

Agenda Item	6.11
Report No	PLS-037-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 27 April 2021

Report Title: 21/01265/FUL: The Highland Council
Land 430M SW of Highland Rugby Club, Bught Road, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Low head hydroelectric development with a generating capacity of up to 100kW (amended design and turbine arrangement), extension of access

Ward: 13 – Inverness West

Development category: Local

Reason referred to Committee: Manager's Discretion

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.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission has been granted for the development of a low head hydro-electric generating station using the Archimedes screw principle. The project has now moved into its final design stage. The design and build contractor has taken the opportunity to revise the scheme. The principle remains the same but rather than using a single Archimedes screw the team has amended this to 2. The generating capacity of up to 100kW is unchanged. It is the change to the screw arrangement and the consequence of this change on the footprint and structural integrity of the roof that is the reason for a new planning application. The introduction of 2 screws, as opposed to the original one, widens the footprint of the installation. This widens the roof structure – referred to as a ‘shell’ – and consequently increases its height by approximately 1.2m.
- 1.2 The purpose of the shell is to provide shelter to visitors to a viewing area. A hardstanding area on the north side of the building to provide crane and maintenance access to the plant, and also to allow for public access, has already been formed as part of the extant planning permission.
- 1.3 Pre-Application Consultation: None
- 1.4 Supporting Information: Design Statement
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is located on the Head Race of the Lade at the Whin Park, close to the new Holm Mill road bridge over the River Ness. At this point the site is open to view from the south side of the river although the view is screened to the west by the road bridge and to the east by trees on the riverside. The site is located within the Inverness (Riverside) Conservation Area.

3. PLANNING HISTORY

- | | | | |
|-----|-------------|---|-----------------------------|
| 3.1 | 24 Oct 2017 | 17/04763/SCRE – Proposed 100kW hydro power development | EIA not required |
| 3.2 | 10 Dec 2018 | 18/04451/FUL - Low head hydroelectric development with a generating capacity of up to 100kW | Planning Permission Granted |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Section 65 - Affect Conservation Area and Unknown Neighbour

Date Advertised: 26.03.2021

Representation deadline: 16.04.2021

Timeous representations: None received at the time of the preparation of this report

Late representations: None

5. CONSULTATIONS

5.1 **Transport Planning Team** – No objection, subject to roads conditions from the previous permission (18/04451/FUL):

- Condition 2: Access to the construction site
- Condition 3: Retention of cycle path
- Condition 5: Construction Method Statement
- Condition 6: Traffic Management Plan
- Condition 13: Pre and post construction surveys of the cycle track
- Condition 14: Installation for a power cable
- Condition 15: External lighting

A new section of access road, which will become a permanent cycle track, is required to prevent construction traffic using the Whin Park car park, with advanced warning signage and appropriate visibility where it meets the public road.

5.2 **Historic Environment Team (Conservation):** No objection. The proposal is a fairly minor size increase in the context of the development as a whole.

5.3 **Flood Risk Management Team:** No objection to the amended design.

5.4 **Access Officer** considers that conditions 11 and 13 of planning permission 18/04451/FUL remain relevant. Advice is that agreement has been reached on path diversion during construction and on the required Access Management Plan. The Access Officer supports the idea, advanced by Transport Planning, for the new access to serve as a new extension to the cycleway.

5.5 **Scottish Canals:** No response received.

5.6 **SEPA:** No response received. However, in its response to planning application 18/04451/FUL it advised that it controls, through the Controlled Activities Regulations, the:

- location at which water may be impounded, abstracted and returned to the water environment;
- rate which water may be abstracted; and
- timing of work on the water environment

A flood risk assessment was previously undertaken.

5.7 **Historic Environment Scotland:** Proposal has the potential to affect the Caledonian Canal (Dochgarroch Lock-Muirtown Locks) Scheduled Monument (SM6499). Do not have any comments to make on the proposal.

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 & Place-making
- 34 - Settlement Development Areas
- 51 – Trees and Development
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 61 - Landscape
- 63 - Water Environment
- 64 - Flood Risk
- 67 - Renewable Energy Developments
- 74 - Green Networks
- 75 - Open Space
- 77 - Public Access
- 78 - Long Distance Routes

6.2 **Inner Moray Firth Local Development Plan 2015**

No specific policies apply

6.3 **Highland Council Supplementary Planning Policy Guidance**

- Construction Environmental Management Process for Large Scale Projects (August 2010)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Highland Renewable Energy Strategy & Planning Guidelines (May 2006)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, Dec 2020)

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 key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) layout and design
 - c) flood risk
 - d) public access
 - e) natural, built and cultural features
 - f) habitats and protected species
 - g) any other material considerations.

Development plan/other planning policy

- 8.4 The principal policy on which the application needs to be determined is Policy 67 – Renewable Energy of the Highland wide Local Development Plan. The other HwLDP policies listed at 6.1 of this report are also relevant, in particular Policy 28 – Sustainable Design, Policy 29 – Design Quality & Place-making, Policy 57 - Natural, Built & Cultural Heritage and Policy 58 – protected Species. The application must be assessed against all these matters and considered in the round.
- 8.5 Policy 67 highlights that the Council will consider the contribution of the project towards renewable energy targets; positive and negative effects on the local and national economy; other material considerations including making effective use of existing and proposed infrastructure and facilities. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall either individually or cumulatively with other developments. This approach is consistent with that of Policy 28 - Sustainable Design.
- 8.6 In this case, the principle of development has already been established. Consideration of the scheme as now proposed relates in the main to the effect of the design changes. Where the proposal would have no significant adverse impact on the environment, the setting and people's enjoyment of the area then the application will accord with the Development Plan.

Layout and Design

- 8.7 The structure is at the western end of the Core Path that runs from Whin Park to the east, passes to the south of the Highland Rugby Club pitches, and on to the Canal towpath to the west. The site is immediately adjacent to the path on the east side of the Holm Mill road bridge. The development consists of a shell structure (approximately 27m x 10m x 6.2m) sitting above 2 Archimedes screws. The design is very similar to, but larger than, the extant permission.
- 8.8 There is no significant change to the nature of the structure. The principal external material remains a perforated metal screen (circle polished stainless steel) under which the 2 Archimedes screws are placed. These will be visible to the public through the screen. The structure's design is architecturally distinctive and unique, rather than a functional utilitarian building. It would provide visual interest to the

locality. The proposed form will retain the essential characteristics of the extant permission which is welcomed.

- 8.9 The hard landscaping area between the structure and path will offer an opportunity for benches, and interpretation panels, although its primary purpose is for maintenance to the structure and equipment by crane. There is no change to this part of the proposal.
- 8.10 The previous application included a Landscape and Visual Appraisal. This considered that the proposal would have a limited visual impact on the River Ness and Canal Landscape Character Area (LCA) and the Suburban Fringe LCA. With the increased structure size, this is still considered to be the case. The principal views of the development will mainly be from the River Ness and areas to the south of the river and it will be screened from other directions due to the heavily wooded nature of the surrounding area. It will be visible by pedestrians from the new Holm Mills bridge but as indicated above will be a building of distinctive character and introduce visual interest.

Flood Risk

- 8.11 In consideration of the existing permission, SEPA and the Flood Risk Management Team noted that the development would be located within the functional flood plain of the River Ness. While this should ideally be avoided the function of the building requires it to be placed in this location. As 'essential infrastructure' relating to power generation from the River it may therefore be able to be located within a medium to high flood risk area. SEPA considered that on the basis that there are no vulnerable receptors nearby likely to be affected by the development that this was acceptable. The proposals as now set out would not impact on this. The Flood Risk Management Team previously required a Flood Response Plan as the development will be open to the public. This can, once again, be addressed by condition.

Public Access

- 8.12 The Core Path (IN19.31) runs along the northern edge of the mill lade and this will be unaffected except for during the construction phase, with a temporary diversion being required during this period. The proposal, as a visitor attraction, may increase the active travel and recreational use of this route, which forms part of a popular riverside route. It is considered appropriate to secure the repair of any damage to the path during construction works by condition. The proposal as currently advanced does not alter arrangements for public access further.
- 8.13 The design of the Archimedes Screw is such that it minimises any risk to water users. SEPA advised previously that the Controlled Activities Regulations require that a certain level of flow must be maintained within the lade at all times. It should be noted however, that as a leisure activity, canoeists and swimmers do not have to use the lade and can use the River Ness instead.

Natural, Built and Cultural Heritage Features

- 8.14 The site is located on the edge of mature mixed broadleaf woodland, recorded in the Forestry Commission's Native Woodland Survey of Scotland. The proposal will

require the removal of some trees, although the siting of the proposal is not considered to have an undue impact on the wider woodland in the area. Consideration has been given to compensatory planting upstream of the bridge and at the SUDS bay adjacent to the site, but these areas have been landscaped as part of the bridge works and there are no meaningful areas available. Conditions relating to the protection of existing trees during construction are considered to be appropriate.

- 8.15 The site lies just within the Inverness (Riverside) Conservation Area. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 Act imposes a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. In this case, it is considered that the location of the site, along with the mass, scale, bulk and design of the shell roof covering is such that the proposal does preserve the character and appearance of the Conservation Area.

Habitats and Protected Species

- 8.16 There are no protected species affected by the proposal. The migration of fish and other aquatic species is addressed with the incorporation of a fish channel so that they can migrate through the screws as they are slow moving.

Other material considerations

- 8.17 None.

9. CONCLUSION

- 9.1 The proposed design changes which have occurred result in 2 Archimedes screws rather than the original single screw. The consequence of this revised design is a widening of the installation, including the shell roof covering, and an increase in its overall height by approximately 1.2m. The design changes are considered to be acceptable and are not assessed as having any additional visual impact on the local area, or the wider setting of the Inverness (Riverside) Conservation Area.
- 9.2 Once installed, the low head run of river hydro scheme will give a long term and steady power output, providing a positive modern example of an old 'green' technology that will add visual interest to the area and provide a valuable visitor experience.
- 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 and Reasons

1. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In the interests of visual amenity.

2. Permission is hereby granted for access to the construction site directly from the public road through a continuation of the existing cycle path in a line to the northeast to meet Bught Road as shown on approved Drawing ZZ-100F, docketed hereto, and not through the existing Whin Park car park. No other development or work on the site shall commence until a detailed drawing(s) showing the design and access onto the public road, including advanced temporary warning signage, shall have been submitted to and agreed in writing by, the Planning Authority, and that this drawing(s) shall include an additional swept path analysis to confirm its suitability for construction traffic. For the avoidance of doubt, this access to the public road shall be provided and used solely for the development hereby approved and maintained by the developer during the construction phase. The access details shall include the turning area at the construction site to ensure that all vehicles, including the 3-axle low loader, can access and egress the site in forward gear.

Reason: In the interests of road and pedestrian safety.

3. After the completion of the works the section of additional construction access track referred to in Condition 3 shall be formed into a cycle path, with the final construction details including width and surfacing materials, and any advanced warning signage, to be submitted for the agreement in writing of

the Planning Authority. The agreed cycle path shall be provided and available for use within 2 months following the commissioning of the hydro scheme.

Reason: In the interests of road and pedestrian safety.

4. Notwithstanding the provisions of Class 14 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, full details of the size, location and means of enclosure for any proposed temporary site compound along with site restoration measures shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Any proposed site compound shall be formed, maintained during construction phases, removed and the site restored within one month of the commissioning of the hydro scheme, in strict accordance with such details as approved.

Reason: In the interests of amenity.

5. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:
- i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction; and
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: In the interests of amenity.

6. No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete.

Reason: In the interests of amenity.

7. No development, site excavation or groundwork shall commence until all retained trees shall have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and shall not be moved or removed during the construction period without the prior written approval of the Planning Authority.

Reason: To ensure the protection of retained trees during construction and thereafter.

8. No development shall commence until a Tree Protection Plan and Arboricultural Method Statement shall have been submitted to and subsequently approved in writing by the Planning Authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction).

Reason: To ensure the protection of retained trees during construction and thereafter.

9. No development shall commence until details of a scheme of hard & soft landscaping works and tree planting have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;

ii. A plan showing existing landscaping features and vegetation to be retained;

iii. The location and design, including materials, of any existing or proposed walls, fences and gates;

iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and

v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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

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

Reason: In the interests of visual amenity

10. No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:
- i. All existing access points, paths, Core Paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
 - ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;
 - iii. All proposed paths, tracks and other routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);
 - iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

In particular it shall address the following issues:

- The location, impact and proposed access management for the “small working area” as well as any proposed lay-down and compounds
- The reinstatement of the Core Paths to the satisfaction of the Planning Authority within 14 days of completion of the development.
- No works shall start on site until details are submitted for the enhancement of the length of Core Path west of the site for the written approval of the Planning Authority and that these shall be implemented before the proposed development comes into operation.

Reason: In order to safeguard public access both during and after the construction phase of the development.

11. The diversion of paths and tracks shown on Drawing ZZ-100F is approved as a temporary diversion for the duration of the construction works and prior to the development coming into use the Core Path used for the construction access shall be reinstated to the satisfaction of the Planning Authority in consultation with the Roads Authority. Any other public access to the Core Paths within, or adjacent to, the application site shall at no time be obstructed or deterred by construction-related activities, unless otherwise approved in writing by the Planning Authority as a temporary measure required for health and safety or operational purposes. Under such circumstances, any

temporary obstruction or deterrent shall cover only the smallest area practicable and for the shortest duration possible, with waymarked diversions provided as necessary.

Reason: In order to safeguard public access both during and after the construction phase of the development.

12. No development or work shall commence until pre and post construction surveys of the cycle track are undertaken and agreed in writing with the Planning Authority and any damage to the cycle track caused during the construction phase shall be reinstated to the satisfaction of the Planning Authority, and this shall include damage to the grass verges on either side of the cycle track.

Reason: To ensure any damage to the cycle track is repaired after the construction of the development.

13. Permission is hereby granted for the installation of a power cable within the grass verges and not underneath the path to Whin Park.

Reason: To avoid disruption of the access or damage to the track.

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

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

15. Not less than one year from the date of permanent cessation of the hydro scheme operations, a Decommissioning Plan shall be submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency. Thereafter the site shall be fully decommissioned and the turbine house, intake and any associated plant and machinery shall be removed from the site and the site made good, in accordance with the approved Decommissioning Plan.

Reason: In the interests of visual amenity to ensure removal of redundant buildings and equipment.

16. No development shall commence until full details of the Flood Response Plan are submitted for the prior written approval of the Planning Authority. The development shall thereafter be undertaken in accordance with the approved Plan.

Reason: In the interests of pedestrian safety.

REASON FOR DECISION

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.

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 & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning

permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

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

Mud & Debris on Road

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

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under

Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Designation: Area Planning Manager – South
Author: Keith Gibson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - THC-ZZ-100F Location Plan
Plan 2 - THC-ZZ Elevation Plan
Plan 3 - THC-ZZ Elevations Plan