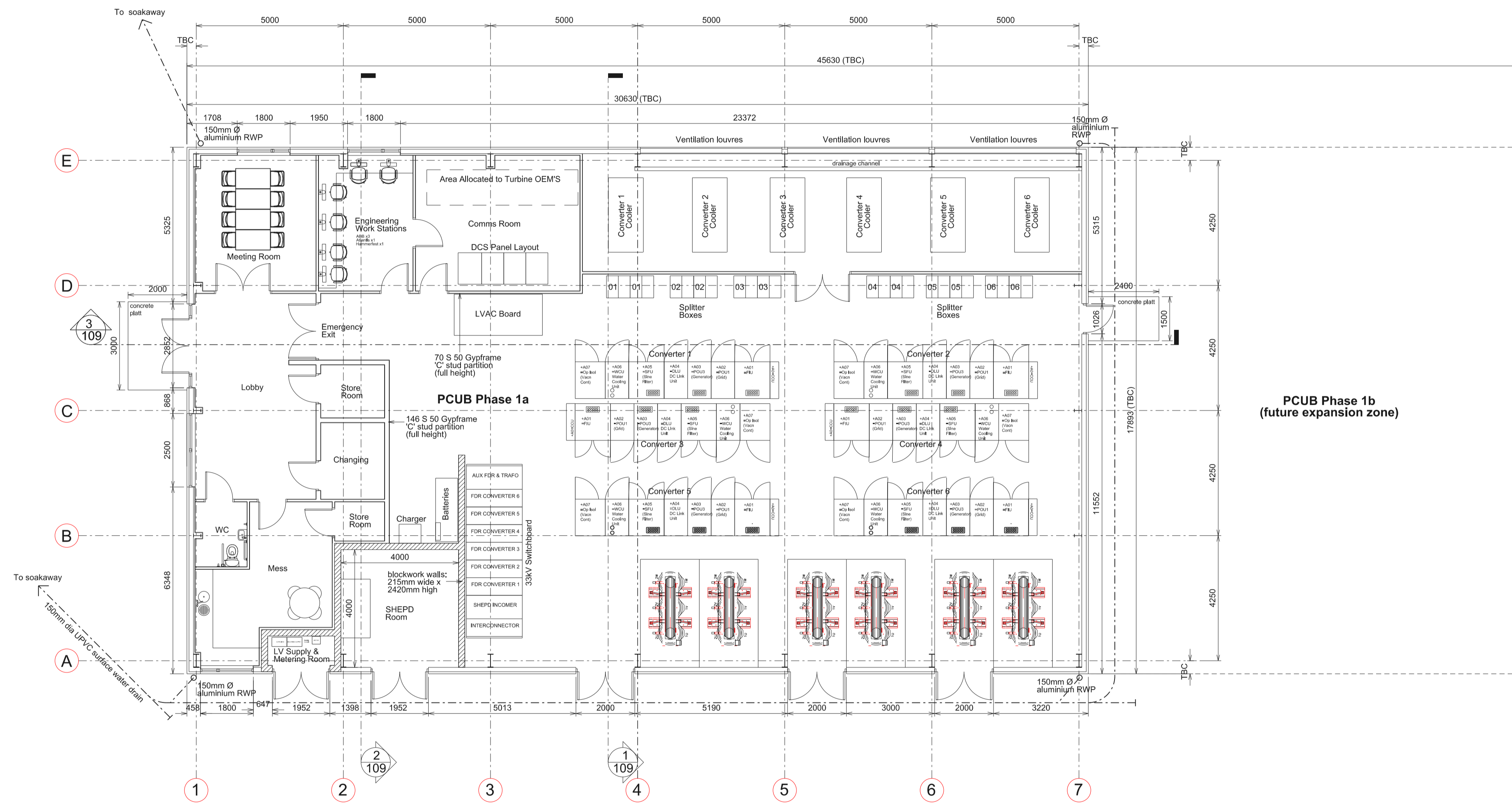


Revision	Description	Date
Rev. 5	Amendments to sub-client comments	06.07.12
Rev. 4	Amendments to sub-client comments	12.04.12
Rev. 3	Plot size increased	03.04.12
Rev. 2	Notes altered, boundary line altered. Re-issued to Client	08.01.12
Rev. 1	Issued to client	21.12.11

PENTLAND FIRTH INNER SOUND TIDAL STREAM
 NESS OF QUOYS

Block Plan, Phase 1 completion & reinstatement.

Date: 12.12.11
 Project Number: 16775
 Scale: 1:1000 @ A1 AB
 Drawing: 107
 Project Partner:
 Project Leader:
 Revision: 5
 Drawn: MAW
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PLANNING

Revision	Description	Date
Rev. 6	PCUB plan revised to reflect new layout	26.06.14
Rev. 5	PCUB plan revised to reflect altered wall construction & new equipment layout	10.02.14
Rev. 4	Plan altered.	16.05.13
Rev. 3	Notes amended.	23.04.12
Rev. 2	Building handed. Drainage layout altered. Re-issued to client.	18.01.12
Rev. 1	Issued to client.	21.12.11
Revision	Description	Date

PENTLAND FIRTH INNER SOUND TIDAL STREAM
NESS OF QUOYS

MEYGEN LIMITED

**PCUB Floor Plan
Phase 1a & 1b**

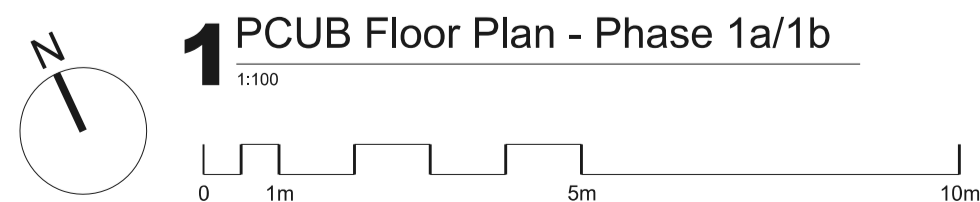
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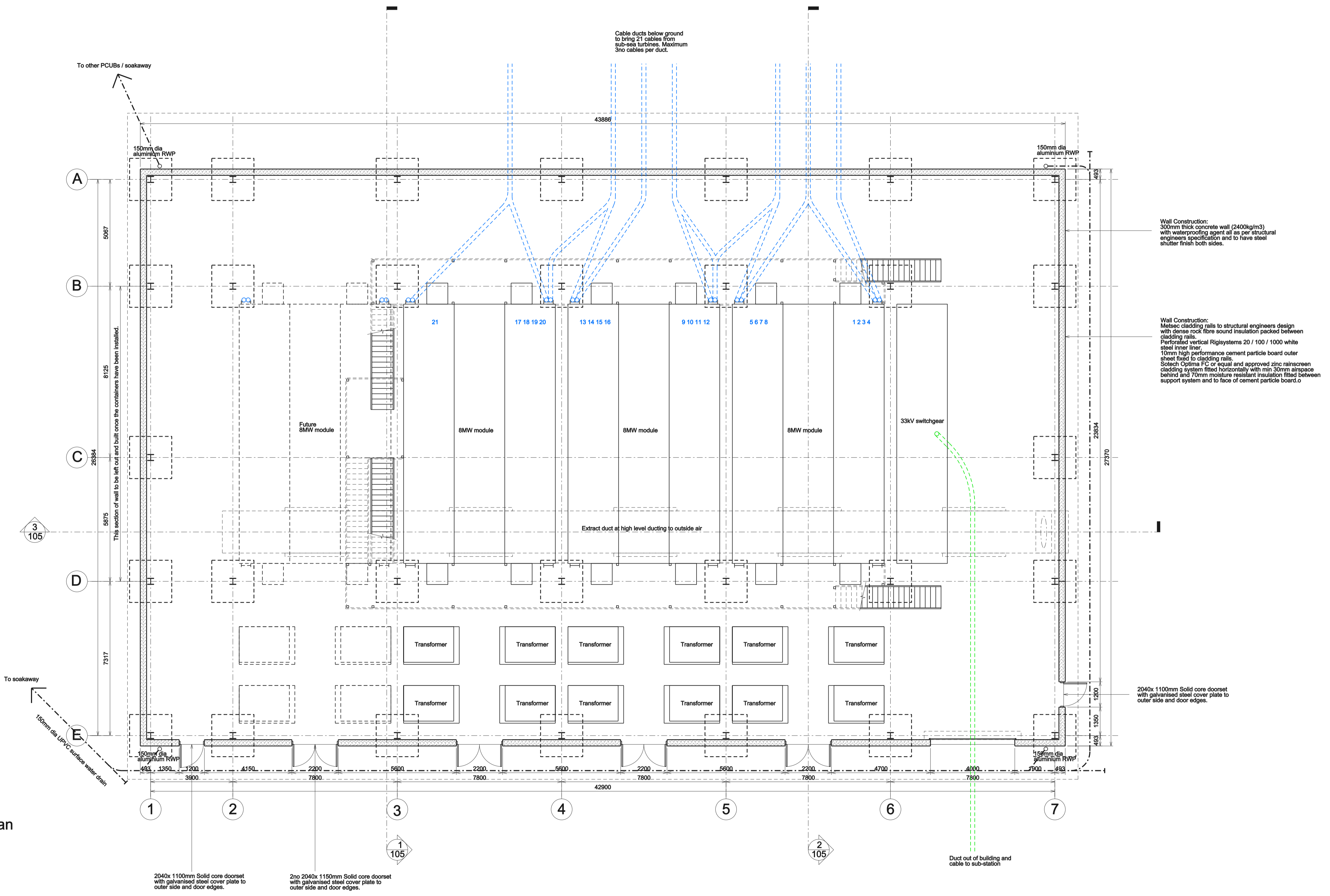
Date: 12.12.11 Project Leader: AB Checked:

Project Number: Drawing: Revision:

I/6775 108 6

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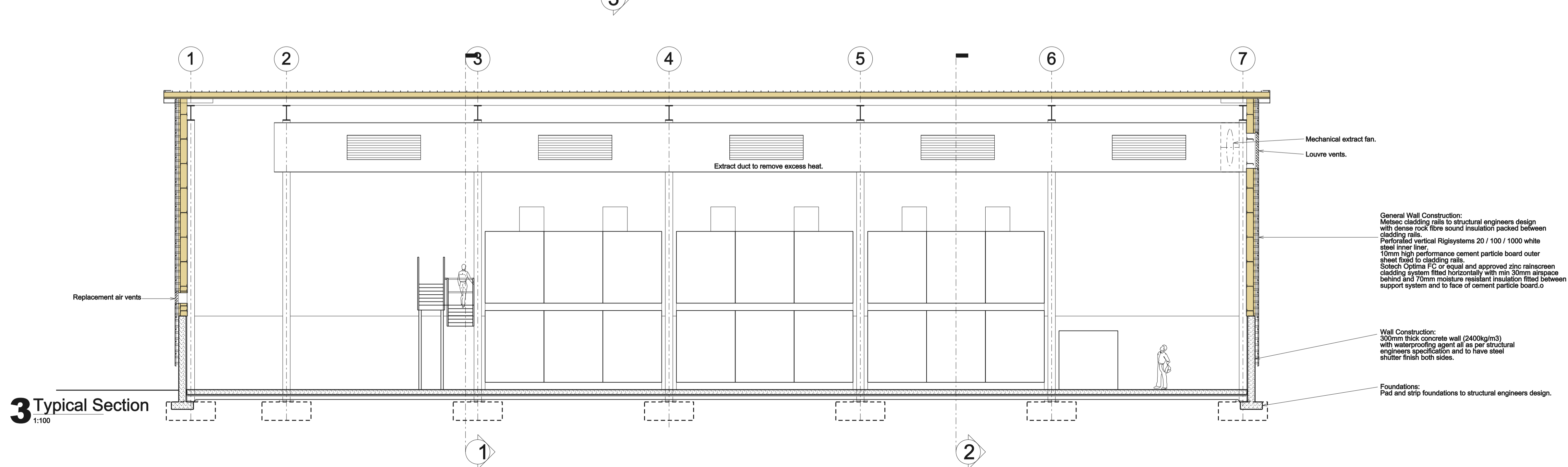
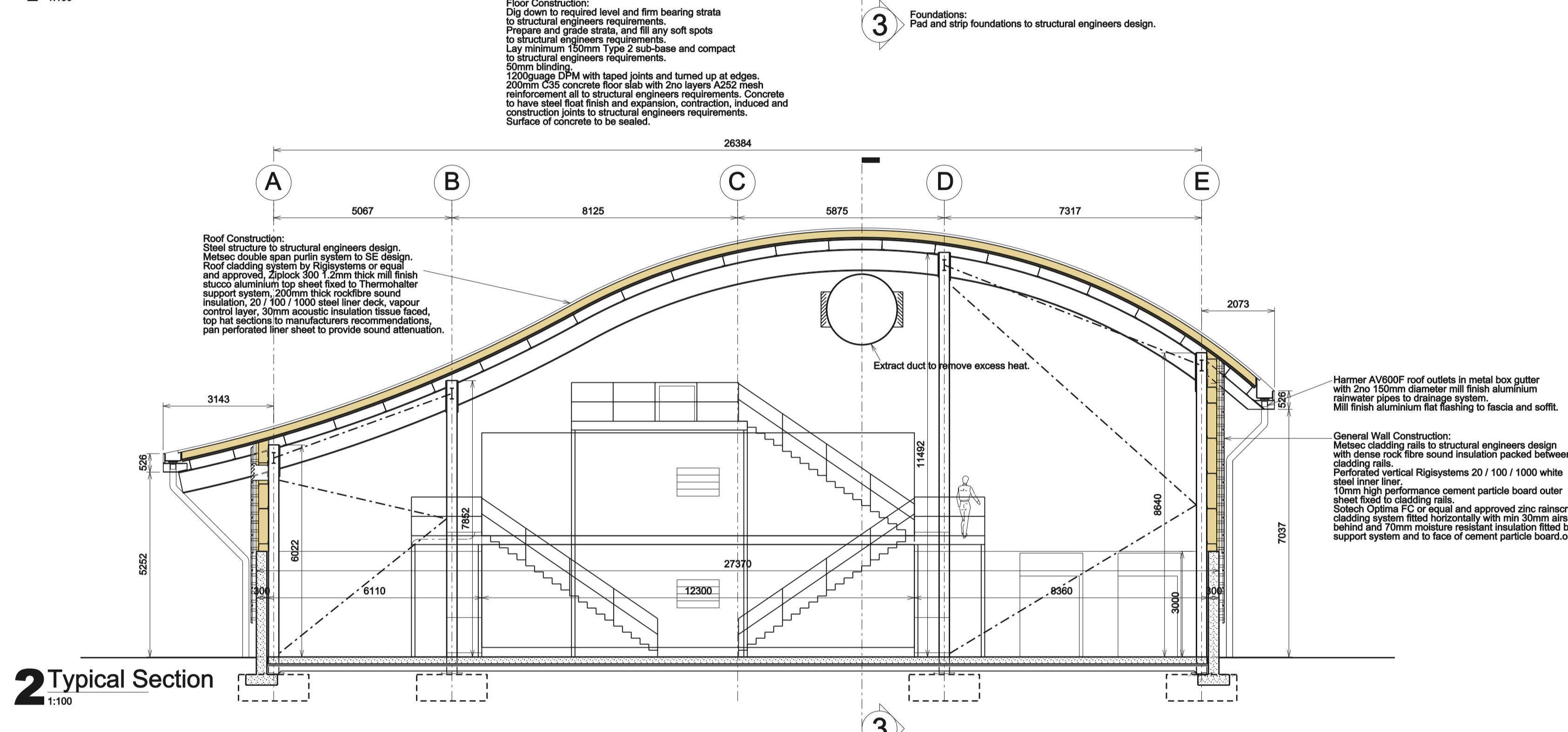
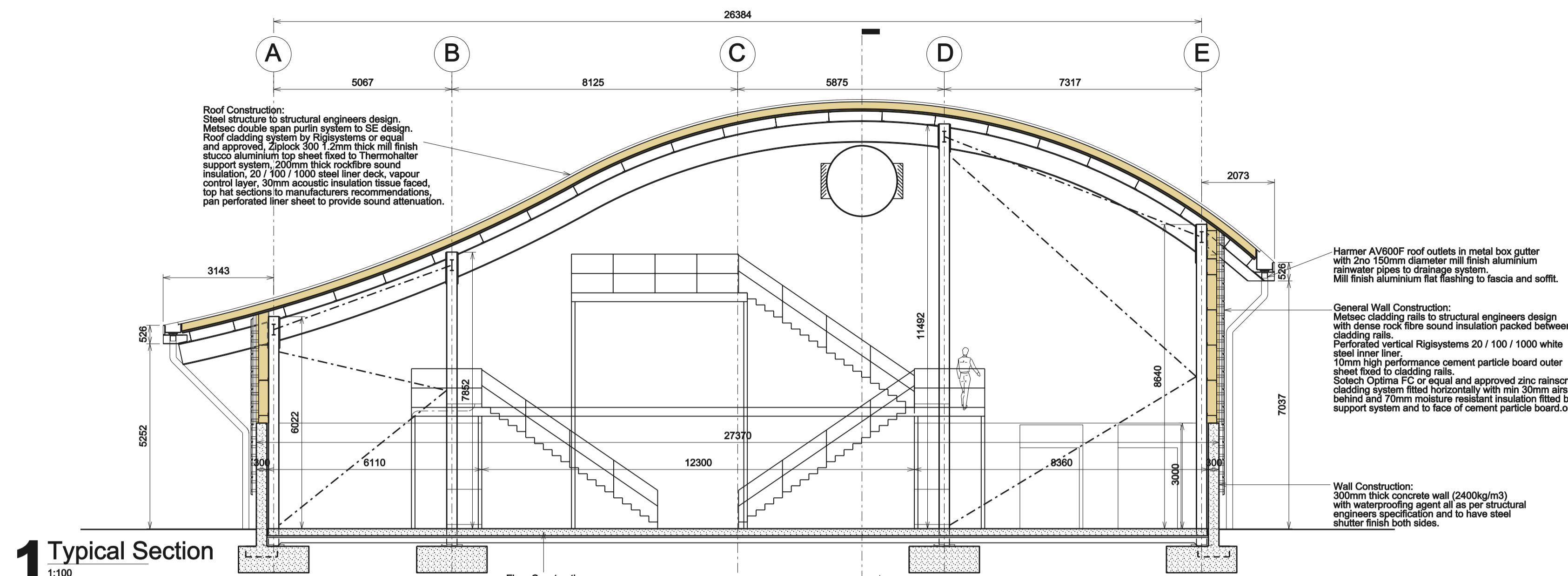
Revision	Description	Date
Rev. 3	Amendments to suit clients comments	05.07.12
Rev. 2	Building handed. Drainage layout altered. Re-issued to client.	18.01.12
Rev. 1	Issued to client.	21.12.11

PENTLAND FIRTH INNER SOUND TIDAL STREAM
 NESS OF QUOYS

MEYGEN LIMITED

Typical PCUB Floor Plan

Date:	Project Number:	Drawing:
12.12.11	I.6775	108
Scale:	Project Partner:	
1:100 @ A1	AB	
Drawn:	Project Leader:	Revision:
MAW	AB	3



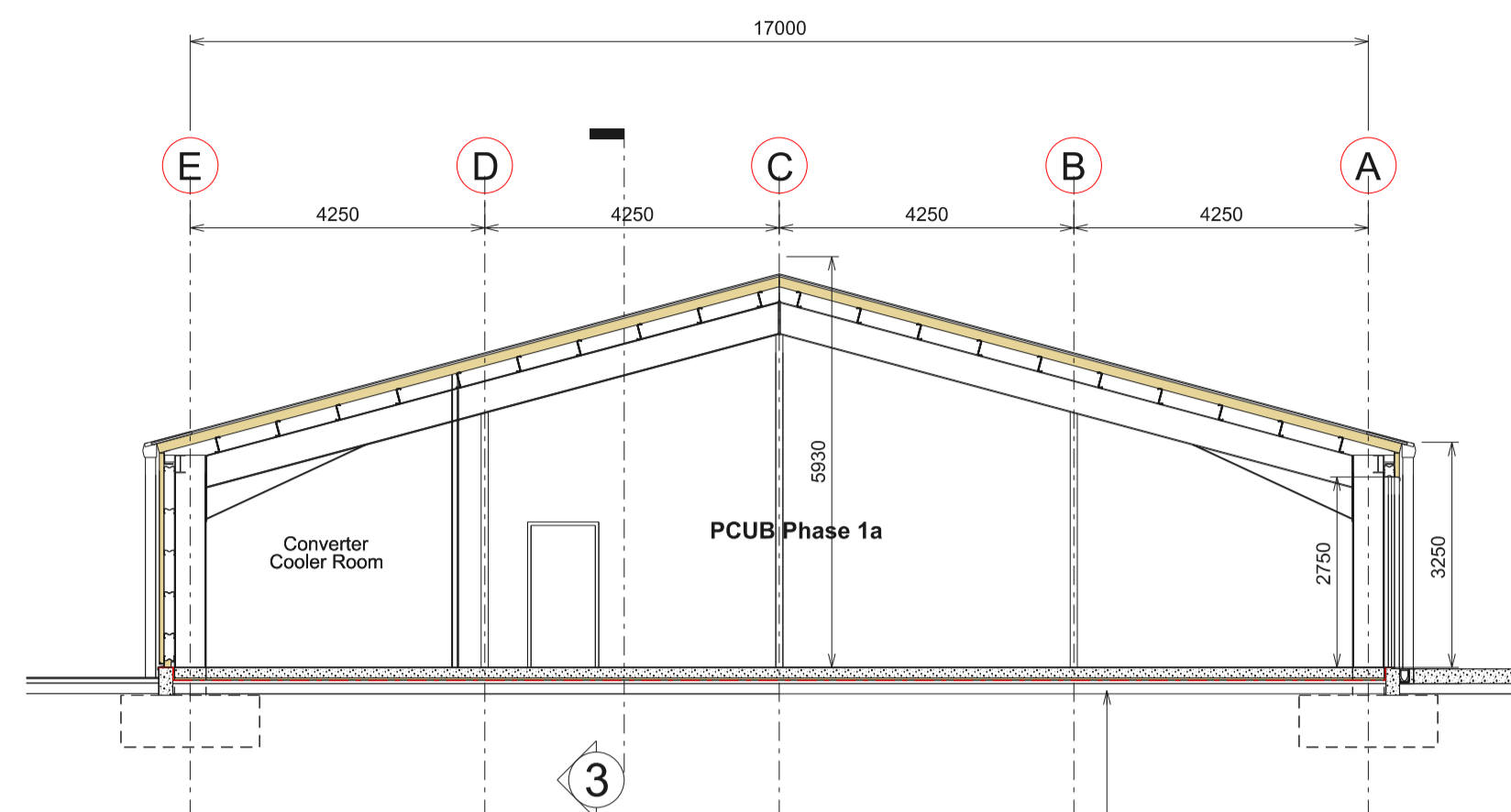
Revision	Description	Date
Rev. 2	Building handed. Re-issued to Client.	18.01.12
Rev. 1	Issued to client.	21.12.11

PENTLAND FIRTH INNER SOUND TIDAL STREAM
 NESS OF GUOYS

MEYGEN LIMITED

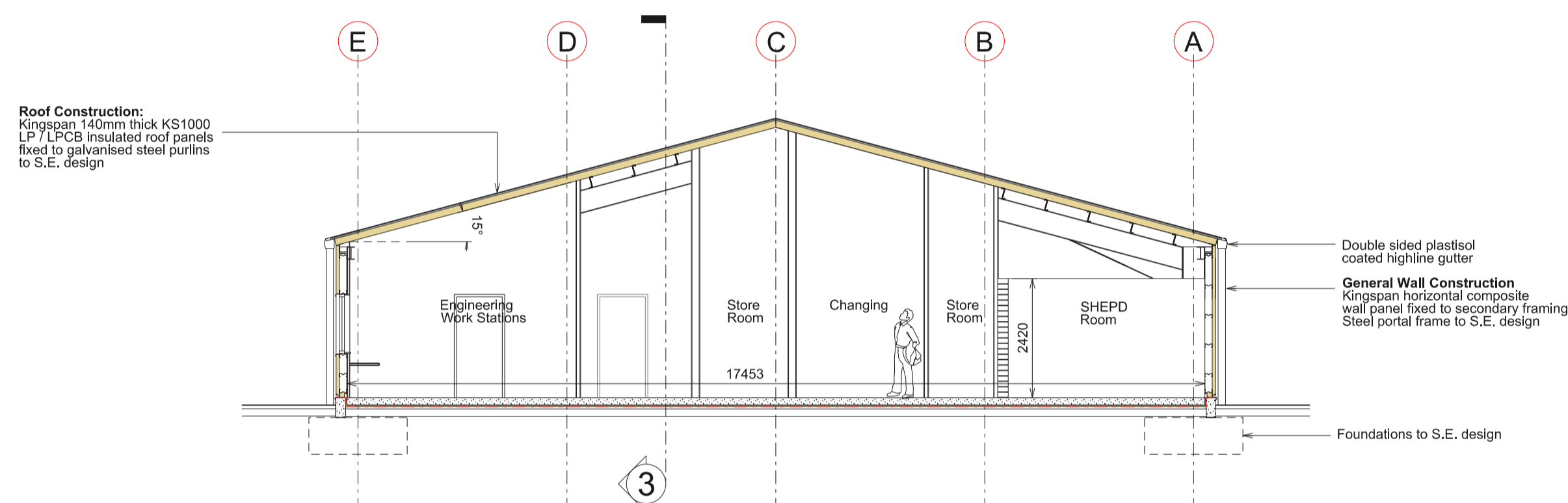
Sections

Date:	Project Number:	Drawing:
12.12.11	I.6775	109
Scale:	Project Partner:	
1:100 @ A1	AB	
Drawn:	Project Leader:	Revision:
MAW	AB	2



1 Typical Section
1:100

Floor Construction:
150mm thick reinforced concrete floor slabs to S.E. design. Steel float finish and sealer.
30mm Rockwool Roof/floor on DPM on 50mm sand blinding on Type 1 fill material to S.E. specification.

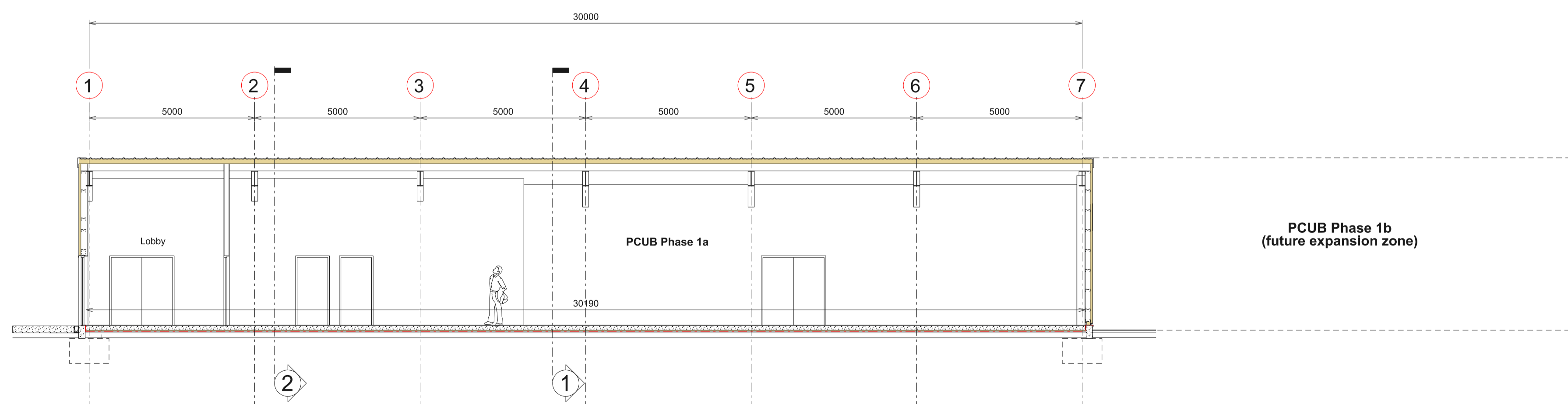


2 Typical Section
1:100

Roof Construction:
Kingspan 140mm thick KS1000 LP / LPCB insulated roof panels fixed to galvanised steel purlins to S.E. design

Double sided plastool coated highline gutter.
General Wall Construction
Kingspan horizontal composite wall panel fixed to secondary framing. Steel portal frame to S.E. design

Foundations to S.E. design



3 Typical Section
1:100

PLANNING

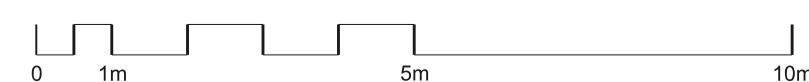
Revision	Description	Date
Rev. 7	Building height altered.	10.07.14
Rev. 6	Building height altered.	08.07.14
Rev. 5	PCUB sections revised to reflect altered layout	26.06.14
Rev. 4	PCUB sections revised to reflect altered wall construction	10.02.14
Rev. 3	Building altered.	16.05.13
Rev. 2	Building handed. Re-issued to client.	18.01.12
Rev. 1	Issued to client.	21.12.11

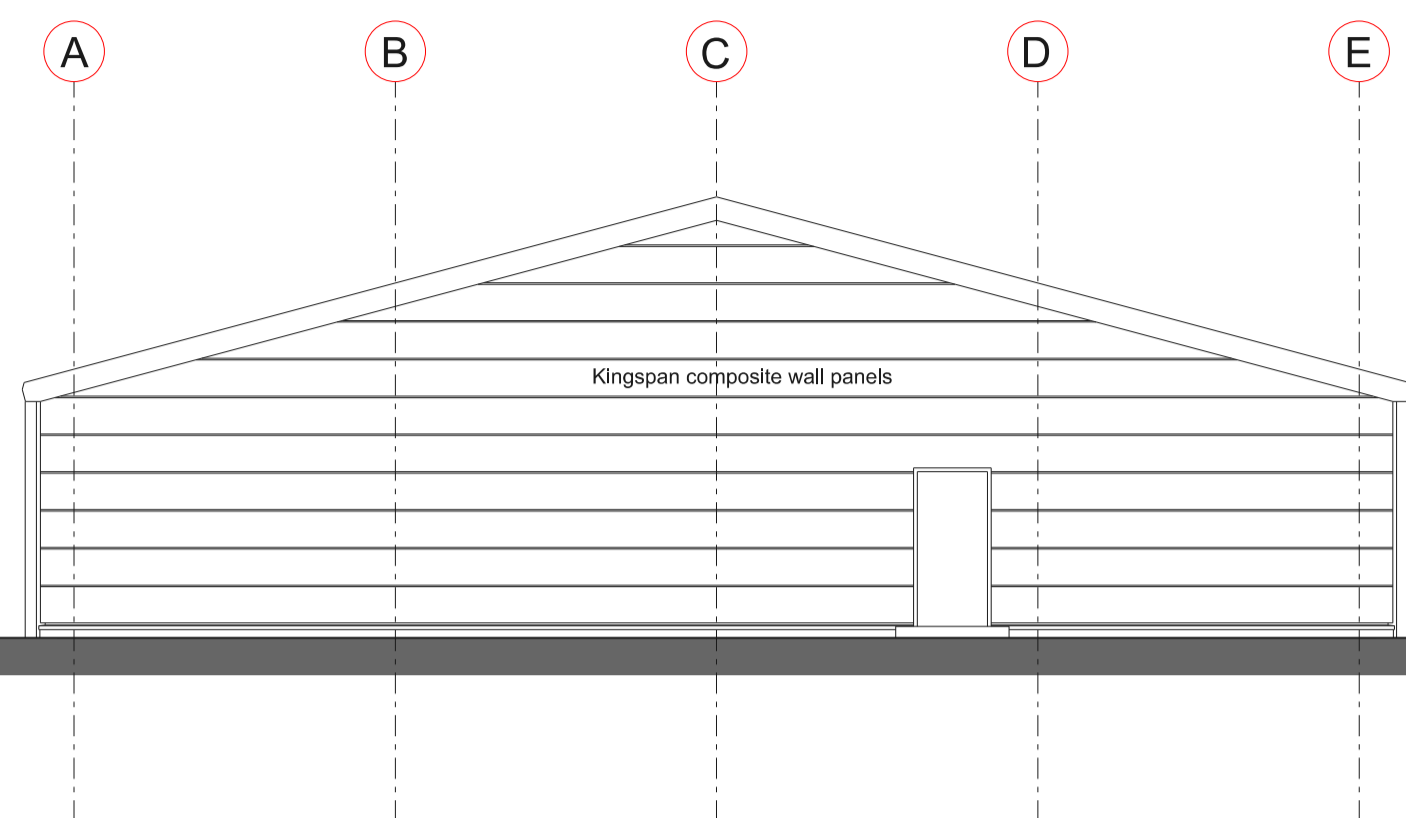
PENTLAND FIRTH INNER SOUND TIDAL STREAM
NESS OF QUOYS

MEYGEN LIMITED

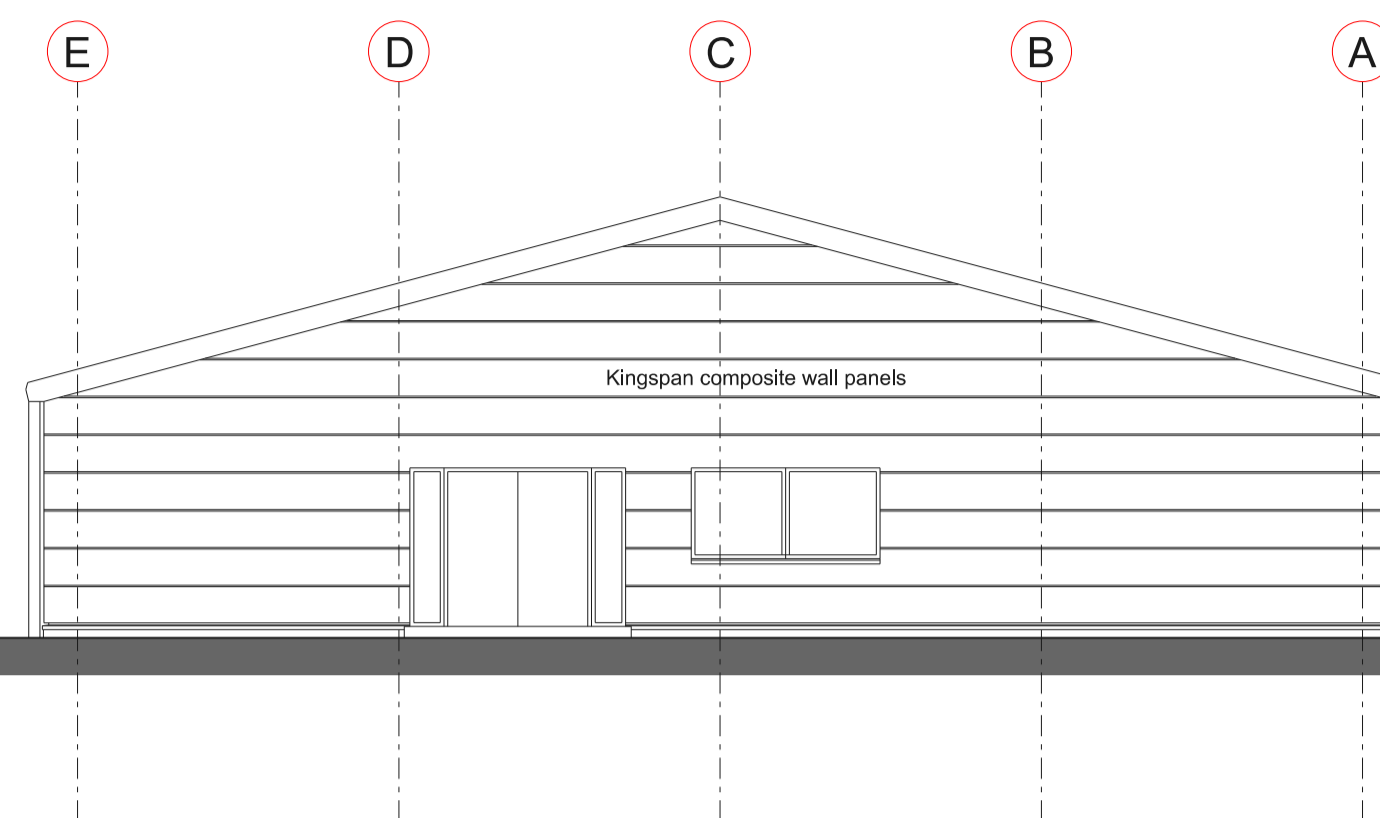
PCUB Sections Phase 1a & 1b

Scale: 1:100@A1	Project Partner: AB	Drawn: MAW
Date: 12.12.11	Project Leader: AB	Checked:
Project Number: I/6775	Drawing: 109	Revision: 7

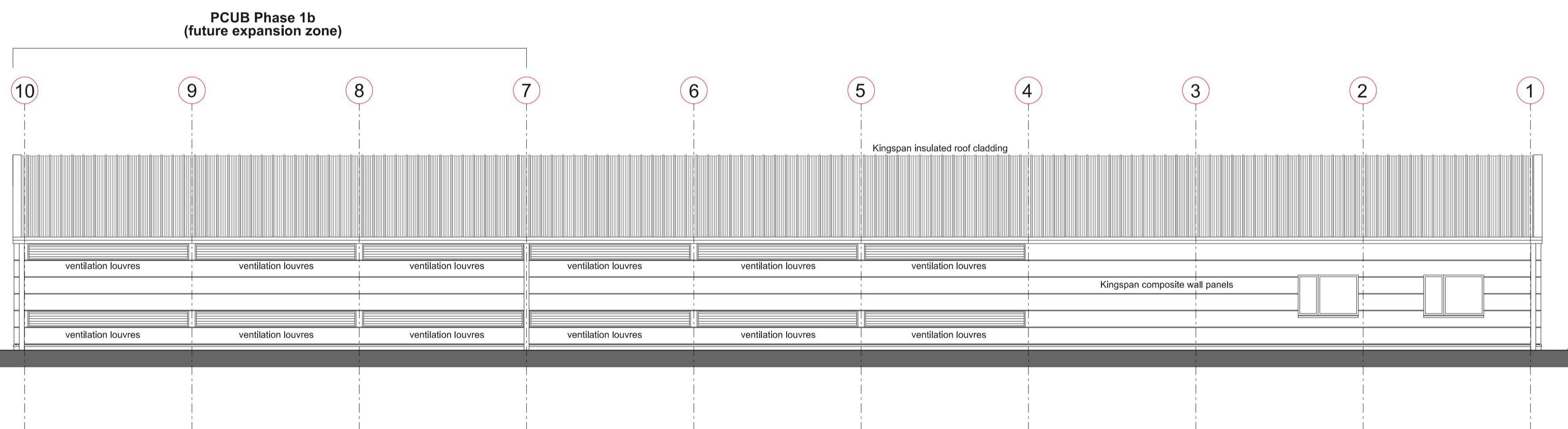




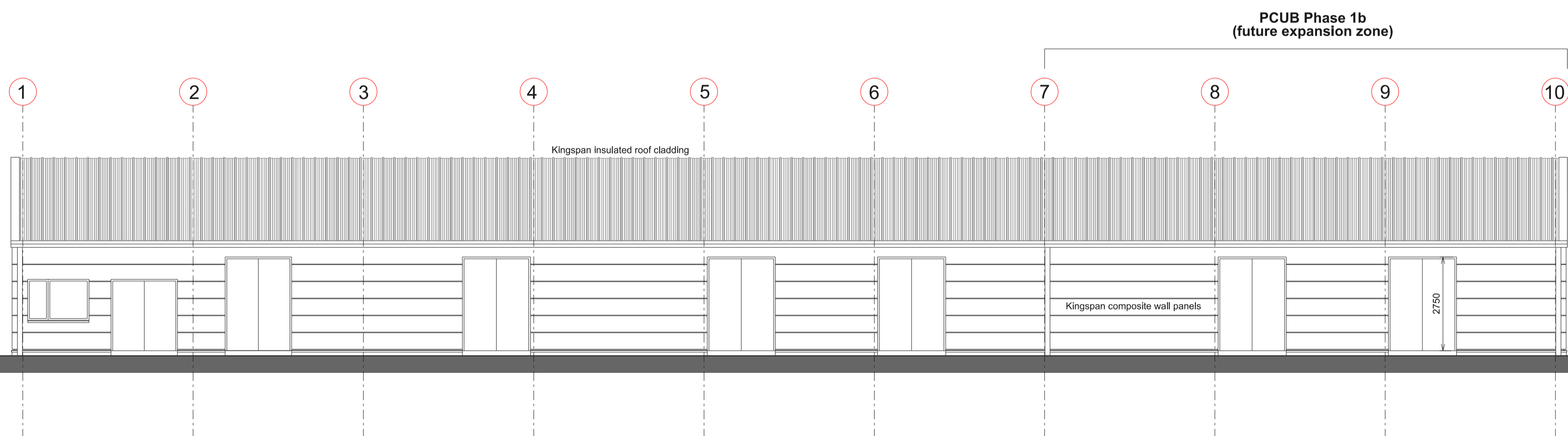
1 South-East Elevation
1:100



2 North-West Elevation
1:100



3 North-East Elevation
1:100



4 South-West Elevation
1:100



PLANNING

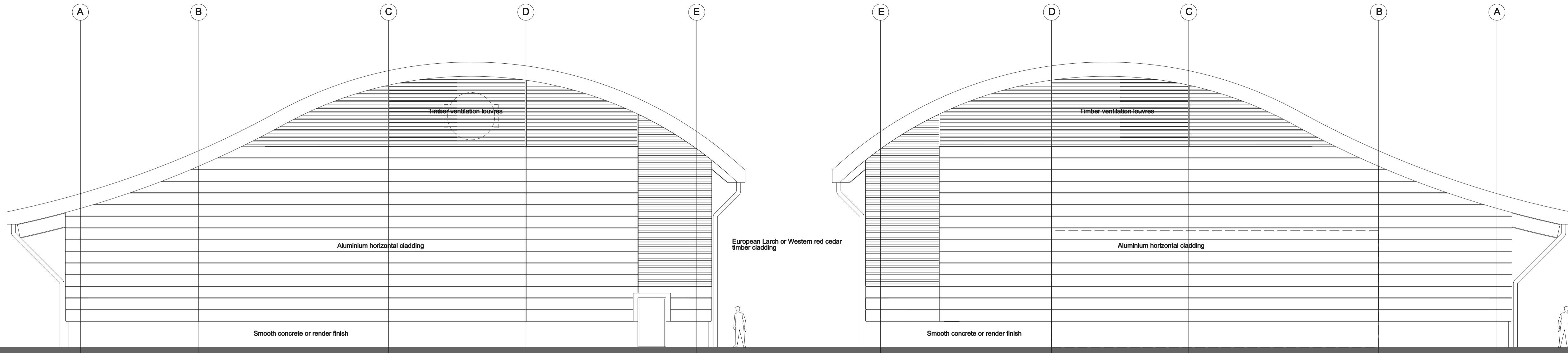
Revision	Description	Date
Rev. 7	Building height altered.	10.07.14
Rev. 6	Building height altered.	08.07.14
Rev. 5	PCUB sections revised to reflect altered layout	26.06.14
Rev. 4	PCUB elevations revised to reflect altered wall construction	10.02.14
Rev. 3	Building altered.	16.05.13
Rev. 2	Building handed. Re-issued to client.	18.01.12
Rev. 1	Issued to client.	21.12.11

**PENTLAND FIRTH INNER SOUND TIDAL STREAM
NESS OF QUOYS**

MEYGEN LIMITED

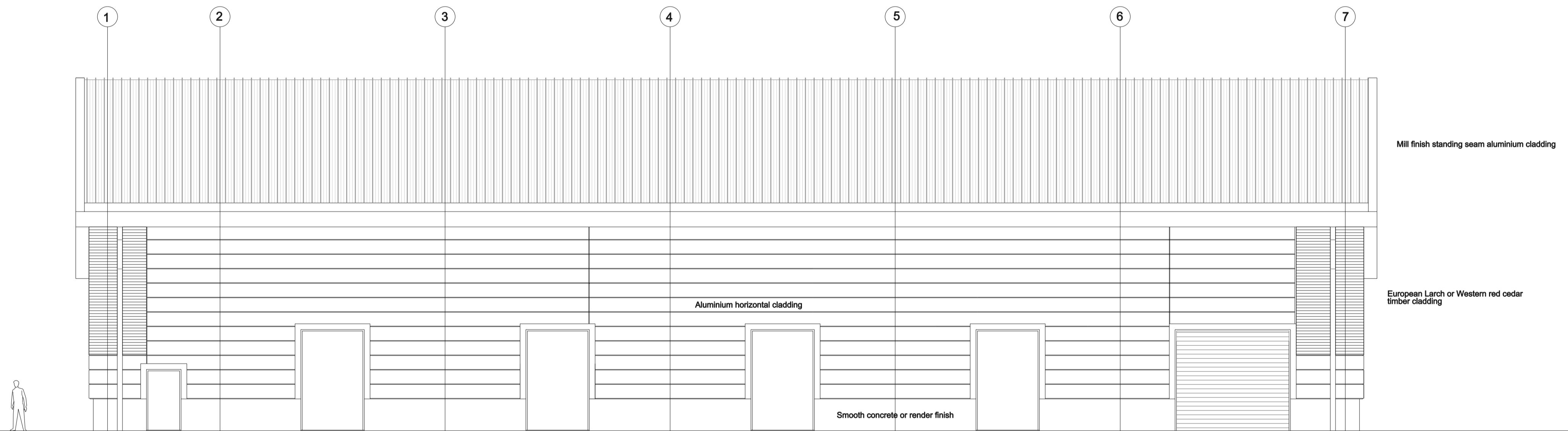
**PCUB Elevations
Phase 1a & 1b**

Scale: 1:100@A1	Project Partner: AB	Drawn: MAW
Date: 12.12.11	Project Leader: AB	Checked :
Project Number: I/6775	Drawing: 110	Revision: 7

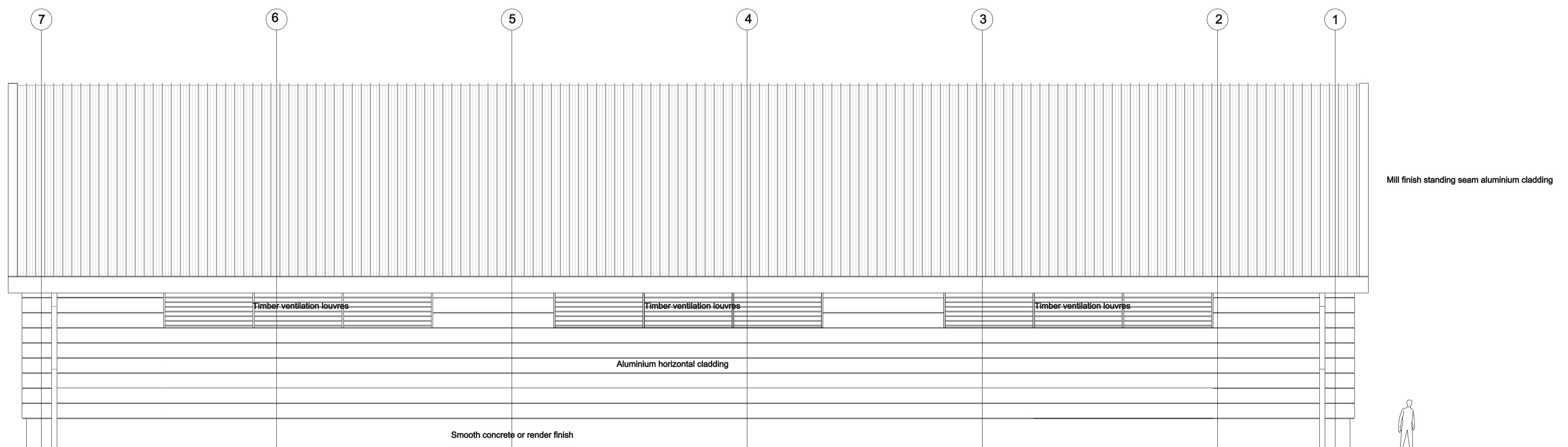


1 North-West Elevation
 1:100

2 South-East Elevation
 1:100



3 South-West Elevation
 1:100



4 North-East Elevation
 1:100

Revision	Description	Date
Rev. 2	Building handed. Re-issued to Client.	18.01.12
Rev. 1	Issued to client.	21.12.11

PENTLAND FIRTH INNER SOUND TIDAL STREAM
 NESS OF QUOYS

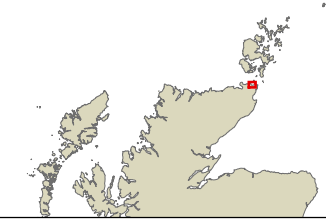
MEYGEN LIMITED

PCC Building Typical Elevations

Date:	Project Number:	Drawing:
12.12.11	I.6775	110
Scale:	Project Partner:	
1:100 @ A1	AB	
Drawn:	Project Leader:	Revision:
MAW	AB	2



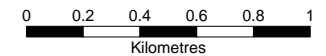
MeyGen Tidal Energy Project
Phase 1



Legend
□ Planning Application redline boundary

Ness of Quoy

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Datum: OSGB36 Proj: British National Grid
EPSG Code 27700



Date: 25/01/2013