

Agenda Item	<b>6.8</b>
Report No	<b>PLN/027/18</b>

## THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 17 April 2017

**Report Title:** 18/00215/S42 : Scottish Hydro Electric Transmission PLC  
DC Site Spittal Sub Station, Halkirk

**Report By:** Area Planning Manager – North

### 1. **Purpose/Executive Summary**

**1.1 Description:** Application to amend the terms of condition 14 of application 11/02459/FUL to increase the construction working hours to up to 24 hour working, Monday to Sunday for the duration of the cable containment and cable installation works.

**Ward:** 03 - Wick and East Caithness.

**Development category:** National (already consented).

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

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.

### 2. **Recommendation**

Members are asked to agree the recommendation to **Grant** as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 The application is to amend the condition as attached to the planning permission to increase the construction working hours to allow 24 hour working, seven days a week, for the duration of the cable containment and cable installation works at the for the DC Converter Substation being built at Spittal.
- 1.2 Condition 14 as attached to the current planning permission (11/02459/FUL) states:  
*"The hours of construction work during the development and any traffic movement to or from the site associated with the construction of the development shall be:-*  
· *April- September - weekdays 7.00-19.00 hrs and Saturdays only - 7.00 - 14.00 hrs*  
· *October- March - weekdays 7.30-17.00 hrs and Saturdays only 7.30-14.00 hrs*  
· *There shall be no Sunday workings without the prior written approval of the Planning Authority.*  
· *There shall be no working on 25/26 Dec, 1/2 Jan or during the Saturday/Sunday of the Easter weekend.*  
*Reason: For the protection of residential amenity within nearby communities."*
- 1.3 The requested amendment would allow 24 hour working Monday to Sunday.
- 1.4 Pre Application Consultation: None.
- 1.5 Supporting Information: Planning Supporting Statement.
- 1.5 Variations: None

## **2. SITE DESCRIPTION**

- 2.1 The converter station, currently under-construction, is at Spittal Mains Farm, approximately 2km north of Spittal, 5km south from Halkirk and 13km south of Thurso. There are six residential properties within 1 km of the site. The nearest property, Achanarras Farm, is some 200m away from the development area with Spittal Mains Farm approximately 730m away.
- 2.2 The converter station is part of a wider electricity transmission upgrade in the north of Scotland which includes an onshore High Voltage Direct Current (HVDC) buried cable from the converter station to the coast (Noss Head, Wick) and then to Moray.

## **3. PLANNING HISTORY**

- 3.1 08.11.2011 11/02459/FUL - Construct an Electrical Converter Sub-Station comprising 1 large metal clad building housing electrical equipment and 2 smaller service and control buildings, with further electrical and cooling plant outdoors. Granted

27.06.2013 13/01813/FUL - Variation of condition 2 of permission 11/02459/FUL to allow the incorporation of alternative electrical equipment and an extended and raised platform. Granted.

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

4.1 Advertised: Unknown Neighbour

Date Advertised: 02.02.2018

Representation deadline: 16.02.2018

Timeous representations: 0

Late representations: 0

4.2 Material considerations raised are summarised as follows:

None

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](http://www.wam.highland.gov.uk/wam).

#### **5. CONSULTATIONS**

5.1 **Environmental Health** has no objection to the application.

#### **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

28 - Sustainable Design

29 - Design Quality and Place-making

69 - Electricity Transmission Infrastructure

6.2 **Caithness Local Plan 2012 (as continued in force)**

None

6.3 **Caithness and Sutherland (Proposed Modified) Local Development Plan (2017).**

None.

#### **7. OTHER MATERIAL CONSIDERATIONS**

7.1 **Highland Council Supplementary Planning Policy Guidance**

None.

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

Scottish Planning Policy 2014.

## 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.

### **Determining Issues**

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

### **Planning Considerations**

- 8.3 The principle and details of the development have been established. This is an application to relax the working hours initially set out by the applicant and confirmed as a condition within the existing planning permission. Therefore in order to address the determining issues the Committee must consider the extent to which the proposal continues to comply with development plan policy and take into consideration any other material considerations.
- 8.4 The committee is also advised that an application submitted under S42 of the Planning Act provides a planning authority with an opportunity, in considering the proposed application, to amend any, or all, of the conditions on a planning permission that it considers necessary to regulate the development proposed.

### **Development plan/other planning policy**

- 8.5 Development plan policy as noted earlier in this report has not changed significantly since the Council made its decision on the original application. The key issue therefore is whether the amendment of the condition as presented within this application would make the development incompatible with the current development plan.
- 8.6 There are no specific policy provisions within the development plan, with construction work hours being addressed in the determination of all applications as a material planning consideration.
- 8.7 The current application is therefore not in conflict with the development plan policy and can be supported.

## Material Considerations

### Construction Noise

- 8.8 During the assessment of the initial application construction noise was taken into account by the applicant and consultees. This recognised that the site was in an open rural location, in close proximity of a trunk road, but where a small number of noise sensitive properties were located within 1km of the site. These included: -
- Achanarras, a residential dwelling approximately 200m to the south-west of the site boundary (currently unoccupied and owned by Spittal Mains landowner);
  - Four residential dwellings between approximately 260m and 650m to the north of the site boundary (north of the site access road), and west of the A9(T); and
  - Two dwellings at Spittal Mains, approximately 78Cm and 90Cm to the south of the site boundary.
- 8.9 The applicant highlighted a number of proposed working practices during the construction phase which should ensure adequate mitigation to minimise the impact on the residential properties. In this regard it offered a limitation on construction working hours, HGV deliveries, etc. This was seen as being important during the early phases of the project construction when there was heavy machinery and vehicles operating externally on site. This approach was supported by the Council's Environmental Health Officer (EHO). On the approval of the application the offered mitigation was set out in planning conditions.
- 8.10 The applicant has now requested an amendment to allow 24 hour working on site. This would be split over two work shifts, commencing as soon as possible until completion of the cable containment and cable installation at the converter station project. This is likely to be for 12 - 16 weeks from the start of the 24 hour working pattern. (This working pattern is likely to be 10 days on and 4 days off i.e. night time working would only apply for 10 days out of 14). The above amendment will allow greater flexibility to the developer to complete the project within the construction programme.
- 8.11 Furthermore, the applicant has advised the nature of the work which requires to be completed on site and during the associated extended hours is not considered to impact on the residential amenity of nearby properties or the local community. In support of this view it advises that: -
- The extended working hours are for a temporary period only until completion of the project cable containment and cable installation. Thereafter working hours would revert to normal working hours.
  - All works on night shift or back shift will be confined to indoors.
  - The internal work consists of the installation of cable trays, wiring and equipment etc. which is mainly done by hand. As such there is no plant or noise related activities to be carried out.
  - No heavy plant will be working outside during night shift works.
  - No deliveries will be taken to site.
  - Lighting will be kept to a minimum required to provide safe access and egress to the site.

- 8.12 The EHO has noted in the current submission that it is proposed that the 24 hour working is to be confined to the indoors and that there will be no site deliveries during the requested extended hours. Whilst the applicant has suggested a change in wording to the existing condition restricting working hours. The EHO propose the following – “Construction operations for which noise is audible at the curtilage of any noise sensitive property shall only be carried out between 0700 hours and 1900 hours Monday to Friday, between 0700 hours and 1400 hours on Saturdays and at no time on a Sunday.” The benefit of this approach is that it restricts noisy work to the above hours but would allow quiet work to be carried out at any time. It should also be noted that under the Control of Pollution Act 1974, this Service has additional powers to restrict construction noise should complaints arise.

### **Other Planning Conditions**

- 8.13 There are no other planning conditions that require amendment, variation or deletion.

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

- 8.14 None

## **9. CONCLUSION**

- 9.1 The proposal for change to the working hours would allow greater flexibility to the applicant to complete the project on time. The application has not raised concerns from public representations nor from consultees.
- 9.2 The proposal has been assessed with regard to its potential impact on local housing. The EHO is content with the submission and advised on the best way forward in respect of any amendment to the initial condition controlling construction noise.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **10. IMPLICATIONS**

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

**Action required before decision issued** N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

**Subject to the above**, it is recommended that planning permission be **Granted**, subject to the following conditions: -

- 1 Except as otherwise provided for and amended by the terms of this approval, the operator shall construct and operate the development in strict accordance with the provisions of the application, the submitted plans and the offered mitigation set out in the supporting Environmental Statement. This includes the requirement for an Ecological Management Plan and a Post Construction Restoration Plan developed with the aims of helping safeguard and where possible enhanced biodiversity.

Reason:- To ensure that valued local habitats and wildlife are protected together with the wider environment interests surrounding this site as identified in the Environmental Statement.

- 2 Prior to the commencement of any development final detailed plans (elevations and roofing profiles) for the converter station, substation and array of busbars / transformers shall be submitted for approval, including details on the construction materials, fenestration, colours to be deployed, etc. Final plans must be contained within the dimensions set out within the summary description paragraph 6 of the design and access statement. The principal buildings will be expected to be formed using profiled metal, dark green (RAL 6005) in colour.

Reason:- To ensure that the development conforms with the Environmental Statement submitted in support of the proposed development.

- 3 The improved access shall join the trunk road at a junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland ) complying with Layout 3. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with the Roads Authority, before any part of the development is commenced.

Reason:- To ensure that vehicles entering or leaving the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the Trunk Road.

- 4 Visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the local Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway

measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

Reason:- To ensure that vehicles entering or leaving the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the Trunk Road.

- 5 Prior to the commencement of the development a traffic management plan (TMP) is to be approved by The Council (RandCW) and thereafter implements as agreed. In addition to the issues detailed in the applicant's supporting Environmental Statement, the TMP should include the following:
- a) An assessment of all junctions and accesses required for the cabling operations with respect to visibility, geometry and construction.
  - b) Excluded routes - as far as possible all construction traffic and HGV deliveries for both converter station and cabling together with AIL movements should be restricted to A class roads.
  - c) No cabling shall be laid within the highway boundary except for road crossings. No bridge, culvert, drainage system will be used to facilitate a road crossing.
  - d) All construction routes are to be surveyed to an approved methodology prior to, during and on completion of the construction of the converter station and the cabling.

Reason: - To ensure that local road network is safeguarded as a consequence of the wider grid enhance project.

- 6 Prior to the commencement of the development, including all off site cabling works within Caithness, a survey of all Council maintained roads affected by the proposed development will be jointly undertaken by TEC Services and the Developer. The survey methodology will be agreed with TEC Services before survey work commences. The results of the survey work are to inform necessary improvements to the local road network to be undertaken in advance of any construction and to ensure the necessary maintenance programme to be undertaken by the developer ensuring no overall net detriment to the condition of the road network following completion of the project.

Reason:- To ensure that local road network is safeguarded as a consequence of the wider grid enhance project.

- 7 Prior to the commencement of development a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and agreed in writing by the Planning Authority. The agreed proposals shall be implemented in accordance with the agreed timetable for investigation.

Reason:- In order to preserve the archaeological and historical interest of the site.



- 8 Prior to the commencement of development a full site specific drainage scheme shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the said scheme. The submitted information should include a detailed drawing of the SUDS layout for the proposal site.

Reason:- To prevent pollution of the water environment.

- 9 Prior to the commencement of development a full site waste management plan shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved plan.

Reason:- To ensure that waste on the site is managed in a sustainable manner.

- 10 Prior to the commencement of the development a scheme of hard and soft landscape works including details of earthworks the position, designs, and materials and type of boundary treatment of walls, fences and gates to be erected a schedule of plants to comprise species, sizes and proposed numbers / density a timetable for implementation and a maintenance programme shall be submitted to and approved in writing by the planning authority,. The approved works shall then be carried out and maintained in accordance with the approved scheme.

Reason:- Final details were not available for approval and the need to secure an appropriate scheme within the open Caithness landscape, safeguards from local archaeology and compensatory tree planting.

- 11 Prior to the commencement of development the location and details of all external lighting shall be submitted to and be approved in writing by the planning authority. Only approved external lighting shall be erected on site.

Reason:- To avoid extraneous light pollution.

- 12 Prior to the commencement of development, by at least two (2) months, a full site specific Construction Environmental Management Document (CEMD) must be submitted for the written approval of the planning authority in consultation with SEPA and all work shall subsequently be carried out in accordance with the approved document. The CEMD should include a dedicated pollution prevention section.

Reason: - To control pollution of air, land and water.

- 13 All chemical / fuel storage areas will be located at least 50m away from any surface water drains or watercourses. Furthermore concrete batching on site must maintain a 50m separation of the batching area away from any surface water drains or watercourses.

Reason: - To safeguard the local water environment.

- 14 Construction operations for which noise is audible at the curtilage of any noise sensitive property shall only be carried out between 0700 hours and 1900 hours Monday to Friday, between 0700 hours and 1400 hours on Saturdays and at no time on a Sunday.

Reason: - For the protection of residential amenity within nearby communities.

### **REASON FOR DECISION**

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.

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

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

### **FOOTNOTE TO APPLICANT**

#### **Initiation and Completion Notices**

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

#### **Accordance with Approved Plans and 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

### **Local Roads Authority Consent**

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

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

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

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

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud and 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.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

### **Discharge of Suspensive Planning Conditions**

You are advised that the earlier discharge of suspensive conditions as attached to planning permission 11/02459/FUL will be considered sufficient to have addressed the conditions hereby continued under this planning permission.

Signature: Dafydd Jones.

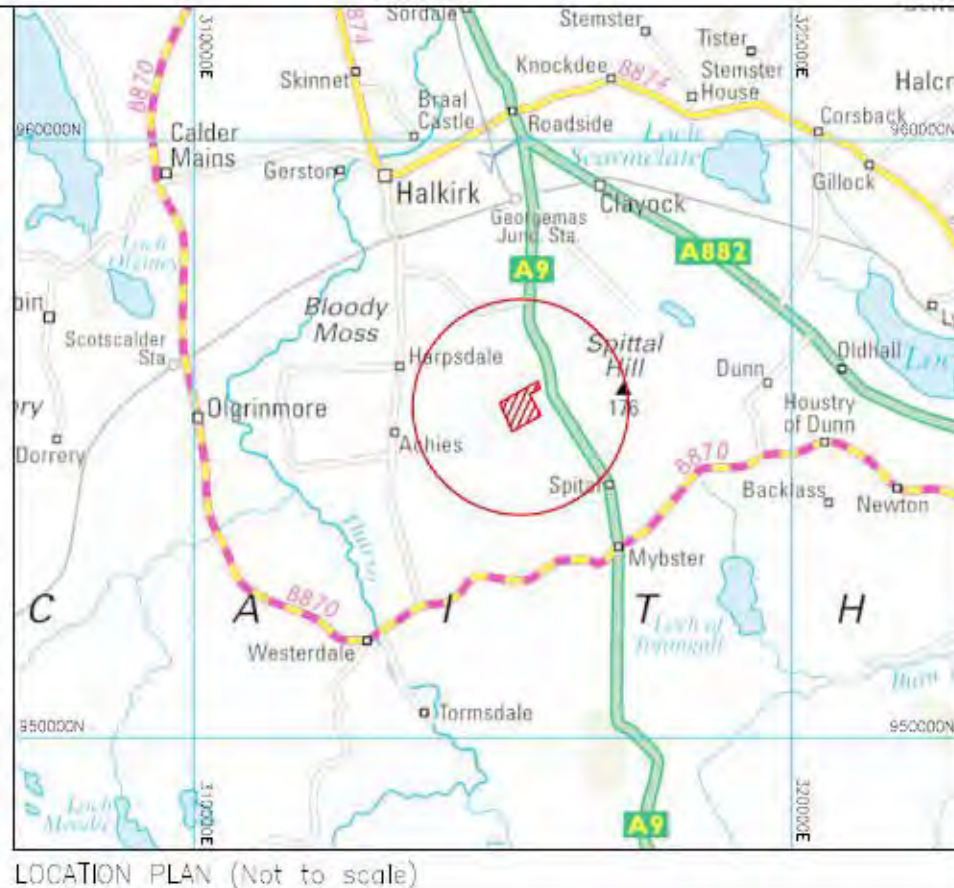
Designation: Area Planning Manager – North

Author: Ken McCorquodale, Principal Planner.

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



DO NOT SCALE



NOTES

- Red line boundary
- Blue line boundary

13/01813/FUL

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J	Drawings issued with the planning application	IS	IS	12/10/2010
I	Drawings issued to select revised planning layout	NAE	IS	12/10/2010
H	Guidance to select revised planning layout	NAE	IS	12/10/2010
G	Guidance to select revised planning layout	NAE	IS	12/10/2010
F	Revised planning layout	IS	IS	12/10/2010
E	Drawings sent changed to 11. Another plan added	IS	IS	12/10/2010
D	Site fee was received	IS	IS	12/10/2010
C	-	-	-	-
B	Application boundary area added	IS	IS	12/10/2010
A	Public boundary added	IS	IS	12/10/2010
Ⓢ	Statistics	IS	IS	12/10/2010

**The Highland Council**  
Cenbhairle na Gàidhealtachd

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CLIENT  
**Scottish and Southern Energy**  
Power Distribution

PROJECT  
LT000021  
CAITHNESS CONVERTER STATION

DRAWING TITLE  
APPLICATION BOUNDARY PLAN AND LOCATION PLAN

DRAWN EP	TRACED OGY	CHECKED OGY	APPROVED OGY	DATE Dec 2010
SCALE 1:2500	DWG. NO. 49336058/0118	REV. J		

ORIGINAL DRAWING A1