

**The Highland Council**

**South Planning Applications Committee  
29 September 2015**

Agenda Item	7.1
Report No	PLS/069/15

**15/02124/FUL: Scottish Hydro Electric Transmission Plc, and  
15/03166/S37: Scottish Hydro Electric Transmission Plc.**

**Land 2,910m Northwest of 1 Garvamore, Laggan.**

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

## **SUMMARY**

**Description :** Construction of a 400 / 132kv GIS electrical substation (Melgarve Substation) including substation platform, control buildings, temporary construction compound, landscaped area and upgraded access to site from the A86(T) road.

**Recommendation :** Grant Planning Permission for the Electrical Substation; and Raise no Objection to the Section 37 Downloads Application.

**Ward : 21 - Badenoch And Strathspey.**

**Development category :** Major.

**Reason referred to Committee :** Major Application.

## **1. PROPOSED DEVELOPMENT**

1.1 The planning application is for an electrical substation to transform electricity from the Stronelaairg wind farm into the Beaulay - Denny (B/D) overhead 400kw line / transmission network. The power from the wind farm is to be exported to Melgarve / Garvamore using 132kv underground cables (Permitted Development - works not part of the current application) and will supply power into the 400kv B/D transmission line that passes close to the northern boundary of the site. Connection will require a suitable outage date(s) as determined by the Grid Network.

1.2 The substation development comprises: -

- A levelled substation platform and compound with a footprint of 172m x 120m, contained by a 2.4 m high steel palisade fence for safety and security reasons;
- A main control building with a height of approximately 12m, housing Gas Insulated Switchgear (GIS) and welfare facilities for those working on-site.
- Two further buildings with a height of approximately 8m to house shunt

reactors;

- Other external electrical infrastructure, including two super grid transformers. The maximum height of external infrastructure would be the gantries, at approximately 17m;
- A new access track (150m) from the existing Beauly to Denny construction access / retained estate track.
- Landscaping to reduce the overall visibility of the development and to compliment its position adjacent to the existing woodland.

1.3 The Section 37 Electricity Act (1989) application is for new 400kv downleads (70m) from a replacement pylon tower (Ref FT 64) within the Beauly Denny grid line at Melgarve. The Council is a consultee of the Scottish Government on this application. The application comprises: -

- A new steel lattice tower to facilitate the connection to the Beauly to Denny overhead line. This would replace an existing tower of similar height;
- Downleads, approximately 70m in length, to connect the substation to the Beauly to Denny 400kv line;

1.4 The sub-station will accommodate Gas Insulated Switchgear (GIS), enclosed within a large building approximately 12m in height. This “enclosed” approach helps to reduce the overall footprint of the development, when compared to an open Air Insulated Switchgear (AIS) substation, which needs greater “clearance distances” between the various electrical components.

1.5 Access to the Melgarve site is via the existing access track, built for the construction of the Beauly / Denny transmission line from the A86(T) road in Strath Mashie. There would be minor upgrading required to small sections of this route to accommodate the delivery of heavy loads. The access road is needed for the transportation of electrical plant items, maintenance vehicles and to accommodate any emergency vehicles that may need to access the site at any time.

1.6 The project has been “screened out” from the requirement of Environmental Impact Assessment (EIA). Nevertheless the planning application is supported with a substantial package of environmental and technical information. The information is of a standard that allows consultees and the Council to make a judgement on each application.

1.7 The supporting assessment has allowed for the consideration of design and siting options for the substation in the wider area around the Stronelairg Wind Farm including an assessment of key constraints such as all designated sites; landscape and visual impacts; cultural heritage; ecological impacts; hydrology; land use; recreational interests; as well as technical / engineering considerations.

1.8 A critical factor in the selection of the current development site in design terms was the need to be close to the grid transmission network. Connecting the 240MW wind farm output to the Beauly Denny 400kv network would minimise connection infrastructure, as opposed to having a connection to a 275kv network, including three potential options as listed below. The use of underground 132kv cables from Stronelairg to Melgarve, the shortest (least cost) route, would mitigate many

potential landscape and visual impact concerns associated with the Stronelairg Wind Farm connection options. Options examined included: -

- The 275kv line within the new 400kv Beaully Denny line (10km distance),
- The Foyers to Knocknagael (Inverness) line (25km away), or
- The substation at Auchteraw (Ft Augustus) (20km away) where a range of development pressures prevail.

## **2. SITE DESCRIPTION**

- 2.1 The substation site lies on moorland, 2km west of Garva Bridge, set on gently rising ground between General Wade's Military Road and the River Spey to the south and the B/D construction access track and 400kv overhead line lies to the immediate north. The B/D construction access track from the A86(T) road that leads to and passes this site towards the Corrieyairack Pass are now retained elements of this largescale grid transmission project. It is located on an area of low conservation value, with limited soil depths. The site is located approximately 2.8 km from the nearest property.
- 2.2 To the south and east of the military road is commercial woodland, with a further portion of woodland set to the immediate west of the development site. The northern portion of the woodland to the west was felled as part of the development of the B/D line. Just north of the B/D line, the ground rises steeply to the hilltop Meall a Ghiubhais (599m) which is to the east of Creag Mhor (764m). The substation would sit at a height of 370 - 380m AOD. It lies in the high river channels of the River Spey, with Loch Spey approximately 10km to further to the west. Downstream, the River Spey carries valued nature Conservation designations including status as Sites of Special Scientific Interest (SSSI) and as a Special Area of Conservation (SAC). The river supports Atlantic salmon and sea lamprey and valued populations of freshwater pearl mussel and otter which are the qualifying interests of the SAC.
- 2.3 The area of the substation carries no site specific landscape designation. However the eastern end of the access track from the A86(T) road falls within the Cairngorm National Park Authority (CNPA). The Park's western boundary ends east of Garva Bridge some 3km short of the proposed substation. In a similar manner the site is outwith the "Braeroy-Glenshirra-Creag Meagaidh" area of wild land (AWL), whose north eastern boundary is over a kilometre to the south west. The Monadhliath AWL lies approximately 7km to the north east and "Rannoch-Nevis-Mamores-Alder" AWL is over 10km to the south east.
- 2.4 The scheduled monument known as Garva Bridge over the River Spey (Index No. 2948) and the category A listed Garva Bridge Barracks (HB Number 6899) are the key historic interests located in the vicinity of the proposal.

## **3. PLANNING HISTORY**

- 3.1 **29.05.2015** "EIA Screening" of proposed Melgarve 400kv / 132kv substation, near Garva Bridge – Environmental Statement not required (Ref 15/01604/SCRE).

**07.04.2015** “EIA Screening” of proposed Installation 400kV line to connect substation at Melgarve to new Beaully-Denny line – Environmental Statement not required (Ref 15/01124/SCRE).

**26.02.2013** Formation of a permanent access track Land 3.10km NE of Drummin, Laggan granted planning permission (Ref 12/03262/FUL).

**06.01.2010** Construction of 400kv steel tower double circuit overhead electricity transmission line with associated new accesses granted deemed planning permission by Scottish Ministers (Ref 05/00289/S37BS).

#### **4. PUBLIC PARTICIPATION**

4.1 Advertised : Schedule 3 Advert for planning application 18 June 2015

Representation deadline : 02 July 2015

Timeous representations : One representation – An Objection

Late representations : One – An Objection.

4.2 Material considerations raised are summarised as follows:

- Maintain objection to Stronelairg wind farm, therefore to this substation.
- Alternative site options should be considered away from Corrieyairack area.
- Landscaping needs to be more substantial and of native woodland.

4.3 The letter of representation is available for inspection via the Council’s eplanning 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. CONSULTATIONS**

5.1 **Access Officer** has no objection to the application.

5.2 **Transport Planning Team** has no objection to the application. Conditions will be required to ensure appropriate assessment is undertaken of the Spey Dam bridge and all required mitigation for its use by abnormal loads is put in place. A “wear and tear” agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 will be required, under which the developer is responsible for the repair of any damage to the Council’s road network that can reasonably be attributed to construction related traffic.

5.3 **Historic Environment Team** has no objection to this application.

5.4 **Environmental Health** has no objection to this application.

5.5 **Flood Risk Management Team** has no objection to the application. Request is

made for conditions to assist with good drainage design features within the development to help minimise flood risk.

- 5.6 **Scottish Water** has no objection to this application.
- 5.7 **Transport Scotland Trunk Road and Bus Operations (TRBO)** has no objection to this application.
- 5.8 **Scottish Natural Heritage** has no objection to the application.
- 5.9 **Cairngorm National Park Authority (CNPA)** has no objection to the application subject to the imposition of appropriate conditions and informatives - draft conditions supplied. It highlights matters for the Planning Authority to consider including measures to mitigate the access track by design; landscaping around the substation and choice of materials.
- 5.10 **Scottish Environmental Protection Agency** has no objection to the application. Request is made for conditions to be attached to any consent requiring approval of a finalised Construction and Environmental Management Document (CEMD) including employment of an Ecological Clerk of Works (ECoW); Sustainable Urban Drainage systems (SUDs); protection for stored soil and peat; and address disposal of waste wood.
- 5.11 **Historic Scotland** has no objection to this application.

## **6. DEVELOPMENT PLAN POLICY**

- 6.1 The following policies are relevant to the assessment of the application.

### **Highland Wide Local Development Plan ( April 2012)**

- 6.2
  - Policy 28 - Sustainable Design
  - Policy 29 - Design Quality & Place-making
  - Policy 31 - Developer Contribution
  - Policy 52 - Principle of Development in Woodland
  - Policy 55 - Peats and Soil
  - Policy 57 - Natural, Built & Cultural Heritage
  - Policy 58 - Protected Species
  - Policy 61 - Landscape
  - Policy 64 - Flood Risk
  - Policy 66 - Surface Water Drainage
  - Policy 67 - Renewable Energy Developments
  - Policy 69 - Electricity Transmission Infrastructure.
  - Policy 72 - Pollution
  - Policy 77 - Public Access

### **Badenoch and Strathspey Local Plan (as continued in force April 2012)**

6.3 No relevant policies.

### **Cairngorms National Park Local Development Plan (27 March 2015)**

6.4 Policy 2 - Supporting Economic Growth  
Policy 4 - Natural Heritage  
Policy 5 - Landscape

### **West Highland and Islands Local Development Plan (in development).**

6.5

- Call for sites - Jan – March 2015.
- Main Issues Report - Expected late in 2015.

## **7. OTHER MATERIAL CONSIDERATIONS**

### **Scottish Government Planning Policy (June 2014)**

7.1 The Scottish Government have principal policies on Sustainability and Placemaking including Policies for: -

- A Low Carbon Place
  - Delivering Heat and Electricity.
  - Support for construction and improvement of strategic energy infrastructure.
  - Onshore Wind.
- A Natural Resilient Place
  - Valuing the natural Environment.
  - Promoting responsible extraction of Resources.
  - Managing Flood risk and Drainage.

### **Highland Council Supplementary Planning Policy Guidance**

7.2

- Construction Environmental Management Process for Large Scale Projects (August 2010).
- Flood Risk & Drainage Impact Assessment (Jan 2013).
- Highland's Statutorily Protected Species (March 2013).
- Trees, Woodlands and Development (Jan 2013).

## **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. The Council also uses this approach for the consideration of consultation responses on Section 37 applications.

8.2 The determining issues are: -

- Does the proposal accord with the Development Plan?
- If it does, are there any material considerations for not approving the proposed development?
- If it does not accord, are there any material considerations for approving the proposed development?

### **Assessment**

8.3 To address the determining issues, the Planning Authority must consider the following:-

- a) Development Plan.
- b) National Policy.
- c) Roads / Traffic Impact and Public Access.
- d) Water / Drainage and Peat.
- e) Natural Heritage.
- f) Design.
- g) Landscape, including Wild Land, and Visual Impact.
- h) Archaeology & Cultural Heritage.
- i) Noise
- j) Construction Impacts.
- k) Other Material Considerations within representations.

### **Development Plan**

8.4 The main elements of this application fall within the considerations of the adopted Highland-wide Local Development Plan (HwLDP) and the Badenoch and Strathspey Local Plan (as continued in force April 2012). The minor improvements to the eastern end of the substation access track fall to be considered within policies of the Cairngorms National Park Local Development Plan. There are no site specific policies affecting this application site within the Badenoch and Strathspey Local Plan or the Cairngorms National Park Local Development Plan.

8.5 The principal HwLDP policy on which the application needs to be determined is Policy 69 - Electricity Transmission Infrastructure. Other policies listed at 6.2 of this report are also relevant and the application must be assessed against these also for example Policy 61 - Landscape. These matters are assessed in full within a number of material considerations examined within this report. The Council will support proposals where it is satisfied they are located, sited and

designed such as they will not be significantly detrimental. If the Council is satisfied that there will be no unacceptable impact on the environment, including all natural, built and cultural heritage features affected by the development then the application will accord with the Development Plan.

### **Scottish Planning Policy**

- 8.6 The Scottish Government's policy and advice is set out in its National Planning Framework 3 (NPF 3) and Scottish Planning Policy, which advances policies on Sustainability and Placemaking, and subject policies on a Successful, Sustainable Place; a Low Carbon Place; a Natural, Resilient Place; and a Connect Place. Policy is very supportive of renewable energy development. It highlights that planning authorities have a duty to contribute to sustainable development, through their Development Planning function. The use of renewable energy forms a significant part of that agenda.
- 8.7 SPP highlights that the Development Plan is the starting point of decision making on planning applications. The content of SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case. There is no indication within SPP of a lessening of policies which are focused upon protecting the natural, built and cultural environment. Of some relevance is the introduction of the Scottish Government's advice on "priority peatland habitats" and "areas of wild land (AWL)".

### **Roads, Traffic Impact and Public Access**

- 8.8 The site will take access from the A9(T), A889(T) and A86(T) roads and use a combination of private access tracks and 350m of the Council's Laggan - Glensherro (U2104) road, which crosses the River Spey east of the Spey Dam. The route is currently in use for the construction of the Beaulay - Denny 400kv line. Small sections of the tracks within private estates will require to be upgraded to accommodate particular HGV vehicles associated with this construction project, including abnormal loads carrying for example heavy transformers. The Spey Bridge on the U2104 will also need to be assessed and potentially improved / strengthened. No objection has been raised by the Trunk Roads Authority over the use of its network by construction traffic.
- 8.9 The Council's Transport Planning Team is supportive of the use of local estate roads in combination with small sections of the local road network by construction traffic. The applicant intends to carry out load assessments of the Spey bridge to confirm its safe "live-load" capacity and proposes remedial strengthening works to the bridge as required. All assessments and subsequent works will be carried out in accordance with the Council's technical approval process. The CNPA has also requested that any works to strengthen the bridge need to be highlighted within the submitted CEMD, mitigation to ensure no adverse impacts on watercourses and the River Spey Special Area of Conservation as a result of construction works, sedimentation and run off.
- 8.10 A "wear and tear" agreement in accordance with Section 96 of the Roads



(Scotland) Act 1984 will be required, under which the developer is responsible for the repair of any damage to the Council's road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post construction road condition surveys will need to be carried out by the developer to the satisfaction of the Roads Authority.

- 8.11 The easternmost sections of the access tracks lie within the Cairngorm National Park Authority area. The CNPA has requested measures securing a degree of track narrowing, edge restoration / reinstatement and enhancement planting following construction. These provision must recognise that the access track will continue to serve, albeit intermittently, heavy vehicles including vehicles exporting estate timber and were granted planning permission on a permanent basis through the Beauly - Denny Project. SHETL is committed to the landscaping and restoration of disturbed track shoulders within these sections and of any new areas formed by the development (e.g. temporary construction compound), subject to the need to retain operational access (i.e. for transformer replacement).
- 8.12 The site is located close to one of General Wade's Military Roads that leads to and from the Corrieyairack Pass, used by many walkers and cyclists. There are also a number in hill tops including four Munro's and 3 Corbetts in the study area. A small parking area by Garva Bridge is used by walkers' heading for the Munro - Geal Carn, 6km north east of the site. The one representation against this development highlights the importance of this area for recreational walking. Key impacts of the development are likely to occur during construction, with no significant effects impacting on these interests when the substation is operational. Planning conditions, securing management controls on construction traffic can sustain recreational access activities in the area through the use of temporary signage / access routes.

### **Water / Drainage and Peat**

- 8.13 The area around the application site includes a number of watercourses that flow from north to south, into the River Spey. SEPA flood mapping shows areas along the valley floor to the south are susceptible to flooding. There is considerable fishing, water supply and conservation interests (SAC - 0.4km downstream) associated with this river system. There are no watercourses / private water supplies located in close vicinity of the substation site. The site has shallow soil depths, with bedrock evident at the surface. The key priority is to make sure that construction activity does not impact on downstream interests. This can be managed by planning condition ensuring compliance with the Council's Supplementary Guidance on Construction Environmental Management and Flood Risk as noted earlier in this report. This can deal with the limited waste water requirements and surface water run-off generated by the development incorporating suitable Sub- Urban Drainage systems (SUDs) by design.
- 8.14 There is no peat of significance at the site, however the southern two - thirds of the site is located on wet heath which will contain ground water and thereby potentially Ground Water Dependent Terrestrial Ecology (GWDTE) interests. SEPA has raised no objection to this development, noting their expectation of planning conditions to address a number of interests in line with the Council's Construction

and Environmental Management guidance and its agreements that SEPA has with all SSE funded schemes. In this manner the project will have an Ecological Clerk of Works to oversee the works, particular SUDS provisions during construction, good practices deployed for the temporary soil and peat storage / including its reuse and proposals for waste wood management.

- 8.15 In a similar manner the Council's Flood Team has also advised on requirements to be secured by condition for example; to secure improved information of flood risk, provision of a site intercept ditch, retention ponds and discharge arrangements. All on-site drainage will need to be able to attenuate for the 30 year event and sensitivity analysis provided to show the potential flow paths for the 1:200 year event.

### **Natural Heritage**

- 8.16 The development site carries no ecological designation, but contains some valued habitat (wet heath), which is currently not in good condition on account of overgrazing (deer). A number of protected species have the potential to use / visit the site, but no evidence of wild cat, pine martin or otter have been found during site assessment surveys. Water voles were found 150m west of the survey area.
- 8.17 SNH is content with the application, raising no objection to the application. In line with the Council's CEMD supplementary guidance there will be a need for pre-commencement surveys to confirm particular interest prior to any development works and appropriate site management techniques being deployed to safeguard protected species who may venture into the development site during construction.
- 8.18 It is unlikely the development, during construction and as built, will have impact on local ornithological interests. Mitigation is offered for example with bird flight diverters (BFDs) spaced at 5m intervals on each of the downleads between the substation and the Beaulay - Denny overhead line.

### **Design**

- 8.19 The GIS substation will introduce a large structure into the local landscape. The site itself is large with the development requiring an extensive, level platform to facilitate the safe deployment of electrical infrastructure to link with the 400kv Beaulay - Denny grid line. Design mitigation has been offered on a number of fronts, over and above the decision to use a GIS substation and underground cables from the Stronelairg wind farm. It lies immediately adjacent to the Beaulay - Denny line, limiting the need for further connecting infrastructure. It lies close to existing woodland, which will provide screening, with additional screening provided by landscaping (profiling) and additional woodland. Three buildings are deployed across the site, with low roof pitches to reduce impact. The site is to be managed as a "dark site" with external lighting only being deployed when manned.
- 8.20 The requirements of the substation buildings are such that they will be finished in profiled steel cladding. This is largely as a result of their scale. Colour studies have been carried out to determine the most favourable colour choice for these buildings. Van Dyke brown was chosen given that it matches well with a number of

the existing colours seen in the landscape. There would be benefits to ensuring the 2.4 m high steel palisade fence around the substation is similarly coloured. This could be set by condition.

- 8.21 The applicant has proposed that excavated vegetated soil and peaty topsoils would be used to reinstate disturbed areas following construction. This would allow the regrowth of the native species from turf and the natural seed bank in the soil, and is the best method of replicating the tones and character of the existing, undisturbed moorland.
- 8.22 Where additional spoil / rock material is available, this will be used to construct mounding to the east and southeast of the substation and along the northern edge where possible, reflecting the existing undulating terrain. This will help to create some initial screening of lower elements and provide a boost to the height of planting. Excavated peaty topsoils will also be used to grade out the tops of built up and cut slopes to create a more natural transition.
- 8.23 Forestry planting to tie into the adjacent plantation is proposed to help reduce the longer term visibility of the substation. This would comprise similar species to those in the existing forest (pine and larch). A large area of planting is proposed to provide effective screening and balance for the scale of the features in the landscape, particularly when seen from above. To reduce the landscape effect of the hard forest edges and to create a softer transition native woodland edge planting of mixed species including birch, rowan and willow is proposed. Where height restrictions limit tree planting, lower scrub planting is proposed to further soften edges and filter views.
- 8.24 No objections have been made to the main elements of the design, where function largely dictates the form. The CNPA has requested that the new woodland / site landscaping provisions incorporate indigenous species including scots pine, birch, hairy birch, rowan, aspen, holly, hazel, willows and alder with a commitment to a robust management and maintenance programme to ensure an early establishment of the proposed woodland. The applicant has offered to submit a finalised landscaping plan for approval, required by condition, to incorporate many of the positive suggestions that have been set out. A key caveat is that main elements of the woodland has to remain as a commercial woodland, thereby needs to ensure the right balance of woodland overall to sustain wood production in line with Scottish Government Policy.

### **Landscape including Wild Land and Visual Impact**

- 8.25 The substation site is not set within a designated landscape. It forms part of the Landscape Character Type "The Spey Headwaters" which is a wide and gently undulating U-shaped Glen with a fragmented vegetation pattern of grasslands, moorland and numerous small geometrically shaped coniferous woodlands. It sits close to "The Monadhliaths" a large landscape of broad, smooth, rounded summits of heather and upland grasslands that extends well to the north. The access track to the site emerges from the National Park, the western boundary of which lies 2.6km to the east of the substation. Given the separation of the main part of the development away from the Park, no significant impact on the features of the Park

is anticipated.

- 8.26 One Area of Wild Land (AWL) as highlighted by SPP / SNH is located partly within the study area surrounding the application site - the Braeroy - Glenshirra - Creag Meagaidh AWL. Assessment of the development in relation to the AWL concludes that there would be very limited influence on the AWL with the development being visible from only a few isolated areas, which are already influenced by other features within the strath (woodland, tracks, grid line). As such, no significant effect is anticipated and the integrity of the AWL is considered largely unaffected. SNH has raised no objection to the application on account of these interests.
- 8.27 The applicant was encouraged at the pre-application stage to look at opportunities for emulating the landform by creating more naturalistic landforms, varied slopes and opportunities for using the existing woodland and forestry to build upon to create a setting / envelope for the development. The integration with the landform around the site would require a greater initial land-take and planting which does more than hug the perimeter of the development, but would result in a smaller perceived development footprint as a more sympathetic form of earthworks will merge with the surrounding landscape. Proximity to the 400kv Beaully Denny grid line would also minimise additional wirelines / site tracks in the locality. This advice has been well heeded by the applicant and is reflected in the current submission.
- 8.28 The site is isolated with the nearest property located some 2.8km away at Garvabeg. In the surrounding area there are only 12 properties with only some having visibility of the development, and others only being impacted in a short term manner from passing construction traffic accessing the development site. No property is visually affected by the development to a degree which is regarded as significant or detrimental to its enjoyment. Direct and immediate visual impact are more likely to be experienced by walkers and traffic on the public and private roads from Spey Dam to Melgarve and walking routes ascending local mountains.
- 8.29 The supporting assessment has concluded that a temporary significant visual effect would occur to views from three routes within the study area. These comprise the General Wade Military Road from Garva Bridge to Melgarve which passes close to the Development, and the existing Beaully to Denny overhead line access track and the forest track between Strath Mashie (at Achduchil) and Strath Spey, both of which would be used for construction access. A short term significant effect is anticipated to continue into the operational stage for the section of General Wade's Military Road affected, but this would reduce to a non-significant level as proposed planting for mitigation purposes developed and matured. The visual effect to views from both of the other routes would reduce to a non-significant level after the completion of construction works.

### **Archaeology & Cultural Heritage**

- 8.30 The site is located 2 – 3km away from the nearest Scheduled Ancient Monuments (SAM's) Garva Bridge and Garva Barracks and a number of other archaeological interests prevail in the area associated with early shielings and temporary buildings erected by soldiers involved with the construction of General Wade's Military Road which runs to the south. There are no direct impacts on these archaeological

interests, nor any predicted indirect impacts. Historic Scotland and the Council's Archaeology Team have raised no objection to the application, nor requested any specific conditions given the details available within the supporting information.

## **Noise**

- 8.31 The development of a substation will introduce new noise to the area. This will arise during both construction and operational stages. The substation operation will produce a tonal noise emission linked to electrical frequencies, particular from the transformer elements including the 2 Shunt Reactors, which will be contained within the two Shunt Reactor buildings and the 2 external Super Grid Transformers located in the open within substation compound. The fact that some of these elements are located within buildings, and all are located away from main receptors, principally local housing (nearest property lies at a distance of 2.8km), will minimise any effects.
- 8.32 Background noise assessment has been undertaken at the three closest properties. From the estimates of the likely noise impact to arise from the substation, impact on existing housing is estimated to be very low, and therefore not significant, on account of separation and enclosure. The Council's Environmental Health Service is content with the assessment undertaken. It has requested a planning condition to ensure a level of future protection for existing residential properties.
- 8.33 With regard to the construction phase, impact on nearby properties from both noise and vibration should be limited, given the separation distance to the nearest noise sensitive properties. The impact of construction traffic may be of greater concern, but is also short lived and manageable. The applicant has suggested that these matters can be effectively managed through a Construction Noise Management Plan (CNMP) approach, submitted and approved by the Planning Authority. This has been welcomed by the Environmental Health and would ensure working hours and working practices are managed in a manner to limited impact on residents' outwith day time hours, weekends and principal holidays. This can still allow some planned exceptions when particular activities necessitate continuous working over short periods. The expectation is for 7 days a week working, with high noise activities, such as blasting being managed outwith weekends and public holidays.

## **Construction Impacts**

- 8.34 The locality has recently experienced the impact of major construction with the construction of the B/D grid line and the removal of the former line. This has involved construction of access tracks and numerous pylon platforms. Mud, dust, vibration from works and construction traffic and general activity associated with construction compounds and work camps all were effectively controlled through the deployment of good construction and environmental site / man management. The current project would be similar although much more focused on the substation site. The overall build contract for this project is estimated at 18 months, although each phase of the works and their varied impacts are focused within shorter timescales. Community liaison from the developer with the local community is proposed to advise parties of the proposed work programme. In this manner key

activities can be managed to minimise impact on the community.

### **Other Material Considerations within representations.**

- 8.35 There are no other relevant material considerations highlighted within representations for consideration of this application by the committee.

## **9. CONCLUSION**

- 9.1 There is strong support for renewable energy projects from the Scottish Government and the required associated grid infrastructure upgrades. Such investment in modern infrastructure is welcomed particularly from an economic perspective both at a national level and locally given the level of construction and operational activity that it supports. The proposal allows for the shortest link possible to the transmission network from the Stronelairst wind farm granted deemed planning permission.
- 9.2 The Council and statutory consultees have considerable experience of such projects being implemented and have developed working practices with the applicant (SHETI) to offset potential risks to the environment and local receptors, particular during construction. Pre-application consultations with the applicant has resulted in many of the initial concerns raised with this project being addressed, resulting in a project that has raised few issues, with only one public representation objecting to the proposal.
- 9.3 The underground connection from Stronelairst wind farm, the deployment of a Gas Insulated Substation within an area close to the transmission network and outwith designated landscapes, distant from local residents have been particularly welcomed. In addition, the information in support of the application has been well received, particularly the extensive mitigation measures that have been set as commitments to the delivery of the project.
- 9.4 In design terms the application presents a proposal which is set into the terrain, with landscaping that will screen a substantial electrical development in a wide rural location, with little surrounding development. A number of planning conditions have been highlighted from consultees to ensure effective control by the planning authority in respect of construction and environmental management, flood risk, construction and operational noise and finalised (detailed) landscaping measures. The use of Van Dyke Brown as the principal colour for the main buildings should ensure the three buildings is best absorbed into the landscape. The security fencing surrounding the site should also be delivered in the same colour, set by condition.
- 9.5 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

### 10.1 Action required before decision issued

Notification to Scottish Ministers	N	
Notification to Historic Scotland	N	
Conclusion of Legal Agreement	Y	Section 96 (Roads) Wear and Tear Agreement.
Revocation of previous permission	N	

**10.2 Subject to the above**, it is recommended that the planning application for the substation be **Granted** subject to the following conditions and informatives and the Council **Raises No Objection** to the Section 37 (downloads) application.

#### Conditions

1. For the avoidance of doubt the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, and the approaches set out in the supporting Environmental Appraisal dated May 2015 highlighting the Schedule of Mitigation Measures, Traffic Management; Noise Compliance, Working Hours, Landscaping, Outdoor Access Management, Drainage Strategy, Flood Risk, etc. unless otherwise amended by the further conditions as set out in this decision notice.

Reason: - To clarify the terms of the planning permission hereby granted.

2. Prior to the commencement of development a finalised Construction and Environmental Management Document shall be submitted for the approval of the Planning Authority. The approved Document – and its supporting Plans shall then be implemented unless otherwise agreed in writing with the Planning Authority. For the avoidance of any doubt this must also include improvements to the access track and public road, including the Spey Dam Bridge, although final details on these latter elements can be pursued within one month of works to the Spey Dam Bridge being finalised and approved with the Road Authority. The document, highlighting in a series of plans where most appropriate, the specific safeguards to be implemented on site as generally set out in the supporting Environmental Appraisal to the application, addressing the following interests: -

- 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) and as set out in planning conditions
- Processes to control / action changes from the agreed Schedule of Mitigation.
- Construction Phase - Community Liaison Plan.
- Soil / Peat Management Plan – to include details of all stripping, excavation, storage and reuse of material.
- Site Restoration Plan, including all tracks / road verges, where not covered by the approved Landscaping Plan.
- Pollution Prevention Plan

- Drainage / Surface Water Management Plan including: -
  - i. Natural overland flow is to be intercepted by a cut off ditch designed so it can contain the 1 in 200 year greenfield rate. This will require calculations / drawings be submitted for approval.
  - ii. Flows to the east side of the platform are to discharge into a 50m<sup>3</sup> pond. This will provide attenuation before being discharged. Discharges from the pond will need to be limited to, or better, than the current green-field runoff rates and the pond and drainage network will also need to be able to contain the 200 year event, plus an allowance for climate change.
  - iii. Flows to the west of the platform are to be discharged via dispersal trenches. Discharge from the dispersal trenches will need to be limited to, or better, than current green-field runoff rate.
  - iv. Onsite runoff is to be either dealt with by percolation, where ground conditions are suitable, or by filter trenches which will connect to the cut off trench around the side of the platform.
  - v. All onsite drainage will need to be able to attenuate for the 30 year event and sensitivity analysis provided showing the potential flow paths for the 200 year event.
  - vi. Roof water is to be collected via gutters, down pipes and manholes and will be conveyed by pipework to a rainwater harvesting tank. This tank will provide the level of SUDS treatment required and attenuation. The overflow from the tank is then connected to the cut off ditch to the west of the platform.
- Species Protection Plan including details of pre-commencement surveys and development buffer areas to prevent encroachment on protected species and habitat.
- Construction Traffic Management Plan.
- Site Waste Management Plan including any waste wood disposal.
- Noise and Vibration Mitigation 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 and the Planning Authority and other relevant parties.

Reason: To protect the environment from the impacts of construction activities associated with this development.

3. No development shall commence until an Outdoor Access Management Plan to facilitate public access around the site during construction has been submitted to, and approved in writing by, the Planning Authority. The approved Plan shall be implemented on the agreed timetable relevant to each phase of the construction works being undertaken.

Reason: To maximise the opportunities for public access to the countryside.

4. Within one year from the commencement of development a final site specific Landscape Plan and Landscape Maintenance Plan shall be submitted for the approval of the Planning Authority. The approved plan shall then be implemented as agreed, with a minimum of 5 years maintenance from the submission of the Completion Notice (see informatives).

Reason: To ensure a robust landscape plan is developed and implemented to screen development from recreational walkers, befitting the landscape and local biodiversity / woodland interests.

5. Noise arising from within the operational land of the sub-station, hereby permitted, must: -

- a) not exceed 30 dB at noise sensitive premises as highlighted within supporting Environmental Appraisal May 2015, when measured and / or calculated as an Leq, 5min, in the 100Hz one third octave frequency band; and
- b) the Rating Level of noise arising from the use of plant, machinery or equipment installed or operated within the operational land of the sub-station, hereby permitted, must not exceed the current background noise levels at noise sensitive premises as highlighted within supporting Environmental Appraisal May 2015. The Rating Level should be calculated in accordance with BS 4142: 2014: Methods for rating and assessing industrial and commercial sound.

6. Unless otherwise agreed the substation will operate with the following surface water provisions: -

- i) An alarm will be fitted to each transformer to indicate any significant and/or rapid loss of oil.
- ii) A reinforced concrete bund designed to accommodate a minimum of 110% of oil in the transformer (bund will be designed to comply with SEPA's PPG2 available on our website) will be provided.

- iii) The bund wall will be designed to include a small weir immediately above an external gully so that in the event of an oil contaminated water over topping the bund wall, it will be directed via the gully directly (on the surface and visible for all to see) into the Full Retention Separator.
- iv) The bund, weir, and all surfaces used to transport the oil to the interceptor will be impermeable to oil.
- v) There should be two oil detection bund pumps located within each bund. These pumps would allow rainwater to be pumped out of the bund, therefore maintaining maximum capacity of the bund at all times during normal usage. Each of these pumps will be fitted with sensors that ensure that they do not pump oil if present.
- vi) The oil detection bund pumps must also be fitted with an alarm (each). Should the pumps fail, the alarm should notify the operator immediately of the failure by telemetry.
- vii) The pump unit must be set to pump out only water and leave any hydrocarbons, including emulsified hydrocarbons, in the bunded area.
- viii) An impermeable roadway with raised kerbs and ramps will be used to protect the delivery area during transfer of oil to the transformer. This area will act as a delivery storage area. This discharge from this area must also drain via an interceptor.
- ix) Should a spill occur during transfer, the oil should automatically shut off, thereby preventing a discharge.
- x) The separator will be sized in line with manufacturer's guidelines to cope sufficiently with the flows produced by both pumps and that of the surface water originating from the loaded area.
- xi) A swale or similar should be used to transfer the separator's discharge to the water environment as this will provide an additional opportunity for a visual inspection prior to the discharge leaving the site.

Reason : To ensure the design of the substation minimises the risk of pollution to the surrounding area / watercourses in a manner as discussed and agreed between SEPA and SSE for all electrical substations.

7. The security fencing surrounding this development, as highlighted with approved plan (Drawing No MMD 023543 PN-0010 – Security Fence Details) shall be painted / provided in a colour matching the substation building colour - Van Dyke Brown. The finalised colour must be agreed in writing with the Planning Authority prior to the erection of the fence.

Reason: To minimise the impact of the development on the landscape when initially constructed.

## **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.

## **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.

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.

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.

### **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.

Signature:

Designation: Head of Planning and Building Standards

Author: Ken McCorquodale – Principal Planner

Background Papers: Documents referred to in report and in case file.  
Application Form and Supporting Environmental Appraisal

Relevant Plans:

Environmental Appraisal - Figure 4.1

Drawing No MMD 023543 PN-002 – Substation General Arrangements

Drawing No MMD 023543 PN-003 - Substation Building

Drawing No MMD 023543 PN-004 – Substation Building Plan and Elevations

Drawing No MMD 023543 PN-005 – Drainage Layout

Drawing No MMD 023543 PN-006 – Site Plan and Sections

Drawing No MMD 023543 PN-007 – Site Elevations

Drawing No MMD 023543 PN-0010 – Security Fence Details

Drawing No MMD 023543 PN-0012 – Shunt Reactor Buildings

Environmental Appraisal - Figure 4.2 (indicative landscape plan)