

THE HIGHLAND COUNCIL

Special Meeting – 8 November 2016

Agenda Item	3.1
Report No	HC 40/16

**16/00769/FUL: Scottish Hydro Electric Transmission (SHET) PLC.
Erection of Substation: 900m NW of Asgard, Garbole, Tomatin.**

Report by Head of Planning and Environment.

SUMMARY

Description: Development of a 275kv / 132kv substation by Garbole (Tomatin).

Recommendation: **GRANT** planning permission.

Ward: 20 - South Inverness.

Development category: National Development.

Pre-determination hearing: Yes.

Pre committee site visit: Yes.

Reasons referred to Council: National Development.

1. INTRODUCTION

- 1.1 The Council is processing two inter-dependent applications but these are being handled in different ways. Both are national category development; the need for which is recognised in the Scottish Government's third National Planning Framework Plan (NPF3). However given that one is founded within the Electricity Act, as opposed to the Town and Country Planning (Scotland) Act, this means there are separate handling procedures.
- 1.2 The Council will determine a planning application for a new electricity substation by Garbole, Tomatin. Given its status under the category of "National Development as set out in Section 26A of the Act" it requires to be reported to the Full Council. The Council is also required to facilitate a pre determination hearing in advance of determining the application.
- 1.3 The Council is also a consultee to the Section 37 (S37) application under the Electricity Act for a new overhead "grid transmission" line (OHL), which will ultimately be determined by Scottish Ministers. The Council's current Scheme of Delegation requires such consultations to be processed as if they were planning applications and this is why that consultation will also be considered by the Full Council.

1. PROPOSED DEVELOPMENT

1.1 The application consists of the following elements: -

- A substation compound with internal roads with a main entrance to the west of the substation and an emergency access/egress route to the east of the substation together with 'on-site' parking (six spaces);
- A development platform with dimensions of 130 m (width) by 165 m (length) set at 408m Above Ordnance Datum (AOD);
- A Gas Insulated Switchgear (GIS) building made from a lightweight steel portal frame with metal wall and roof cladding (34m (width) by 52m (length) and 11.5 m (height)). All cladding and doors to be olive green in colour (RAL.6003);
- A steel lattice support gantry and high level aluminium post insulator;
- Two 275kV/132kV super-grid transformers, comprising six smaller individual single phase transformer units, located external to the GIS building on concrete bunded foundations;
- Two concrete transformer skid-ways;
- Underground cable troughs;
- 2.4m galvanised metal palisade fence around the perimeter of the substation compound, with 2.4m galvanised palisade gates;
- Motion activated lighting to facilitate safe normal access / egress of the substation;
- A permanent new section of forest track to link the existing Farr wind farm haul road to the existing forest tracks within Garbole Forest.
- 0.2km section of site access road heading northwest from the substation platform before forming a new junction off the existing forestry access track;
- Works to strengthen and resurface sections of the existing Farr wind farm / Estate / Forestry Track to facilitate access for all construction traffic;
- An upgraded access track from the unclassified Coignafearn Road.
- Construction compound (temporary) with welfare facilities and laydown areas.

1.2 The development is located close to the existing Balblair (Beauly) to Boat of Garten 132kv grid line. New wind generation proposed to the south of Inverness, combined with the lack of capacity in the existing network, have triggered the need for reinforcement of the existing electricity transmission network in the area. The existing line is to be decommissioned northwards from the substation and replaced by a 275kv line as far as Knocknagael substation (Inverness). A new connection will also be made to the retained section of the 132kv line south of the new substation. These latter elements form the separate Section 37 over-head line application.

1.3 The substation 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 that requires greater "clearance distances" between the various electrical components.

1.4 Site preparation will involve a "cut and fill" exercise to create the principal parts of the compound / level platform area. This will require approximately 63,000m³ of cut

which will largely be re-used as fill / landscaping of the finished platform. To support this development surface water drainage proposals and upgrades to the existing forestry and hill tracks are required. The applicant has requested that any decision allows the development of the access tracks to site, prior to the full discharge of all pre-commencement planning conditions for the substation.

- 1.5 The application is supported by an environmental appraisal having been “screened out” of a more formal Environmental Statement (ES) submission under the Town and County Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. This includes a substantial package of information and offered mitigation including for example a Peat Management Plan.
- 1.6 A Construction Environmental Management Document (CEMD) is to be developed (finalised) by the applicant, in conjunction with the successful contractor(s). The key objective of the CEMD is to ensure that commitments to mitigate environmental impacts that may arise during the construction stage are delivered in full. The applicant has advised that compliance with the CEMD will be required as part of the project contractor's contract terms. Consultees also expect this to form part of the suite of planning conditions associated with any grant of planning permission.

2. SITE DESCRIPTION

- 2.1 The application site is approximately 6km southwest of Tomatin and extends across a wide area to include land associated for the development, additional construction requirements, landscaping and an extensive access road from the A9(T) road. The footprint of the main elements of the development will use 12ha of the overall site. It comprises immature upland commercial woodland occupying the northern part of the site and blanket bog the southern part of the site. The access road to the site from the A9(T) road passes through the operational Farr wind farm and the site of the consented Glen Kyllachy wind farm. An existing estate access track from the current forest also extends from the Coignafearn Road to the south of the proposed substation.
- 2.2 The main development area is located at approximately 408m Above Ordnance Datum (AOD) on the south facing side of Carn Meadhonach, approximately 1km north of Garbole in Strathdearn. The site slopes down to the south and is currently bounded by forestry on all sides with open moorland to the north. The wider surrounds also slope to the south west and south towards the Kyllachy Burn and the River Findhorn. There are three residential properties at a distance from the proposed substation of around 1km to the south of the development and planning permission for one house at a distance of 600m to the south west.
- 2.3 There are no private water abstractions within 250m or within the catchment of the drain leaving the site in a south-easterly direction or within the catchments of the Allt a Mharcaidh or the Kyllachy Burn. Both water courses fall within the catchment of the River Findhorn that has good water quality status and valued fishing interests. The site is outwith land assessed as being at risk of coastal, fluvial or pluvial flooding.
- 2.4 Located within the “Rolling Uplands” Landscape Character Type (LCT) visual

containment is provided by the loose network of surrounding hills. No part of the site is covered by any international, national, regional or local landscape designations. The Cairngorms National Park lies 6.5km to the south of the development site. The Monadhliath area of wild land (AWL) as advanced within SPP also lies to the south.

- 2.5 There are no statutory designated sites within the application site boundary such as Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs) or Local Nature Reserves (LNRs). The site may be used by protected species common to the locality (pine martin, red squirrel) and may contain valued habitat including peat, blanket bog, groundwater dependent terrestrial ecosystems, etc.
- 2.6 One heritage asset has been identified within the site comprising a hill track that climbing the slopes from a partly occupied former township located to the south of the site. There are other abandoned townships in the surrounding area and other heritage assets including three schedule monuments (cairns, hut circles and relict field systems) and 3 listed buildings including Dalarossie Church and burial grounds, Garbole Bridge over the Kyllachy Bridge and Kyllachy House.

3. PLANNING HISTORY

- 3.1 **5 June 2015** 275/132kV Electricity Substation Planning Application Notification (15/02239/PAN).
- 21 May 2015** 275/132kV Electricity Substation EIA Screening Not Required (15/02003/SCRE).
- 18 March 2015** 275/132kV Electricity Substation Pre-planning Consultation Exercise (15/00143/PREAPP).

4. PUBLIC PARTICIPATION

- 4.1 Advertised : 11 March 2016

Representation deadline : 25March 2016

Timeous representations : 11 objections

Late representations : None

- 4.2 Material considerations raised are summarised as follows: -

- Noise – given its siting on a plateau, with rising ground behind.
- Tranquillity of the area.
- Landscape impact – industrialisation of the countryside.
- Visual intrusion / visual amenity.
- Need - given refusal of developments such as Allt Duine Wind Farm.
- Screening limited – forestry cannot be relied upon for screening.
- Detrimental to tourist industry – walkers, bird watchers.

- Adverse impact on residents / consented house development.
- Nature conservation and wilderness.
- Protected species / habitat / hydrological resources.
- Historic heritage / culture of the area.
- Traffic impact on local road network / signage.
- Alternative sites available.

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 Strathdearn Community Council objects to the development highlighting conflict with policies of the HwLDP including: -

- Policy 69 and the need for the development;
- Policy 28 given the proposal will not conserve and enhance the character of the area or the viability of the community. It could be detrimental to tourism.
- Policy 52 - not convinced the site has capacity to accommodate the development and provide significant tree cover.
- Policy 57 - impacts on Dalarossie Church and the cycle route Garbole to Farr have not been adequately considered.
- Policy 58 - impacts on white-tailed eagle and Atlantic salmon may be detrimentally affected.
- Policy 63 - the project presents a significant risk to the River Findhorn.
- Policy 66 - the need to guard against a 1 in 500 year event given recent experience on the River Dee in Aberdeenshire.
- It recommends: -
 - operational access be taken via the Farr wind farm access not the Coignafearn Road,
 - a model of the substation and the site be developed to show landscape fit, and
 - a landscape screen (protected from grazing animals until established) with measures to protect existing trees from wind blow.

5.2 THC Access Officer has no objection to the application. A condition is requested to secure an Outdoor Access Management Plan to maintain public access routes during construction and to enhance public outdoor access in the longer term.

5.3 THC Historic Environment Team has no objection to the application. A number of historic sites will be protected by design and there is only a low potential for further unrecorded archaeology within the application site. A planning condition is requested for a suitable programme of investigation.

5.4 THC Transport Planning has no objection to the application. It highlights the need for a number of conditions to manage access arrangements to the development site in order to minimise impact on the local road network. Further permissions

may be required for works on or adjacent to the Council's public road network.

- 5.5 THC Flood Team has no objection to the application. It requests planning conditions to address approval of finalised flooding and drainage design details.
- 5.6 THC Environmental Health has no objection to the application. It requests a number of planning conditions to enable effective control over the construction and operation of the substation.
- 5.7 Scottish Environmental Protection Agency (SEPA) has no objection to the application. This position recognises an undated version of the Phase 1 Peat Management Plan (6 May 2016). It requests conditions to be attached to any decision to grant planning permission.
- 5.8 Scottish Natural Heritage (SNH) has no objections to the application.
- 5.9 Scottish Water (SW) has not responded to the application.
- 5.10 Historic Environment Scotland (HES) has no objection to the application.
- 5.11 Transport Scotland (TS) has no objection to the application.
- 5.12 Forestry Commission Scotland (FCS) objection to the application was removed following submission of a Woodland Impact Assessment. This also offered mitigation / agreement over the forward management of the woodland around the substation and a package of compensatory tree planting.

6. DEVELOPMENT PLAN POLICY

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

Highland Wide Local Development Plan 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 63 – Water Environment.
- 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

Inner Moray Firth Local Development plan (2015)

No site specific policies.

7. OTHER MATERIAL CONSIDERATIONS

Scottish Government Planning Policy and Guidance

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).

Other THC Guidance

7.6 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published towards the end of 2017.

7.7 The Council has set out further advice on delivery of major developments in a number of documents. This guidance, adopted by the Council, includes : -

- Construction Environmental Management Process for Large Scale Projects (2010).

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 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) Design / Layout.
- d) Trees / Woodland.
- e) Roads / Traffic Impact and Public Access.
- f) Water / Drainage / Waste Water
- g) Peat.
- h) Natural Heritage.
- i) Landscape and Visual Impact.
- j) Cultural Heritage.
- k) Economic Impact, Recreation and Tourism.
- l) Noise.
- m) Construction Impacts.
- n) Other Material considerations within representations.

Development Plan

8.4 The Development Plan comprises both the adopted Highland-wide Local Development Plan (HwLDP) and Inner Moray Firth Local Development Plan (IMFLDP). The Development Plan must be read as a whole, with application's then assessed against all of the policies relevant to the proposed development and its location. Conformity with a single policy or element of the plan does not necessarily indicate that a proposal is acceptable. There are no site specific policies affecting this application site within the IMFLDP. The HwLDP adopted in April 2012 is up-to-date.

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. These include

matters raised within the objection from Strathdearn Community Council and other parties.

- 8.6 Policy 69 specifically highlights that the “Council will have regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption.” “It will support proposals which are assessed as not having unacceptable impact on the environment including natural, built and cultural heritage features.” “Where new infrastructure provision will result in existing infrastructure becoming redundant, the Council will seek the removal of redundant infrastructure as a requirement of the development.”
- 8.7 Policy 52 (Principle of Development in Woodland) highlights that the Council will maintain a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.’ It also advises that “the Council will consider major development proposals against their socio economic impact on the forestry industry within the locality, the economic maturity of the woodland, and the opportunity for the proposals to co-exist with forestry operations”
- 8.8 The Development Plan supports the broad principle of energy development. This includes transmission of electricity. Where development is assessed as not having unacceptable significant impact on the environment and public benefit of the scheme relative to its woodland impact is identified then the proposal would accord with the Development Plan.

National Policy

- 8.9 Scotland’s Third National Planning Framework sets out the government’s thoughts on how best to achieve a more successful country, through increasing sustainable economic growth. It includes plans for infrastructural investment including a high voltage electricity transmission network vital in meeting national targets for electricity generation, statutory climate change targets and security of energy supplies. The current application falls into the category of National Development. Whilst this establishes a need for the project all necessary assessments and consents are still required for such development. Appropriate levels of mitigation would still be expected to avoid or reduce environmental effects and demonstrate no adverse effects on the integrity of European protected sites.
- 8.10 An aim of the planning system is to achieve the right development in the right place; not to allow development at any cost. SPP introduces a presumption in favour of development that contributes to sustainable development. The connection of approved renewable energy projects to the grid, which would be enhanced by this project, advances its sustainable development credentials. The extension and upgrading of the area’s grid transmission not only is a short term economic construction boost, but also a long term infrastructural benefit to the area.
- 8.11 Further advice is provided in SPP in respect of potential impacts on the natural environment and the need to protect and enhance Scotland’s key natural resources

including landscape, ecology, woodland, habitats and biodiversity. The impacts on these resources have been presented within the supporting Environmental Appraisal (EA) and are considered in more detail within this assessment. The policies and content of Scottish Planning Policy is a material consideration that carries significant weight, but it is for the decision maker to determine the appropriate weight in each case. If there are no significant impacts on valued resources the development can be supported.

Design / Layout

- 8.12 The GIS substation will introduce a large structure into the local rural 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 grid transmission network. Design mitigation has been offered on a number of fronts, over and above the most significant decision at the outset of using a GIS substation design. It is: -
- Remote from existing settlements and residential receptors.
 - Close to the existing grid transmission network limiting the need for extensive connecting infrastructure.
 - Within an existing woodland resource that can provide screening, with further screening then provided by landscape profiling and new planting.
 - To be managed as a “dark site” with external lighting only being deployed when manned.
- 8.13 The requirements of the substation buildings are such that they will be finished in profiled steel cladding. This is largely as a result of its scale. The design of the building is such that it cannot be deployed at higher altitude due to potential issues with ice and wind loading. The building is to be coloured Olive Green (RAL 6003) to help reduce its visual prominence in relation to the existing / surrounding forest plantation. Considerable discussion has been undertaken with the Forestry Commission for Scotland (FCS) to ensure the woodland and substation can successfully co-exist. The design of the GIS substation building is considered acceptable.
- 8.14 Tree and shrub planting is to be introduced on cut and fill slopes around the substation site and along access tracks (where appropriate), to enhance screening. This would comprise native woodland planting, with beneficial consequence of offering greater habitat diversity. There will be a 2.4 m high steel palisade fence around the substation. This should also be green in colour, which could be set by condition, to soften further the impact of the development.

Trees and Woodland

- 8.15 Siting such a project within woodland offers clear benefits in design terms. However such an approach runs counter to Scottish Government woodland policy and investment in timber production. As a consequence Forestry Commission Scotland (FCS) initially objected to this application requesting at the outset that an Impact Assessment be undertaken. This allows detailed consideration on the impact of the project of the existing woodland holdings and considers how impacts

could be minimised by design. It also helps to highlight appropriate levels of mitigation, particularly replacement (compensatory) planting.

- 8.16 The assessment undertaken by the applicant includes consideration of the full impact of the development arising from both the substation planning application and the S37 overheadline (OHL) application. In this manner a holistic approach to woodland loss and replacement was realised. However care has to be taken on how this will be secured through the two different consenting processes. Not to be forgotten in the assessment is the “need” for such electrical infrastructure as also set out in the National Planning Framework (NPF). This framework highlights the clear and significant public benefit context of the project when considering its impact on this woodland resource.
- 8.17 Trees need to be cleared to allow for the formation of the substation platform and also the construction compound, soil storage bunds and substation access road. The substation site is currently a second generation restock, consisting of Sitka Spruce planted in the late 90's. The impact assessment advises the felling would have little effect on the surrounding woodland. An area of the site totalling 1.1ha required for construction works consists of an area of mature trees, although these have suffered from wind damage in recent years. This area is also required for the overheadline, where wind firm edges will require to be established to the south side. Existing forestry tracks give access to the site already helping thereby to minimise the impact on the woodland and reducing additional tree loss.
- 8.18 The overall felling requirements for the substation application covers an area of 8.06ha, with a much greater impact arising from the felling requirements of the OHL estimated in this area to total 34.9ha of felling including landscape mitigation and wind blow. The applicant highlights that within the substation project 3.3ha of new plantings are proposed. However with regard to the S37 application, restocking and planting with the agreement of the landowner offers woodland mitigation totalling 28.99ha, with the potential for providing greater biodiversity through the use of a mix of native broadleaves and Scots Pine to compliment the surrounding indigenous species.
- 8.19 FCS was content with the outcome highlighted within the applicant's Woodland Impact Assessment presented. It requests the applicant (SHET) to be conditioned to the felling and replanting proposals as set out within the substation (red line) site. It will seek to ensure through the S37 process a commitment given in combination with the landowner for a wider woodland management programme to secure the offered replanting mitigation. FCS thereby removed its objection to the application.

Roads Traffic Impact and Public Access

- 8.20 At the operational stage, access to the site will be quite limited and infrequent. An improved forest access track via Strathdearn is to be made available for this traffic. It will be necessary to have the junction of the existing track, where it meets the public road, upgraded to meet Council Standards. Given that this route will also be used as a potential emergency access through the construction phase, these improvements require to be completed as part of an early phase of development.

- 8.21 The main traffic impact from this application will arise during the construction phase of the project, with access for all vehicles being proposed from the A9(T) road via existing Forestry / Farr wind farm road at Aultnaslanach. Construction traffic would comprise 'light' and 'heavy' (HGV) vehicle trips. HGV trips would deliver aggregates, concrete and other construction materials, sourced locally where possible. Substation transformer components would be delivered by sea to Inverness and then transported to the site by road as 'abnormal loads' under a suitable licence and requiring specific escorts. Each transformer weighs 221 tons and up to four transformer units would be delivered to site.
- 8.22 In daily traffic terms the traffic forecast undertaken suggests that across the construction period Month 1 will be the busiest in terms of vehicular activity; primarily due to the importation of formation material (stone) required to construct the site compound. The proposals would generate an average level of 58 movements per day of which 42 movements would be HGV. This equates to 29 arrivals (21 HGV) and 29 departures (21 HGV) per day. No objection has been raised to the development and the proposed level of traffic by either Transport Scotland or the Council's Transport Planning team.
- 8.23 It is recommended that a condition should be attached to any planning permission granted restricting construction traffic to using the proposed construction traffic route only, in the interest of ensuring construction traffic will not utilise the Council's road network. It is also customary with such development for the Council to require, by condition, the developer to form a local liaison group with community representatives which would operate throughout the construction phase. This allows the local community to engage with the developer on the planning of construction traffic that may cause disruption to local journey times / school bus routes and local events, such as the Games Fair at Moy for example.
- 8.24 The tracks on site are used by the public for recreational access. The access from the A9 is part of the wider path network, as are the forest roads and existing windfarm tracks. A stretch of the forest road from the A9 through Meall Mor Forest is also a public right of way - forming part of General Wade's Military Road. The public right of way is expected to remain open and free from obstruction or encroachment before, during and after construction. The existing forest roads that are not to be upgraded are also expected to remain open to the public before, during and after construction. The Access Officer recommends that signs alerting the public and drivers to the sharing of road space are utilised, without deterring or discouraging folk from exercising their access rights on those roads.
- 8.25 The Access Officer advises that public access should be suspended on the existing forest roads while they are being upgraded and to the proposed new section while it is being built. However once the work on those tracks is completed public access should be available to them, again with signs advising the public and drivers that the roads are being shared. It is further advised that any new gates or cattle grids installed along the sections of new or upgraded tracks should have appropriate gates installed next to them that accommodate walkers, cyclists and horse riders. Any hatch gates or other self-closing gates to be installed should have an internal width of 1.5m. If a new emergency access is being built onto the C1121 then any

new gate across the forest road must have an appropriate public access gates installed beside it. This would allow the main vehicle gate to be locked against unauthorised vehicle access. Such matters can be addressed by condition.

Water / Drainage / Waste Water

- 8.26 The applicant has advised that site surface water drainage at the substation site will be minimised through the installation of an upslope cut-off drain, which would divert surface water around the substation platform, with a discharge point proposed to the south of the site. Furthermore surface water runoff within the substation platform area would then be managed using a multi-tiered sustainable drainage system (SUDS), providing filtration and attenuation, prior to discharge to a local watercourse. Such measures should ensure that the water quality if any discharge is acceptable, taking into account concerns highlighted within public representations regarding the risk to the interests of the River Findhorn and its associated catchment downstream of this development.
- 8.27 The surface water runoff from the site will be attenuated to equivalent greenfield runoff rates, which would ensure that the runoff from the proposed development would not result in any increase in flood risk within the wider catchment. These provisions are consistent with best practice and have been welcomed by consultees.
- 8.28 A request has been made by consultees for conditions to ensure final design details are submitted for approval and thereafter implemented as agreed. This will include finalised drainage provisions, but also bunds around all transformers with oil detectors and alarms to contain and effectively manage any oil leaks to prevent accidental pollution to the local watercourse.
- 8.29 Temporary and permanent waste from canteen and toilet facilities will require to be effectively managed and potential authorised. Any discharge through soakaway and percolation may require a higher form of treatment. Further information on foul drainage must therefore be submitted for approval, set by planning condition.

Peat

- 8.30 The applicant has provided a Peat Plan demonstrating the levels of peat across the site. It is also acknowledged that further peat may be encountered on the site once complete forest removal has taken place. It is proposed that all peat will be re-used as part of the development of the site including as part of valued landscape screening. The applicant has also highlighted that re-used peat may be treated by blending in a granular material or fibrous peat for general landscaping and restoration activities. It has also suggested the potential use of a peat bund to ameliorate noise should that be necessary, although nothing is proposed at this stage.
- 8.31 Following consultation with SEPA, while raising no objection to the application, it has requested further information both during the finalisation and submission of the expected Construction and Environmental Management Document (CEMD). This can be addressed by condition and should include details on: -

- measures in place to deal with deeper peat, if indeed deeper peat is disturbed;
- information of how the peat is intended to be used for screening bunds and the quantities to be used.
- information about the types of granular material being used to blend with the peat, i.e. is the material to be used for blending waste or product.

Nature Conservation

- 8.32 There are no nationally or inter-nationally protected natural heritage designations on or in close proximity to the site. The applicant has highlighted from its assessment that there are no impacts that are expected to result in any significant effects on ecological and ornithological receptors during either construction or operation, due to the low sensitivity of existing habitat and the low level of existing bird flight activity on the site. A potential impact on goshawk during the construction phase is identified. However mitigation is proposed through adoption of a Species Protection Plan (SPP) which sets out measures for contractors to avoid disturbance of this and other protected species.
- 8.33 The applicant has advised there will be a loss of habitat on the site during construction, on coniferous woodland and marshy grassland. However this is predicted to be negligible in terms of its significance, due to the low sensitivity of this habitat type. Blanket bog habitat is considered to be more sensitive, however the impacts are reversible through reinstatement mitigation of peatlands and bog pools.
- 8.34 A substantive ecological report has been tabled as part of an objection to the application. This highlights a rich biodiversity in and surrounding the site including evidence of red squirrel, mountain hare, otter, pine marten, brown hare, hedgehogs, lizards, toad, numerous “red list” birds, wood ant, Stag’s Horn clubmoss, etc. The area also has potential interest for wild cat. SNH has noted there is plenty of a suitable habitat in the wider area for wild cat, so the loss of hunting range within this development site would have minimal impact on the species. SNH has further advised of the need for mitigation measures to protect such interests which with the exception of wildcat, can be covered by contingencies such as using Species Protection Plans. In this regard the concerns raised within the objections need not be given undue weight in the final determination of this application.
- 8.35 The conservation status of wildcats is currently recognised as unfavourable by SNH. So further consideration of this species is required. It advises that prior to any construction work starting on this site thorough surveys are undertaken to identify the presence of this species, including if necessary the use of cameras (camera survey of den sites would cause a disturbance and therefore would require a licence from the Council before such survey could be undertaken). It will be important to check for potential dens as well as key feeding hotspots (i.e. rabbit warrens) and then building in appropriate mitigation measures in a species protection plan. It also suggest that in addition to the usual protection / avoidance of disturbance of occupied dens construction work ceases 2 hours before dusk and after sunrise and that there is no night time lighting in the area. Such measures

are consistent with the applicant's proposed approach to development in this area.

Landscape and Visual Impact

- 8.36 The site of the proposed substation sits within a Landscape Character Area defined as Rolling Uplands, where the landform consists of largescale smooth rounded hills. At higher elevation the landscape is open and exposed offering expansive views. However on lower slopes, where the substation is located, views are more enclosed by the convex hillside slopes. Man-made features are also found in the associated straths' and lower slopes. This includes isolated farms and dwellings along local roads and access tracks to farms, forestry and estate activity. For the assessment of the application a study area of 5km around the site was seen as adequate. Within this area there are no landscape designations.
- 8.37 Guidance in respect of 'Infrastructural Related Development' in this landscape advises rationalisation and upgrading of existing infrastructure being preferable to the development of new elements. Alternatively the location of new elements adjacent to existing services, access routes or settlements may divert pressure away from the interior of such landscape which retains a sense of remoteness. The application in its design, highlighted earlier, has drawn on this advice seeking to locate this infrastructure close to the existing grid transmission network; set lower in the landscape to minimise visual impact upon the surrounding area; uses the existing forestry resource and topography to reduce its impact on receptors within Strathdearn.
- 8.38 The Zone of Theoretical Visibility (ZTV) map for the project demonstrates its relatively small visual impact on the surrounding area which itself is free of formal landscape designation. Proposed landscaping within the site boundary offers a good degree of mitigation. This is proposed together with agreements to secure the long term retention and management of the existing surrounding forest plantations, which would predominantly screen views of the development at construction and during its operational lifetime. No objections have been raised from Scottish Natural Heritage or the Cairngorms National Park Authority in respect of the landscape interests of the national park which lies to the south, nor in respect of the Scottish Government's policy on areas of wild land – Area 20 Monadhliath which also lies to the south / south west.

Visual Impact

- 8.39 The proposed substation would only be seen by a limited number of receptors. In the main these would be users of the open moorland to the south, which is not well frequented by walkers / climbers. On the floor of Strathdearn are where most receptors are located. These include the occupants of few scattered houses / farm houses in the area or users of the local road network including those on the Tomatin – Coignafearn road and those using the Garbole road. The likely impact on receptors is limited given the topography of the area and screening afforded to the development by existing forestry. It is for the reason that significant weight need not be given to the objection suggesting the proposal would not conserve and enhance the character of the area or viability of the community.

- 8.40 The above impact can be demonstrated from a Viewpoint (VP) at Dalarossie Church, which sits approximately 1.6km to the south of the proposed substation. This viewpoint was selected for analysis to represent local residents, road users and people visiting this church / historical building. The development as seen from this VP would sit within the landform to the north (i.e. not skyline) and the existing intervening forestry significantly reduces the likely visual impact of the substation development. More obvious to the view will be the amended overheadline link with the substation. This includes lattice towers and wirescape. Overall these new man-made features would not significantly impact on local receptors, with some benefits arising from the reduction of the existing overheadline provisions in this location.
- 8.41 It is also recognised that there is considerable changes going on within this locality. In addition to the considerable forestry management felling and restocking taking place, the area has attracted renewable energy investment including in the main Wind Farm development. To the north of the site lies the Farr wind farm, the access road from the A9(T) road provides the construction access for the current application. In addition Glen Kyllachy wind farm has been consented resulting in a further 20 turbines likely to emerge in the near future adding to the existing 40 turbines within Farr wind farm. Whilst the impact of the substation and the proposed 275kv overhead line will add a degree of additional impact on the landscape, it is not expected that there will be significant cumulative landscape effect or visual effect arising from the development. In part this is on account of the removal of the existing 132kv overheadline generally north of the proposed substation as well as the limited impact that arises from the proposal in its own right, given the proposed design and available woodland screening.

Cultural Heritage

- 8.42 The proposal is unlikely to impact on any existing known archaeological assets but there is potential for archaeological finds during the development process. The applicant's baseline survey identified one heritage asset, a post-medieval hill track of lesser heritage importance, within the site. The location of the asset is now largely covered by forestry plantation and if remains survive they are likely in poor and fragmented condition.
- 8.43 Six heritage assets within 5 km of the development site were identified in the baseline survey as having the potential to receive adverse indirect effects resulting from the presence of the Substation. They include three scheduled prehistoric cairns of national heritage importance; a category B Listed church and burial ground of regional heritage importance; and a house and a bridge both Category C Listed and of local heritage importance. Under conditions of existing forest cover surrounding the site, the development would not be visible from any of the six heritage assets, and no indirect effect on their setting would arise. There is some potential for impact / indivisibility when the woodland is harvested, but impacts would be short term given the likelihood of the replanting of such resource.
- 8.44 Historic Environment Scotland and the Council's own Historic Environment Team have raised no objection. A condition is requested in respect of the need to safeguard against unknown finds when ground breaking activities are undertaken.

Given the limited impact assessed in respect of the historic assets in the area (for example Dalarossie Church) only limited weight can be given to objection raised on this matter.

Economic Impact, Recreation and Tourism

- 8.45 The development of grid infrastructure has been identified as a national priority together within investment in renewable energy. The development of such projects not only are beneficial in strengthening the robustness of the country's grid network, further job and investment are created through the development of associated supply chains. The development is required to facilitate the connection of wind farms to the national grid, which will allow the export of electricity generated to consumers. The relationship of the development to the economic and social benefits of the wind energy developments it is intended to support is therefore relevant.
- 8.46 The applicant has further advised the development would contribute positively to the economic and social development of the community through the various local and wider benefits that would result (i.e. wider access to the countryside). The construction of the substation and the associated overheadline requires a construction workforce, some of which will be sourced locally. There will be spend in the local economy from the construction workforce and there will be a requirement for local accommodation. Construction is expected to take place over a 16 month period. Operation activity would very much be at a low / minimal level consistent with the many other business activities in the locality.
- 8.47 Such benefits have to also recognise potential downsides, particularly those highlighted by the local community council and public representations objecting to the development. These in particular highlight the many features of the area of value to those who live, recreate and holiday in this locality. The Garbole road is valued by cyclists and walkers. Many who have or rent holiday accommodation in this location do so for the peace and tranquillity of the area, the fishing and wild life interests. However given that the substation site is set apart from local communities and housing; is off set from the public roads in the locality; and is located in an area where there is an existing transmission line crossing the locality, it is not expected that the development would have significant adverse impact on the number of visitors who use this area. A significant feature of the development is the proposal to utilise an access route from the A9(T) road for all construction traffic. Impact of construction will thereby be negligible on those using the local road network for their recreational / holiday interests.

Noise

- 8.48 The Noise Sensitive Receptors (NSR's) surrounding this development are few in number but include for assessment purposes three residential properties and a house currently under construction located adjacent to the unclassified road between Garbole and Farr. Both Norwood and Asgard are situated approximately 1km south of the development site and Dalarossie 1.3km to the south east. The new property will be the closest to the development; approximately 600m to the south west. The separation of these houses from the development offers

significant mitigation at the outset as well as the fact that the application is for a (Gas Insulated Substation) GIS unit internalising many components, rather than the deployment of a substation that is open to the air.

- 8.49 The Council is aware of noise emission that can arise from electrical substations as well as from overhead lines. Modern technology has significantly helped in this regard, but it is important that the applicant (SHETI) ensures the performance of new equipment fully complies with initial expectations when built and that performance falls within the parameters set out in the assessment supporting this application. It is for these reasons that the Council's Environmental Health Officer (EHO) has set out a number of planning conditions to support any decision to grant planning permission. These are expected to address not only noise arising from the operation of the substation, but also construction activity.

Construction Impacts

- 8.50 The applicant has requested construction work to be carried out within the hours of 07:00 to 19:00hrs up to seven days a week. However the EHO recommends that respite for residents should be provided for within any permission through the curtailment of work activities on Saturday afternoon and on Sundays. The latter can usually be managed by reducing deliveries to site to key times and ensuring week end working is curtailed only to activities that are not significantly audible beyond the site boundary.
- 8.51 The number of construction workers employed on site would vary throughout the different phases of construction works. It is expected that the total workforce would peak at approximately 50 workers. The peak number of workers is likely to occur following the erection of the GIS building during the electrical equipment installation.
- 8.52 The ES in support of this application has outlined the applicant's commitment to working within the framework of a Construction Environmental Management Document (CEMD) approach. In this manner specific "Plans" are prepared in collaboration with the appointed contractor / sub-contractor to ensure all commissioned works are undertaken in a manner to protect the interests in the surrounding environment. Such plans, when finalised post procurement but in advance of commencement of development are submitted to key consultees such as SEPA and SNH before being approved and the relevant planning condition discharged.
- 8.53 The Plans submitted as part of the CEMD need to be compliant with best practice advice from Statutory Bodies, but essentially they also need to be submitted for approval very much in Plan form, highlighting specific measures to be taken to safeguard interests at key locations. In this manner it is clear then how development is to be set back from valued habitat; watercourses; how the workforce will approach (access) a construction area, what dust management, pollution protection fuel storage measures etc. will be adopted and enforced by the Contractor / and the proposed deployment of an Ecological Clerk of Works (ECOW). Specific requirements of the CEMD can be set out in the relevant planning condition attached to any approval.

Other Material Considerations

- 8.54 There are no other relevant material factors highlighted within submissions made on this application.

9. CONCLUSION

- 9.1 The Scottish Government and the Council each have policies in support of projects which increase the capacity of the grid network to serve the community and in particular the significant level of investment in renewable energy. NPF3 justifies the need for such investment highlighting such development as of national importance.
- 9.2 Highland has been successful in attracting inward investment in renewables, enabled in part by a matching level of investment in the improvement of the grid transmission system. This success has led to the Highlands having a good understanding of this type of project and this Council having appropriate policies and guidance to assist in its assessment and to effectively manage their implementation on the ground. For example, the use of Construction and Environmental Management Documents / Plans "CEMD", a particular approach to assist with the implementation / management of such largescale projects with a focus on environmental protection. There are investment benefits too that help favour these projects, not just from the short term construction but a continued stream of investment assisting with apprenticeships schemes and partnership networks with local companies.
- 9.3 Statutory and other consultees responding to this application are generally supportive. No significant adverse impacts have been identified with this project following assessment by statutory consultees. Some have requested planning conditions to be attached to any grant of planning permission to effectively ensure that their specific interests are secured. Of particular importance with this application is the request from Forestry Commission Scotland for compensatory on-site woodland planting.
- 9.4 The application has raised a small number of objections from the public and an objection from Strathdearn Community Council. Following assessment of the concerns raised within these representation it is considered that there are no significant issues that merit the proposal requiring to be re-configured or turned down. Whilst it is accepted that this location has many attractive and valued features, the existence of the grid transmission network already in this location, along with the approved renewable energy projects, provide a basis, and need for, the siting of required grid infrastructure in this area. The applicant has brought forward in the first instance mitigation through design to help reduce the impact of the proposals. This includes the promotion of a GIS substation which internalises transformer equipment and reduces the required footprint, the further setback of the substation away from local housing / roads, the provision of a construction access route that will keep traffic away from local housing and settlements and the removal of the exiting OHL. For these reasons the expected impact of the development on the community is not considered to be significantly detrimental.

- 9.5 There are clear impacts that might be expected from this development, particularly in its construction. These can be managed through best practice construction management techniques to ensure peat, water and ecological resources are safeguarded from the key impacts and by planning conditions to strengthen and clarify the plans and supporting information as submitted by the applicant for approval.
- 9.6 The application can be supported in the context of the Council's Development Plan and in particular its policies on Electricity Transmission Infrastructure and the underlying support for renewable energy development which is consented in this area. With regard to the Council's Development in Woodland policy there is an adverse impact on the woodland resource / land use on this site. However given the impacts arising from the project in respect of the enhanced transmission network there is clear and significant public benefits arising from the development. Furthermore the development can co-exist with woodland use continuing and thereby allowing the landscape screening to be realised to the full.
- 9.7 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. The latter view has particular regard for the public benefits of the scheme given the impacts on existing forestry as required under Policy 52 of the HwLDP and the support for transmission as highlighted within Policy 69 of the HwLDP.

10. RECOMMENDATION

It is recommended that the application be granted planning permission with conditions as set out below.

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 outlined Schedule of Mitigation Measures including general environmental protection measures; permanent and temporary access track construction; site compound construction; peat management; watercourse crossings; working (in or) near watercourses; soil storage and removal; oil storage and refuelling; dust management; control of impacts from construction traffic; and ecology and nature conservation etc. unless otherwise amended by the further conditions as set out in this decision notice.

Reason: To ensure the development is carried out in compliance with the details as submitted and approved.

2. Prior to the commencement of any works on site a site specific construction environmental management document (CEMD) (or other relevant document) must be submitted for the written approval of the planning authority in consultation with SEPA. The CEMD should reflect the outlined Schedule of Mitigation submitted with the application and all work shall be carried out in accordance with the

approved plan. For the avoidance of any doubt the Council will accept the prior submission of a partial CEMD for the development of the access roads leading to the substation site, thereby allowing these works to proceed in advance of the finalisation of the principal CEMD for the substation site. The CEMD should include, but not be restricted to, finalised details highlighted in a series of plans where most appropriate the specific safeguards to be implemented on site covering the following matters:

- 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.
- Site Drainage / Surface Water Management Plan which demonstrates that the proposals accord with the drainage principles agreed with SEPA 12 March 2013 – Annex Attached;
- Foul Drainage provisions and associated discharge;
- Pollution Prevention Plan
- Waste management including forestry removal.
- Dust Management.
- Noise Management Plan focused upon protecting neighbouring noise sensitive properties consistent the guidance outlined within BS5228: 2009 Part 1 Part 1 1997 – Noise and Vibration Control on Construction and Open Sites.
- Disturbance and re-use of peat, in the form of a detailed Stage 2 Peat Management Plan (PMP);
- Species Protection Plan including details of pre-commencement surveys and development buffer areas to prevent encroachment on protected species and habitat.
- 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.

3. Prior to the commencement of any development the following water crossing and drainage design details must be submitted for approval of the planning authority and thereafter implemented as approved: -

- Drawings of the new / upgraded access tracks demonstrating design to convey the 0.5% AEP flood with an allowance for climate change and for potential blockage.
- Drainage ditches that demonstrate construction to best practice working methods and that these this should seek to maintain existing drainage patterns in each locality.
- Plans to show how the water from the drainage ditches will be discharged and confirmation that measures, such as check dams, will be used to manage sediment and flow rates.
- Calculations provide to show on-site drainage will discharge within limits set at greenfield rates.

Reason: - to minimise the risk of flooding arising from the development.

4. Prior to commencement of any development (including site clearance) 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 a Written Scheme of Investigation, 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.

5. Prior to commencement of any works on site a detailed Outdoor Access Plan is submitted to and approved in writing by the Planning Authority. The purpose of the Outdoor Access Plan shall be to plan site tracks and paths to maintain public access routes during construction, and to enhance public outdoor access in the long-term. The Outdoor Access Plan shall then be implemented as approved with expectation it will provide a clear statement: -

- that the existing forest roads not to be upgraded will be accessible before, during and after construction
- Gives an example of the sign or signs alerting drivers and the public that the roads will be shared
- States how long public access will be suspended for during the upgrading of the existing forest road and construction of the new track
- Shows where any new gates or cattle grids are to be installed, and
- States what appropriate alternatives will be installed next to them for public access.

Reason: - to protect and enhance public access rights during construction and in the longer term.

6. Unless otherwise agreed in writing the 2.4m palisade fencing surrounding the substation site shall be provided in a colour material generally consisted with the

approved substation building Olive Green (RAL 6003).

Reason: - to ensure the fence minimises its impact on the amenity of the area.

7. Landscape planting as shown on Figure 2.4 within the submitted Woodland Impact assessment, totalling some 3.5ha shall be carried out unless otherwise agreed in writing by the Planning Authority in consultation with Forestry Commission Scotland. All landscaping proposals should be completed within the first available planting season following the energisation of the substation.

Reason: - To ensure long term screening of the substation.

8. The normal working hours during the construction phase within the site shall be Monday – Friday between 0700hours and 1800hours and on Saturdays between 0800hours and 1300hours. Any work requiring to be conducted outwith these times shall only commence with prior written approval of the Council with an expectation that there will be no deliveries to site on Sundays and any workings outwith the permitted hours be limited to such activities that are not significantly audible beyond the site boundary.

Reason: - to provide periods of quiet to neighbouring residents during the construction phase.

9. Noise arising from within the operational land of the substation, hereby permitted: -
- i. when measured and / or calculated as a Leq, 5min, in the 100Hz one third octave frequency band must not exceed 30 dB, at noise sensitive properties as highlighted with the Environmental Appraisal supporting the application submission.
 - ii. Furthermore that the Rating Level*1 of noise arising from the use of plant, machinery or equipment installed or operated within the operational land of the substation, hereby permitted, must not exceed the existing pre-development background noise levels at noise sensitive properties, as detailed within the approved background noise survey (EA – Chapter 9)

(* - 1Rating Level (LAr,T) and background Noise Level (LA90,T) to be calculated in accordance with BS 4142 : 1997 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.)

Reason: - to control the level of operational noise.

10. Prior to the commencement of the substation hereby approved, final details of the proposed mitigation measures required to meet the existing pre-development background noise levels at noise sensitive properties (as required by condition 9) shall be submitted for the agreement of the Planning Authority. The agreed measures shall be implemented in full to the satisfaction of the Planning Authority prior to commencement of the operation of the development hereby approved

Reason: - to ensure that a detailed mitigation strategy to control operational noise

is submitted prior to the development commencing.

11. Within a period of 6 weeks of the substation becoming operational, a noise assessment shall be carried out to verify compliance with Condition 10 above. A copy of this noise assessment shall be submitted to and approved in writing by the Planning Authority. If the noise assessment shows that the substation does not comply with Condition 9, a scheme of mitigation, including timescales for the implementation of the mitigation, shall be submitted to the Planning Authority within 8 weeks from the date of submission of the noise assessment. Thereafter the mitigation shall be implemented in accordance with the approved scheme and timescales.

Reason: - to assess the noise levels after the substation becomes operational and ensure the mitigation strategy is effective in ensuring the noise levels meet the required criteria.

12. No blasting shall take place without the prior written approval of that planning authority to a blasting scheme. The applicant shall only carry out any blasting in accordance with the approved blasting scheme unless otherwise agreed in writing with the planning authority.

Reason: - to ensure the impacts of such activity is fully considered in respect of local housing and other relevant public safety interests.

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.

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

The applicant will be required to apply for a Minor Works Permit, often referred to as a Road Opening Permit from the Highland Councils Local Community Services Office, as the Roads Authority under Section 56 of the Roads (Scotland) Act 1984 prior to any work commencing on or adjacent to the Councils public road network. All Minor Works Permit application enquires should be made via the Councils website at the following link www.highland.gov.uk or by contacting General Enquires tel no. 01349 886606. Please note that no work should commence until official permission from The Highland Council has been received.

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.

Noise Management Plan

As part of an overall construction noise management plan, it is recommended that the applicant informs all neighbouring residents who are likely to be affected of the proposed timescales and the intended site operations. By keeping neighbouring residents informed of progress of the works and by treating any complaints expeditiously, the applicant may allay any possible fears that neighbouring residents have. In this regard it is recommended that the applicant / developer appoint a person responsible for dealing with complaints and provide a contact telephone number to neighbouring residents.

Woodland Management

For avoidance of doubt any requirement to fell trees outwith the red line site boundary and not identified by the development proposed will require the relevant necessary approvals in place such as a Felling Licence with a restocking condition or an agreed amended Design Plan.

Designation: Head of Planning and Environment

Author: Ken McCorquodale Principal Planner – 01463 702256

Background Papers: Documents referred to in report and in case file.

Plans for Approval.

Plan 1 – LT000019_WAY_004	Location Plan
Plan 2 – LT000019_WAY_004	Layout - Tracks
Plan 3 – SWN-1-1618 REV 02	Site Layout Plan
Plan 4 - SWN-1-1612 REV 06	Section Plan
Plan 5 - SWN-1-1613 REV 04	Section Plan
Plan 6 - SWN-1-1615 REV 02	Section Plan
Plan 7- SWN-1-1616 REV 03	Section Plan
Plan 8 - SWN-1-1617 REV 04	Floor Elevation Plan (GIS Unit)
Plan 9- SWN-1-1611 REV 08	Drainage Layout Plan
Plan 10 – Plan 2	Access Layout (Tomatin Coignafearn Road)

Annex - Site drainage principles agreed with SEPA 12 March 2013.

The following principles are to be incorporated into the Substation design: -

- (1) An alarm will be fitted to each transformer to indicate any significant and/or rapid loss of oil;
- (2) 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;
- (3) 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;
- (4) The bund, weir, and all surfaces used to transport the oil to the interceptor will be impermeable to oil;
- (5) 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;
- (6) The oil detection bund pumps must also be fitted with an alarm (each). Should the pumps fail, the alarm should notify SSE immediately of the failure by telemetry;
- (7) The pump unit must be set to pump out only water and leave any hydrocarbons, including emulsified hydrocarbons, in the bunded area;
- (8) 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;
- (9) Should spill occur during transfer, the oil should automatically shut off, thereby preventing a discharge;
- (10) 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; and
- (11) 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.

THE HIGHLAND COUNCIL

PLANNING APPLICATIONS HEARING PROCEDURE

The following procedure shall be adopted for all Committee meetings (including Council meetings) at which a pre-determination hearing is to be held in respect of a planning application.

There are two types of hearing:

- Discretionary pre-determination hearings where a hearing is requested by a Planning Applications Committee prior to the **Committee** determining a planning application, and
- Non-discretionary pre-determination hearings where a hearing is required by the Town and Country Planning (Scotland) Act 1997 prior to the **Council** determining a planning application.

A. Prior to a Hearing

- a) The Planning and Development Service shall agree with the Chair of the Committee (or Convener of the Council, as appropriate) whether the hearing should take place at a scheduled Committee meeting (or scheduled Council meeting as appropriate) or at a special meeting and will identify an appropriate venue for the meeting.
- b) In complex cases the Planning and Development Service, in consultation with the clerk, may hold a "procedural meeting" to advise the parties about the procedures, to encourage them to coordinate their responses to avoid repetitious statements and to agree the order of speaking.
- c) The Planning and Development Service will circulate the hearing procedure and inform parties of the date, time and venue of the hearing.

B. At the Hearing

- 1) If possible and practical to do so, the clerk or the administrator will identify those parties present who wish to participate in the hearing and will distribute copies of this hearing procedure. A list of participants will be passed to the Chair/Convener.
- 2) The Chair/Convener will open the hearing by welcoming those parties present and will ask for confirmation (1) of the identity of those parties present who wish to participate in the hearing (if it has not proven possible to identify them beforehand), (2) that all persons wishing to participate in the hearing have a copy of this hearing procedure and (3) that all participants understand the procedure. The Chair/Convener will indicate, by name, the order in which the parties taking part will address the Committee/Council.
- 3) The Chair/Convener will remind parties to focus their comments on the views which they have already expressed in writing. New information should only be presented for the purposes of clarification and if this happens the other parties to the hearing will be allowed to respond to this new information.
- 4) The planning officer will introduce the application, giving a brief description of the proposed development and the application site, the planning policies against which the application is to be assessed and any other material considerations relevant to the application.
- 5) The applicants will have the opportunity to present their case (in no more than 10 minutes). Applicants may allot part of their overall time to supporters of the application who have submitted timeous written representations in support of the application (this may include a community council). After the applicants' presentation members of the Committee/Council may ask questions of the applicants.
- 6) Where a community council has objected to the proposal it will have the opportunity to present its case (in no more than 5 minutes in total). After the community council's presentation Members of the Committee/Council may ask questions of the community council representative(s).

- 7) Third parties who have submitted timeous written objections to the proposal will have the opportunity to make their representations (in no more than 10 minutes in total). After the third parties' presentation members of the Committee/Council may ask questions of the third parties.
- 8) The Chair/Convener will ask whether there are any other members of the public who have made timeous objections and have given notice that they wish to speak who have not yet been called. Any such members of the public will have the opportunity to speak for such period as the Chair/Convener permits and the Committee/Council will have an opportunity to ask questions.
- 9) If appropriate, and at the Committee's/Council's request, any other relevant officer of the Council or statutory consultee present will have an opportunity to identify any concerns or issues they wish to raise.
- 10) The applicants will be given the opportunity to respond to issues raised by members, officers or third parties which were not covered in the applicants' original presentation.
- 11) After all parties have concluded their presentations the Chair/Convener will establish whether the Committee/Council has had its requirement for information met. The Chair/Convener will also ask if the parties are satisfied with the way in which the hearing has been conducted and their responses will be included in the minute of the meeting.

Thereafter the Chair/Convener will indicate that the hearing has been completed and all parties will return to the public gallery.

The planning officer will detail the appraisal of, and present the recommendation on, the application, after which the Committee/Council will consider and determine the application.

Guidance Notes

- Applications subject to hearings will normally be scheduled first on a Committee agenda to minimise waiting time by the parties involved.
- Applicants and objectors are expected to take a maximum of **10 minutes** to make their presentations – this timeslot being divided among those wishing to speak for each party. Community Councils presenting their objections are expected to do so within **5 minutes**. If any party wishes longer than these periods then they should indicate this prior to the presentations commencing. The Committee/Council shall decide whether to allow a longer period. Any extension of time should not exceed 5 minutes.
- Where there are a number of objectors wishing to speak, they are encouraged to appoint a spokesperson(s) to present their views as experience has shown that this focuses on the main matters of concern and avoids repetition.
- Any party wishing to use PowerPoint during their presentation **MUST** notify the clerk at least two clear working days before the date of the meeting so that arrangements can be made.
- Finally, it should be noted that if a hearing has been arranged and all the interested parties (i.e. applicant, objector(s) and any third parties) have been invited to attend or be represented, then the hearing will proceed irrespective of the absence of any of the invited parties when the application comes to be considered. Should a party invited to attend a hearing be unable to be present, that party may submit a short written statement summarising their views which will be read to the meeting by the clerk on their behalf at the appropriate stage in the proceedings. The Committee/Council will hear the parties present and then determine the application.
- All parties who have made representations on an application will be advised by the Planning and Development Service of the Committee's/Council's decision on the application.

Planning Applications Site Visit Procedure

When a Planning Applications Committee (PAC) or the Planning Environment and Development Committee (PED) or the Council agree that a site visit is appropriate prior to determining a planning application, these procedures shall be followed:

1. The **Planning & Development Service** will write out to parties (applicant, consultees and those parties lodging representations in support of/in objection to the application) advising that an accompanied site visit will take place and inviting parties to attend. The letter will identify an unambiguous meeting point and indicate the time when parties are to meet. If known, the date, time and place of the meeting at which the planning application will be determined will be included in this letter.

2. If the PAC/PED/Council has any requirements related to the site visit (e.g. that the footprint of a proposed building be pegged out), these requirements must be intimated to the applicant in advance of the site visit.

3. In some cases a bus will be arranged in order that the PAC/PED/Council members can arrive at the site together. Travel arrangements will be intimated by **Democratic Services** to PAC/PED/Council members in advance of the site visit. In cases where a bus is arranged for members, any spare seats on the bus may accommodate representatives of the applicant/consultees/supporters/objectors. If there are insufficient seats for at least one representative of each of the abovementioned groups to travel by bus, only PAC/PED/Council members will travel by bus and those wishing to attend the site visit may follow the bus using their own transport. If this happens, in the interests of transparency and openness, the planning application will not be discussed on the bus. Instead, the application will be discussed once the PAC/PED/Council members reach the site and disembark.

4. **Members** of the PAC/PED/Council shall arrive at the meeting point at or just before the appointed time. **Members** of the PAC/PED/Council must not enter into discussion with any party already on site (other than introductions) to avoid the perception of support for one party over another. If one or more of the expected participants is not present on time, any delay to the start of the site visit will be at the **Chair's** discretion.

5. The site visit will start at the appointed time (with the exception of the circumstances referred to above). The **Clerk** will note the names of those members of the PAC/PED/Council present at the site visit as only those members will be able to take part in the determination of the planning application. The **Chair** will introduce him/herself and ask the PAC/PED/Council members to introduce themselves to those parties present. **Officers** and **parties present** will also introduce themselves. The **Chair** will indicate to those present the purpose of the site visit (namely, to point out the location of the proposed development and physical features referred to in either the planning application or in representations lodged in support of/in opposition to the application). The **Chair** will remind those present that the site visit is not an opportunity for parties to engage in discussion about the merits of the application. The **Chair** will ask the **Planning Officer** to introduce the application to members of the PAC/PED/Council and answer any questions they may have (NB this is not an opportunity for members to discuss the merits or otherwise of the planning application). The **Chair** will then ask the applicant (or applicant's agent) and those supporters/objectors present whether they wish to point out any physical features not already covered by the Planning Officer in his/her presentation. The **Chair** will officiate at the site visit and officers present will assist in this process.

6. Those in attendance are entitled to accompany the PAC/PED/Council as the site visit takes place. When pointing out the location of the proposed development/physical features on site, **participants** must address the PAC/PED/Council as a group (not as individual members) through the Chair. **Members** of the PAC/PED are not permitted to engage in any discussion on the merits of the case with any person approaching them.

7. If any participant (applicant, consultee, objector or supporter) arrives very late, but before the PAC/PED leaves the site, the **Chair** will explain, in the presence of the other parties, what the PAC/PED has done and where the PAC/PED has been. The participant will be asked if there is anything (not already seen) that he/she wishes to point out.

8. If any PAC/PED/Council member arrives late, the Chair/Convener will decide whether the site visit can be recommenced and the information presented repeated for the benefit of that member. If the Chair/Convener decides that this is not feasible, or that there is insufficient time available, to recommence the site visit, the member who has arrived late at the site visit will be excluded from participation in the subsequent determination of the planning application.

9. On conclusion of the site visit, the **Chair** will thank everyone for their attendance and advise parties of the place/time of the meeting when the PAC/PED/Council will determine the application (if known) or will indicate that these details will be sent to parties (if not yet known). The **Chair** will then indicate that the site visit has concluded.

Legal Service/Planning and Development Service
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