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Ms K Lyons
Highland Council
Sent By E-mail

Our ref: PPA-270-2167
Planning Authority ref: 16/02104/FUL

30 August 2017

Dear Ms Lyons

PLANNING PERMISSION APPEAL: ROSSKEEN FARMS INVERGORDON IV18 OPL

Please find attached a copy of the decision on this appeal.

The reporter's decision is final. However you may wish to know that individuals unhappy with the decision made by the reporter may have the right to appeal to the Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ. An appeal **must** be made within six weeks of the date of the appeal decision. Please note though, that an appeal to the Court of Session can only be made on a point of law and it may be useful to seek professional advice before taking this course of action. For more information on challenging decisions made by DPEA please see <https://beta.gov.scot/publications/challenging-planning-decisions-guidance/>.

I trust this information is clear. Please do not hesitate to contact me if you require any further information.

Yours sincerely

Cherie Chrystal

CHERIE CHRYSTAL
Case Officer
Planning and Environmental Appeals Division





Decision by R W Maslin, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2167
- Site address: Rosskeen Farm, Invergordon IV18 0PL
- Appeal by David Gill against the decision by The Highland Council
- Application for planning permission dated 9 May 2016 refused by notice dated 7 December 2016
- The development proposed: erection of agricultural anaerobic digester plant
- Application drawings are listed in appendix 1
- Dates of site visit by Reporter: 26 and 27 June 2017

Date of appeal decision: 30 August 2017

Decision

I allow the appeal and grant planning permission subject to the 27 conditions listed in appendix 2 towards the end of this decision notice. Attention is drawn to the five advisory notes in appendix 4 at the end of this notice.

Preliminary matter

1. The application drawings to which the Highland Council's decision relates are listed in appendix 1. On studying these, it seemed to me that there are some discrepancies and omissions. For example, proposed elevations do not appear to match proposed site layout, elevations of the proposed clamps are not provided and the location of the proposed gas line is not clear. I raised these matters in a request for further information, issued on 31 May 2017.
2. In response, the Appellant, among other things, said that a gas dome had been omitted and that the combined heat and power unit shown on the drawings is of a design that is different from what is intended. The Appellant submitted revised drawings. Drawings showing elevations of the clamps were also provided.
3. Section 32A(3) of the Town and Country Planning (Scotland) Act 1997 (as amended) says that a planning application is not to be varied after an appeal has been made. It is therefore not open to me to approve drawings that show something different from what was before the Council when it decided to refuse planning permission.
4. I am satisfied that the proposed development as envisaged in the latest drawings is very substantially the same as that depicted in the listed drawings. The matter can be



addressed by imposing on any permission conditions requiring that no development shall begin until such time as further drawings have been submitted to and approved by the Council.

Reasoning

5. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan consists of the Highland-wide Local Development Plan, which was adopted in 2012, and the Inner Moray Firth Local Development Plan, which was adopted in 2015.
6. No policy in the Inner Moray Firth Local Development Plan has been drawn to my attention as being relevant to the proposed development. Submissions make reference to development allocations at Invergordon, to which I refer later.
7. Regarding the Highland-wide Local Development Plan, I note that the Council's reason for refusing planning permission refers to policy 28: Sustainable Design. The Council's Planning Committee report refers to policy 28 and to policies 61: Landscape, 64: Flood Risk, 66: Surface Water Drainage and 67: Renewable Energy Developments. From my reading of the plan, it appears to me that a further two policies have relevance. These are 41: Business and Industrial Land and 56: Travel.
8. Having regard to the provisions of the development plan the main issues in this appeal are (a) the effect of the proposed development on the amenity of the dwellings at Auchintoul Farm Cottages and Auchintoul Farmhouse and (b) the effect of traffic going to and from the proposed development. A number of other issues are also of importance.
9. I shall first consider whether, in terms of planning policy, the proposed development is acceptable in principle on the chosen site. I shall then assess the proposed development against policy 67: Renewable Energy Developments as set out in the Highland-wide Local Development Plan. Finally, I shall consider other development plan policies and other material considerations.

Whether the site is acceptable in principle in terms of planning policy

10. In its letter dated 2 June 2016, Invergordon Community Council says "The proposed development is not within an existing industrial site but in open countryside" I take this to be an objection on the ground that the proposed development should be located on an industrial site.
11. In the Highland-wide Local Development Plan, policy 41: Business and Industrial Land says that, in the first instance, proposals for new industrial and business development will be directed to sites that are designated for this purpose. I note that the site of the proposed digester plant is not within an area that is designated for business and industrial development.
12. In relation to policy 41, I find that the proposed development does have an industrial character, as it would be on a large, or "industrial", scale and one of its products would be methane for the local gas grid. On the other hand, the feedstock would be grown on farms

in the surrounding area and one output would be fertiliser for local farms. The proposed development thus has an agricultural character. I find that a location within an area of arable farming is justifiable if distances over which feedstock is transported to it and fertiliser is transported from it are to be minimised.

13. In the above circumstances, I find that the proposed development is of a kind that “cannot reasonably be accommodated on existing allocated industrial and business sites” (policy 41) and therefore does not have to be located on an industrial and business site if it is to accord with the development plan.

Policy 67: Renewable Energy Developments

14. In the planning committee report, the Council’s planning officer says that the principal policy on which the application needs to be determined is policy 67 in the Highland-wide Local Development Plan: Renewable Energy Developments. The Appellant (Grounds of Appeal, 4.1.4) expresses a similar view. I note that policy 67 contains a large number of matters that are to be taken into account. As well as these, policy 67 says that proposals are to be assessed against other policies in the plan. In the following sections, I give consideration to the relevant components of policy 67.

Feedstock source

15. I find that the proposed development would be well-related to the source of its feedstock in that it is centrally located within an area of arable farmland. This finding is subject to the reservation that there is concern that the local road network is inadequate. I give consideration to this later in this decision notice.

Renewable energy generation targets

16. Scottish Planning Policy, paragraph 154, says that the planning system should support change to a low-carbon economy, including deriving 30% of overall energy demand from renewable sources by 2020. This target is also contained in the National Planning Framework which, in paragraph 3.8, says “We want to meet at least 30% of overall energy demand from renewables by 2020” The latter makes it clear that the target is not a limit. The Grounds of Appeal (paragraphs 2.35 and 2.36) say that the proposed development would generate up to 450 cubic metres per hour of biomethane and that this would be exported to the national gas grid. I find that this is a significant contribution to meeting renewable energy generation targets.

Local economy

17. The Appellant (Grounds of Appeal, paragraph 2.5) says that the proposed development would create five new jobs, safeguard existing employment on Rosskeen Farm and have other benefits for the local economy. I find that the proposed development would have a positive effect in terms of the second bullet point in policy 67.

Impact on landscape character

18. Regarding impact on the landscape character of the surrounding area, during my inspection, I noted that topography and woodland limited the extent to which the proposed development would be visible from the surrounding wider area. The proposed development would be barely visible, if at all, from the curtilage of Rosskeen Free Church and not at all from Rosskeen Old Parish Church. From Lower Kincaig, the site is at a slightly lower level and the proposed development would be seen against a background of trees with Millbuie beyond.

19. Nevertheless, the proposed development, because of its size, would have a marked impact from Lower Kincaig and from the middle section of the U1474 (the unclassified road that connects the A9 at Rosskeen Free Church to the B817 near Rosskeen Old Parish Church).

20. I find that some mitigation of the landscape impact could be achieved after a period of time by a landscaping scheme. Such a scheme, if it were to screen the stark appearance of the clamp walls and the rather cluttered appearance of the various items of plant ancillary to the tanks, could reduce the landscape impact. A condition of any planning permission could require implementation of a landscaping scheme. Overall, I find that the impact on landscape character would not be unacceptable.

Visual impact

21. Regarding visual impact, the nearest sensitive receptors are the dwellings to the west of the site. These are all on the north-west side of the private access that leads from the U1474 towards the site. Their principal outlook is to the south-east. Rear windows face north-west. From my inspection, I find that, from within the dwellings, any view of the proposed development would be at an oblique angle and could well be obscured by vegetation on the north-east boundary of the north-easternmost cottage.

22. On the other hand, the proposed development would be very prominent from the private access and from front garden areas. The size of the tanks would tend to dwarf the cottages, this effect being not much reduced by the tanks' distance (about 270 metres) from the nearest cottage. There would thus be a significant adverse visual effect. I return to this in paragraph 80, below.

23. Other sensitive receptors are dwellings at Lower Kincaig and House of Rosskeen. From my inspection, it appears to me that these dwellings are about 500 metres from the proposed development. The principal outlook from a number of dwellings at Lower Kincaig is towards the proposed development. I find that distance and the setting in an extensive landscape result in an adverse effect that is not so great as to be unacceptable. Regarding House of Rosskeen, I find that intervening vegetation, including trees within the golf course, acts as a screen so that there would be no unacceptable visual effect.

24. Invergordon Golf Club says that from the golf course the best vistas are to the west and north. They would be destroyed by the proposed development. I note that the application drawings indicate that the distance between the proposed development and the nearest part of the golf course would be some 170 metres.

25. Between the site of the proposed development and the golf course is Oak Wood (so named on the application location plan). From my inspection, I note that much of Oak Wood is a coniferous plantation that appears to be some years short of maturity. I also note that the owner of the wood, in his representation to Planning and Environmental Appeals Division, says that he has applied for a felling licence and that the wood will be felled in the near future.

26. I find that felling Oak Wood would result in the proposed development being a prominent feature in views from the west part of the golf course. During my inspection, I noted that the fairways for the 15th and 16th holes are close up to the boundary of the course so that there is little or no scope within the golf course to plant trees and shrubs to form a screen. Other parts of the course would be much less affected, being further from the site and benefiting from the screening effect of trees within the course. My conclusion is that there is a likelihood that the proposed development would have an adverse visual effect on the westernmost part of the golf course. I return to this in paragraph 80, below.

Amenity of dwellings - smell

27. The sixth and seventh bullet points in policy 67 include references to amenity at residential properties, visual intrusion and the likely effect of noise generation. I have given consideration to visual impact in the preceding section. I give consideration to noise in the next section. In this section, I give consideration to smell. A number of representations express concern about smell from the proposed development.

28. The Appellant has provided an Odour Assessment report. Paragraph 4.4.7 of the report indicates that assumptions were made that in effect would create a worst-case scenario. The report assessed effects on the nearest residential properties in different directions from the proposed plant. The report concluded that predicted odour concentrations would be below the relevant Scottish Environment Protection Agency odour benchmark level. The significance of predicted impacts was defined as negligible. Overall odour effects as a result of the proposed would not be significant. I find no reason to disagree with this assessment.

29. The odour assessment is based on the assumption that feedstock for the proposed plant would be restricted to grass silage, wholecrop rye and energy beet. The Appellant's statement of appeal (paragraph 2.33) refers to "agricultural feedstocks such as, grass silage, rye, beet and straw". This suggests that, as well as straw, material other than grass silage, wholecrop rye and energy beet might be used. Condition 13 in the Council's planning committee report would prohibit storage of manure, slurry or food waste, but would not control use of other kinds of feedstock.

30. I find that any permission for the proposed development should be subject to a condition that restricts feedstock to grass silage, wholecrop rye and energy beet, with other material being permissible only if it has been given prior approval. This would ensure that no material likely to cause unacceptable odour would be used on the site.

Noise

31. Regarding noise, representations include strongly-expressed concerns that the effect on nearby properties would be greater than is claimed in the planning application and would be severely detrimental to residential amenity.

32. I find that the most significant noise effects would be experienced at the residential properties that are closest to the proposed development. These properties are 3, 4 and 5 Auchintoul Farm Cottages and Auchintoul Farmhouse. Noise would arise from operation of the proposed plant and from traffic going to and from the plant.

33. There would be two chief sources of noise from operation of the plant: noise from the combined heat and power unit and noise from the mixers.

34. The proposed combined heat and power unit would be used to generate electricity and heat, using that part of the biogas that is not exported to the gas distribution network (Statement of Appeal, paragraph 2.55). The Noise Impact Assessment dated 17 November 2016 (section 1.2) says that noise from the unit would be 65dB(A) at 10 metres. In response to my request for further information issued on 12 July 2017, the Appellant says that the original specification for the unit has been amended. Noise from the unit now proposed would be 50dB(A) at a distance of 10 metres. This new figure is incorporated into the revised Noise Impact Assessment dated 21 July 2017 (section 1.2). From the calculations contained in the two assessments, I find that noise from the combined heat and power unit is not likely to have any significantly adverse effect on the amenity of the nearest dwellings.

35. As part of the proposed development, there would be 13 mixers attached to the exteriors of the four tanks. The Noise Impact Assessment dated 17 November 2016 (section 1.2) says that noise from a mixer unit would be 84dB(A) at one metre. Response to the further information request of 12 July 2017 indicates that this is a worst-case scenario, in that it is based on mixers operating at full power when “In reality they will operate at 75% of full capacity, so actual resultant noise levels will be lower than modelled.”

36. I am not convinced that it is correct to use 305 metres as the distance between the mixers and the nearest noise-sensitive property. Response to the further information request of 12 July 2017 includes “calculation shows that at 273m, the distance from the closest mixer to the Receptor, the margin of compliance drops to -2.2dB.” I find that this the appropriate distance, and I note that calculation based on it shows that noise would not exceed criteria specified by the Highland Council and in British Standards.

37. With regard to traffic going to and from the proposed plant, part of the proposed development is construction of a new access from U1474. This access would be to the north-west of Achintoul Farmhouse and Achintoul Farm Cottages. Beyond the last of the cottages, the access would bend to the south-east and join the track that is an extension of the access that runs in front of the farmhouse and cottages. The Site Access drawing shows a distance of 22.5 metres between the track and nearest part of the rear elevation of the cottages. There appears to be a very slightly greater distance between the track and Auchintoul Farmhouse. Rear garden areas are a lesser distance from the track.

38. Both versions of the Appellant's Noise Impact Assessment (17 November 2016 and 21 July 2017) assume that the proposed development would be serviced by a maximum of 4.8 loads per hour (tractor and trailer), which equates to 9.6 arrivals and departures (section 1.2). This amount of traffic is described as a worst-case scenario (the Appellant's Transport Assessment, page 7).

39. The Appellant's response to point 25 of the further information request dated 31 May 2017 describes a more extreme worst-case scenario in which all liquid digestate destined for Rosskeen Farm would be removed by tractor and trailer. This would result in 4.97 loads per hour. The Appellant's letter of 6 July 2017 enclosed a letter dated 3 July 2017 from REC (author of the Noise Impact Assessment). The letter from REC indicates that this greater number of vehicle movements would not create noise in excess of the criteria on which the Noise Impact Assessments are based.

40. From the foregoing, I find that noise levels from traffic going to and from the plant would be within theoretical limits of acceptability. From my inspection, and as shown in the Noise Impact Assessments, I find that the existing ambient noise level is particularly low. Representations from local residents express concern about noise. There is also concern about dust and headlight glare. Taking into account the existing low level of ambient noise, I find that use of the proposed access road is likely to have a significantly adverse effect on residential amenity, especially at peak harvest times.

41. In his response to representations (document APP 3.11), the Appellant says that there could be landscaping along the boundary of the access road opposite the residential properties. The Appellant's response to point 13 in the request for further information issued on 12 July 2017 says that landscaping could include a landscaped mound that could further reduce noise levels.

42. I find that some further measures would be required to reduce to an acceptable level the adverse effect that use of the proposed access road would have on the nearby dwellings. Provision of a landscaped mound could be one means of achieving this. In addition, the access road would need to be constructed with a smooth and even surface and kept in good repair so that there would be no bumps or potholes to create increased noise or vibration. Any permission for the proposed development could be subject to conditions requiring suitable landscaping and road maintenance.

43. Regarding construction noise, the Appellant's Noise Impact Assessment (page 22) predicts that adopted noise criteria would be exceeded at the closest receptor. The Assessment goes on to recommend various mitigation measures and envisages that these would reduce construction noise to an acceptable level.

44. In its letter of 15 June 2017, the Council suggests a condition that might be imposed on any consent to regulate construction activity. I find that a condition along the lines suggested by the Council should be imposed on any consent and that this would ensure, among other things, that construction noise would not be likely to exceed accepted criteria.

45. My conclusion is that the proposed development, if carried out in accordance with certain conditions, would be acceptable with regard to noise.

Safety

46. Representations include the comment that digester plants elsewhere have suffered catastrophic failures. It is contended that the proposed plant would be a danger to local people and the environment.

47. So far as I am aware, there has been no catastrophic failure of a digester plant in Scotland. I have no reason to conclude that the particular design of the proposed plant would be likely to suffer a catastrophic failure.

48. Representations express concern about the effect of the proposed development on health. It is stated that toxic gas would be produced. I find that the proposed digester plant would operate essentially as a closed system. The stages during which feedstock would produce gas would take place within closed containers. The plant would have to be operated in such a way as to pose no health risk to on-site staff. This is a matter regulated by the Health and Safety Executive rather than by the planning system. On the basis that plant operatives would not be exposed to health risk, I find that there would not be a health risk to residents or visitors in the surrounding area.

Water environment

49. Representations express concern that the proposed development could pollute the Rosskeen Burn and, in turn, the Cromarty Firth, with consequent serious effect on wildlife.

50. I note that the Scottish Environment Protection Agency, in its letter dated 26 May 2016, objected to the proposed development. After provision of further information, this objection was withdrawn in a letter dated 8 November 2016. This later letter refers to Drainage Layout Plan P431-01B dated 7 October 2016. A more recent version of this drawing is included in the Appellant's Drainage Impact Assessment dated 26 October 2016. Neither drawing is included in the list of application drawings.

51. I find that any permission for the proposed development could be subject to conditions requiring submission and approval of details of drainage. This would enable the Council to ensure that the proposed development proceeded in accordance with advice from the Scottish Environment Protection Agency. I find that this would address concerns about pollution of the water environment.

Amenity experienced by walkers

52. Representations include reference to a footbridge which crosses the Rosskeen Burn at a point some 140 metres or so south of the site of the proposed plant. Local residents use it to gain access to Invergordon.

53. During my inspection, I noted that the western approach to the footbridge appeared to be through the site of the proposed development. This approach was overgrown to some extent, indicating that, in the period leading up to my inspection, there had been limited use of this route.

54. The Appellant considers that, if required, it would be possible to make provision for a new alignment for the walking route (response dated 20 June 2017 to a request for further information).

55. Policy 67 of the Highland-wide Local Development Plan refers to “the amenity of users of any Core Path or other established public access for walking”. I find that the proposed plant would result in a loss of amenity where the Auchintoul-Invergordon path skirted the site. There is a distance of about one kilometre between Auchintoul and the nearest part of the built-up area of Invergordon. In the context of the route as whole, I find that any loss of amenity from the proposed development would be of limited effect.

56. I note that policy 56: Travel in the Highland-wide Local Development Plan seeks to ensure that opportunities for encouraging walking are maximised. This accords with national policy (Scottish Planning Policy, paragraphs 270 and 273).

57. In all the circumstances, I find that the issue of the walking route may be addressed by imposing on any planning permission a condition to ensure that a walking route is maintained between Auchintoul and the footbridge.

Tourism and recreation interests

58. Invergordon Golf Club is concerned about the effect of the proposed development on the club. The club is used not only by its membership, but also by visitors, including visitors from cruise ships calling at Invergordon. Two of the club’s concerns relate to health risks and odour. I have given consideration to these matters in paragraphs 48 and 27 to 30 above.

59. The club’s other concern is the effect of the proposed development on the fine vistas to the west and north. The club says that the numerous visitors to the course commonly comment on the spectacular view and the pleasant surroundings. I have already concluded (paragraph 26 above) that there is a likelihood that the proposed development would have an adverse visual effect on the westernmost part of the golf course. I find that this adverse effect would be likely to have a limited effect on the golf course as a whole and is not likely to have a significant effect on use of the course by club members and visitors. I return to this in paragraph 80, below.

Traffic and transport

60. In its reason for refusal of planning permission, the Council says “concerns were raised due to the significant traffic movements related to the development on the existing road network and the sufficiency of the mitigation measures proposed to address these impacts”. I note that traffic concerns are also raised by Invergordon Community Council, Kilmuir and Logie Easter Community Council, Nigg and Shandwick Community Council, Saltburn and Westwood Community Council and in representations. Main points of concern are: the amount of traffic that would go to and from the proposed development has been underestimated; the traffic could not be satisfactorily accommodated on the U1474; the junctions at each end of the U1474 are not safe; the traffic could not be satisfactorily accommodated on the wider road network; and the traffic routing plan would not be effective.

Amount of traffic

61. The Statement of Appeal, paragraph 2.51, says that in theory all the feedstocks could be delivered within 40 days of the typical 183 day harvest window and that this would generate between 3.9 to 4.5 tractor/trailer loads per hour or 58.5 to 67.5 per day over a 15 hour working day. This amount of traffic is used in the Appellant's Transport Assessment, where it is described as a worst-case scenario (page 7).

62. As already noted (paragraph 39 above), the Appellant's response to point 25 of the further information request dated 31 May 2017 describes a more extreme worst-case scenario in which all liquid digestate destined for Rosskeen Farm would be removed by tractor and trailer. This would result in 4.97 loads per hour.

63. I find that the amount of traffic associated with the proposed development is not likely to exceed 4.97 loads per hour and that this is not significantly different from the amount of traffic envisaged in the Transport Assessment.

Use of the U1474

64. In 2013, a survey of traffic using the U1474 showed that the average number of vehicles per day was around 520. From submissions and from my site inspection, I find no reason to believe that the amount of traffic using the U1474 now is significantly different from the amount observed in 2013. In my view, traffic flow on the U1474 may be described as light.

65. The U1474 is a single-track road. Towards its south end, where it adjoins the cemetery and the old parish church, it has sharp bends with limited forward visibility. Representations say that the road is not suitable for use by the additional traffic that would be associated with the proposed development. The Appellant indicates a willingness to carry out works identified by Transport Scotland and the Council's Transport Planning Officer. These works include improved and new passing places and carriageway widening at each end of the U1474.

66. Representations also make the point that on regular occasions there are major events such as burials in the cemetery and weddings at Rosskeen Free Church at the north end of the U1474. On these occasions, there would be conflict between the major event traffic and traffic going to and from the proposed development. The Appellant's Transport Assessment (appendix IX: Traffic Management Plan, under the heading "Rosskeen Church") envisages that there would be no deliveries to the proposed plant during funerals.

67. I find that, provided the various improvements to the U1474 were carried out, traffic associated with the proposed development could be accommodated on the road without unacceptable effects on the free flow of traffic and on road safety. With regard to major events at Rosskeen Free Church and the cemetery, provision could be made in the Traffic Management Plan to suspend digester plant traffic as necessary, thus avoiding conflict between major events traffic and digester plant traffic.

68. A number of representations point out that close beside the U1474 there are residential properties, the amenity of which would be seriously damaged by the increase in traffic flow that would be caused by the proposed development. I note that, at busiest times for the proposed plant, there would be some 150 additional traffic movements per day. The total number of traffic movements along the U1474 would thus increase by approximately one-third. I find that this would result in some loss of amenity at adjoining dwellings, but not to an extent that would be unacceptable.

69. Concern about the condition of the carriageway surface would be addressed by imposing on any planning permission a condition requiring strengthening of the U1474, as recommended by the Council's Transport Planning Officer.

The U1474 junctions

70. At its north end, the U1474 joins trunk road A9. This junction is part of a staggered crossroads. The accident history at this junction is described in section 5 of Transport Scotland's written statement dated 31 March 2017. Transport Scotland does not object to the proposed development. It advises that certain conditions be imposed on any planning permission that might be granted. Among other things, these conditions would require carriageway widening at the north end of the U1474 and no right turns by traffic associated with the proposed development. I find that such conditions would adequately address concerns about traffic safety at the U1474-A9 junction.

71. At its south end, the U1474 joins the B817. The accident history at this junction is contained in the Council's letter of 15 June 2017, which is its response to a request for further information. During the last five years, four accidents have been recorded. One of these resulted in a slight injury. The other three resulted only in vehicle damage. I note that the Council's Transport Planning Officer, in her e-mail of 16 November 2017, does not object to the proposed development, provided certain conditions are imposed on any planning permission that might be granted. Among other things, these conditions would require carriageway widening at the south end of the U1474. I find that this would adequately address concerns about traffic safety at the U1474-B817 junction.

The wider road network

72. There is concern about the effect that digester plant traffic would have on the wider road network, including roads through Alness and Saltburn. I note that neither Transport Scotland nor the Council's Transport Planning Officer raises objection with regard to use of the wider road network, provided an approved traffic management plan is in operation. I find that digester plant traffic could be accommodated on the wider road network without unacceptable effects on the safe and free flow of traffic.

73. I find that at the busiest times, and depending on which farm was the source of feedstock at any particular time, there would be a noticeable increase in tractor and trailer traffic passing through local communities. This would be for a relatively limited period, and I find that it would not result in any unacceptable effect on the amenity of residents.

Traffic routing

74. Both Transport Scotland and the Council's Transport Planning Officer advise that any planning permission should be subject to a condition requiring submission, approval and implementation of a traffic management plan. Representations express concern that a traffic management plan would not alleviate all problems created by digester traffic and could not be effectively enforced.

75. From appendix IX of the Appellant's Transport Assessment, I note that it is envisaged that movement of feedstock from individual farms to the proposed plant and distribution of digestate would take place only by prior arrangement with the plant manager. There would thus be opportunity to instruct drivers as to which route should be followed for each particular journey. A record of journeys would be kept by the manager.

76. I find that it is possible to design an acceptable traffic management plan and that there is no reason why it should not be effective.

Site restoration

77. Policy 67 of the Highland-wide Local Development Plan says that, in all cases where planning permission is granted for a renewable energy development, conditions will be imposed requiring removal of the development and site restoration if the project ceases to operate for a specific period. The Council's suggested condition 20 would address this requirement.

78. In its letter of 15 June 2017, the Council recommends that there should be a condition requiring establishment of a site restoration fund. In the statement of 20 June 2017, the Appellant agrees in principle that there should be a site restoration fund.

79. I find that the site restoration aspect of policy 67 may be addressed by imposing conditions on any planning permission.

Policy 67 - conclusions

80. From the foregoing, I find that the proposed development, if subject to various conditions, would accord with most of the requirements of policy 67. There are two exceptions. There would be a significant adverse visual effect on the nearest cottages (paragraph 22, above) and there is likelihood that there would be an adverse effect on the westernmost part of the golf course with, in turn, an effect on tourism and recreation interests (paragraphs 26 and 59, above). I find that these adverse effects should be weighed against the advantages of the proposed development, which include provision of renewable energy and provision of employment. I find that the advantages outweigh the adverse effects and that, overall, the proposed development accords with policy 67.

Other policies

81. As well as policy 67, the Council's planning committee report says that policies 28, 61, 64 and 66 of the Highland-wide Local Development Plan are relevant.

82. The reason for refusal of planning permission says that the proposed development would have a detrimental effect on individual and community residential amenity and does not demonstrate sensitive siting in relation to Auchintoul Farm Cottages, especially in relation to the route of the proposed access. For these reasons it is contrary to policy 28.

83. In policy 28: Sustainable Design, I find that significant matters are impact on residential amenity and impact on landscape. These have been considered above, in relation to policy 67.

84. Policy 28 also seeks sensitive siting and high-quality design in keeping with local character and historic and natural environment. I find that the proposed development, notwithstanding its effect on the nearest dwellings, is in a location that limits its effect on the wider surrounding landscape. I find that the design of the proposed development is largely dictated by its functional requirements. There is scope for landscaping to screen the clamps and other parts of the development apart from the tanks. The tanks would have a simple, relatively clean-cut appearance, minimising their effect so far as this is possible in view of their size.

85. Policy 61: Landscape says that new development should be designed to reflect the landscape characteristics and special qualities identified in the local Landscape Character Assessment. As just noted, the design of the proposed development is largely dictated by its function. No special qualities in the local landscape have been drawn to my attention. So far as I am aware, the site is not within a special landscape area. In the circumstances, I find that the proposed development neither takes support from nor is significantly contrary to policy 61.

86. Policy 64 says that development proposals should avoid areas susceptible to flooding and promote sustainable flood management. The Appellant's Drainage Impact Assessment, 26 October 2016, page 3, says that the site is neither at flood risk nor forms part of the functional flood plain. I have no reason to doubt that this is the case, and I find that the proposed development would accord with policy 64.

87. In the Drainage Impact Assessment, it is envisaged that drainage within the site would accord with the CIRIA SUDS Manual C753. This could be ensured by imposing a condition on any permission and would meet the requirements of policy 66: Surface Water Drainage.

Inner Moray Firth Local Development Plan

88. Representations include the comment that the proposed development would curtail or prevent any future housing on the north side of Invergordon. I note from the Inner Moray Firth Local Development Plan that sites are allocated for housing development on the north side of the town. The site that is closest to the proposed plant is site IG4, House of Rosskeen.

89. From my inspection, I note that site IG4 is about 500 metres south-east of the proposed development. Site IG4 contains mature trees. The local development plan envisages that ancient woodland will be retained. I find that the distance between the proposed development and site IG4 and screening afforded by woodland make it unlikely

that the proposed digester development would have any significant adverse effect on the attractiveness of site IG4 as a location for new housing.

Development plan - conclusion

90. From all the foregoing, my conclusion is that the proposed development accords with the development plan.

Other material considerations

91. Other material considerations are Scottish Planning Policy, agricultural effects and alternative sites.

Scottish Planning Policy

92. Paragraph 191 of Scottish Planning Policy says that planning authorities should consider the need for buffer zones between dwellings and some waste management facilities. "As a guide, appropriate buffer distances may be 250m between sensitive receptors and operations such as anaerobic digestion" Representations include the point that the proposed development is unacceptable because it would be less than 250 metres from the nearest house.

93. From the Site Layout Plan, I find that there is a distance of about 170 metres between the nearest house and the proposed development. This is clearly less than the distance mentioned in Scottish Planning Policy.

94. My analysis of development plan policy indicates that, in the present case, a separation distance of 170 metres is acceptable. One reason for this is that the proposed development is not, strictly speaking, a waste management facility, in that the feedstock is crop material specially grown for processing at the plant and the feedstock is not of a kind that is likely to create unacceptable smell (see paragraphs 27 to 30, above). Noise would be another reason for having a buffer distance. In the present case, it is not likely that noise would exceed criteria specified by the Highland Council and in British Standards (see paragraphs 31 to 45, above).

95. As already noted (paragraph 16, above) Scottish Planning Policy, paragraph 154, says that the planning system should support change to a low-carbon economy.

96. My conclusion is that the proposed development does not conflict with Scottish Planning Policy.

The agricultural industry

97. Representations express differing views with regard to the effect that the proposed development would have on the local agricultural industry. On the one hand, it is contended that the proposed development would support the local agricultural industry at a time when the market for crops is difficult. On the other hand, it is claimed that the proposed development would mean that arable land would cease to be used for food

production and that the government is considering changes to the feed-in tariff to encourage developers to move away from crop-based feedstock.

98. I find that these considerations are concerned with agricultural policy and are largely outwith the scope of planning policy. To the extent that the proposed development would be beneficial to the local farming industry and thus have a positive effect on the local economy, it would accord with policy 67 of the Highland-wide Local Development Plan. I am not aware of anything in national or local planning policy that would require me to have regard to the extent to which the proposed plant might lead to a reduction in food output.

99. My conclusion is that any negative effect that the proposed development might have on food output from local farms is not something that supports the case for withholding planning permission.

Alternative sites

100. Representations state that there are other sites better suited for the proposed development. In particular, references are made to locating the proposed development beside the waste water treatment works which are on the north side of the B817, about 1800 metres south-west of the application site.

101. I have to consider the proposed development on its own merits. In the present case, it is not for me to consider the merits of any other site.

Overall conclusion

101. I find that the proposed development accords with the development plan and that there is no material consideration that would justify refusal of planning permission. Planning permission should be granted. I have examined all the other matters raised in consultation responses and in representations, but no other consideration leads me to alter my overall conclusion.

Conditions

102. As is normal practice, the Council, in its response to the appeal, has provided a list of suggested conditions that, in its view, should be imposed on any permission that might be granted. In a letter dated 19 April 2017, the Appellant raises no objection to the suggested conditions.

103. In my foregoing consideration of the appeal, I find that certain further matters should be included in the conditions if the proposed development is to proceed in an acceptable manner. In addition, I find that some adjustments to the wording of the suggested conditions are necessary to ensure that they accord with advice in Circular 4/1998: The Use of Conditions in Planning Permissions, in particular the need for conditions to be precise and enforceable. The conditions in appendix 2 are the conditions that should be imposed on planning permission for the proposed development.

R W Maslin

Reporter

Appendix 1 - application drawings

Name	Drawing number	Version	Number in Appellant's list of documents
Location Plan	G009A1	R3	1.5.5
Site Access	G009A2	R2	1.5.7
Site Layout Plan	G009A3	R3	1.5.6
Elevations Plan	G009A7	R1	1.2.6
SUDS Plan	G009A5	R1	1.2.4
SUDS Basin	G009A6	R1	1.2.5

Appendix 2 - conditions

1. No development shall commence until all of the following have been submitted to and approved in writing by the Planning Authority:

(a) drawings showing details of the following:

- (i) the site layout;
- (ii) plans of all buildings, fixed plant, machinery and clamps;
- (iii) elevations of all buildings, fixed plant, machinery and clamps; and
- (iv) finished ground levels in relation to existing ground levels within and adjoining the site; and

(b) the colours and finishes for all buildings, fixed plant, machinery and clamps.

The development shall be implemented in accordance with all the matters approved in terms of this condition.

Reason: To ensure that the nature of the proposed development is made clear and is acceptable.

2. No development shall commence until a scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. In particular:

- (a) The scheme shall apply to but not necessarily be limited to land between the proposed plant and the Rosskeen Burn, land within 15 metres of the boundary of the area that is to be occupied by the proposed plant and clamps and land on the south-east and south-west sides of that part of the proposed access which is between the U1474 and the line of the existing access to the site of the proposed plant and clamps.
- (b) The landscaping shall include plants that will in due course screen or soften the appearance of the clamp walls and those parts of the digester plant other than the tanks.

- (c) The landscaping on the south-east and south-west sides of the proposed access shall incorporate mounding or such other features as may be approved in order to reduce disturbance to residential amenity caused by traffic using the access.
- (d) The landscaping scheme shall make provision for continued pedestrian access between Auchintoul and the footbridge that crosses the Rosskeen Burn some 140 metres or so south of the site of the proposed plant.
- (e) The scheme shall include a plan showing existing landscaping features and vegetation to be retained.
- (f) The scheme shall include all soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and shrub and planting densities.
- (g) The scheme shall include a programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Landscaping works shall be carried out in accordance with the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die for whatever reason, are removed or are damaged shall be replaced in the next planting season with others of the same size and species.

Reasons: Landscaping is necessary to ensure that the appearance of the proposed development is acceptable. Provision for continued pedestrian movement between Auchintoul and Invergordon is needed to encourage movement on foot.

3. No development shall commence until details of the type, dimensions and colour of all boundary treatments and a programme for implementation have been submitted to and approved in writing by the Planning Authority.

Boundary treatments shall be provided in accordance with all the matters approved in terms of this condition.

Reason: No details of boundary treatments have been provided and to ensure that boundary treatments are of satisfactory appearance.

4. No development shall commence until details of the following have been submitted to and approved in writing by the Planning Authority:

- (a) works to strengthen the U1474; and
- (b) a programme for implementation of the strengthening works.

Road Strengthening works shall include edge strengthening, patching where isolated areas show weakness, a wearing course overlay throughout and any other works necessary to make the carriageway capable of bearing the traffic that will be going to and from the proposed plant.

The strengthening works approved in terms of this condition shall be implemented in accordance with the approved programme for implementation.

Reason: In the interests of amenity and road safety.

5. No development shall commence until the following have been submitted to and approved in writing by the Planning Authority:

- (a) details of the location and specification of six passing places to be constructed on the U1474; and
- (b) a programme for construction of the passing places.

The passing places approved in terms of this condition shall be constructed in accordance with the approved programme for construction.

Reason: In the interests of amenity and road safety.

6. No development shall commence until the following have been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland:

detailed plans showing modifications to the layout of the junction of the Rosskeen Road (U1474) and the A9.

The modifications shall be generally in accordance with drawing number P431-12B prepared by Gunn MacPhee, dated 19 November 2016 and included in appendix VII of the Rosskeen Digester Plant Transport Assessment of the same date.

No development on the site of the proposed plant and clamps shall commence until the junction modifications approved in terms of this condition have been carried out and completed.

Reason: In the interests of road safety and amenity.

7. No development shall commence until the following have been submitted to and approved in writing by the Planning Authority:

detailed plans showing modifications to the layout of the junction of Rosskeen Road (U1474) and the B817.

The modifications shall be generally in accordance with drawing number P431-16 prepared by Gunn MacPhee, dated 27 October 2016 and included in appendix VII of the Rosskeen Digester Plant Transport Assessment dated 19 November 2016.

No development on the site of the proposed plant and clamps shall commence until the junction modifications approved in terms of this condition have been carried out and completed.

Reason: In the interests of road safety and amenity.

8. No development shall commence until an Operational Traffic Management Plan has been submitted to and approved in writing by the Planning Authority.

Among other things the Operational Traffic Management Plan shall identify the routes to be followed by traffic moving between individual farms or locational groups of farms and the digester plant and shall include provisions to ensure that:

- (a) no traffic enters, leaves or crosses the A9 at Tomich junction;
- (b) no traffic except Rosskeen Farm traffic crosses the A9 at Rosskeen (U1474) junction;
- (c) no traffic makes right turns into Rosskeen Road (U1474) from the A9;
- (d) no traffic makes right turns from Rosskeen Road (U1474) to the A9;
- (e) no traffic crosses the A9 at any junction except traffic mentioned in (b) above;
- (f) traffic on all other routes makes no right turns on or off the A9 except from farm or field accesses;
- (g) there is no two-way traffic on U1474 south of the proposed access;
- (h) operational traffic delivering farm feedstock to the plant originates from one farm at a time; and
- (i) the appropriate routes for each day are brought to the attention of drivers of all traffic and a register is signed by all drivers to indicate that they will use only the appropriate routes.

In (a) to (i) above, “traffic” means traffic going to or from the proposed digester plant.

The Operational Traffic Management Plan shall also include provision to avoid conflict with major events at Rosskeen Free Church and at the cemetery beside the old parish church. This may require temporary suspension of traffic going to and from the proposed digester plant.

If, after the Operational Traffic Management Plan has been approved in terms of this condition, any change in the origin of feedstock for the digester plant or any change in the destination of materials produced by the digester plant is proposed, no such change shall take place until such time as an amended Operational Traffic Management Plan has been submitted to and approved in writing by the Planning Authority.

The register to which reference is made in (i) above shall be made available at all reasonable times for inspection by representatives of the Planning Authority or of Transport Scotland.

The digester plant shall be operated in accordance with the Operational Traffic Management Plan approved in terms of this condition or in accordance with any amended version approved in terms of this condition.

Reason: In the interests of road safety and amenity.

9. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Planning Authority. All traffic movements associated with construction of the proposed digester plant shall accord with the approved plan.

Reason: In the interests of road safety and amenity.

10. No development shall commence until the following have been submitted to and approved in writing by the Planning Authority:

- (a) a layout drawing showing details of the junction between the proposed access road to the digester plant and the U1474;
- (b) construction specification for the junction; and
- (c) a drawing showing visibility splays of 4.5 metres by 120 metres to each side of the junction.

The junction shall be designed in such manner as to ensure that no surface water drains from the proposed access to the U1474 or from the U1474 to the site.

11. No development shall commence until:

- (a) the junction between the proposed access road to the digester plant and the U1474 has been constructed in accordance with details approved in terms of condition 10; and
- (b) all obstructions to visibility have been removed from the visibility splays approved in terms of condition 10.

For the purposes of this condition, an obstruction to visibility is anything that is within one of the visibility splays and that exceeds one metre in height above the level of the nearest portion of carriageway.

12. At all times during the period that the digester plant is under construction or in use the visibility splays approved in terms of condition 10 shall be kept free of obstructions to visibility. For the purposes of this condition, an obstruction to visibility is anything that is within one of the visibility splays and that exceeds one metre in height above the level of the nearest portion of carriageway.

Reason for conditions 10, 11 and 12: To ensure that there is safe and convenient means of access from the digester plant to the U1474 road.

13. No development shall commence until the following have been submitted to and approved in writing by the Planning Authority:

details of the construction of the proposed access road between the U1474 and the site of the digester and clamps.

The construction details shall be such as will provide a smooth, even and durable running surface.

14. Before any work on the site of the digester and clamps is begun the access road shall be constructed in accordance with the details approved in terms of the preceding condition.

At all times during the period that the digester plant is under construction or in use the access road shall be maintained so that its surface is smooth and even and has no potholes or bumps.

Reason for conditions 13 and 14: To ensure that noise and vibration caused by passing traffic using the access road are kept to a minimum and create least possible disturbance to nearby residential properties.

15. Deliveries to and from the site shall only take place between the hours of 7am and 10pm.

Reason: In the interests of neighbour amenity.

16. All plant, machinery and equipment associated with the proposed development shall be so installed, maintained and operated that one of the following standards is met:

(a) any associated operating noise does not exceed NR 20 when measured or calculated within the bedroom of any noise-sensitive premises with windows open for ventilation purposes;

or

(b) the operating noise rating level does not exceed the background noise level at the boundary of any noise sensitive premises by more than 5dB(A) including any characteristics penalty. Terms and measurements to be in accordance with BS 4142: 2014 Methods for Rating Industrial & Commercial Sound. Time periods to be taken as daytime 1 hour and night time 15 minutes. Daytime period to be taken as 7am to 11pm.

For the purposes of this condition, “noise-sensitive premises” includes, but is not necessarily limited to, any building, structure or other development the lawful use of which (a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or (b) is as a flat or static residential caravan. “Plant, machinery and equipment” includes vehicle movements.

Reason: In the interests of neighbour amenity.

17. At no time shall manure, slurry or food waste be stored within the clamps or within any other part of the area occupied by the digester plant.

The feedstock for the digester plant shall consist only of grass silage, rye, beet and clean straw. Without the prior written approval of the Planning Authority no other kind of feedstock shall be used.

Reason: In the interests of neighbour amenity and to ensure unacceptable odour does not result from this development.

18. No development shall commence until the following has been submitted to and approved in writing by the Planning Authority:

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.

The programme of work shall accord with the attached specification (appendix 3).

The programme of work approved in terms of this condition shall be implemented in accordance with the approved timetable for investigation.

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

19. No development shall commence until the following has been submitted to and approved in writing by the Planning Authority:

an updated drainage impact assessment.

The updated drainage impact assessment shall demonstrate that the SUDS proposals meet the treatment requirements outlined in the revised SUDS Manual (CIRIA SUDS Manual C753). In particular:

(a) the filter drain around the tanks shall be replaced by a lined swale which will provide additional treatment;

(b) each of the SUDS features shall be designed in line with the requirements of the SUDS Manual; and

(c) the soakaway shall be located at least 10 metres from the top of the nearest bank of the watercourse.

20. Before any part of the digester plant is brought into use all drainage measures approved in terms of condition 17 and all other surface water drainage provision shall be constructed and shall be available for use.

Reasons for conditions 19 and 20: To ensure that all drainage is provided timeously and complies with the principles of SUDS so that the water environment is protected.

21. A six metres wide buffer strip between the bank of Rosskeen Burn and the digester plant site shall be kept free from development.

Reason: To ensure an acceptable buffer is maintained for watercourse maintenance and to safeguard the site against flood risk.

22. No development shall commence until the following has been submitted to and approved in writing by the Planning Authority:

a scheme to ensure that all vehicles leaving the site have been sufficiently cleaned to ensure that no mud, dirt or any other material is transferred onto the public road network.

23. Before any part of the digester plant is brought into use the vehicle-cleaning scheme approved in terms of the preceding condition shall be in operation. At all times during the period that the digester plant is in use the approved vehicle-cleaning scheme shall be kept in operation.

Reason for conditions 22 and 23: In the interests of amenity and road safety.

24. No development shall commence until the following have been submitted to and approved in writing by the Planning Authority:

full details of any external lighting to be used within the site or along its boundaries or along the access.

Any such details shall include the location, type, angle of direction and wattage of each light. Any external lighting shall be positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary.

No external lighting shall be used in or adjacent to the site unless it has been approved in terms of this condition.

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area and does not impact adversely upon the amenity of adjacent residential properties.

25. No development shall commence until a construction environmental management document has been submitted to and approved in writing by the Planning Authority.

The construction environmental management document shall accord with The Highland Council's current Guidance Note on Construction Environmental Management Process for Large Scale Projects.

The construction environmental management document shall include:

- (a) a schedule of mitigation listing all approved mitigation proposed in support of the proposed development and any other additional mitigation;

- (b) change control procedures to manage and action changes from the approved construction environmental management document;
- (c) provision, where relevant, for:
 - (i) habitat and species protection;
 - (ii) pollution prevention and control;
 - (iii) dust management;
 - (iv) noise and vibration mitigation;
 - (v) site waste management;
 - (vi) surface and ground water management: (a) drainage and sediment management measures from all construction areas including access track construction; and (b) mechanisms to ensure that construction will not take place during periods of high flow or high rainfall;
 - (vii) water course management;
 - (viii) public and private water supply protection measures;
 - (ix) emergency response plans; and
 - (x) other environmental management as may be relevant to the development.
- (d) post-construction restoration and reinstatement of temporary working areas and compounds;
- (e) a statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- (f) methods for monitoring, auditing, reporting and for communication with client, Planning Authority and other relevant parties.

Development shall be carried out in accordance with the approved construction environmental management document.

Reason: To ensure that adverse effects on residential amenity and the environment arising from construction of the proposed development are minimised.

26. Should the anaerobic digester plant hereby approved not supply gas for a continuous period of 12 months, it shall be deemed to have ceased to be required and, unless otherwise agreed in writing by the Planning Authority, shall be removed from the site, along with all associated plant and equipment.

Reason: To ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of visual amenity.

27. No development shall commence until a scheme to establish a site restoration fund has been submitted to and approved in writing by the Planning Authority.

The scheme approved in terms of this condition shall be maintained in effect throughout the period during which the site is occupied by the digester plant.

Reason: To ensure that resources will be available for site restoration in the event that the proposed digester plant ceases to be required.

Appendix 3 - archaeological evaluation

The Highland Council's specification for an archaeological evaluation prior to development of an agricultural anaerobic digester plant at Rosskeen Farm, Invergordon

(1) Summary

This brief details the work required to fulfil the archaeological condition of this planning consent. It represents the minimum standard of work necessary to meet the needs of this condition and should be supplied to tendering archaeological contractors.

This proposed development may impact on valuable features of historic and archaeological importance. In view of the archaeological sensitivity and potential of the site, the Council's Historic Environment Team advised that an archaeological evaluation be undertaken in advance of development. Implementation of this brief will meet the concerns raised.

This brief is for an evaluation to determine the archaeological baseline of the application site. If significant deposits are encountered, recommendations for further measures necessary to mitigate the impact of the development should be made.

This brief has been produced for the applicant who will be responsible for the work and all costs incurred, including any tendering and contractual arrangements. This brief must be read with reference to the Highland Council *Standards for Archaeological Work* document that sets out in detail who is responsible for what, as well as the terms of reference, objectives, method, monitoring and reporting arrangements.

The *Standards for Archaeological Work* is available on our webpage at http://www.highland.gov.uk/downloads/file/1022/standards_for_archaeological_work .

(2) Archaeological Background

The development lies in an area with potential for the survival of buried archaeological deposits. The application area must be subject to an archaeological evaluation to assess the content, nature and extent of buried archaeological features and deposits.

(3) Objectives

- To identify the location, nature and extent of any features or objects of archaeological importance that would be damaged or destroyed by this development.

- To propose arrangements for the safeguarding where possible, and recording where necessary of any archaeological features or finds identified. These will need to be agreed with the Historic Environment Team.

(4) Methodology

All fieldwork must be informed by a desk-based assessment undertaken in advance of the start of works.

Fieldwork

An evaluation by open area trenching will be conducted across the application site. The location of these trenches will be informed by the results of a deskbased assessment and a study of the local topography. The trenches will be of varying lengths and sizes and set on varying orientations, putative features will be targeted, as will apparently blank areas; an indicative trench plan will be included as part of the project design for approval by HET.

The application site will be subject to a 7% sample evaluation.

The evaluation report will make recommendations regarding the need for further excavation work to record any identified features. All recovered artefacts and ecofacts must be subject to a programme of post-excavation analysis and the results incorporated into a final report.

The Historic Environment Practitioner must refer to the minimum standard requirements as laid out in the *HC Standards for Archaeological Work*. This brief itself is not comprehensive or definitive - tendering Historic Environment Practitioners will need to determine for themselves the methodology that will deliver the required product. This should be laid down in a Project Design and agreed with HET in advance of the start of site works. The start of archaeological work will be subject to the submission and approval of this document.

(5) Schedule & Monitoring

The Historic Environment Practitioner is responsible for agreeing arrangements for monitoring with HET staff. We will monitor projects as necessary to ensure that minimum standards are met. Prior notice of fieldwork starting dates, with contact names, telephone numbers and arrangements for access must be given to HET in advance of the start of works.

The Historic Environment Practitioner must make a short progress report (by telephone) to HET for every week of fieldwork undertaken. Any unexpectedly significant or complex discoveries, or other unexpected occurrences which might significantly affect the archaeological work and/or the development must be notified by the Historic Environment Practitioner immediately to the applicant and HET. The finds or features must be left in situ until arrangements have been agreed for safeguarding or recording them. In the meantime work may continue on other areas of the site.

(6) Products

Following completion of the fieldwork, an archive and report will be produced and disseminated according to the standards set out in the HC *Standards for Archaeological Work*. The report should describe the nature of the field work undertaken; the conditions and limitations within which the work was carried-out; the results that were obtained and recommendations for mitigation and/or further work, as appropriate. Further work may include additional fieldwork, post-excavation analysis, specialist studies and publication.

All work will be undertaken according to the Code of Conduct, Standards and Guidance of the Chartered Institute for Archaeologists.

The brief has been produced specifically for this scheme based on documents supplied at the time it was issued. It is valid for one year from the date of issue. Where work is not carried out in full within that time, a revised specification may be issued.

This brief has been produced by the Historic Environment Team, to whom any enquiries should be addressed. No one else has authority to vary its terms.

Highland Council Historic Environment Team Tuesday, 21 June 2016
www.highland.gov.uk/yourenvironment/conservation/archaeology

Appendix 4 - Advisory notes

- 1. The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
- 2. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
- 3. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)
- 4. Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.)

5. Transport Scotland

In its consultation response, Transport Scotland advises as follows.

The granting of planning consent does not carry with it the right to carry out works within the trunk road boundary. Permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation. The road works which are required due to the above conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.